



PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR PERMIT Meadowood Specific Plan Area

Public Notice/Application No.: SPL-2012-00608-WSZ

Project: Meadowood Specific Plan Area

Comment Period: April 18, 2016 through May 18, 2016

Project Manager: Winston Zack; 760-602-4838; Winston.S.Zack@usace.army.mil

Applicant

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Location

The proposed 389.5-acre Meadowood Project (Project) site is located in the southeastern corner of the Fallbrook Community Plan area of the unincorporated area of San Diego County (Figure 1). It is situated northeast of the Interstate 15 (I-15) and State Route 76 (SR-76) interchange and north of the San Luis Rey River (Figures 2 and 3). The newly realigned SR-76 is adjacent to the southern boundary of the project site. The project site is located directly east and adjacent to the Horse Creek Ridge development formerly referred to as Campus Park, Palomar Community College District, and the Campus Park West properties. East of the project site is the Rosemary's Mountain Rock Quarry site. The land to the north and east of the project site is undeveloped and consists of citrus and avocado groves and natural open space.

Activity

The Applicant proposes to permanently impact approximately 1.437 acres of waters of the U.S., including 0.866 acre (13,300 linear feet) of non-wetland waters of the U.S. (ephemeral streams) and 0.571 acre (940 linear feet) of wetland waters of the U.S. for the construction of building pads and ancillary infrastructure on approximately 217.8 acres (Figure 4). The proposed Project includes the development on parcels owned by the Applicant and off-site road and utility improvements.

The Project proposes to construct approximately 800-900 single-family and multi-family residential units, an elementary school site, a neighborhood park, pocket parks, 5.9 miles of multi-use trails and supporting infrastructure on the 389.5-acre site. Open space is proposed to retain 49.3 acres of the existing citrus and avocado groves along with 122.4 acres of native biological habitat. Planning Area 1 (26.1 acres) consists of approximately 164 multi-family detached homes and a waste water treatment plant (WWTP). Planning Area 2 (12.7 acres) consists of an elementary school. If the school decides to locate elsewhere, the zoning would allow 42 more multi-family detached units in this area. Planning Area 3 (10.1 acres) is planned for a neighborhood park. Planning Area 4 (24.0 acres) consists of

approximately 325 multi-family attached units. Planning Area 5 (132.5 acres) consists of approximately 355 single-family detached units. Planning Area 6 (47.6 acres) would consist of agricultural open space. Planning Area 7 would consist of natural open space areas, totaling 128.5 acres. There are approximately 8.0 acres that will include roads and other infrastructure.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached figures. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers (Corps) Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act (CWA). Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Winston Zack
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CA 92008

Alternatively, comments can be sent electronically to: Winston.S.Zack@usace.army.mil

The mission of the Corps Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the U.S. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an EIS is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board (RWQCB). Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources.

Essential Fish Habitat- The Corps' preliminary determination indicates the proposed activity would not adversely affect Essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

Cultural Resources- A survey, test excavation, and historic building evaluation for the Area of Potential Effect (APE) were completed in 2003-2004. The 2003-2004 survey and test excavation determined a resource on site is eligible for listing on the California Register of Historic Places (CRHR) and the National Register of Historic Places (NRHP). The 2003-2004 historic building evaluation identified 14 structures as existing or previously having existed within the APE. Of those, three were buildings which no longer exist, five were not 50 years of age, and six were older than 50 years and collectively were recorded as a historic site. This historic site was determined not eligible

for the CRHR or the NRHP. A Phase I cultural resources report for the Project site was prepared in 2016 and confirmed the findings of the 2003-2004 study.

