



PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR PERMIT

Highland Hills Residential
Development Project

Public Notice/Application No.: SPL-2013-00492-PKK

Project: Highland Hills Residential Development Project

Comment Period: December 30, 2015 through January 28, 2016

Project Manager: Pamela Kostka; 213-452-3420; Pamela.K.Kostka@usace.army.mil

Applicant

First American Title Insurance Company
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Santa Ana, California 92705
Phone: (714) 250-3159

Contact

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Lake Forest, California 92630
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Location

The proposed project is located in unnamed tributaries to Cook Canyon Creek and Cook Canyon Creek in the city of Highland, San Bernardino County, California (34.139760, -117.181236) (Exhibit 1)

Activity

To permanently discharge fill material onto 1.69 acres of non-wetland waters of the United States for the construction of a residential development including several neighborhood parks, hiking trails, water quality features, and flood control facilities (Highland Hills Residential Development Project)(Project). The proposed project would develop 240 acres and would support 695 residential units. For more information, see page 4 of this notice.

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 drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the 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. Comments should be mailed to:

Department of the Army
Los Angeles District, U.S. Army Corps of Engineers
Regulatory Division
ATTN: Pamela Kostka
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: Pamela.K.Kostka@usace.army.mil

The mission of the U.S. Army Corps of Engineers 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 United States. 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 of Engineers 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 of Engineers 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 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 an environmental impact statement 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. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers 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. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and there are no listed sites within the proposed projects vicinity. LSA Associates, Inc. (LSA) conducted a cultural resources assessment of the Project site. The assessment included a records search, Native American consultation, and a field survey all of which were completed in January, February, and March 2013. The records search, conducted at the San Bernardino Archaeological Information Center, indicated nine previous studies included portions of the project site. Nearly the entire project site had been previously surveyed. One prehistoric site, two historic sites, and one prehistoric/historic multicomponent site were previously recorded within or adjacent to the proposed project area. The field survey conducted by LSA covered 200 acres and identified four previously unrecorded historic period cultural resources within or adjacent to the propose project area. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

The Corps will determine whether the proposed activity would have any effect on historic properties listed on, or determined eligible for listing in the National Register. The Corps may initiate consultation with the State Historic Preservation Officer (SHPO) to determine the adequacy of the inventory and the Corps evaluation of any cultural resources that may be located within the project's Area of Potential Effect. If the Corps determines there may be an effect within our scope, the Corps may also consult with the appropriate Native American Tribes regarding the proposed impacts of the project. Mitigation measures may also be incorporated as part of project implementation to reduce potential impacts to cultural resources, if deemed appropriate.

Endangered Species-

General and protocol biological surveys of the project site were completed by GLA and ENVIRA in 2011, 2013, and 2014 for federally and state-listed wildlife and plant species. No special status plants were observed during protocol surveys. Protocol surveys were conducted in 2011 and 2013 for coastal California gnatcatcher (*Polioptila californica californica*) (CAGN), least Bell's vireo (*Empidonax traillii extimus*) (LBV), southwestern willow flycatcher (*Dipodomys merriami parvus*) (SWFL), and San Bernardino Kangaroo rat (*Dipodomys merriami parvus*) (SBKR). One pair of LBV was located within the Project area during 2011 protocol surveys. Protocol surveys for CAGN, SWFL, and SBKR were negative.

Approximately 50 acres of the Project is located within critical habitat for the SBKR. However, the Biological Assessment completed by GLA in July of 2015 states the majority of the 50.12 acres of the Project within SBKR critical habitat does not support the primary constituent elements of habitat for SBKR. Critical habitat for the Santa Ana sucker (*Catostomus santaanae*) (SAS) is located outside of the Project area, but directly adjacent to the Project site. An analysis of the proposed Project's potential effects on the SAS downstream habitat was conducted by Cardno Entrix in 2014. Cardno Entrix concluded due to the small size of the proposed Project relative to the City Creek watershed, the project has little risk of adversely affecting the PCEs of SAS critical habitat within City Creek.

The Corps will determine whether the proposed activity would have any effect on ESA listed species and/or their critical habitat. The Corps may initiate consultation with the United States Fish and Wildlife Service (USFWS) to determine the adequacy of the biological assessment and the Corps evaluation of any listed species or critical habitat which may be located within the project's Area of Potential Effect. Mitigation measures may also be incorporated as part of project implementation to reduce potential impacts to ESA listed species and/or their critical habitat, if deemed appropriate.

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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

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 a residential development which could support approximately 695 residential units in southeastern San Bernardino County.

Additional Project Information

Baseline information- The topography on the 544 acre site ranges from level and gently sloping in the south to steeply sloping terrain in the north. Cook Canyon Creek (tributary to City Creek) and its tributaries, bisect the western and southwestern portion of the property. The lower portion of Cook Canyon Creek was straightened and confined by a large un-compacted earthen berm along the southern bank, presumably created as a response to the 2010 flooding of the residential neighborhood to the south.

The site consists of the following habitat types 1.76 acres black willow forest, 10.84 acres California sycamore woodland, 0.23 acre cattail marsh, 70.01 acre chamise chaparral, 0.10 acre coast live-oak woodland, 13.32 acres disturbed/developed land, 1.12 acre mulefat scrub, 176.65 acres of non-native grassland, 255.87 acres riversidean sage scrub, 2.12 acres of rock, 10.68 acres ruderal, 1.01 acres southern willow scrub, 0.06 acre unvegetated riverine. Surrounding land uses consist of undeveloped land to the north and northeast and residential developments to the south and southeast. City Creek and Highway 330 are adjacent to the west of the site. The proposed project area supports 4.16 acres of ephemeral non-wetland waters and 0.2 acre of wetland waters of the United States (Exhibit 3).

Project description- The Project would construct a maximum of 695 residential units on the lower 239.84 acres of the proposed site (Exhibit 2). The proposed residential development includes a mix of single-family detached homes, townhomes, and condominiums. The Project includes the construction of two neighborhood parks, several pocket parks, hiking trails, water quality features, and flood control facilities. Water quality features include the construction of several debris basins, a detention basin, and two water quality basins. The Project would place 2,702 linear feet of Cook Canyon Creek into a reinforced concrete pipe in order to construct residential housing, conduct Homeowner's Association maintenance, and construct a road crossing and culvert. The Project would also place 774 linear feet of Cook Canyon Creek into an on-line detention basin for flood risk protection for the surrounding community. From Orchard Avenue to the existing bridge at the western site boundary, an additional 2,400 linear feet of Cook Canyon Creek would be placed in a 2,400 linear-foot concrete lined, open channel. A 200-250 foot fuel modification zone and homeowners' association maintenance areas are also included as part of the proposed Project. Ordinary high water mark on the project site was determined through observation of break in slope, change in vegetation, scour marks, wrack line, as well as observation of a bed and bank.

