



PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR PERMIT Toscana Development Project

Public Notice/Application No.: SPL-2014-00201-JEM

Project: Toscana Project

Comment Period: November 3, 2014 through December 3, 2014

Project Manager: James Mace; Tel: (951) 276-6624 x263; Email: James.E.Mace@usace.army.mil.

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Location

The proposed project is located within Temescal Wash, and nearby unnamed tributaries, approximately 12 miles northwest of Lake Elsinore, in unincorporated Riverside County, California (at lat: 33.7674N; long -117.4592W). See attached map (Sheet 1, Project Location Map).

Activity

Discharge of fill material into approximately 2.82 acres of waters of the United States (1.49 acres wetland waters, 1.33 acres other waters) in association with the Toscana Project (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). 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 support 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. Written comments should be mailed to the Regulatory project manager at the following address:

LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: James Mace
Riverside Field Office
1451 Research Park Drive, Suite 100
Riverside, California 92507-2154

Alternatively, comments can be sent electronically to James.E.Mace@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, floodplain 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 that 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 that 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 that 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.

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 Corps consulted the latest version of the National Register of Historic Places and there are no sites listed within the permit area. The applicant has submitted an archaeological survey and evaluation of cultural resources report to be reviewed by the Corps' archaeologist for compliance with Section 106 of the National Historic Preservation Act, as amended. A Cultural Resources Assessment prepared by Drover Consulting Archeology (2012) identified one pre-historic site comprised of a milling station and lithic scatter and two historic sites comprised of refuse scatter and an irrigation standpipe. The pre-historic site and historic refuse scatter site are located in proposed open space and would not be affected by the proposed project, although a portion of the historic refuse scatter could be impacted by habitat restoration efforts. The historic irrigation standpipe would be impacted by the project. Compliance with Section 106 of the National Historic Preservation Act will be a requirement of a permit decision.

Endangered Species- Based on focused surveys, the site was found to support Riversidean sage scrub with potential to support the federally listed as threatened coastal California gnatcatcher (*Polioptila californica californica*). This species was observed during site surveys. The site supports riparian habitat with a potential to support the federally listed as endangered least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*), and the federally listed as threatened (effective November 3, 2014) yellow-billed cuckoo (*Coccyzus americanus occidentalis*). U.S. Fish and Wildlife Service (USFWS) protocol surveys for all of these species were conducted by AMEC Earth and Environmental in 2012. The least Bell's vireo was detected at three locations onsite within southern riparian woodland habitat. The site supports habitat (open areas with sparse vegetation and loose soils) for the federally listed as endangered Stephens' kangaroo rat (*Dipodomys stephensi*). Surveys for the Stephens' kangaroo rat have not been conducted. This project is participating in the USFWS Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for Endangered Species Act compliance. Therefore, the Corps will initiate formal consultation with the USFWS under section 7 of the Endangered Species Act for all five species.

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 the establishment of residential housing. The project is not water-dependent and the applicant will be required to rebut the presumption that there are less damaging alternatives to the proposed project.

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 provide residential housing and stabilize the streambed within Temescal Wash adjacent to Temescal Canyon Road and the proposed new housing.

Additional Project Information

Baseline information- The approximately 961-acre proposed project site is located east of Interstate 15 and east of Temescal Canyon Road between Mayhew Road and Indian Truck Trail. Temescal Wash flows roughly east to west along the southern portion of the site, then turns to flow north along the southwest boundary of the site. The entire site, which ranges in elevation from 958 to 1,625 feet above mean sea level, consists of hills with occasional drainages feeding into Temescal Wash. With the exception of one existing residence, the site is undeveloped and consists mostly of various associations of coastal sage scrub with scattered patches of grassland habitat. Riparian scrub, woodland, and forest habitats are located within Temescal Wash, as well as some of its tributary drainages. Temescal Wash also contains occasional Riversidean alluvial fan sage scrub habitat within the project vicinity.

Land use near the proposed project site includes: a 2-lane road (Temescal Canyon Road), Interstate 15, and residential development to the south; large lot residential development to the west; and undeveloped lands to the north and east. The site is located within the sphere of influence of the City of Corona, with the exception of approximately 54 acres in the southeastern corner, which is located within the sphere of influence of the City of Lake Elsinore.

Within the proposed project site, including the additional off-site but adjacent roadway impact area, preliminarily jurisdictional areas include approximately 13.51 acres of wetland waters and approximately 3.67 acres of non-wetland waters of the U.S., along a total of approximately 63,200 linear feet (see Table 1). Of these 17.18 acres of preliminarily jurisdictional waters of the U.S., approximately 2.82 acres are proposed to be permanently filled, including 1.49 acres of wetland waters.

Table 1. Preliminarily Jurisdictional Waters of the U.S. Onsite and Proposed Permanent Impacts				
Jurisdictional Area Habitat Type	Present Onsite		Proposed Permanent Impacts	
	Area (acres)	Length (feet)	Area (acres)	Length (feet)
Wetland Waters of the United States				
Southern Riparian Forest	4.51	5,068	0.10	120
Riparian Woodland	3.15	2,199	0	0
Freshwater Marsh	0.57	231	0.14	162
Riparian Scrub	0.04	0	0	0
Mule Fat Scrub	2.70	257	0.60	0
Herbaceous Wetland	2.16	2,628	0.27	1,923
Disturbed Wetland	0.01	161	0.01	161
Tamarisk Scrub	0.37	185	0.37	185
Subtotal	13.51	10,729	1.49	2,551
Non-Wetland Waters of the United States				
Seasonal Pond*	0.42	305	0.14	176
Streambed	3.32	52,153	1.23	27,424
Subtotal	3.74	52,458	1.37	27,600
TOTAL	17.25	63,187	2.86	30,151

*Seasonal Pond area formed by constructed berm during prior agricultural use.

The proposed project site is located within Subunit 1 (Estelle Mountain/Indian Canyon) of the Elsinore Area Plan and Subunit 3 (Temescal Wash West) of the Temescal Canyon Area Plan of the MSHCP. Approximately 51.9 acres of the property occurs within Cell Group A of Subunit 1 of the Elsinore Area Plan of the MSHCP. Approximately 901.5 acres is within Subunit 3 of the Temescal Canyon Area Plan of the MSHCP. This acreage occurs as 134.2 acres in Cell Group F, 157.4 acres in Cell Group G, 315.1 acres in Cell Group H, and 194.8 acres in Cell Group I.