The Corps shall contact the Native American Heritage Commission (NAHC) to obtain a sacred lands file search and Native American contact list based on the project location. The Corps shall then coordinate with the tribal representatives provided on the NAHC Native American contact list and other pertinent tribal representatives based on previous Corps tribal coordination for other projects adjacent to the Project site. Based on the responses received and follow-up tribal coordination and meetings, the Corps will consult with the State Historic Preservation Office (SHPO) pursuant to Section 106 of the National Historic Preservation Act. The Corps has made a preliminary determination of an 'Adverse Effect' on potentially eligible historic properties within the project area as determined by the results of the above-mentioned cultural resource surveys (including test excavations and historic building evaluations) and previous coordination and consultation with affected Tribes on projects directly adjacent to the project area. Mitigation for adverse effects will need to be resolved through additional tribal coordination and consultation, consultation with the SHPO and Advisory Council on Historic Places (ACHP), and preparation of a final Memorandum of Agreement (MOA) document between the applicant, Corps, SHPO, and ACHP (if applicable).

Endangered Species- The Corps has preliminarily determined that the proposed Project may affect: (1) the federally listed as threatened coastal California gnatcatcher (*Polioptila californica californica*; CAGN); (2) the federally listed as endangered least Bell's vireo (*Vireo bellii pusillus*; LBVI); (3) designated critical habitat for the CAGN; and (4) designated critical habitat for the federally listed as endangered arroyo toad (*Bufo californicus*; ARTO) (Figure 5). The Corps has preliminarily determined that the project will not affect Southwestern willow flycatcher (*Empidonax Traillii extimus*; SWFL).

These preliminary determinations are based upon information contained within the Applicant's evaluation of biological resources titled "A Biological Assessment of Anticipated Impacts on the Arroyo Toad, California Gnatcatcher, Least Bell's Vireo, and Southwestern Willow Flycatcher Associated within the Meadowood Project and Offsite Improvements Located in the Vicinity of Fallbrook, San Diego County, California" (Natural Resource Consultants; March 2013). At this time, the Corps anticipates initiating formal consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act (ESA) to address the potential direct and indirect effects of the proposed Project on CAGN and LBVI and on the designated critical habitat for CAGN and ARTO.

Arroyo Toad

No ARTO were detected on-site between 2003 and 2006. In 2007, one ARTO was located on the Meadowood site using low quality foraging and aestivation habitat when the site was continuous with undeveloped agricultural land adjacent to the San Luis Rey River. However, no suitable breeding habitat was identified within the site boundaries. Since 2007, SR-76 has been realigned to the south and an ARTO barrier fence was installed pursuant to the USFWS' "Biological Opinion Concerning the Proposed Rosemary's Mountain Quarry and Associated SR-76 Extension." This fence will eliminate the use of the project site by the ARTO.

Due to the barrier fence along SR-76 and the San Luis Rey River, no direct effects to ARTO are anticipated as a result of the proposed Project. However, the Corps will consult with the USFWS pursuant to Section 7 of the ESA regarding designated critical habitat which overlaps with a small portion of the project site between the previous and realigned alignment of SR-76.

Indirect project impacts, not accounted for by the Rosemary Mountain Quarry, may include

incremental increase in nighttime lighting, noise, and dust, as well as potential impacts to hydrology and water quality that could affect the species. Construction best management practices including, but not limited to, the use of sandbags; sediment fencing and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the down slope side of disturbed areas, to prevent soil loss, are proposed by the Applicant to reduce the potential for indirect effects.

Coastal California Gnatcatcher

No CAGN breeding pairs were observed within the proposed on-site and off-site development areas during eight years of consecutive protocol surveys between 2004 and 2012. However, in 2007 and 2009, an unpaired individual CAGN was observed on the site within coastal sage scrub habitat. In addition, CAGN were encountered in two locations adjacent to the off-site improvement area located north of the site boundary during 2004 surveys. In 2007, two individual CAGN (not a breeding pair) were observed adjacent to off-site improvement areas along Pankey Road.

Critical Habitat boundaries for CAGN have been designated within approximately 166.4 acres of the Project site including all but the central portion of the site. Of these 166.4 acres, 84.7 acres contain Primary Constituent Elements (PCEs). Off-site improvement areas containing PCEs include Pala Mesa Drive, Street R, Pankey Road, Pala Mesa Heights Drive, and grading and brush management along the western site boundary.

