



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

BUILDING STRONG®

## APPLICATION FOR PERMIT Gate King Properties, LLC Tract 50283

**Public Notice/Application No.:** SPL-2011-01067-GS

**Project:** Gate King Properties, LLC Tract 50283

**Comment Period:** June 20, 2012 through July 20, 2012

**Project Manager:** Gerardo Salas; 213-452-3417; Gerardo.Salas@usace.army.mil

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### Applicant

Mark Gates  
Gate King Properties, LLC  
700 Emerson Street  
Palo Alto, California 94301

### Contact

Lennie Rae Cooke  
VCS Environmental  
30900 Rancho Viejo Road, Suite 100  
San Juan Capistrano, California 92675  
(949) 489-2700 x 205

### Location

The proposed project is located in unnamed tributaries to Newhall Creek within the city of Santa Clarita, Los Angeles County, California (at: 34.359004, -118.515278).

### Activity

To temporarily discharge fill material onto 0.55 acres of non-wetland waters of the United States and permanently discharge fill material onto 2.46 acre of non-wetland waters of the United States for the construction and maintenance of flood control facilities and the placement of compacted fill material for building pads associated with an industrial/commercial facility (see attached drawings). For more information see page 3 of this notice.

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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 of 1972 (33 U.S.C. 1344). Comments should be mailed to:

GERARDO SALAS  
LOS ANGELES DISTRICT CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

Alternatively, comments can be sent electronically to: Gerardo.Salas@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 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. The applicant applied for, and received a Water Quality Certification (File no. 06-095) on November 16, 2006. The applicant requested an extension of the 401 in April 2011, prior to its expiration on November 16, 2011.

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

**Essential Fish Habitat-** Preliminary determinations indicate 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-** The latest version of the National Register of Historic Places has been consulted and this site is not listed, although there are three listed sites in the vicinity of the proposed project. In addition, a cultural resource investigation by Louis James Tartaglia, including a field inspection, was completed for the project area in 2000 and did not identify any surface evidence of prehistoric sites. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species-** Most of the 584-acre project area is mapped by the U.S. Fish and Wildlife Service as designated critical habitat for the coastal California gnatcatcher (*Poliophtila californica californica*), with approximately 251 acres of the site supporting coastal sage scrub and chaparral habitat that is suitable for the gnatcatcher. Surveys completed in compliance with USFWS protocols did not detect the coastal California gnatcatcher in 2006 and, as a result, it does not appear the proposed permit action would affect the federally listed as threatened coastal California gnatcatcher. With the proposed project design, approximately 316 acres of open space would remain in the project area, including approximately 137 acres of coastal sage scrub and chaparral habitat. As a result, a preliminary determination indicates the proposed activity may affect designated critical habitat for the federally-threatened coastal California gnatcatcher. With the proposed project design, approximately 146 acres of the project area within the Corps scope of analysis would be affected by grading activities and, therefore, formal consultation under Section 7 of the Endangered Species Act is required.

**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). The basic project purpose for the proposed project is commercial and industrial development. The project is not water dependent.

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 an industrial/commercial development, approximately 200 acres in size, which could support approximately four million square feet of industrial/commercial activities in the general vicinity of the city of Santa Clarita.

**Additional Project Information**

Baseline information- The majority of the 584-acre project site, known in the past as Needham Ranch, is undeveloped, natural terrain. Site elevations range from 1,350 feet to 1,900 feet above mean sea level. The property is bisected by Southern California Edison and Metropolitan Transit Authority rights-of-way and a Metropolitan Water District easement and is crossed by three natural gas easements and three oil pipelines. In addition, the property currently has 20 inactive or abandoned oil wells adjacent to Sierra Highway, equipment sheds, truck storage facilities, construction yards, a concrete crushing plant and plant nurseries scattered in approximately 132 acres of the site. A water tank is also located near the center of the site at an elevation of 1,710 feet above mean sea level. Approximately 376 acres of the site supports mixed chaparral, Riversidean sage scrub and annual grassland. Approximately 200 acres is dominated by coast live oak woodland forest, with the entire site supporting approximately 11,720 scrub oak and coast live oak trees. Based on the approved jurisdictional determination for the site, the project area supports a total of 7.9 acres of waters of the United States, consisting of 7.3 acres of drainages that exhibit an ephemeral flow regime and 0.6 acres of stream that exhibit an intermittent flow regime. With the proposed project design, 2.46 acres of the 7.9 acres of waters of the United States would be permanently impacted and 0.55 acre of non-wetland waters of the United States would be temporarily impacted by the proposed discharges of fill material in waters of the United States.