The proposed project would result in permanent impacts to 1.69 acres (16,873 linear feet) of non-wetland waters of the United States.

Proposed Mitigation- The 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 property is currently entitled for 1,516 residential units, an executive type golf course, clubhouse, and 1.5 acres of commercial property. The proposed project would only construct 695 residential units, no golf course, no clubhouse, and no commercial development. Overall, the project is avoiding impacting 2.27 acres of non-wetland waters of the United States and 0.2 acre of wetland waters of the United States since 300 acres of the 544 acre site would currently remain.

Minimization: Initially the proposed project planned to place the section of Cook Canyon Creek from Orchard Avenue to the existing bridge at the western site boundary in a reinforced concrete pipe. The applicant modified their proposal to place that section of Cook Creek in a concrete lined, open channel.

Compensation: As compensatory mitigation for permanent impacts to several ephemeral streams, none of which consists of jurisdictional wetlands, the applicant proposes to purchase mitigation bank or in lieu fee credits for the rehabilitation and/or re-establishment of 3.4 acres of non-wetland waters of the United States.

Preliminary Alternatives Analysis- The applicant submitted a preliminary alternatives analysis for the Corps' consideration in response to the requirement to demonstrate compliance with section 404(b)(1) of the Clean Water Act, i.e., the "404(b)(1) Guidelines". The Corps has not yet evaluated the preliminary analysis of alternatives for compliance, but is providing the following excerpts from the submittal for review and comment:

- *Alternative 1 - No Federal Action Alternative (Exhibit 4)* - This alternative would consist of the elements of the proposed project that could be carried out in the absence of federal action (no Corps permit). The No Federal Action Alternative (Alternative 1) would result in no impacts to Corps jurisdiction and would require the Applicant to construct four span bridges over existing drainage features. Alternative 1 would allow for the development of 245 residential units and associated infrastructure on 33.6 acres of land. Alternative 1 would also include a 250-foot fuel modification zone to protect the development from fire.
- *Alternative 2 - Cook Canyon Creek Avoidance Alternative (Exhibit 5)* - Under the Cook Canyon Creek Avoidance Alternative (Alternative 2), a total of 425 development units and associated infrastructure would be constructed on approximately 58.3 acres of land within the project site. Two span bridges would be constructed over Cook Canyon Creek in order to provide full creek avoidance of this feature. Alternative 2 would result in permanent impacts to 0.20 acre of Corps jurisdictional waters, none of which consists of jurisdictional wetlands, but would not include the desilting basin within Cook Canyon Creek. Alternative 2 would also include a 250-foot fuel modification zone to protect the development from fire.
- *Alternative 3 - Approved Tentative Tract Map Alternative (Exhibit 6)* - Under the Approved Tentative Tract Map Alternative (Alternative 3), a total of 1,516 development units and associated infrastructure would be constructed on approximately 155.6 acres of land within the project site. Alternative 3 would also include a concrete box channel. Alternative 3 would result in permanent impacts to 1.70 acres of Corps jurisdiction, none of which consists of jurisdictional wetlands. Alternative 3 would also include a 250-foot fuel modification zone to protect the development from fire.

Proposed Special Conditions

No permit special conditions are proposed at this time.

For additional information please call Pamela Kostka of my staff at 213-452-3420 or via e-mail at Pamela.K.Kostka@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
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017

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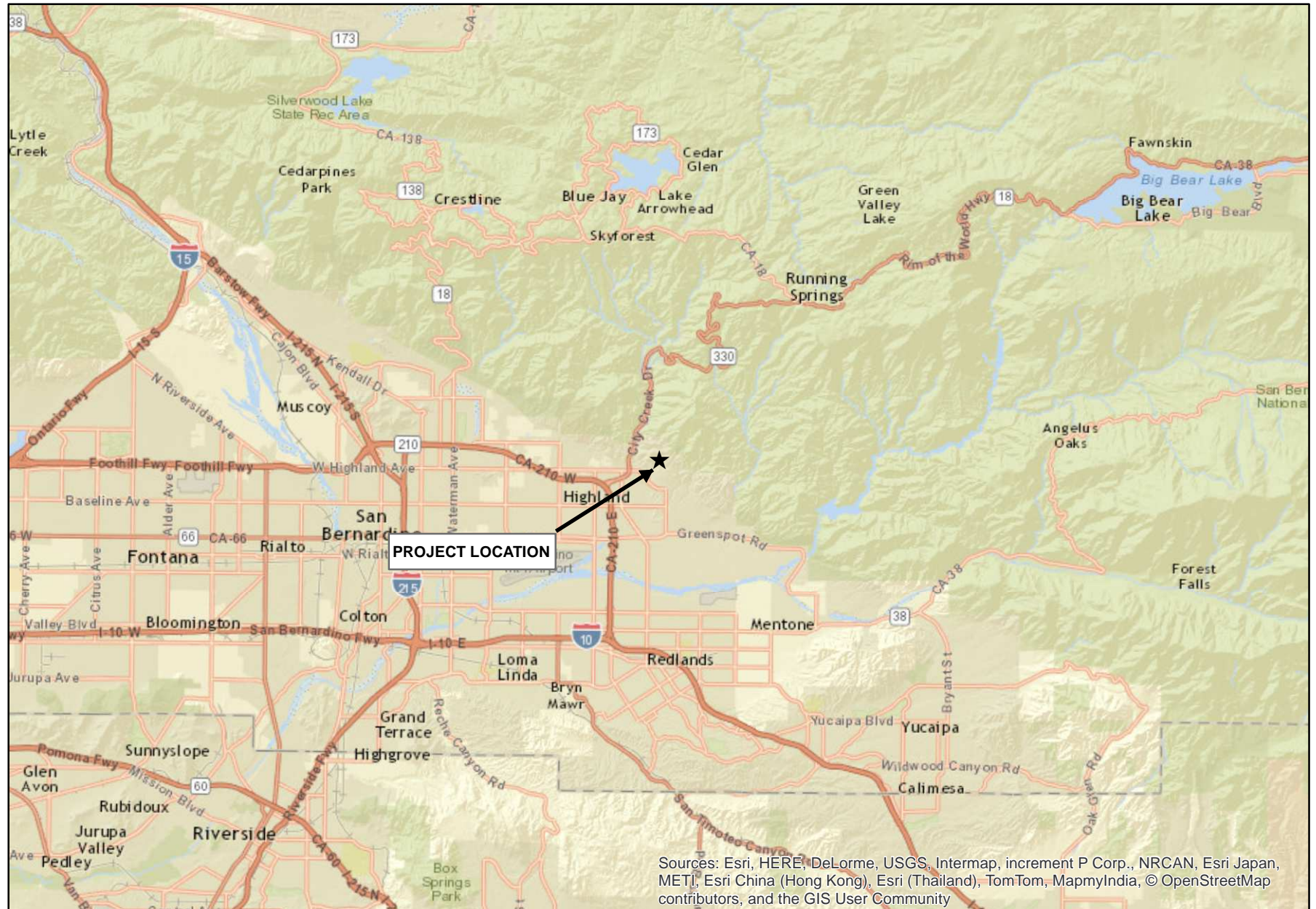
Exhibit 1

