PUBLIC NOTICE

US Army Corps of Engineers®

LOS ANGELES DISTRICT

APPLICATION FOR PERMIT, NOTICE OF AVAILABILITY FOR A DRAFT EIS/EIR AND NOTICE OF A PUBLIC HEARING

Public Notice/Application No.: 2003-01264-AOA
Comment Period: May 1, 2009 through June 25, 2009
Project Manager: Aaron O. Allen (805) 585-2148

Applicant
The Newhall Land and Farming Company
23823 Valencia Boulevard
Valencia, California 91355-2103

Contact
Mr. Matthew Carpenter
Newhall Land and Farming Company
(661) 255-4259

Location
The 12,000-acre site encompasses 5.5 linear miles of the Santa Clara River and several side drainages near Santa Clarita, Los Angeles County, California (at: lat:34-24-5.0040 lon:118-37-46.9920)

Activity
The applicant is requesting a long-term Section 404 permit for proposed discharges of fill material in approximately 82.3 acres of waters of the United States, including 8.69 acres of wetlands, for facilities associated with the Newhall Ranch Management and Development Plan along portions of the Santa Clara River and several side drainages, in Los Angeles County, California. 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). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - Ventura Field Office
ATTN: CESPL-CO—2003-01264-AOA
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: aaron.o.allen@usace.army.mil

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 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- The Corps has determined that an environmental impact statement is required for the proposed work and this public notice supplements the Notice of Intent to Prepare a Draft Environmental Impact Statement that was published in the Federal Register in July 2005 (a previous Notice of Intent was published in the Federal Register in January 2004). The DEIS will be a project-level document which addresses a number of interrelated actions over a specific geographic area that (1) would occur as logical parts in the chain of contemplated actions, and (2) would be implemented under the same authorizing statutory or regulatory authorities. The information in the DEIS will be sufficient for the Corps to make a decision regarding the issuance of a long-term Section 404 permit for the Newhall Ranch Specific Plan. The document will be a joint Federal and state document. The California Department of Fish and Game (CDFG) will prepare an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act for the same project regarding a state streambed alteration agreement and state endangered species permit. The Corps and CDFG will work cooperatively to prepare a joint DEIS/DEIR document, and to coordinate the public noticing and hearing processes under Federal and state laws.

The impact analysis will follow the directives in 33 CFR 325 which requires that it be limited to the impacts of the specific activities requiring a 404 permit and only those portions of the project outside of "waters of the United States" over which the Corps has sufficient control and responsibility to warrant Federal review. The Corps will extend the geographic scope of the environmental analysis beyond the boundaries of "waters of the United States" in certain areas to address indirect and cumulative impacts of the regulated activities, and to address connected actions pursuant to NEPA guidelines (40 CFR 1508(a)[1]). In these upland areas, the Corps will evaluate impacts to the environment and identify feasible and reasonable mitigation measures and the appropriate state or local agencies with authority to implement these measures if they are outside the authority of the Corps. In evaluating impacts to areas and resources outside the Corps' jurisdiction, the Corps will consider the information and conclusions from the Final Program EIR for the Specific Plan prepared by Los Angeles County Department of Regional Planning. However, the Corps will exercise its independent expertise

and judgment in addressing indirect and cumulative impacts to upland areas due to issuance of the proposed Section 404 permit.

A copy of the Draft EIS/EIR will be available for public review at the Los Angeles County Public Library, Valencia Branch, 23743 West Valencia Boulevard, Santa Clarita, Los Angeles County, California. The Draft EIS/EIR also will be made available for public review at the following website: www.dfg.ca.gov/regions/5/newhall.

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- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

Cultural Resources- As part of the NEPA and Section 404 process, the Corps is required to evaluate all cultural and historic resources within the Corps' scope of analysis in the project area. In June 2004, the Corps contacted the Native American Heritage Commission and received a list of Native American individuals/ organizations that could have knowledge of cultural resources in the project area. In July 2004, letters were forwarded to all the individuals and organizations on the above list requesting any information or comments regarding the proposed project area. On July 7, 2005, the Corps initiated consultation with the State Historic Preservation Officer for potential adverse impacts to two eligible sites in the project area. Prior to making a final permit decision, the Corps would ensure that the proposed project would be in full compliance with Section 106 of the Historic Preservation Act.

Endangered Species- The Corps has determined the project may affect several federally listed endangered species, including least Bell's vireo (*Vireo bellii pusillus*), unarmored threespine stickleback (*Gasterosteus aculeatus* ssp. *williamsoni*), arroyo toad (*Bufo californicus*), southwestern willow flycatcher (*Empidonax traillii extimus*), California red-legged frog (*Rana aurora draytonii*), California condor (*Gymnogyps californianus*), and coastal California gnatcatcher (*Polioptila californica californica*), known to utilize habitat in the vicinity of the proposed project. The Corps has also determined the proposed project may affect designated critical habitat for the above species. In addition, the Corps has determined the proposed project may affect vernal pool fairy shrimp (*Branchinecta lynchi*) and Riverside fairy shrimp (*Streptocephalus wootoni*), but is not likely to adversely affect these two species. Based on the above determinations, on February 26, 2008 the Corps initiated formal consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service.