Project description- With the proposed 584-acre project site design, 2.46 acres of non-wetland waters of the United States would be permanently impacted by the discharge of compacted fill material and construction of flood control facilities that are associated with the proposed industrial/commercial development. In addition, approximately 254 acres of upland areas within the project area would be graded to facilitate the proposed commercial/industrial development. Approximately 330.5 acres of the site would be preserved. During the proposed construction activities in and adjacent to waters of the United States, there could be short-term adverse impacts to channel substrate, drainage patterns, water quality parameters, turbidity levels, erosion/accretion patterns, scattered riparian habitat, wildlife habitat, endangered species, aesthetics, noise levels and air quality. The proposed authorization would also include routine maintenance activities, including removal of sediment and debris, for the proposed flood control structures (temporary impacts to 0.55 acres of non-wetland waters of the United States). The above short-term construction impacts would be reduced with the implementation of standard mitigation measures, including implementation of best management practices, seasonal restrictions on construction activities in sensitive habitat areas and the requirement of a biological monitor. As part of the project design, approximately 330.5 acres of the site would be preserved as open space, of which 250 acres is a wilderness area in the southern portion of the project area, containing extensive oak trees and a proposed wildlife corridor, and the remaining 80.5 acres would be located throughout the project area. In the preserved open space areas, a total of 10,313 coast live oaks and scrub oaks would remain in place as well as 136.9 acres of coastal sage scrub and chaparral habitat. Approximately 4.89 acres of waters of the United States would be avoided with the proposed project design.

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 project area supports a total of 7.9 acres of non-wetland waters of the United States, consisting of 7.3 acres of drainages that exhibit an ephemeral flow regime and 0.6 acres of stream that exhibit an intermittent flow regime. Proposed project impacts include the temporary discharge of fill material onto 0.55 acres of non-wetland waters of the United States and the permanent discharge of fill material onto 2.46 acre of non-wetland waters of the United States. A total of 4.89 acres of waters of the United States would be avoided in the project area, including the avoidance of permanent impacts in the 0.6-acre intermittent stream in the project area (Drainage FF), avoiding approximately 69% of jurisdictional waters on-site.

**Minimization:** The original design for the Gates-King Industrial/Commercial development resulted in impacts to approximately 4.7 acres of waters of the United States. As a result, the current project design includes substantial modifications that have reduced impacts to jurisdictional areas.

**Compensation:** In the western section of the project area, several ephemeral streams, including Drainages A through E and T, are located in an area dominated by chaparral vegetation and scattered coast live oaks, which was burned in August of 1997. The downstream reach of these drainages was previously disturbed with the construction of the railroad, with several small drainages being diverted into concrete v-ditches combined with other drainage improvements. In the eastern section of the project area, Drainages F through S flow through an area dominated by steep canyons and coast live oak woodland. The majority of the stream channels in the project area are dominated by unvegetated channel substrate with coast live oak woodland in the adjacent upland areas. Drainage FF exhibits an intermittent flow regime and supports willow scrub and woodland riparian and mulefat scrub habitat. Drainage FF has been enlarged and modified as part of past sand and gravel activities in the project area and is adjacent to Sierra Highway. To mitigate for the above permanent impacts to 2.46 acre of non-wetland waters of the United States, a total of 4.96 acres of waters of the United States would be avoided in the project area, including the preservation of 3.47 acres within the 330.5 acres of City dedicated wilderness open space. As compensatory mitigation for permanent impacts to several ephemeral streams, the applicant proposes the following:

- Rehabilitation of on-site Drainage FF for a total of 7.94 acres. This includes planting 6.64 acres of riparian and transitional riparian habitat and approximately 1.3 acres of coast live oak riparian woodland, removing invasive species throughout the mitigation area, and repairing and vegetating sloughed slopes. These activities are intended to result in a gain in aquatic resource functions by increasing the extent, diversity, and density of vegetation, providing connectivity to off-site habitats, and improving water quality.
- Enhancement of on-site Drainage DD for a total of 0.40 acres by removing invasive vegetation and deteriorated slope protection and planting native species and reestablishing the slope protection as needed.