Project description- The approximately 961-acre Toscana Project proposes to develop 416.9 acres as follows:

Construct 1,443 medium to high density residential units (300.9 acres), associated fuel modification zones (66.9 acres), park land (21.4 acres), and associated infrastructure. Within the project boundaries, the project would preserve 544.3 acres as natural open space. In addition, the project would include the improvement and widening of Temescal Canyon Road along the length of the project's frontage, and the stabilization of Temescal Wash to control active and ongoing down-cutting of the wash along the project's frontage. Two permanent road crossings are proposed over Temescal Wash (for access from Temescal Canyon Road), and two additional ephemeral drainage crossings are proposed within the development (see attached Sheet 2 for the locations of the proposed crossings A, B, C, and D; see attached Sheets 3, 4, 5, and 6 for the specific configurations of the proposed crossings A, B, C, and D).

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 proposed Toscana Project avoids permanent impacts to 84% of preliminarily jurisdictional waters of the United States located on site. As previously approved in 2005, the project would have impacted approximately 451 acres, whereas the current proposal would impact approximately 417 acres. As compared to the 2005 project, the currently proposed project clusters development by eliminating a planning area previously approved for residential development in the north-central portion of the site, and avoids an additional 0.03 acre of waters of the United States. A re-design from the previously approved project was also conducted to minimize roadway improvement impacts to Temescal Wash. As a result, the proposed project reflects two crossings over Temescal Wash, the minimum required by the Riverside County Fire Department, and the Transportation and Land Management Agency for public safety. To reduce impacts to jurisdictional waters further, three of four grade control structures that were originally included for channel stabilization within Temescal Wash have been eliminated from the design. Additionally, the project originally proposed Pyramat® turf reinforcement mats as a slope stabilization measure within Temescal Wash; the channel was redesigned to a 10:1 side slope to increase stability and eliminate the need for Pyramat® and associated ongoing maintenance in the channel.

Minimization: During construction, Best Management Practices (BMPs) to protect onsite waters not impacted would include, but are not limited to the following techniques: gravel basins, gravel bag inlet protection, fiber rolls, mulching, silt fencing, offsite sediment control, energy dissipation, and designated maintenance and storage areas for equipment (outside of drainages). Descriptions of the BMPs are described in the proposed project’s Water Quality Management Plan and its Storm Water Pollution Prevention Plan.

Compensation: The applicant has proposed to use the same mitigation ratios for both permanent and temporary impacts, with a mitigation ratio of 1:1 for impacts to disturbed wetland, tamarisk scrub, seasonal pond (agricultural), and ephemeral drainages, and a mitigation ratio of 3:1 for impacts to all other wetland waters (habitat types). In addition, all temporary impacts to jurisdictional areas would be mitigated in place. Based on these ratios, the applicant has proposed to mitigate for permanent impacts to 2.86 acres of preliminarily jurisdictional waters and temporary impacts to 1.21 acres of preliminary jurisdictional waters with 8.61 acres of mitigation (Table 2).

Jurisdictional Area Habitat Type	Proposed Impacts			Proposed Mitigation Ratio	Proposed Mitigation (acres)
	Permanent (acres)	Temporary (acres)	Total (acres)		
Southern Riparian Forest	0.10	0.19	0.29	3:1	0.87
Riparian Woodland	0	0.08	0.08	3:1	0.24
Freshwater Marsh	0.14		0.14	3:1	0.42
Mule Fat Scrub	0.60	0.47	1.07	3:1	3.21
Herbaceous Wetland	0.27	0.42	0.69	3:1	2.07
Disturbed Wetland	0.01		0.01	1:1	0.01
Tamarisk Scrub	0.37		0.37	1:1	0.37
Seasonal Pond	0.14		0.14	1:1	0.14
Streambed	1.23	0.05	1.28	1:1	1.28
TOTAL	2.86	1.21	4.07		8.61

The applicant proposes the mitigation for impacts to wetland waters provide a minimum of 1:1 establishment mitigation, with the remaining additional mitigation acres being a combination of rehabilitation and enhancement mitigation. The applicant's preference is to conduct the mitigation onsite.

The Corps will review the applicant's compensatory mitigation proposal to determine its compliance with the Corps' regional Standard Operating Procedure for the Determination of Mitigation Ratios (12501-SPD; <http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences/tabid/10390/Article/487058/12501-spd.aspx>).

Proposed Special Conditions

No specific special conditions are proposed at this time. If issued, the permit would likely include special conditions addressing mitigation for impacts to waters of the U.S. as well as other measures to avoid and minimize effects to the aquatic environment and federally listed species and/or their critical habitat.