Regional and Vicinity Maps

Source: ESRI World Street Map



0
2
4
8
Miles



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

HIGHLAND HILLS ESTATES

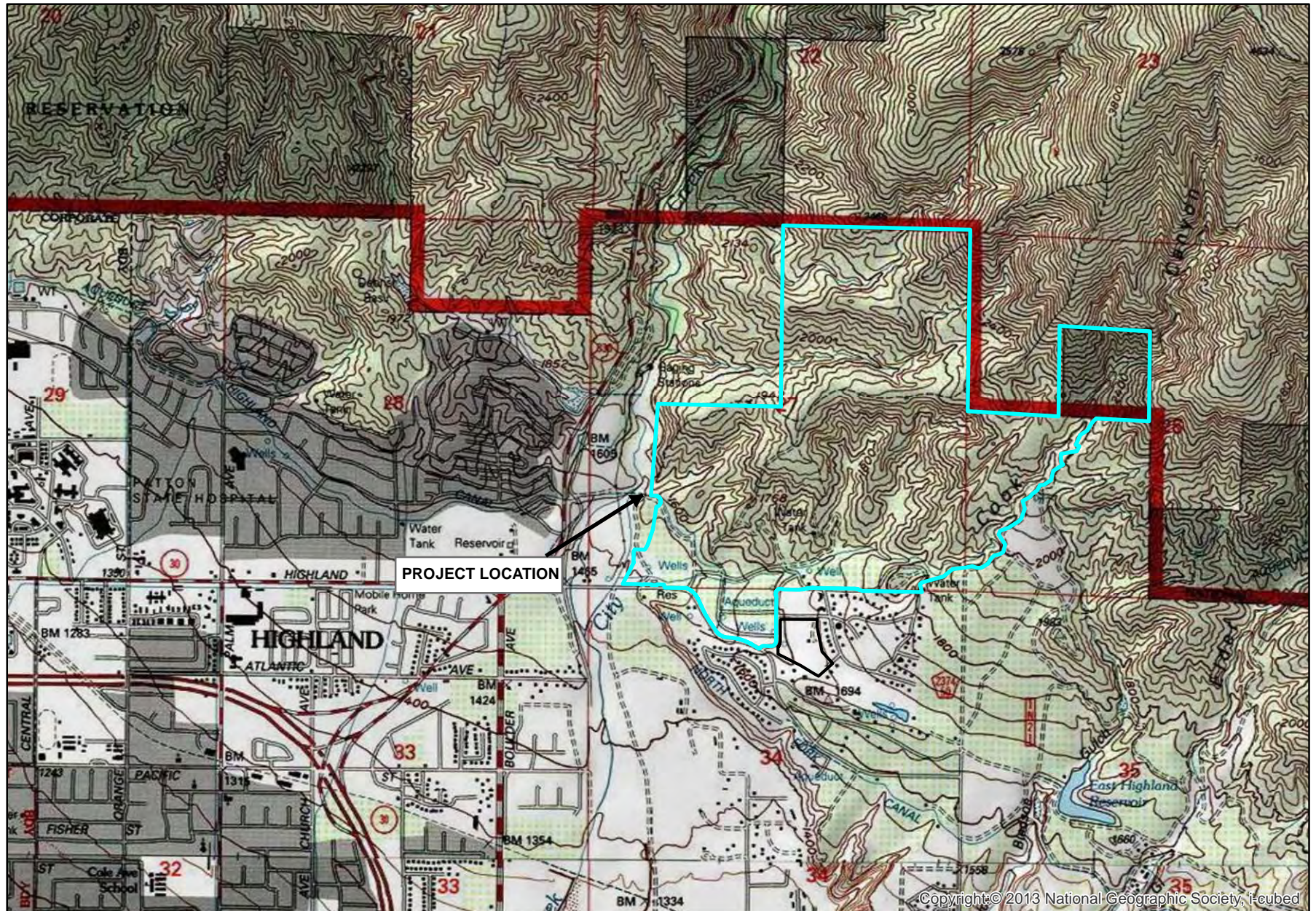
Regional Map

GLENN LUKOS ASSOCIATES

Exhibit 1



Adapted from USGS Harrison Hills, CA quadrangle



HIGHLAND HILLS ESTATES

Vicinity Map

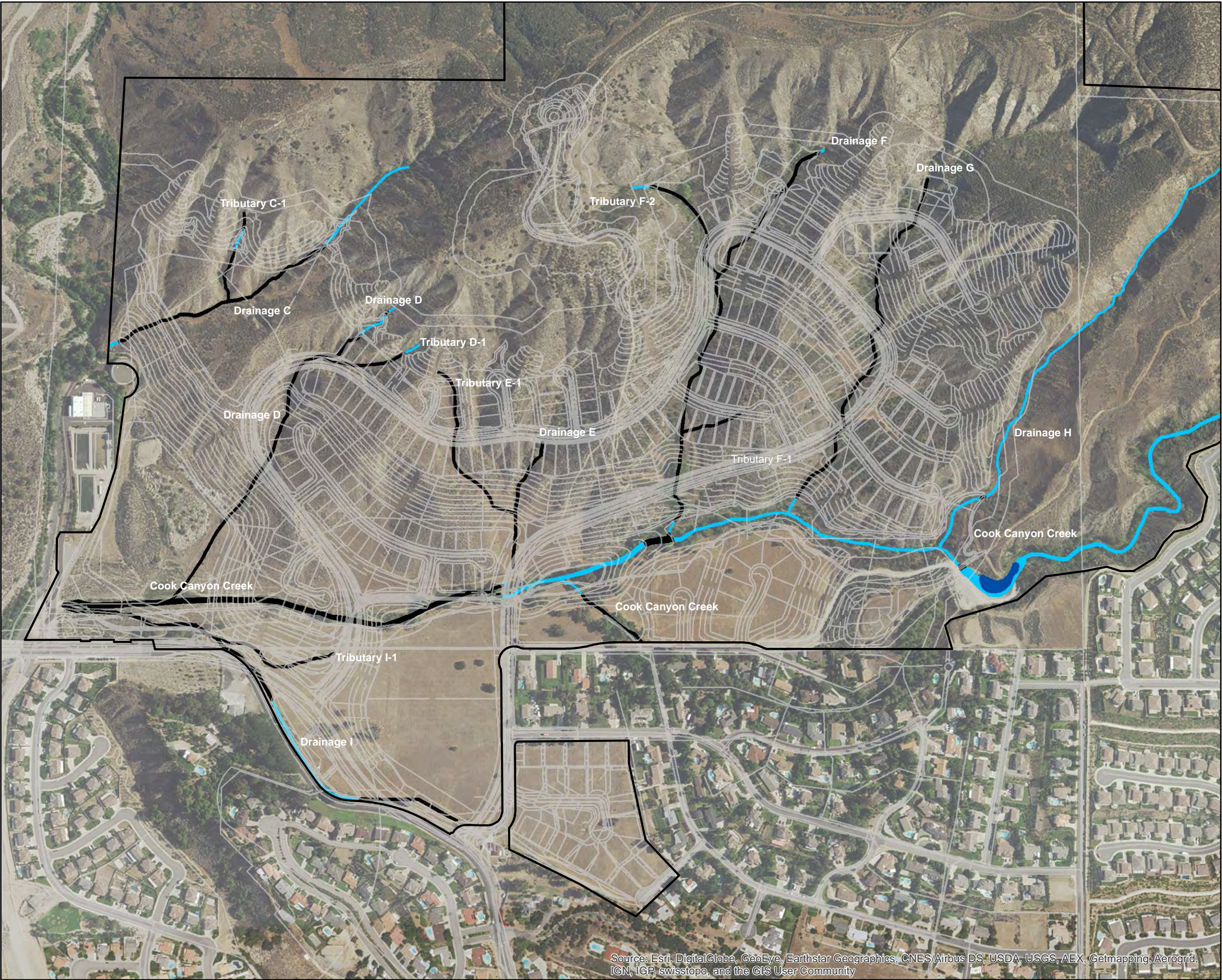
GLENN LUKOS ASSOCIATES



Exhibit 2

Exhibit 2

Proposed Impact Maps



Legend

Project Boundary

Project Site Plan

Corps Non-Wetland Waters

Corps Wetland

Corps Residential Development Impacts

Residential Development Impacts

Name	Jurisdiction	Acreage	Linear Feet
Cook Canyon Creek	Non-Wetland Waters	0.66	2585
Drainage C	Non-Wetland Waters	0.08	1083
Tributary C-1	Non-Wetland Waters	0.01	325
Drainage D	Non-Wetland Waters	0.07	1614
Tributary D-1	Non-Wetland Waters	0.02	400
Drainage E	Non-Wetland Waters	0.05	681
Tributary E-1	Non-Wetland Waters	0.02	838
Drainage F	Non-Wetland Waters	0.11	2008
Tributary F-1	Non-Wetland Waters	0.01	280
Tributary F-2	Non-Wetland Waters	0.03	572
Drainage G	Non-Wetland Waters	0.09	1732
Drainage H	Non-Wetland Waters	0.002	17
Drainage I	Non-Wetland Waters	0.18	2074
Tributary I-1	Non-Wetland Waters	0.03	600
TOTAL		1.35	14809