## **Proposed Special Conditions**

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

None at this time.

For additional information please call Gerardo Salas of my staff at 213-452-3417 or via e-mail at Gerardo.Salas@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



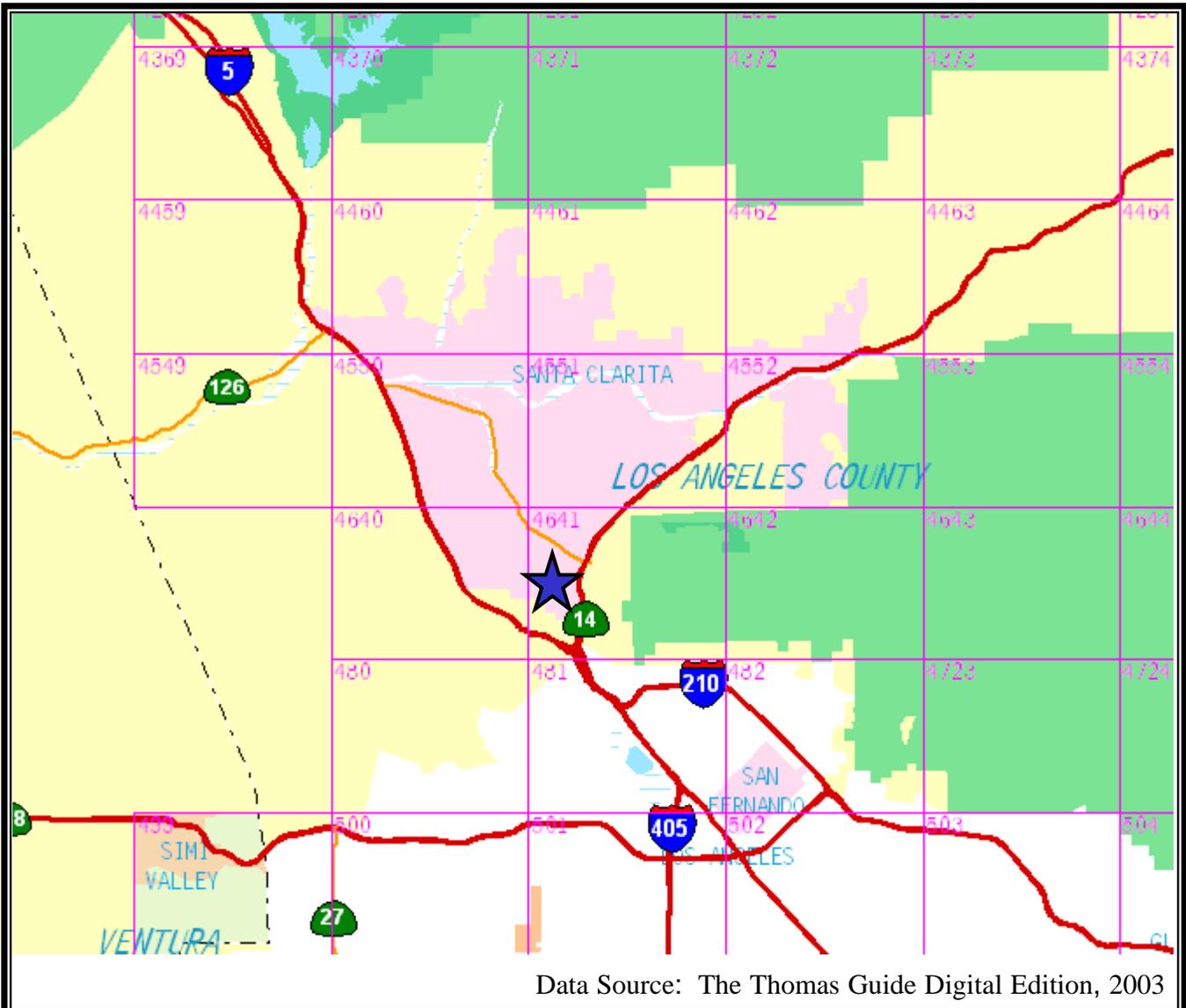
### *Regulatory Program Goals:*

- 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.