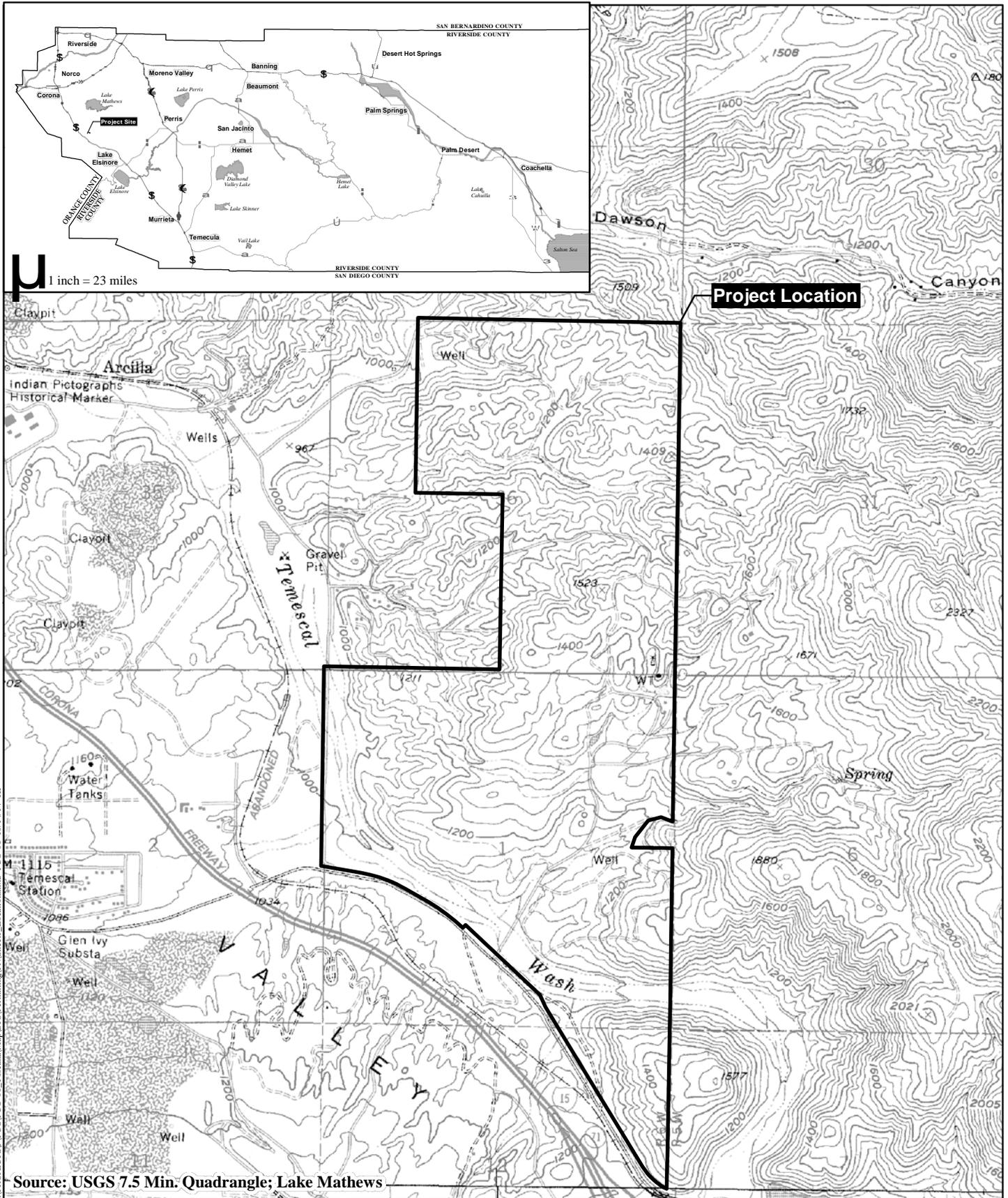
For additional information please call James Mace of my staff at 951-276-6624 x263 or via e-mail at James.E.Mace@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



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
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RIVERSIDE, CALIFORNIA 92507-2154
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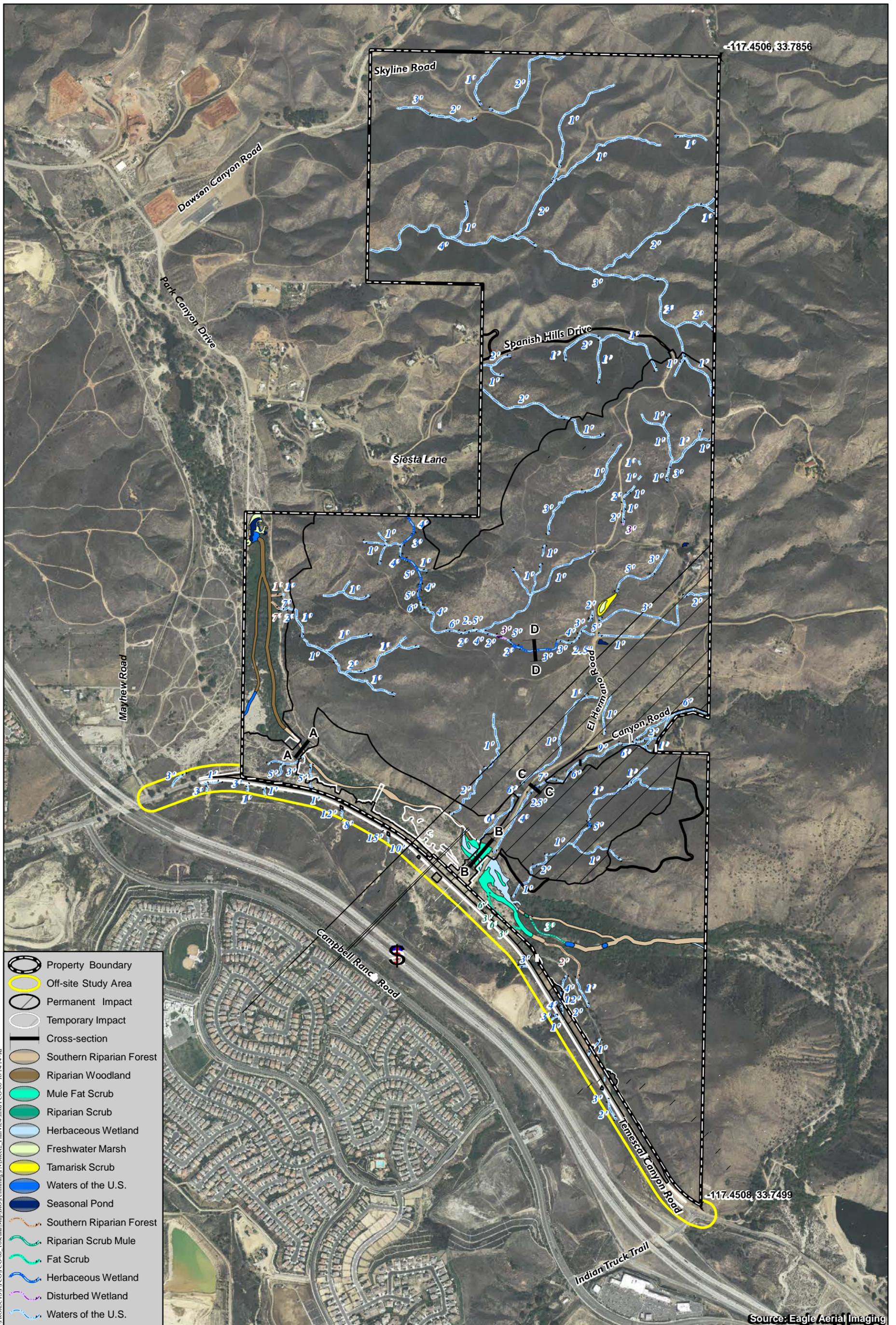


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Source: USGS 7.5 Min. Quadrangle; Lake Mathews