N

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Feet

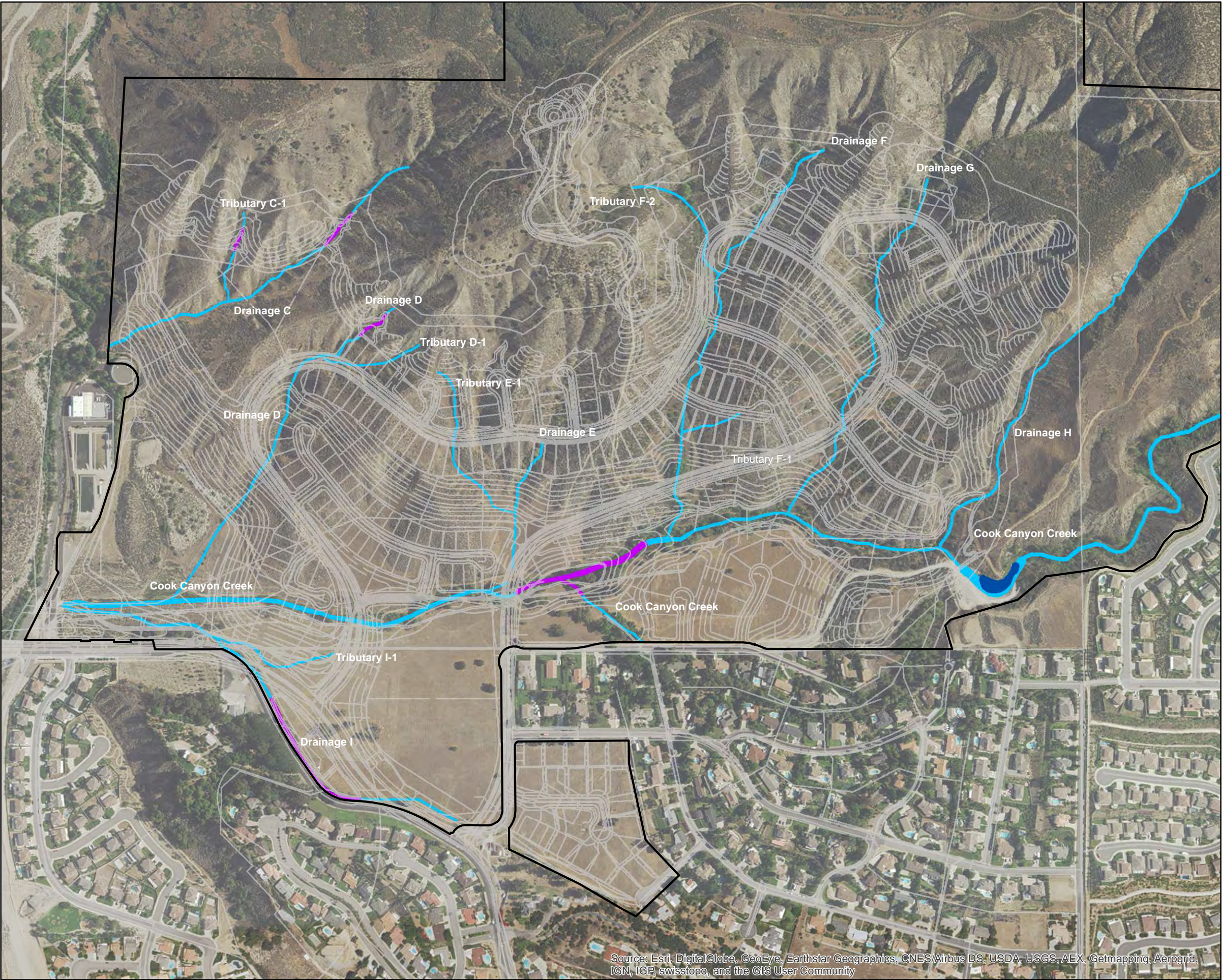
1 inch = 450 feet

HIGHLAND HILLS ESTATES

Corps Residential Development Impact Map

GLENN LUKOS ASSOCIATES

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



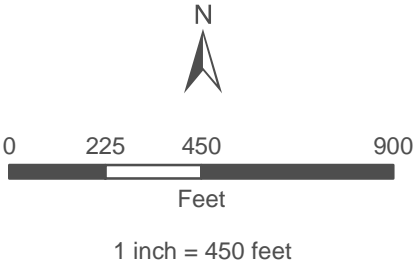
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

- Project Boundary
- Project Site Plan
- Corps Non-Wetland Waters
- Corps Wetland
- Corps Basin Construction Impacts

Basin Construction Impacts