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**GATE KING INDUSTRIAL PARK TRACT 50283**

**REGIONAL LOCATION MAP**

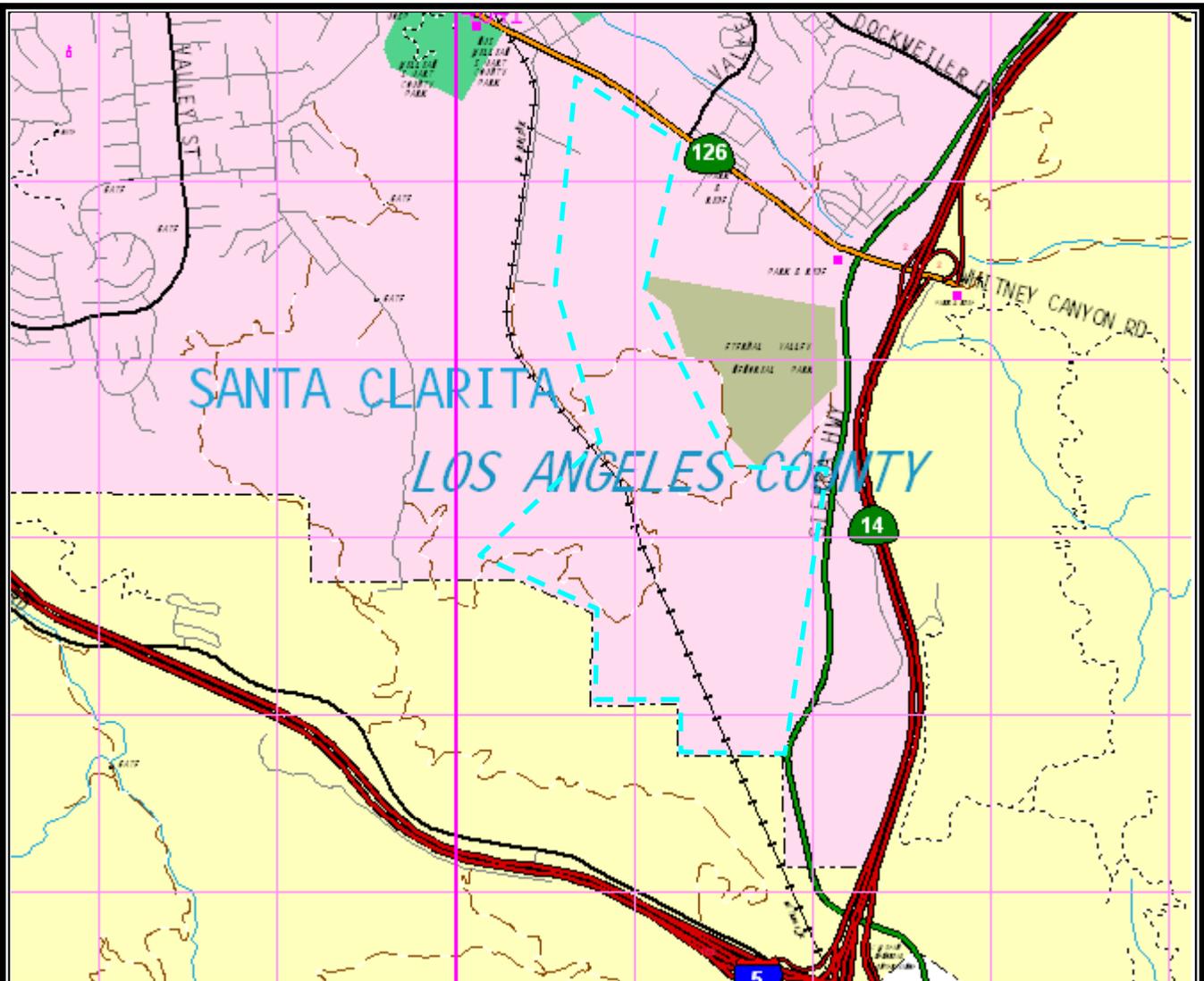
★ Approximate Project Location



**VCS ENVIRONMENTAL**  
 30900 Rancho Viejo Road, Suite 100  
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**FIGURE 1**