Project Location Map

TOSCANA - U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT REGULATORY DIVISION
PUBLIC NOTICE SPL-2014-00201-JEM



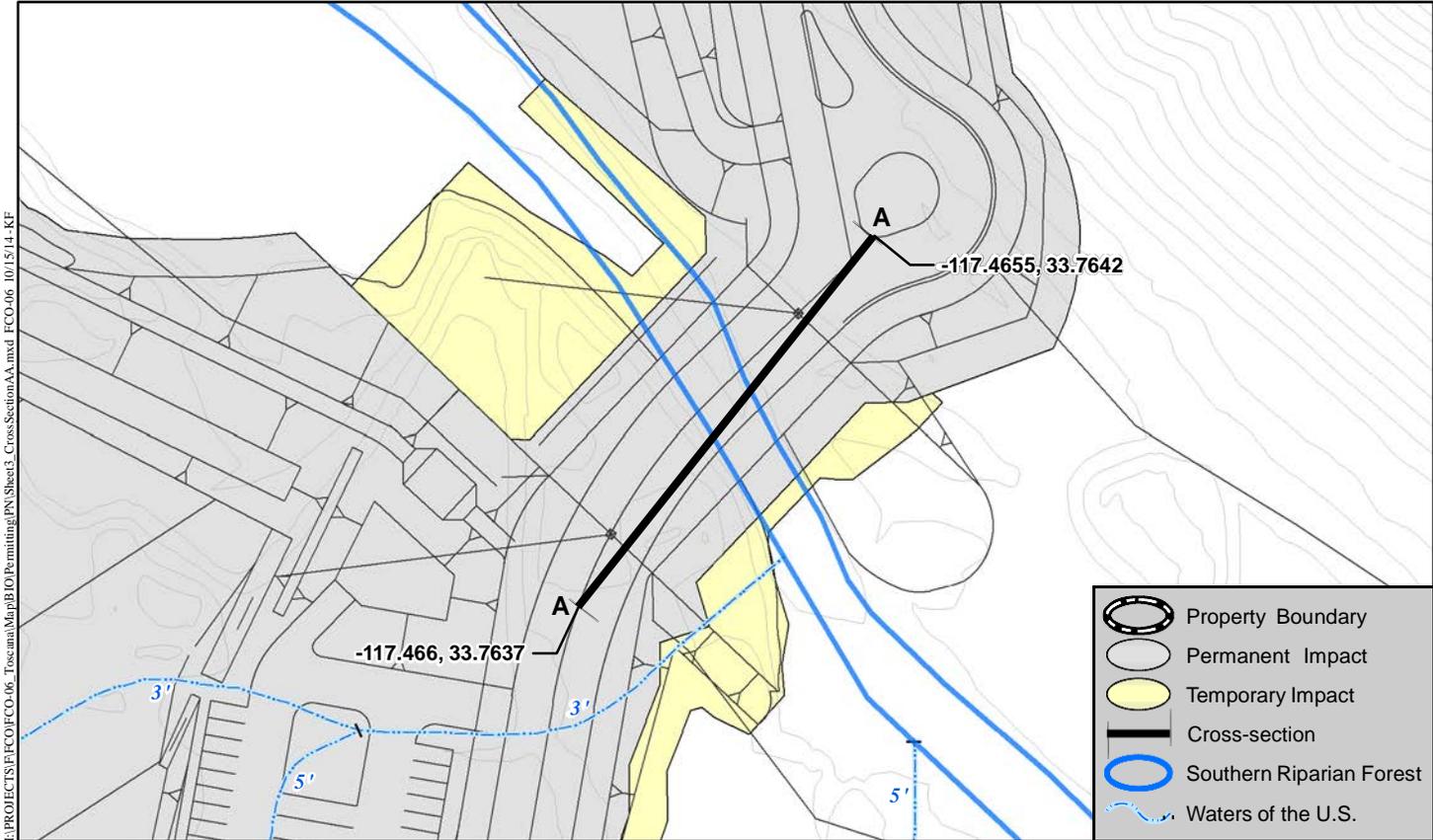
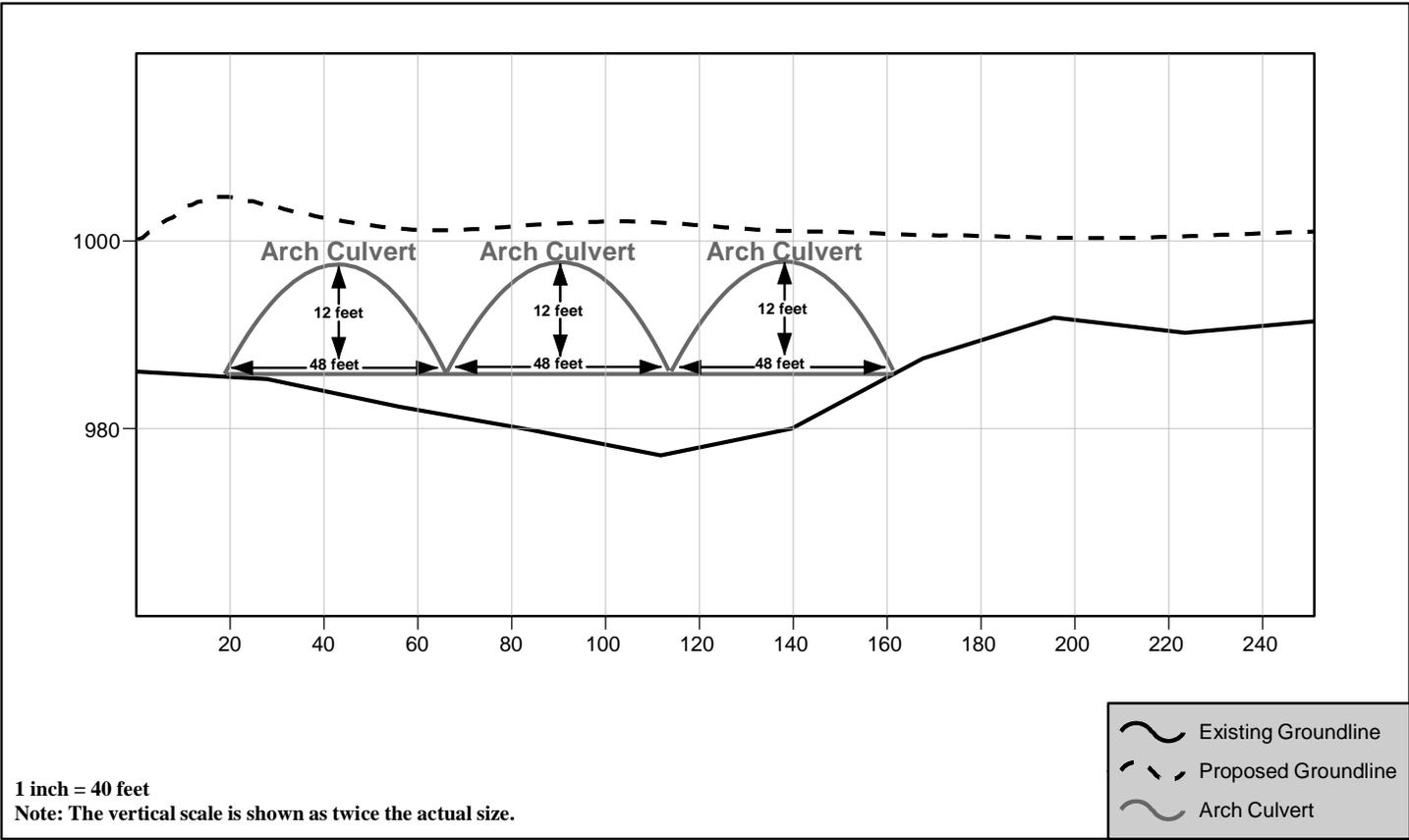
- Property Boundary
- Off-site Study Area
- Permanent Impact
- Temporary Impact
- Cross-section
- Southern Riparian Forest
- Riparian Woodland
- Mule Fat Scrub
- Riparian Scrub
- Herbaceous Wetland
- Freshwater Marsh
- Tamarisk Scrub
- Waters of the U.S.
- Seasonal Pond
- Southern Riparian Forest
- Riparian Scrub Mule
- Fat Scrub
- Herbaceous Wetland
- Disturbed Wetland
- Waters of the U.S.