Name	Jurisdiction	Acreage	Linear Feet
Cook Canyon Creek	Non-Wetland Waters	0.18	774
Drainage C	Non-Wetland Waters	0.01	190
Tributary C-1	Non-Wetland Waters	0.002	106
Drainage D	Non-Wetland Waters	0.01	156
Drainage I	Non-Wetland Waters	0.05	179
TOTAL		0.25	1405

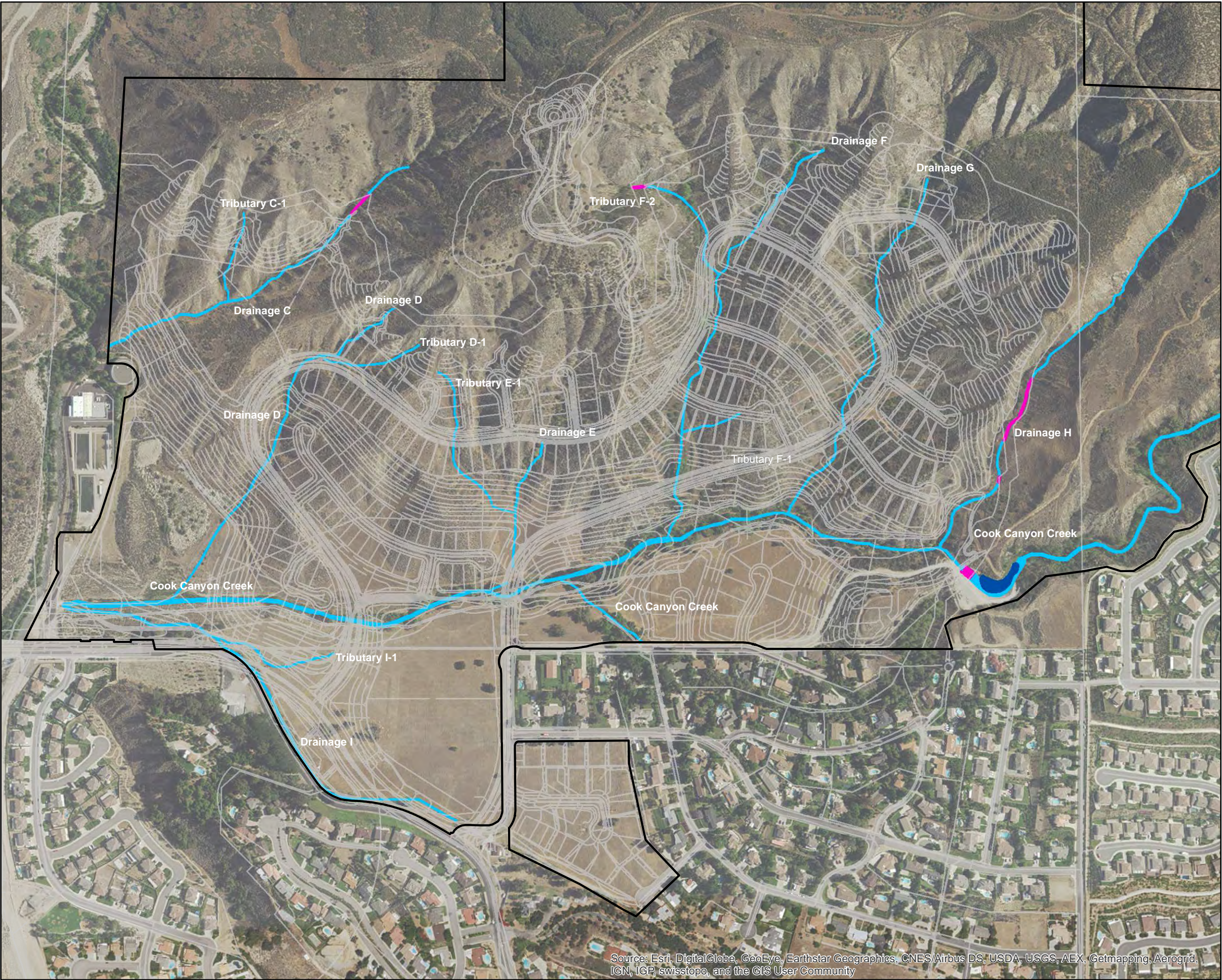


HIGHLAND HILLS ESTATES

Corps Basin Construction Impact Map

GLENN LUKOS ASSOCIATES





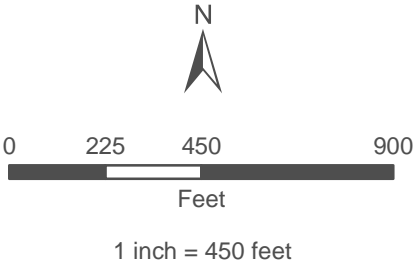
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