Approximately 10.6 acres of CAGN habitat and 55.2 acres of designated Critical Habitat would be directly removed by the Project. Indirect impacts include the construction activities, increased human presence and noise, nighttime lighting, and dust at the urban/natural edge. Other indirect adverse impacts may follow from increased public access into the proposed open space areas through existing and future trails. Additionally, the increase in human population within the area may also increase the potential for people and pets to leave trails and enter habitat areas.

The Applicant is proposing to preserve habitat (coastal sage scrub) on-site to mitigate impacts to the CAGN and associated Critical Habitat.

Least Bell's Vireo

Horse Ranch Creek is located off-site, but adjacent to the proposed Project. The creek supports dense high quality southern willow scrub and southern arroyo willow forest habitat with small components of invasive salt cedar (*Tamarisk* spp). Protocol surveys for LBVI have been conducted by various consultants since 1999 in support of the proposed projects in the vicinity including the Palomar College North Education Center, Campus Park, Campus Park West, and the Meadowood Project. These surveys occurred in 1999, 2004, 2007, and 2009 through 2012. Five pairs of LBVI were observed in 2007 and 2008. In 2009, seven LBVI's were observed. In 2010, a minimum of three territorial LBVI (two to three pairs) were recorded. In 2011, seven LBVI pairs were observed and four of these seven pairs were observed nesting. In 2012, five LBVI were documented.

No LBVI or suitable habitat for the LBVI occurs on site. However, off-site infrastructure improvements would impact approximately 3.6 acres of partially occupied southern willow scrub and southern arroyo willow riparian forest due to the construction of "Street R," Pala Mesa Drive, Pankey Road, and grading and brush management along the western boundary of the Project.

Construction related indirect impacts and long-term chronic effects may result from the increased human presence, dust, lighting and noise in the vicinity of the LBVI and their habitat. There is also an increased potential for people and pets to enter habitat areas. The Corps anticipates seeking

“incidental take” from the USFWS pursuant to Section 7 of the ESA for at least three pairs of LBVI that occupy habitat near the proposed “Street R” and within habitat adjacent to the grading and brush management areas on the west side of the southern portion of the proposed residential development.

Southwestern Willow Flycatcher

Protocol surveys for SWFL have been conducted by various consultants since 1999 in support of the proposed projects in the vicinity, including the Palomar College North Education Center, Campus Park, Campus Park West, and the proposed Project. No SWFL were detected on-site during protocol surveys conducted between 2007 and 2010. In 2011, two SWFL were detected during the survey along Horse Ranch Creek and were determined to be a pair. Whether or not the pair was breeding could not be determined. No SWFL or suitable habitat for the SWFL occurs on-site. However, off-site infrastructure improvements would impact approximately 2.78 acres of southern willow scrub and southern arroyo willow riparian forest due to the construction of “Street R,” Pala Mesa Drive, Pankey Road, and grading and brush management along the western boundary of the Project. The location of the pair observed in 2011 would be avoided by the Applicant’s proposal to reroute Pankey Road to the south impacting primarily uplands with pockets of degraded, isolated, and unoccupied habitat in “Drainage 16.” Therefore, the Corps does not anticipate direct impacts to the SWFL as a result of the proposed Project and would not likely initiate consultation with the USFWS pursuant to Section 7 of the ESA for this species.

Indirect impacts may result from the increased human presence and noise in the vicinity of the SWFL and their habitat, nighttime lighting, and dust. There is also an increased potential for people and pets to enter habitat areas.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is residential and commercial development. The Project is not water dependent. The discharge of fill material is proposed to occur in special aquatic sites. Therefore, the applicant must rebut the presumption that practicable alternative sites or designs that do not affect special aquatic sites are not available, practicable, or less damaging.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed Project is to construct approximately 800-900 single-family and multi-family residences and associated infrastructure within the Fallbrook/Bonsall/Rainbow and immediately surrounding areas of northern San Diego County.

