



SPECIAL PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

PROPOSED ORDER TO ASSESS ADMINISTRATIVE PENALTY

March 26, 2018

Public Notice/Corps File No.: SPL-2000-01621

Comment Period: March 26, 2018 through April 26, 2018

Project Manager: Tim Jackson, Ph: (213) 452-3419, E-mail: Timothy.W.Jackson@usace.army.mil

The District Engineer, Colonel Kirk E. Gibbs, proposes to issue an order assessing a Class I Administrative Penalty for violation of permit conditions contained in Department of the Army Permit No. SPL-2000-01621, issued to SunCal Properties pursuant to Section 404 of the Clean Water Act.

The purpose of this Special Public Notice is to solicit comments from the public concerning the proposed order. The proposed order is attached to this Notice and describes the alleged permit violation(s). Additional information concerning the Class I Administrative Penalty process is contained below.

1. Permit Involved and Alleged Violation: On August 22, 2001, the United States Army Corps of Engineers, Los Angeles District ("Corps") issued Department of the Army Permit No. SPL-2000-01621 to SunCal Properties ("SunCal") authorizing 1.9 acres of permanent impacts to waters of the United States associated with constructing the Norco Ridge Ranch Project, located within the City of Norco, Riverside County, California (Lat./Long.: 33.925420°N, -117.524250°W).

SunCal failed to comply with Permit Special Condition Nos. 2 and 4 of the Corps permit, which required SunCal to implement a Corps-approved compensatory mitigation plan and to acquire and record a conservation easement over various Corps-approved compensatory mitigation areas totaling 7.99 acres.

2. Authority for Proceeding: This administrative penalty proceeding is initiated under the authority of 33 U.S.C. Section 1319(g) and 33 C.F.R. Section 326.6. The procedure for assessing civil penalties in cases such as this one is outlined in the statute and the regulation. Following the discovery and investigation of a violation of a permit, notice is given to the permittee, the appropriate State agency, and the public. The permittee, the State, or any member of the public is afforded the opportunity to submit comments within 30 days. If requested by the permittee, a hearing will be held before a

presiding officer, who will submit a report and recommended decision to the district engineer. The district engineer will issue a final order on the case to the permittee. Public participation in the hearing is permitted if a hearing is held.

3. Penalty Proposed: The amount of the penalty proposed in this case is \$41,932. However, this proposal is subject to revision in the interests of justice after all evidence and comments have been received and reviewed. The amount of the penalty that is authorized for a Class I administrative penalty is \$20,966 per violation and not more than \$52,414 total.

4. Request for Hearing: SunCal has 30 days following receipt of this Special Public Notice to request a hearing. A written request, by SunCal, for a hearing should be directed to the project manager within this comment period and must state the specific reasons for requesting a public hearing. The request should specify, in summary form, the factual and legal issues in dispute and the specific grounds for defense. SunCal has a right to present evidence at the hearing; however, SunCal may not challenge the Permit condition(s) or limitation(s) which is the subject matter of this proposed order.

5. Comments/Administrative Record: During the 30-day comment period, any person may submit written comments on the proposed order. These comments should be sent to the project manager within this designated comment period. Any submitted comments will be included in the administrative record relating to the proposed order. All information submitted by the permittee and persons commenting on the proposed order will be placed in the administrative record which will be available for inspection during regular business hours at the Corps' Regulatory Division office located at the address below. (The administrative record is subject to provisions of law restricting the disclosure of confidential information.)

6. Public Hearing: Any person who comments on the proposed order shall be given notice of any hearing which may be held on a proposed order. Such persons shall have a reasonable opportunity to be heard and to present evidence at any hearing.

7. Final Decision: If SunCal does not request a hearing, the district engineer may issue the final order on or after 30 calendar days following receipt of notice by SunCal per 33 C.F.R. Section 326.6(b)(2). Otherwise, within a reasonable time following receipt of the presiding officer's recommended decision, the district engineer shall withdraw, issue, or modify and issue the proposed order as a final order. Any person who has submitted comments on the proposed order will be given notice by the district engineer of any final order issued.

8. Post Decision Hearing or Appeal: Any final order issued shall become effective 30 calendar days following issuance unless (1) a petition to set aside the final order and to hold a hearing is filed by any person who commented on the proposed order and the petition is granted, based on evidence presented by the commenter in support of the commenter's petition for a hearing that is material and was not considered when the final order was issued; or (2) an appeal to the United States District Court is taken under 33 U.S.C. Section 1319(g)(8).