- Project Boundary
- Project Site Plan
- Corps Non-Wetland Waters
- Corps Wetland
- Corps HOA Impacts

HOA Impacts

Name	Jurisdiction	Acreage	Linear Feet
Cook Canyon Creek	Non-Wetland Waters	0.03	43
Drainage C	Non-Wetland Waters	0.01	112
Tributary F-2	Non-Wetland Waters	0.004	62
Drainage H	Non-Wetland Waters	0.02	342
TOTAL		0.06	559



HIGHLAND HILLS ESTATES

Corps HOA Impact Map

GLENN LUKOS ASSOCIATES



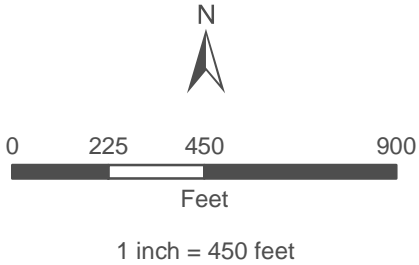


Legend

- Project Boundary
- Project Site Plan
- Corps Non-Wetland Waters
- Corps Wetland
- Corps Orchard Road Impacts

Orchard Road Impacts

Name	Jurisdiction	Acreage	Linear Feet
Cook Canyon Creek	Non-Wetland Waters	0.01	74
Drainage E	Non-Wetland Waters	0.001	26
TOTAL		0.01	100



HIGHLAND HILLS ESTATES

Corps Orchard Road Impact Map

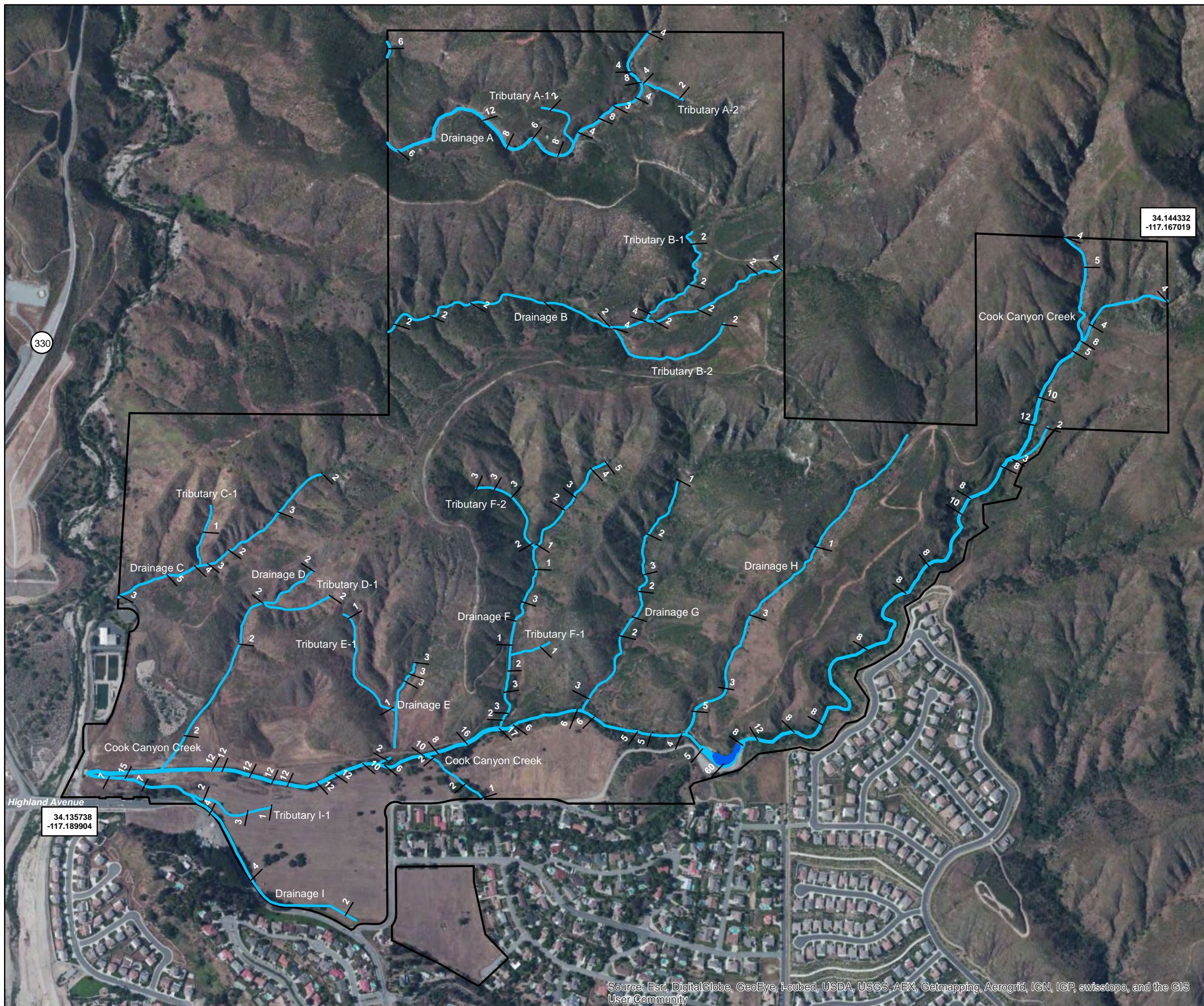
GLENN LUKOS ASSOCIATES



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

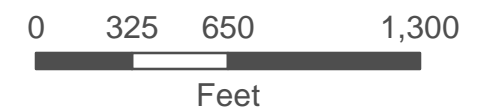
Exhibit 3

Delineation Map



Legend

- Project Boundary
- Corps/RWQCB Non-Wetland Waters
- Corps/RWQCB Wetland
- Width in Feet