Additional Project Information

Baseline information- The 389.5-acre Project site is comprised of mostly agricultural and disturbed lands (72 percent) with patches of native habitat (coastal sage scrub, southern mixed chaparral, and coast live oak woodland) on the steeper slopes to the east. Waters of the U.S. associated with the on-site Project site totals 1.20 acres, of which 0.12 acre consist of jurisdictional wetlands. A total of 23,548 linear feet of streambed was mapped on-site. The on-site jurisdictional waters consist of mostly un-vegetated or upland vegetated ephemeral drainages that have been partially affected by agriculture. Impacts to off-site jurisdictional waters consist mostly of vegetated wetlands for the construction of utility lines and roads (0.33 acre) and some non-wetland waters (0.053 acre) for development, utilities and road improvements.

Proposed Mitigation- The Applicant's proposed mitigation may change as a result of comments received in response to this public notice, the Applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed Project is summarized below:

Avoidance: The on-site and off-site Project area includes 3.39 acres of wetland and non-wetland waters of the U.S., of which 1.953 acres (58 percent) would be avoided by the proposed Project. Avoidance measures include the avoidance and preservation of 0.25 acre of high quality jurisdictional non-wetland waters of the U.S. on-site east of the ridge top that drain micro-watersheds dominated coastal sage scrub into Rice Canyon. The upper reaches of the ephemeral drainages west of the ridge are also being avoided and preserved in areas of non-native grassland, coastal sage scrub, and conserved agricultural lands.

Minimization: Unavoidable impacts to jurisdictional waters/wetlands were minimized through alternative off-site road designs that reduced impacts to jurisdictional waters/wetlands over the County-approved project. Additional minimization measures include construction-related best management practices and the vegetation of graded slopes with native species. Additional minimization measures may be incorporated/required by the project.

Compensation: Compensatory mitigation for unavoidable impacts to waters of the U.S. may include the purchase of in-kind habitat credits at the San Luis Rey Mitigation Bank or other Corps-approved mitigation bank or Permittee-responsible mitigation. A detailed mitigation proposal has not yet been received.

Proposed Special Conditions

Special conditions providing for the avoidance, minimization and mitigation of impacts to waters of the U.S., threatened and endangered species, and cultural resources would likely be incorporated into the Corps permit, if issued. No specific conditions are proposed at this time.

For additional information please contact Winston Zack at 760-602-4838 or via e-mail at Winston.S.Zack@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