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Source: Eagle Aerial Imaging

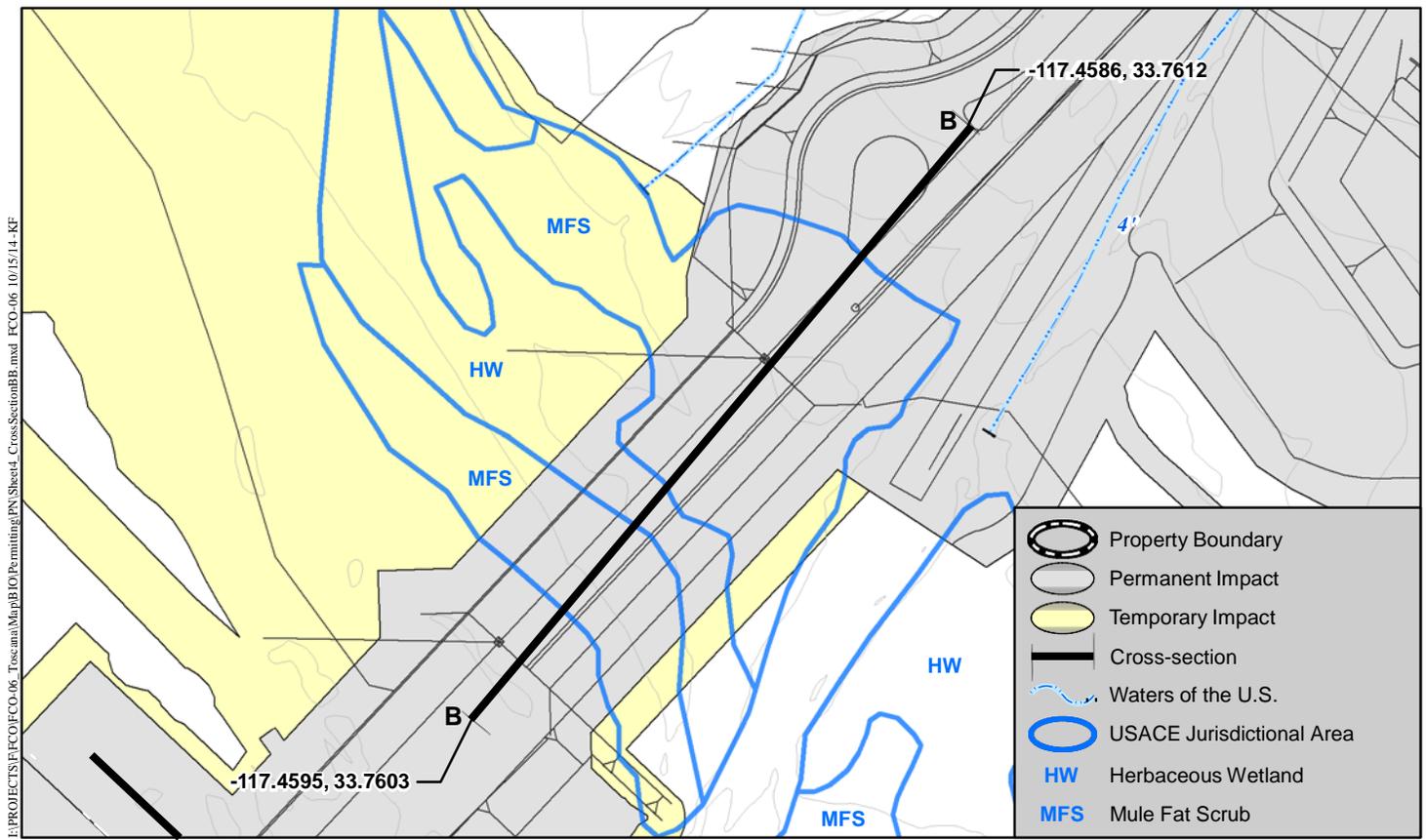
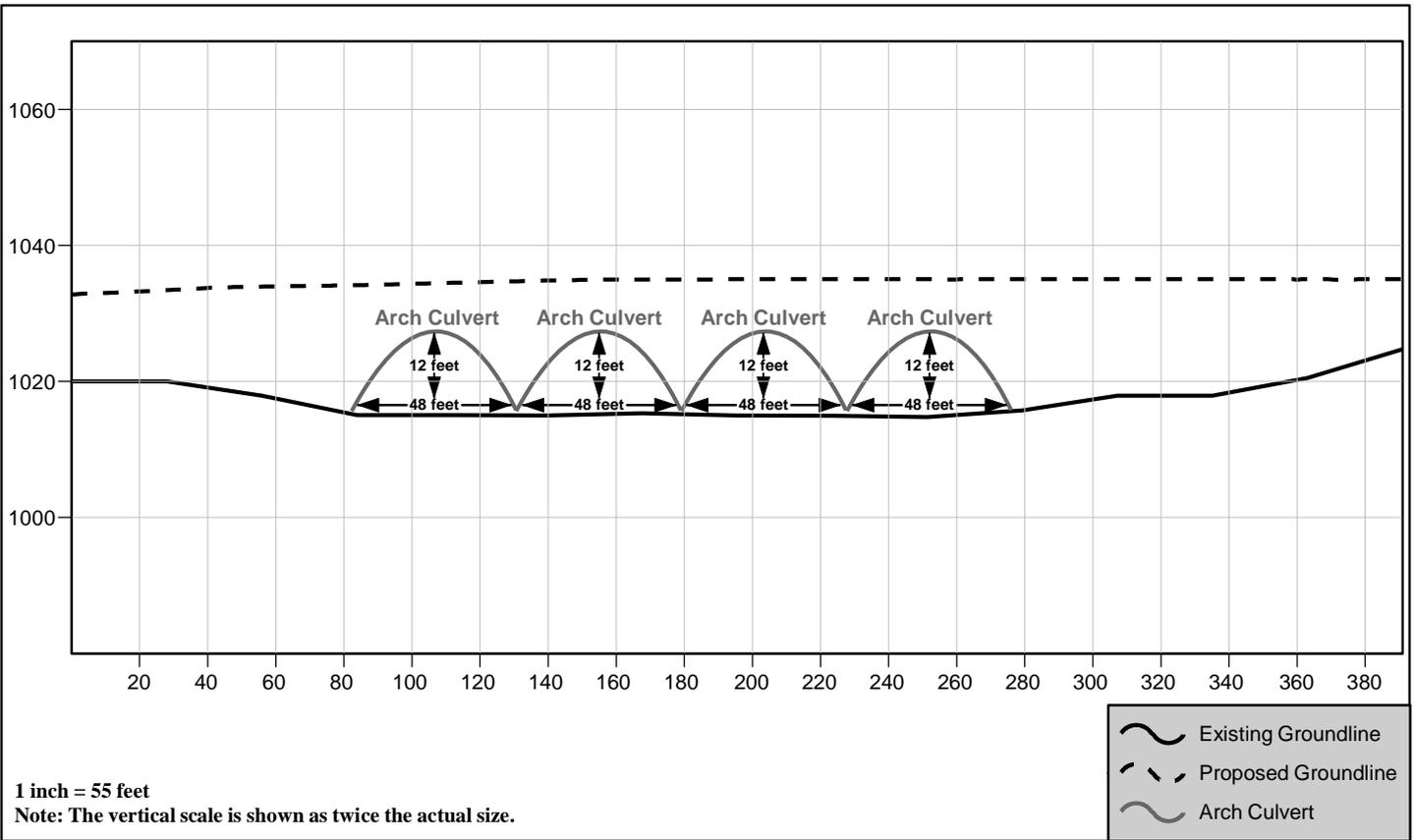
Plan View