1 inch = 650 feet

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HIGHLAND HILLS ESTATES

Corps/RWQCB Jurisdictional Delineation Map

GLENN LUKOS ASSOCIATES

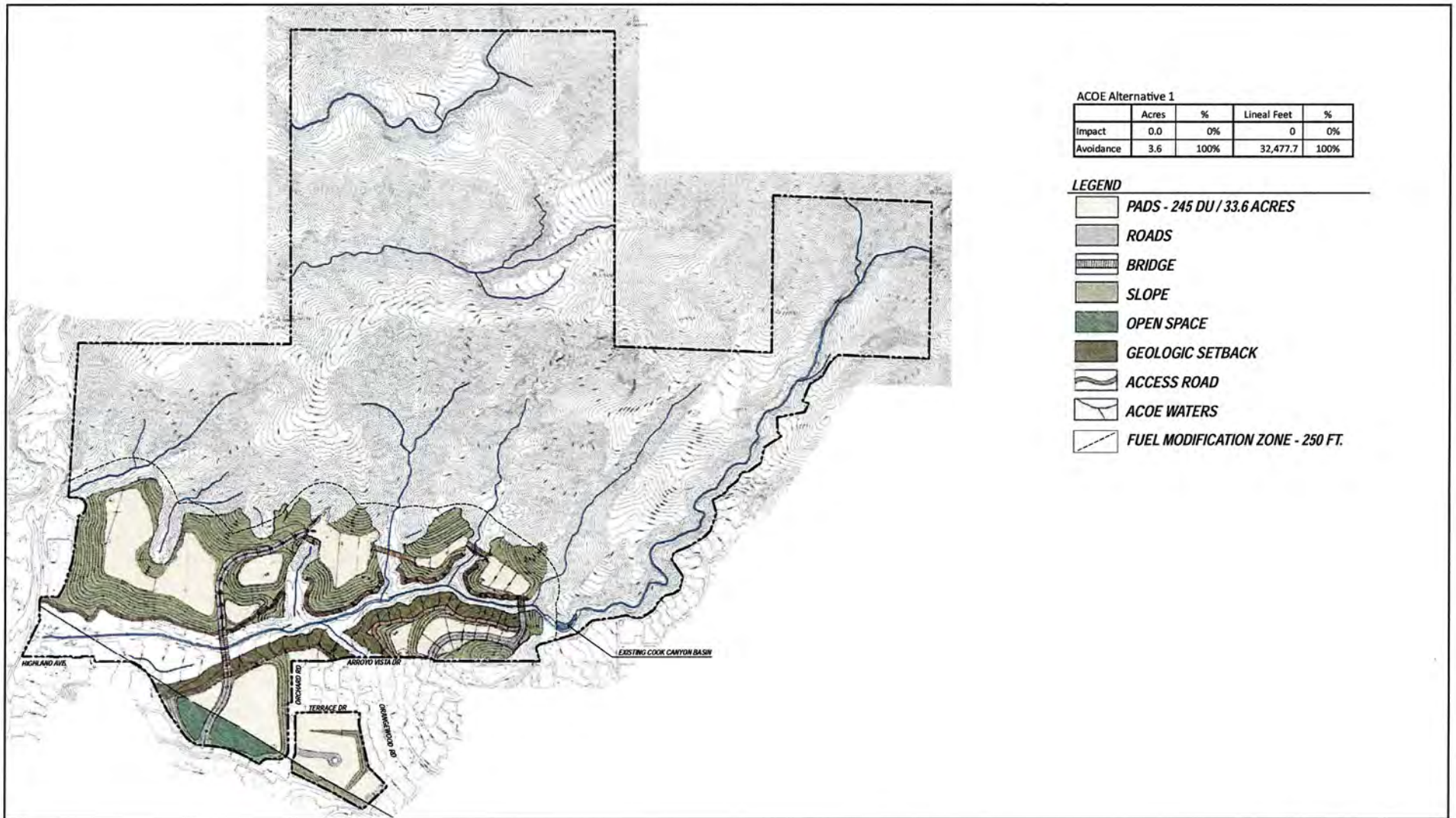


Exhibit 3

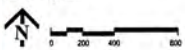
Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Exhibit 4