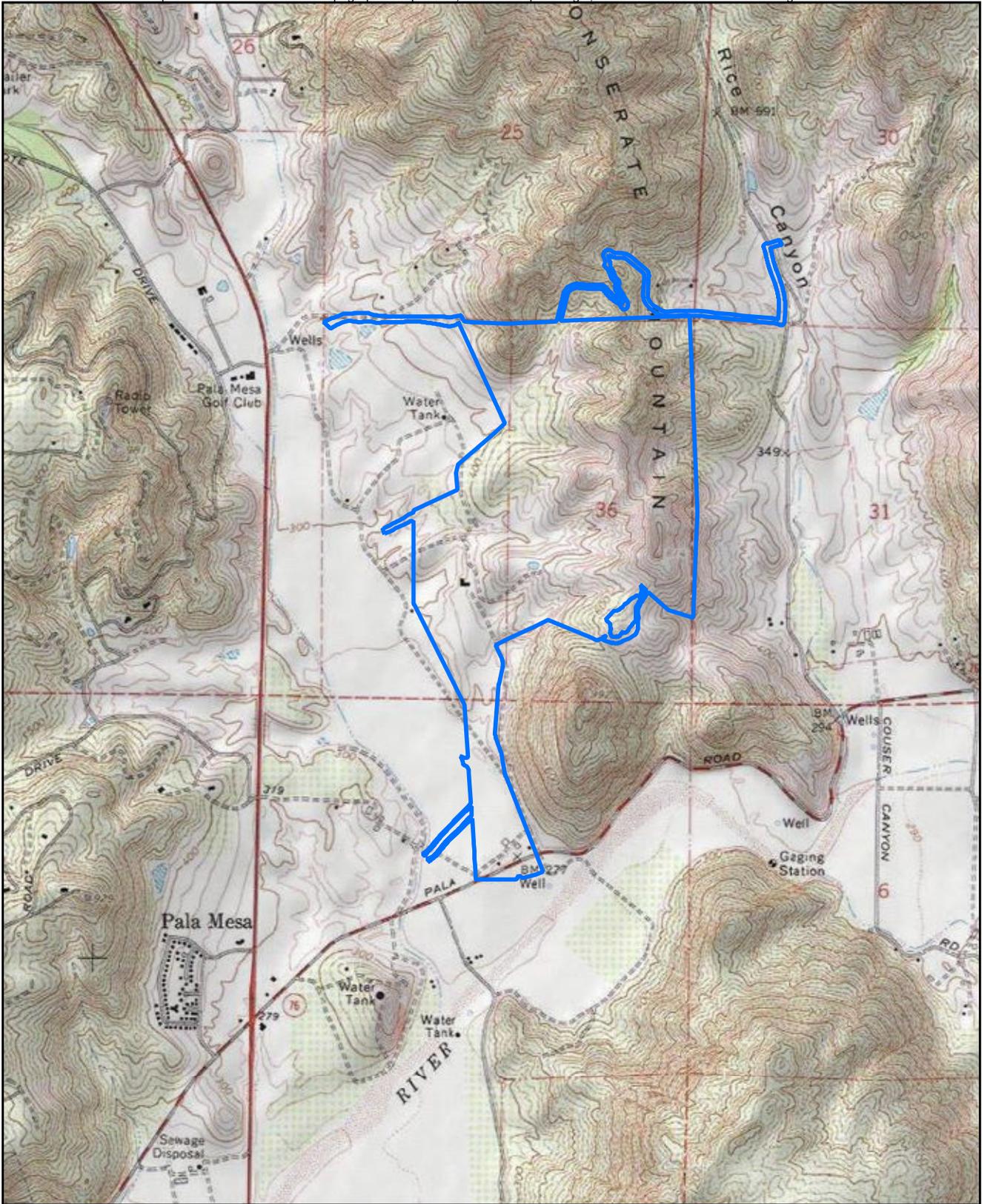
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
5900 LA PLACE COURT, SUITE 100
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 Project Boundary