9. Address for Comments: Written comments on the proposed order must be submitted within the comment period on this Special Public Notice to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Tim Jackson, Senior Project Manager
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017-3401

Alternatively, comments can be sent electronically to: Timothy.W.Jackson@usace.army.mil. Any questions related to this matter may be directed to Tim Jackson at the above address or by telephone at (213) 452-3419. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017-3401
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY

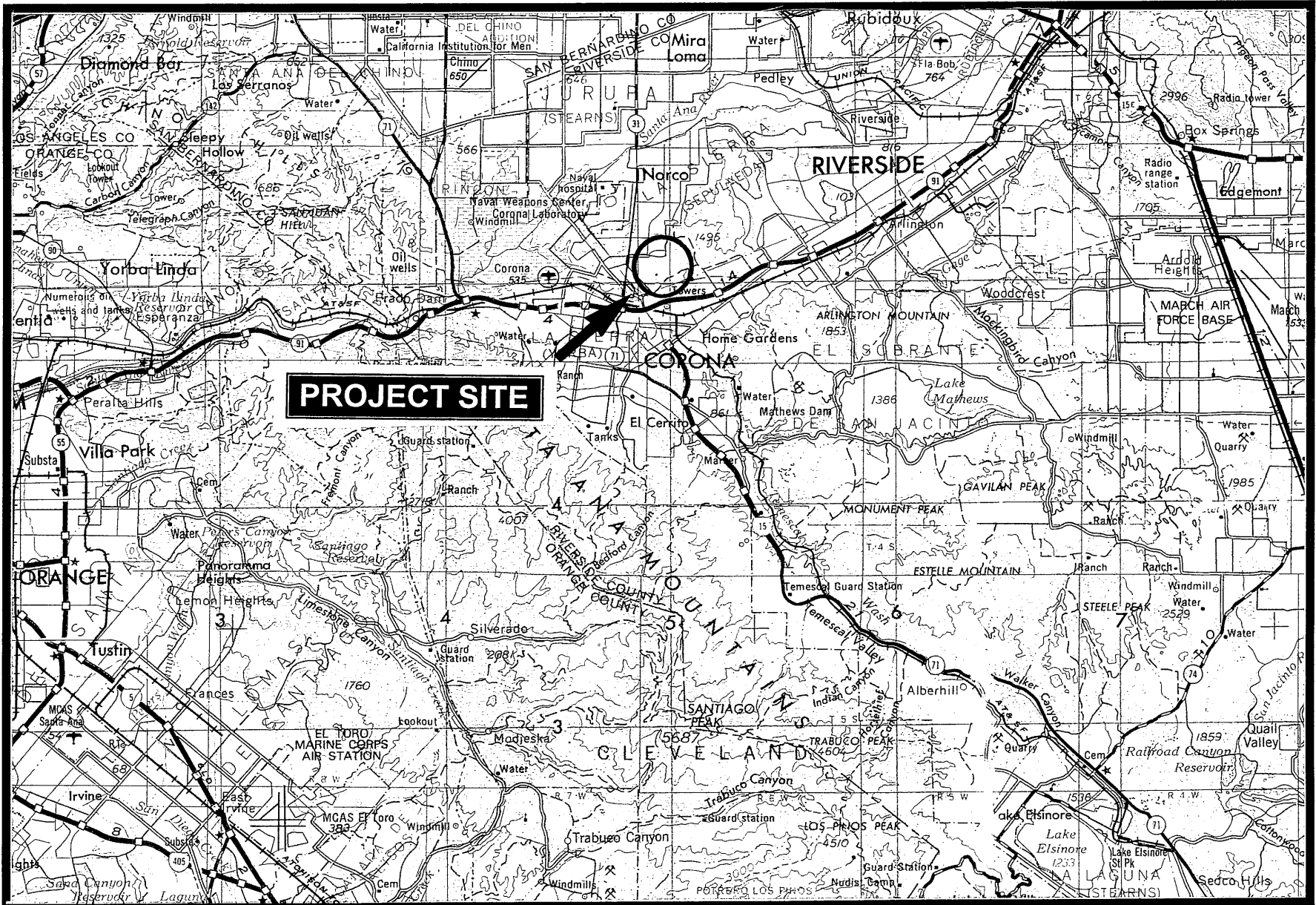
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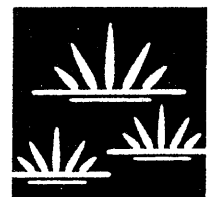