Data Source: The Thomas Guide Digital Edition, 2003

**GATE KING INDUSTRIAL PARK TRACT 50283**

**LOCAL VICINITY MAP**



Approximate Project Boundary

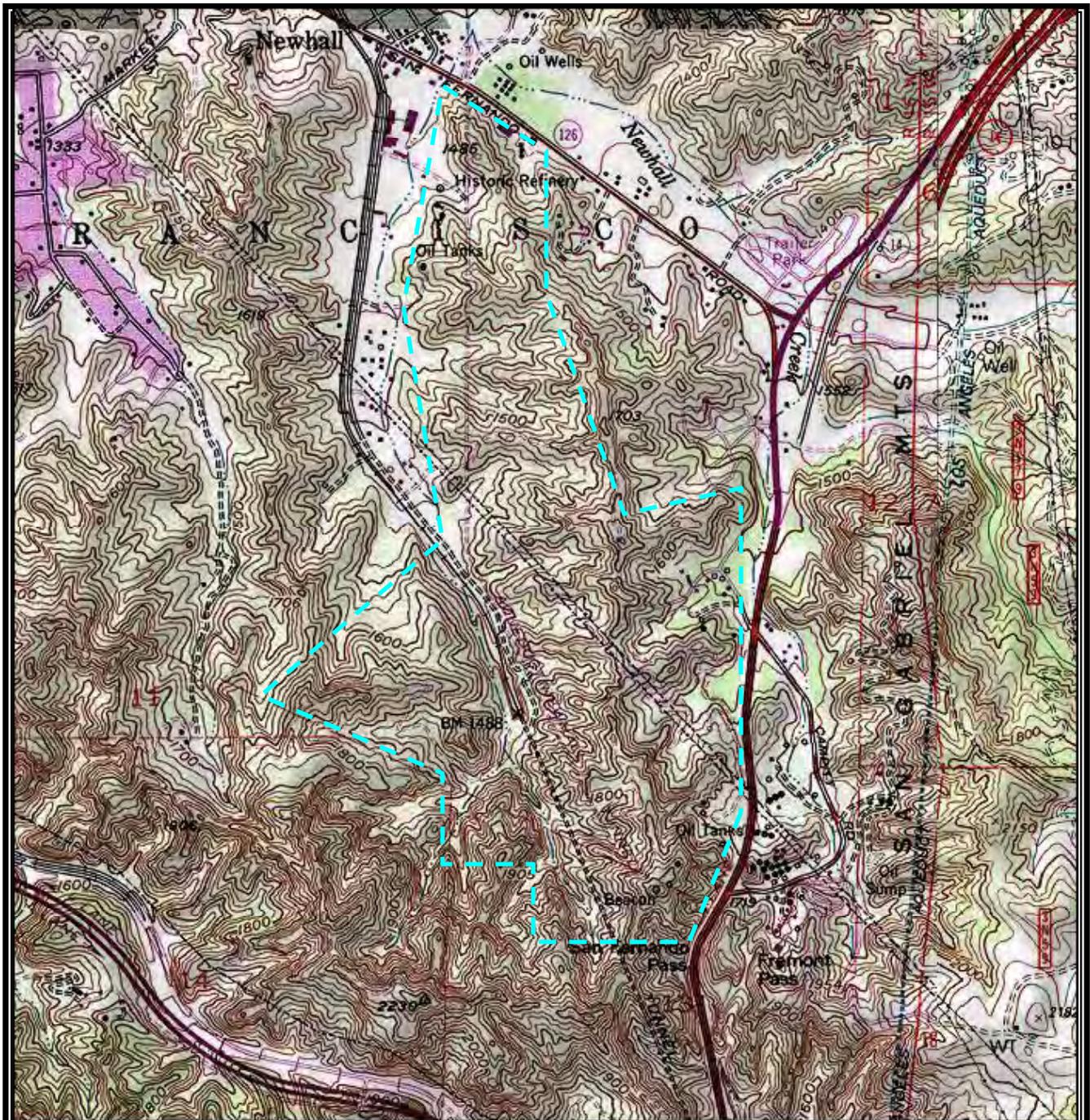


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**FIGURE 2**



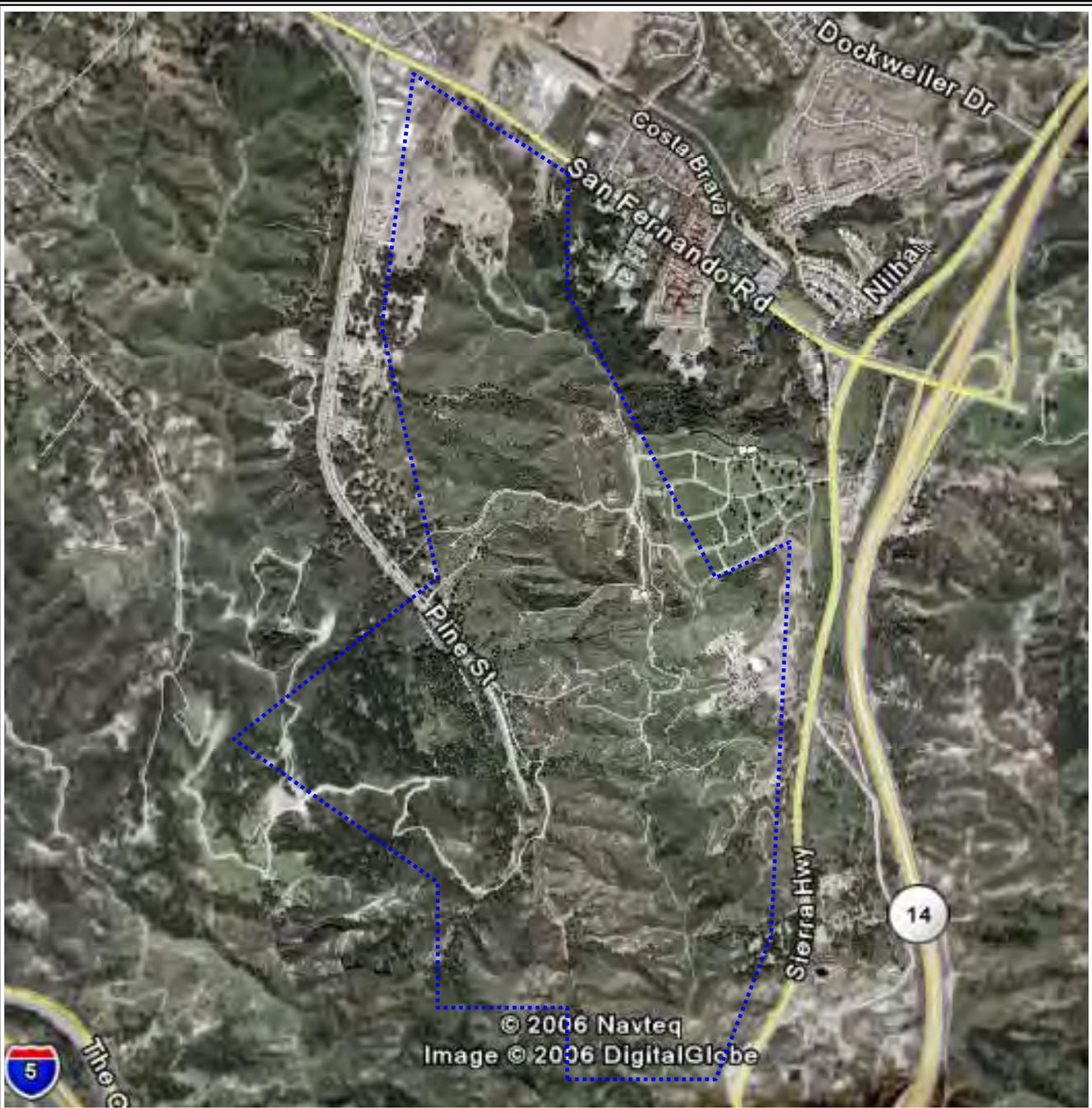
Approximate Project Boundary



**GATE KING INDUSTRIAL PARK TRACT 50283**  
 U.S.G.S. 7.5 Minute Quadrangle Map  
 Oat Mountain, Ca.

**FIGURE 3**





Data Source: Google Earth, 2005

**GATE KING INDUSTRIAL PARK TRACT 50283**

**Aerial Photograph via Satellite**



Approximate Project Location



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**FIGURE 4**