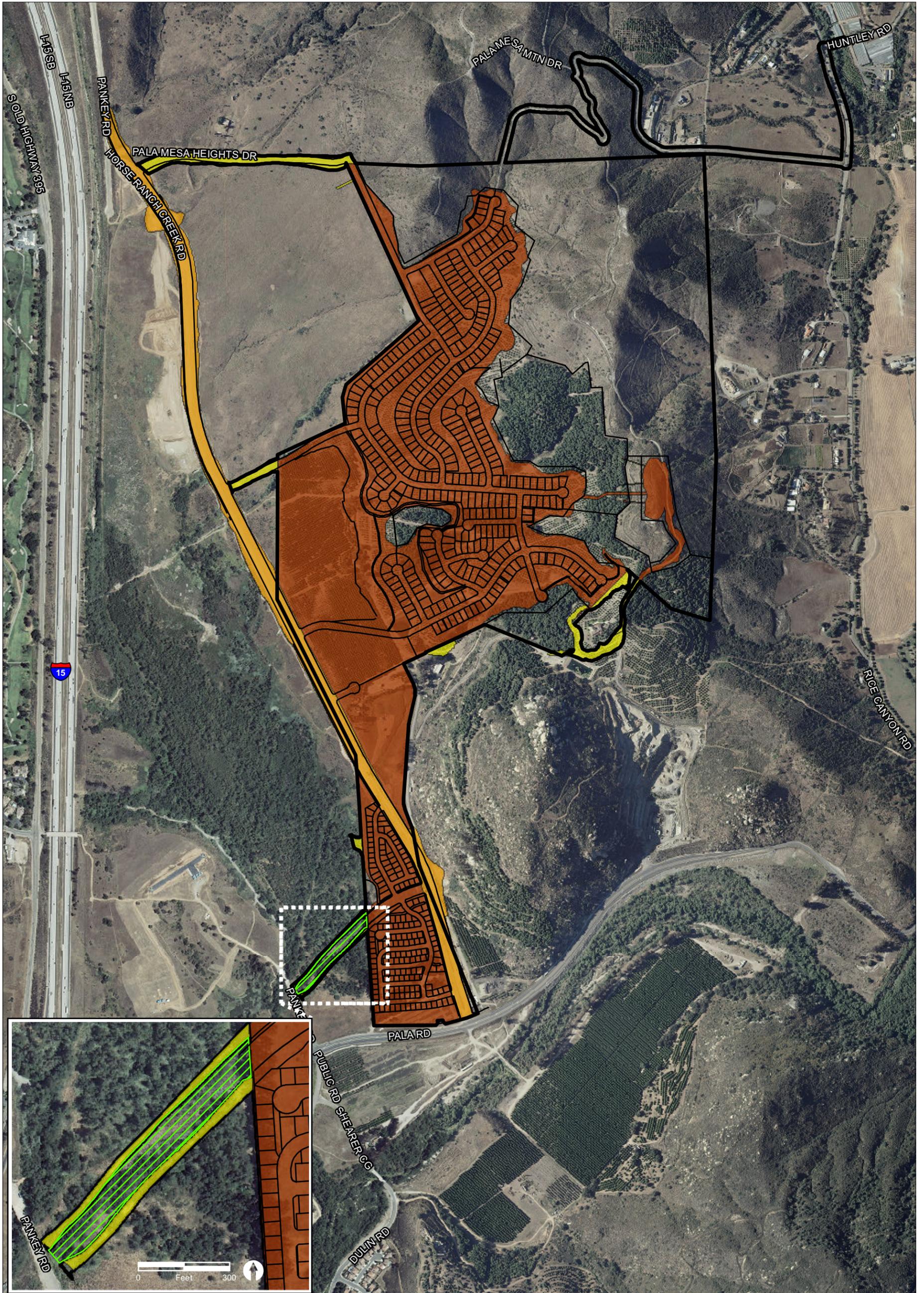
FIGURE 1
Regional Location



 Project Boundary

FIGURE 2

Project Location on USGS Map



- Preferred Project Boundary
- Site Plan
- Utility Corridor Covered Under Separate Permit

- Preferred Project Alternative**
- Meadowood Development Limits
 - Off-site Road Improvements
 - Horse Ranch Creek Road (Constructed)