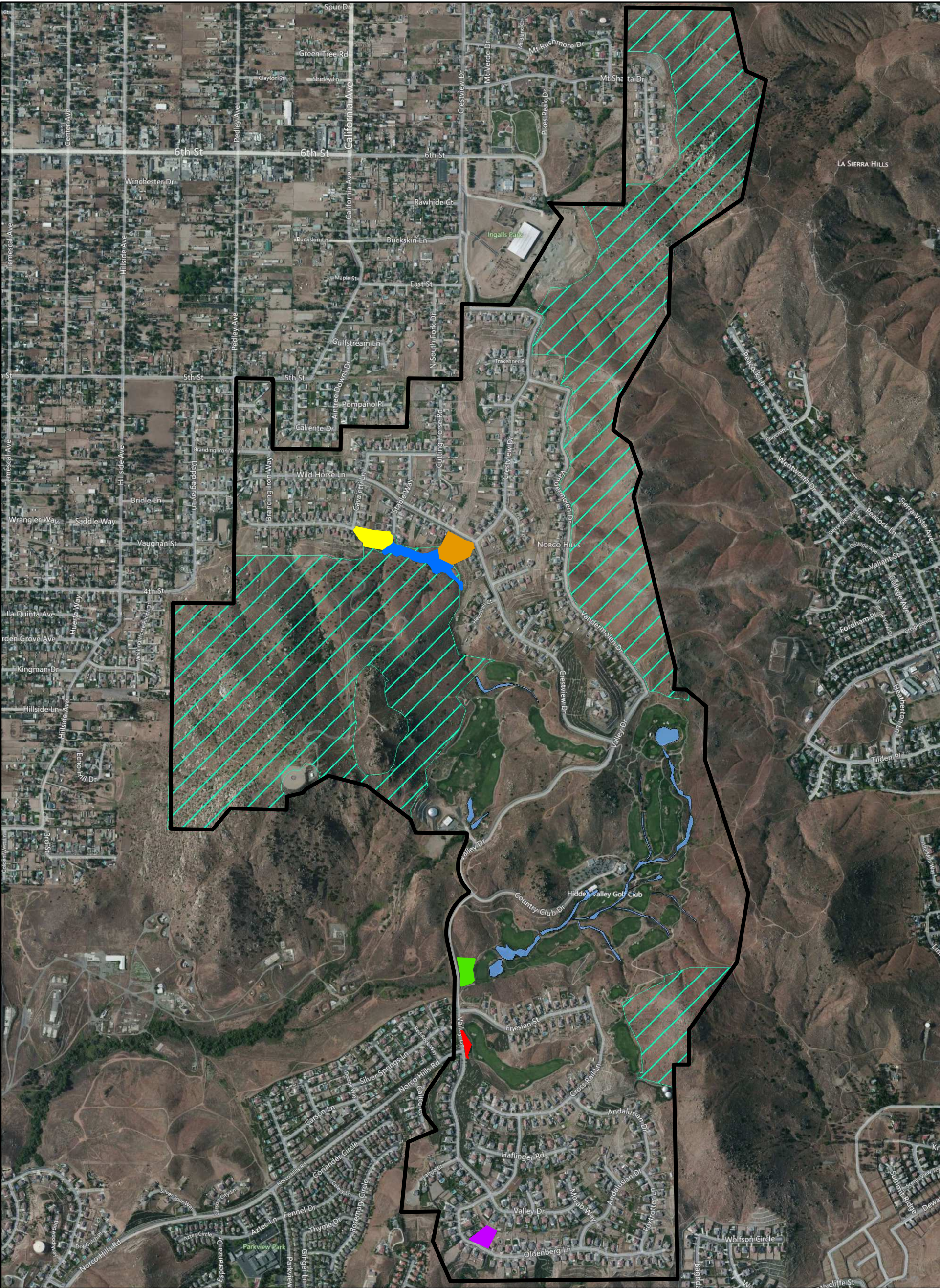
NORCO RIDGE RANCH

Regional Map

GLENN LUKOS ASSOCIATES

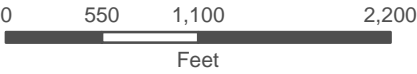
EXHIBIT 1





Legend

- Project Boundary
- Open Space Conservation Easement - 395.45 ac.
- Approximate Location of Off-Site Golf Course Mitigation (1.4 acres+)
- North Basin A - 1.86 ac.
- North Basin B - 2.38 ac.
- South Basin A - 1.04 ac.
- South Basin B - .32 ac.
- South Basin C - 1.20 ac.
- Drainage J - 2.73 ac. (1.40 ac. creation)



1 inch = 1,100 feet

Reference Elevation Datum: State Plane 6 NAD 83
Map Prepared by: K. Kartunen, GLA
Date Prepared: October 24, 2012

NORCO RIDGE RANCH

Restrictive Covenant or Conservation Easement Map

GLENN LUKOS ASSOCIATES