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PUBLIC NOTICE SPL-2014-00201-JEM



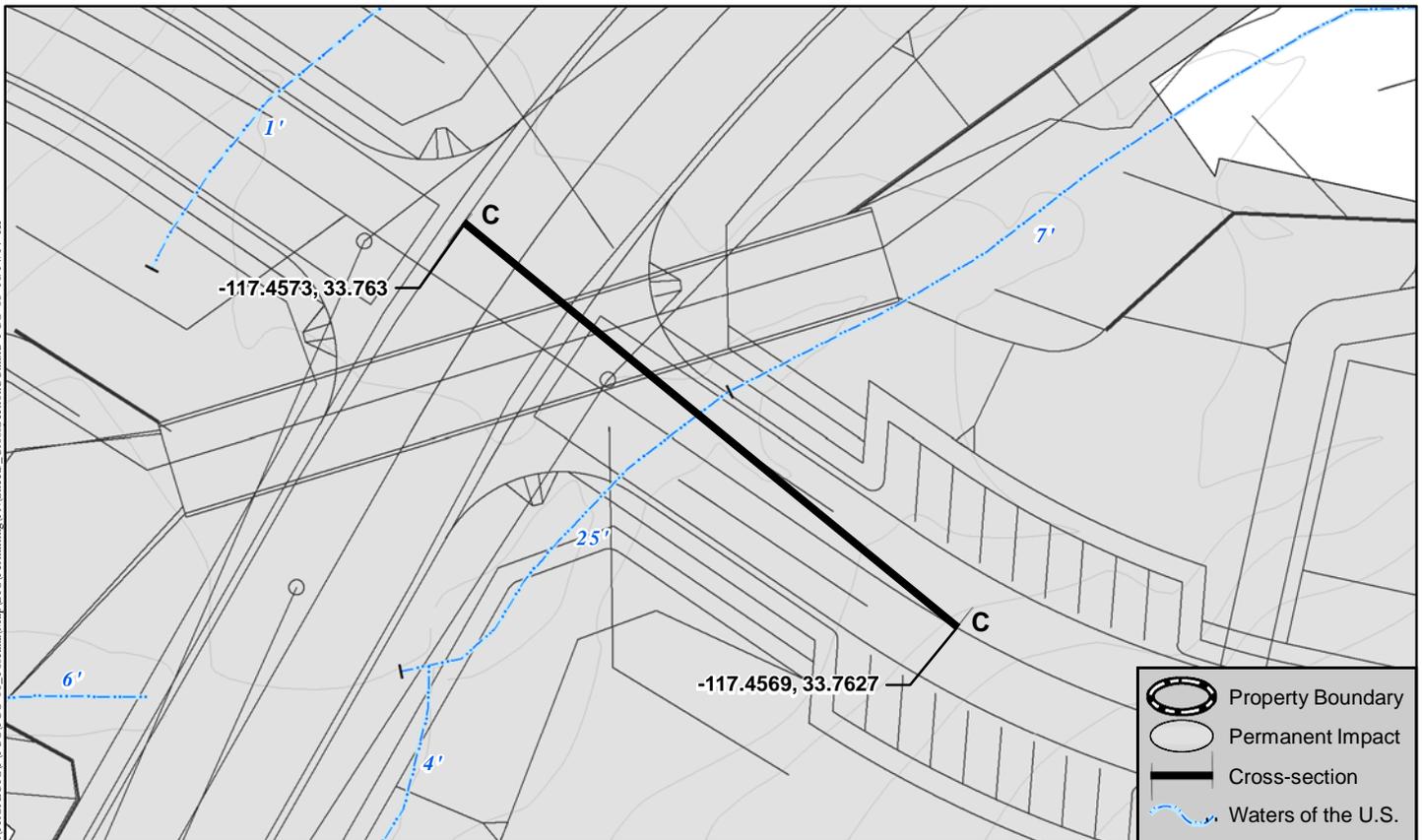
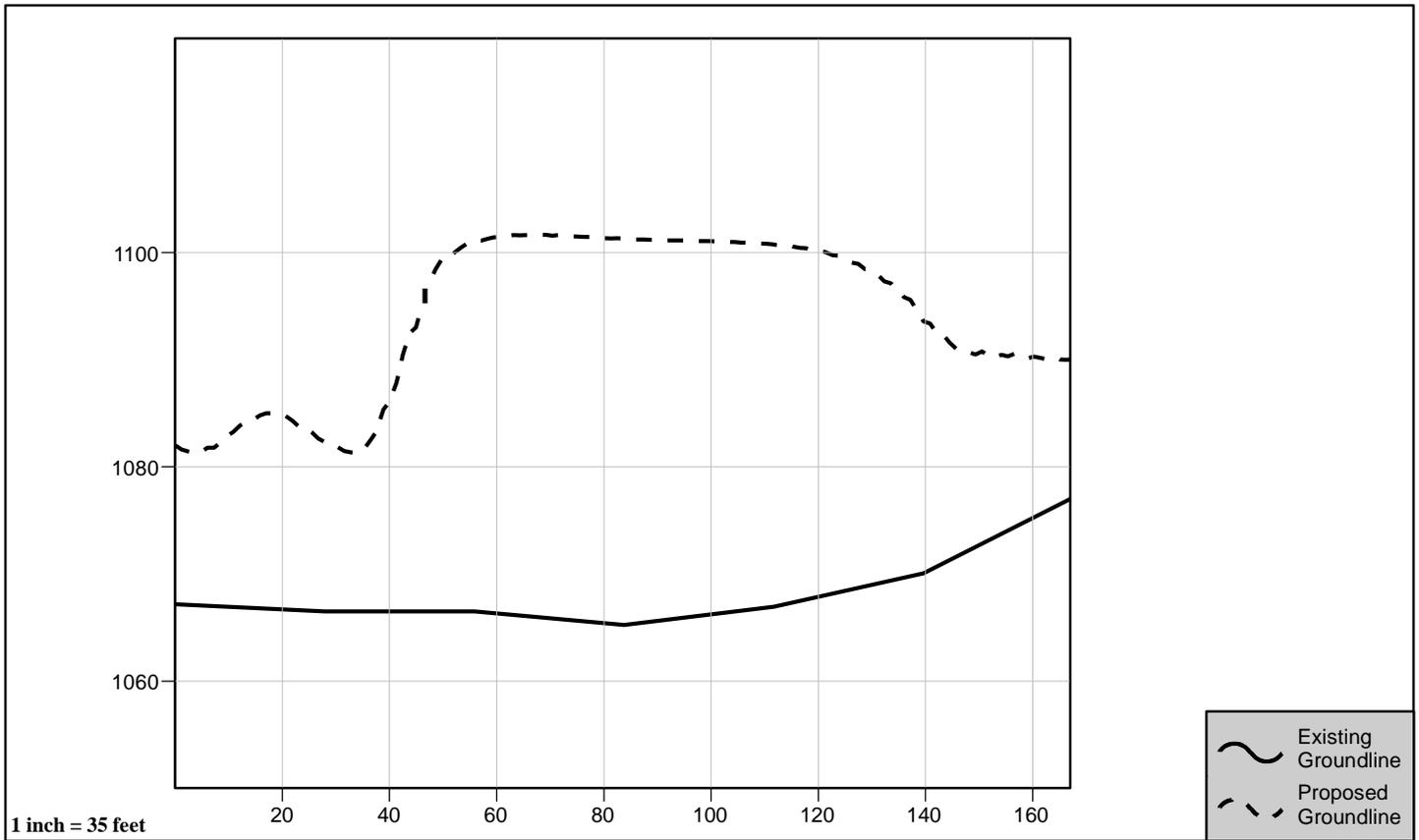
Cross-section A-A

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PUBLIC NOTICE SPL-2014-00201-JEM