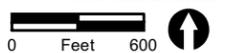
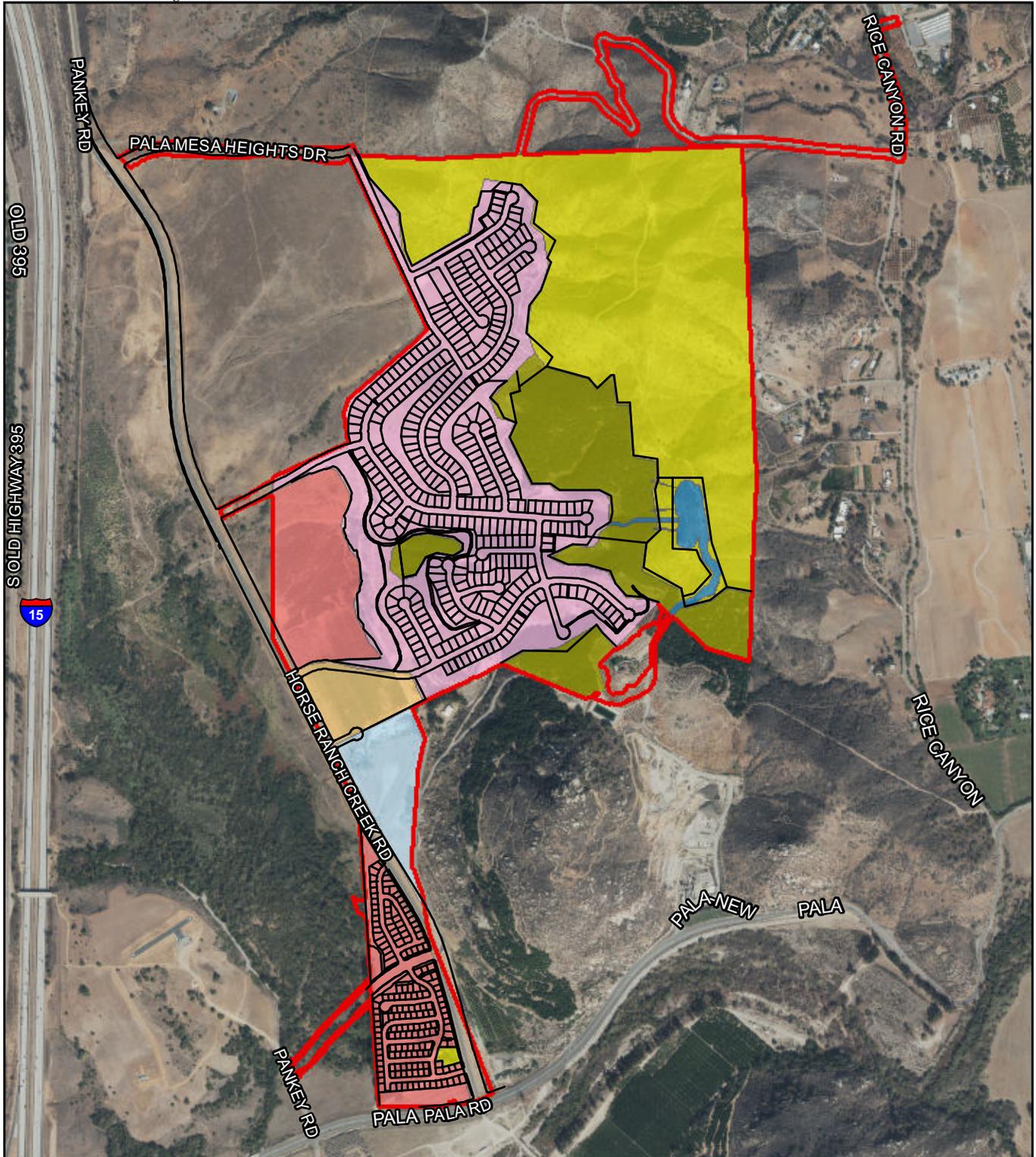