Alternative 1: No Federal Action



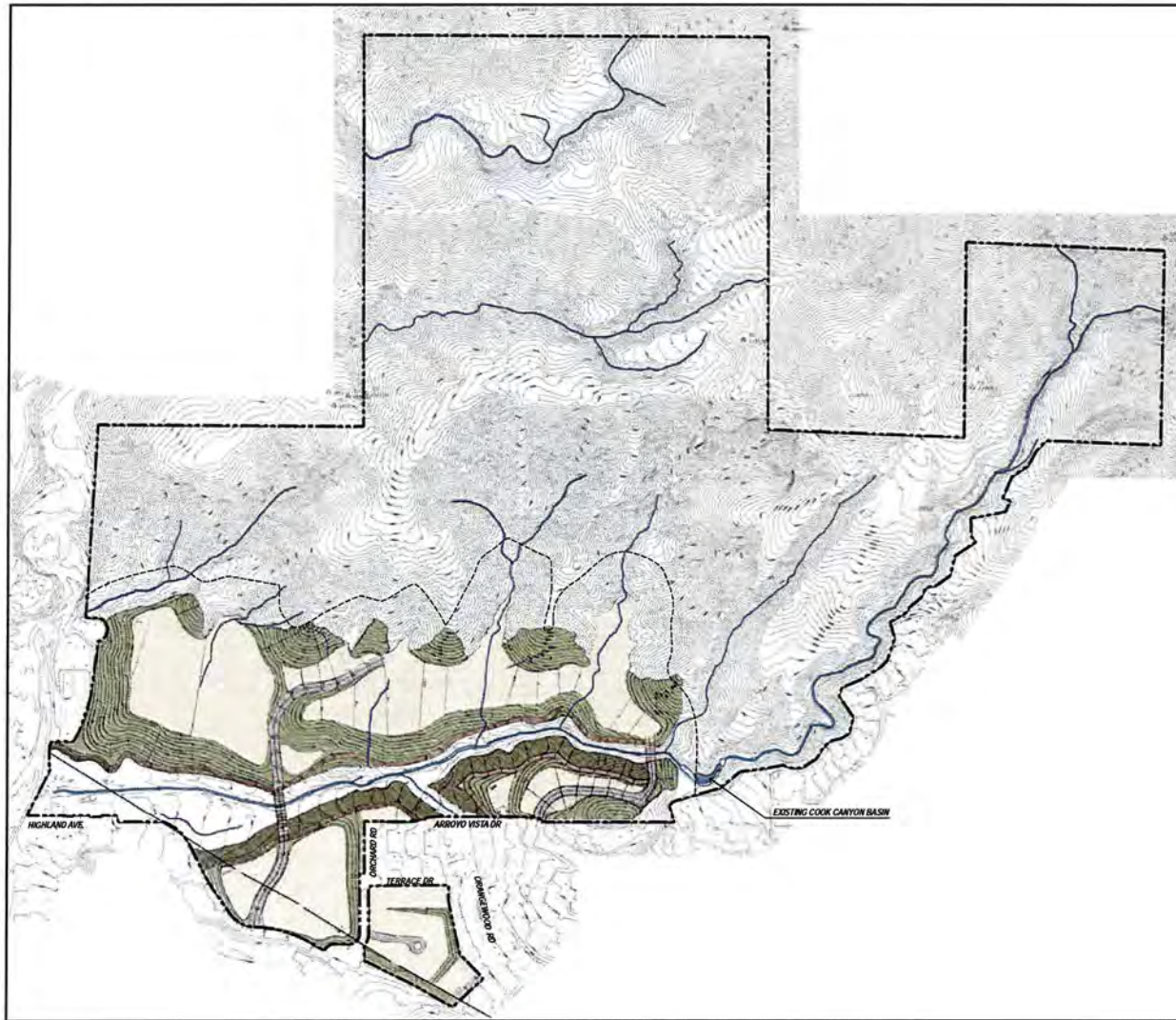
Prepared By: **MAY 20, 2013**



Alternative 1 - No Federal Action
HIGHLAND HILLS

Exhibit 5

Alternative 2: Cook Canyon Creek Avoidance



ACOE Alternative 2

	Acres	%	Lineal Feet	%
Impact	0.2	5%	3,672.0	11%
Avoidance	3.4	95%	28,805.7	89%

LEGEND

- PADS - 425 DU / 58.3 ACRES
- ROADS
- BRIDGE
- SLOPE
- GEOLOGIC SETBACK
- ACCESS ROAD
- ACOE WATERS
- FUEL MODIFICATION ZONE - 250 FT.



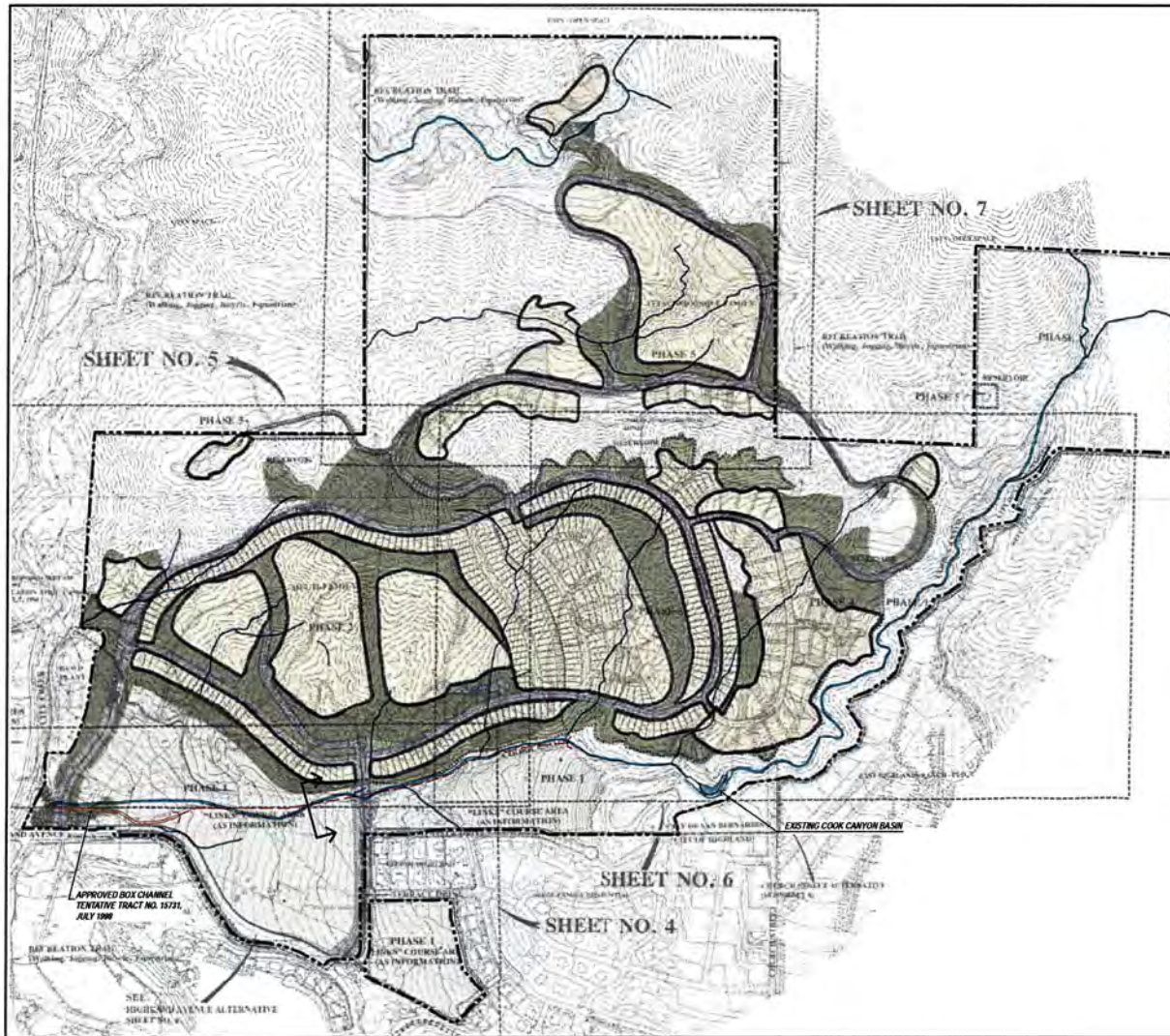
MAY 20, 2013



Alternative 2 - Cook Creek Avoidance
HIGHLAND HILLS

Exhibit 6

Alternative 3: Approved Tentative Tract Map



ACOE Alternative 3

	Acres	%	Lineal Feet	%
Impact	1.7	47%	15,886.7	49%
Avoidance	1.9	53%	16,591.0	51%

LEGEND

- PADS - 1,516 DU / 155.6 ACRES
- ROADS
- SLOPE
- GOLF
- ACOE WATERS
- BOX CHANNEL
- SECTION LOCATION