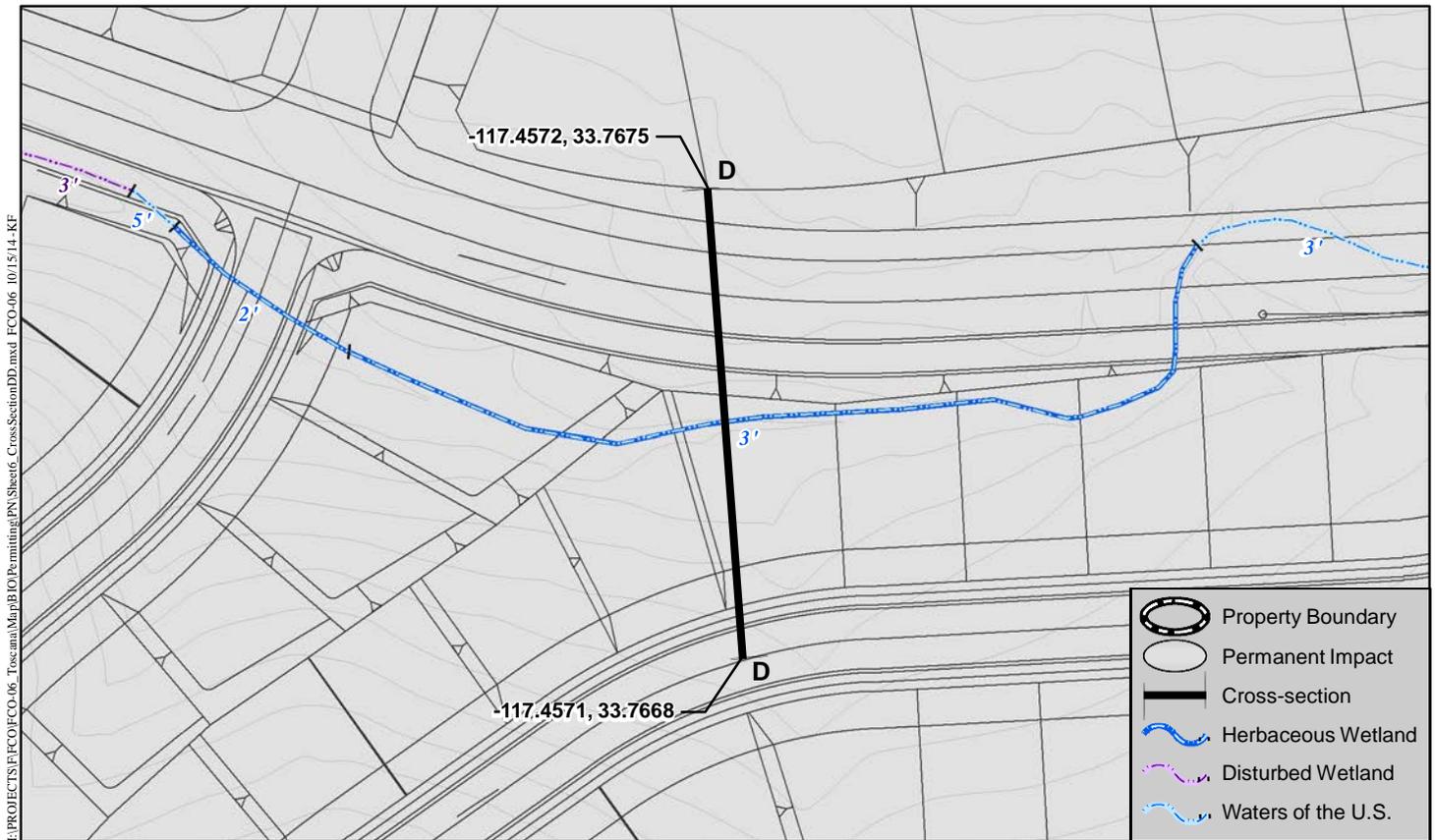
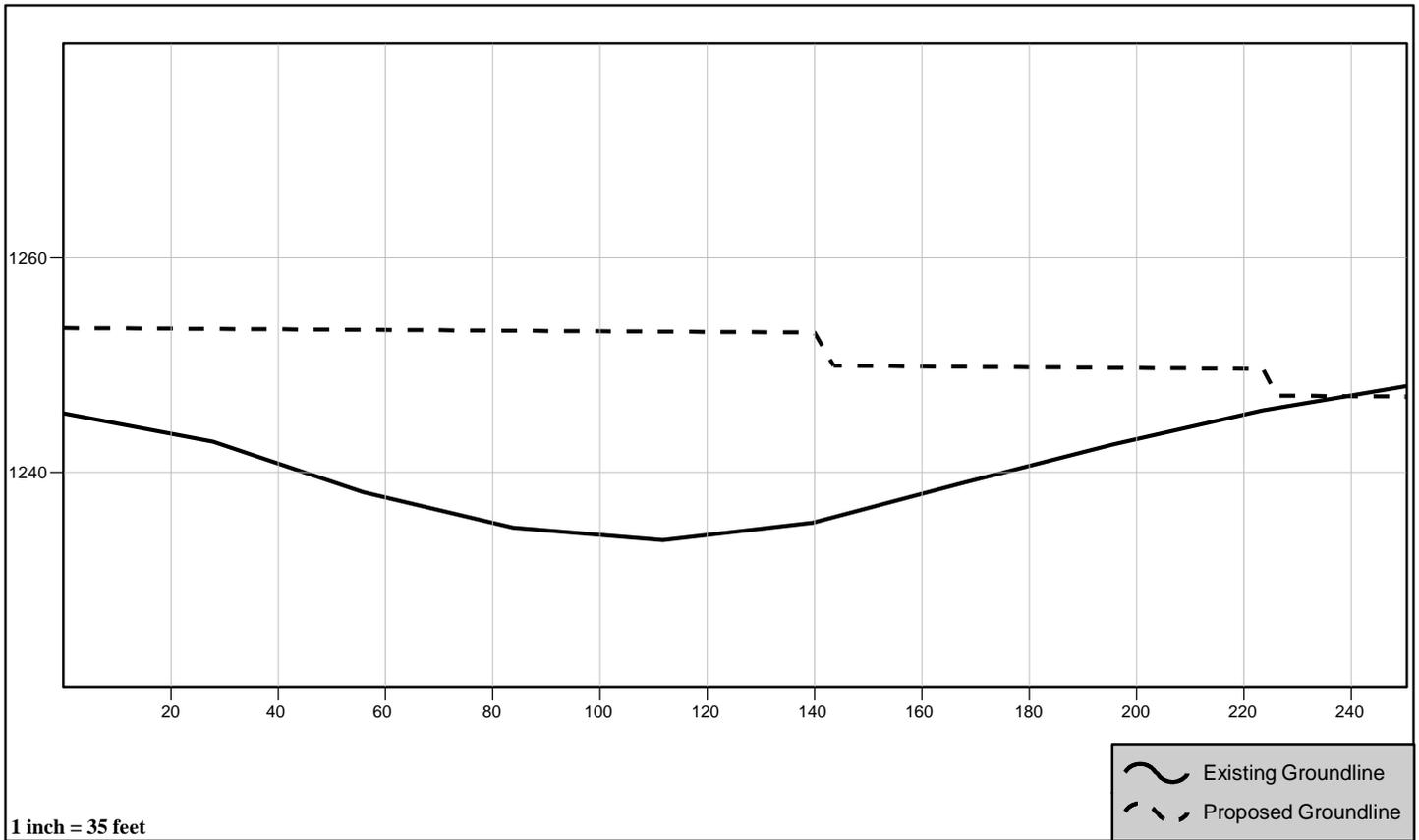
Cross-section B-B

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PUBLIC NOTICE SPL-2014-00201-JEM



Cross-section C-C

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Cross-section D-D

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PUBLIC NOTICE SPL-2014-00201-JEM