FIGURE 3

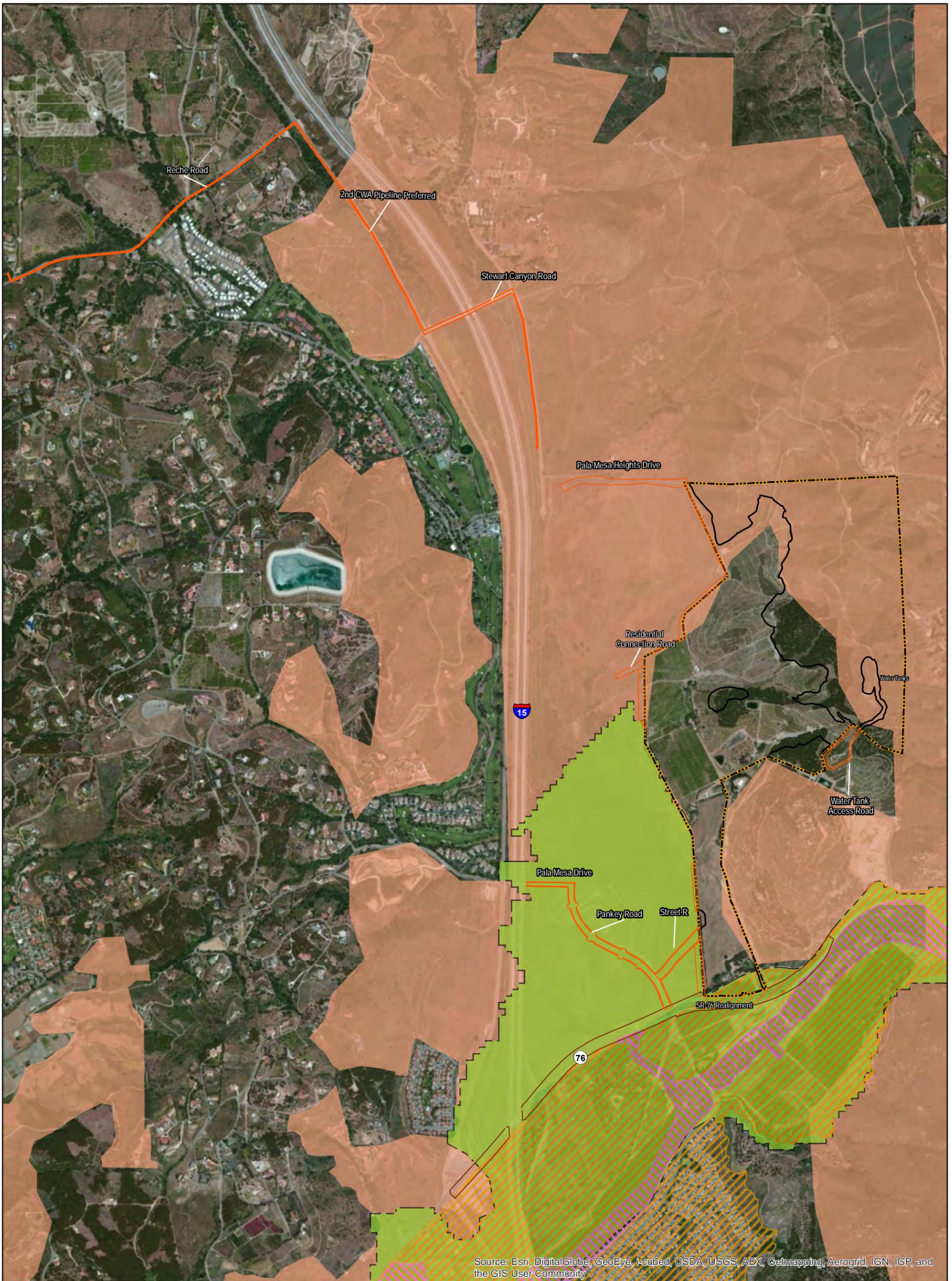
Meadowood Specific Plan Preferred Project Alternative
Project Location on Aerial Photograph



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|----------------------------|--------------------------|-------------------------|
| Preferred Project Boundary | Proposed Land Use | Elementary School Site |
| Site Plan | Single-family | Reservoir Footprint |
| | Multi-family | Natural Open Space |
| | Neighborhood Park | Agricultural Open Space |

FIGURE 4

Meadowood Specific Plan
Preferred Project Alternative Land Use



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|-----------------------|--|
| Site Boundary | California Gnatcatcher. <i>Poliptila californica</i> Designated Critical Habitat (2007) |
| On-site Permanent | Arroyo Toad. <i>Bufo californicus</i> Designated Critical Habitat (2011) |
| Off-site Improvements | Least Bell's Vireo. <i>Vireo bellii pusillus</i> Designated Critical Habitat (1994) |
| SR-76 Realignment | Southwestern Willow Flycatcher. <i>Empidonax traillii extimus</i> Proposed Critical Habitat (2011) |

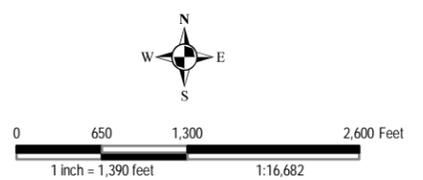


FIGURE 5: USFWS CRITICAL HABITAT
MEADOWOOD | SAN DIEGO COUNTY, CALIFORNIA