Public Hearing- A public hearing to receive comments on the Draft EIS/EIR will be conducted on **June 11, 2009** at **6:30 P.M.** at the **Rancho Pico Junior High School Auditorium,** located at **26250 West Valencia Boulevard** in Valencia, California. Participation in the public hearing by Federal, state, and local agencies, and other interested private citizens and organizations is encouraged. During the public hearing, anyone wishing to make a statement will be allocated a certain amount of time to provide information on the proposed project. The amount of time each person is allowed will be directly dependent on the number of people who sign up to speak at the public hearing. We would like to encourage interest groups to designate an official spokesperson to present the group's views. We plan to allocate a larger amount of time to official representatives of such

groups. Groups wishing to designate an official representative must notify the Corps or the CDFG in writing prior to, but no later than May 28, 2009. **The determination of this extended speaking time will be based on the number of responses received by the Corps. This rule will be strictly enforced at the discretion of the Corps' hearing officer** (for a map showing the location of the public hearing please see Figure 4).

Proposed Activity for Which a Permit is Required

The Newhall Ranch Project is located in northern Los Angeles County and encompasses approximately 12,000 acres (Figures 1, 2 and 3). The Santa Clara River and State Route 126 traverse the northern portion of the Specific Plan area. The river extends approximately 5.5 miles east to west across the site. Based on current estimates, the project area supports a total of approximately 636 acres of waters of the United States, including 251 acres of wetlands. On March 27, 2003, the Los Angeles County Board of Supervisors approved the Specific Plan, which establishes the general plan and zoning designations necessary to develop the site with residential, commercial, mixed use and open space over the next 20 to 30 years. The Newhall Ranch Specific Plan also includes a Water Reclamation Plant at the western edge of the project area. Individual projects, such as residential, commercial, and industrial developments, roadways, and other public facilities would be developed over time in accordance with the development boundaries and guidelines in the approved Specific Plan. Many of these developments would require work in and adjacent to the Santa Clara River and its side drainages ("waters of the United States"). The applicant is requesting a long-term Section 404 permit for proposed discharges of fill material in approximately 82.3 acres of waters of the United States, including 8.69 acres of wetlands, for permanent facilities associated with the Newhall Ranch Management and Development Plan along portions of the Santa Clara River and several side drainages, in Los Angeles County, California. In addition, the proposed discharges of fill material for construction of the above facilities would result in temporary impacts to approximately 27.24 acres of waters of the United States, including 6.56 acres of wetlands.

The Newhall Land and Farming Company would develop most of the above facilities. However, other entities could construct some of these facilities using the approvals or set of approvals issued to The Newhall Land and Farming Company. The proposed Section 404 permit would also include routine maintenance activities to be carried out by Los Angeles County Department of Public Works using the Section 404 permit issued to The Newhall Land and Farming Company. Any party utilizing a Section 404 permit issued to The Newhall Land and Farming Company would be bound by the same conditions in the Section 404 permit. As part of the development of the Draft EIS/EIR, the project description for the proposed Newhall Ranch Specific Plan was modified to include a San Fernando Valley Spineflower Preserve area, which would include a Candidate Conservation Agreement with Assurances (CCAA) from the U.S. Fish and Wildlife Service (USFWS) to specify spineflower preserve locations, manage spineflower habitat, and to authorize take of spineflower involving three properties: Newhall Ranch, Valencia Commerce Center, and Entrada.

Newhall Land has identified various activities associated with the Newhall Ranch Project that would require Corps permitting. Many of the proposed activities would require a 404 permit because the activities would discharge fill material on the riverbed or banks within the Corps jurisdictional limits in San Martinez Grande, Chiquito, Potrero, and Long Canyons, and several smaller tributaries with peak flows of less than 2,000 cubic feet per second, as well as the Santa Clara River. These activities are listed and described in further detail below:

- Bank protection to protect land development projects along water courses (including buried soil cement, buried gunite, grouted riprap, ungrouted riprap, and gunite lining);
- Drainage facilities such as storm drains or outlets and partially lined open channels;
- Grade control structures;
- Bridges and drainage crossings;
- Utility crossings;

- Trails;
- Building pads;
- Activities associated with construction of a Water Reclamation Plant (WRP) adjacent to the Santa Clara River and required bank protection;
- Water quality control facilities (sedimentation control, flood debris, and water quality basins);
- Ongoing maintenance activities by the LACDPW; and
- Temporary haul routes for grading equipment.

Additional Project Information

To satisfy the requirements of NEPA and provide the basis for the 404(b)(1) alternatives analysis, a total of six alternatives are being considered including the No Federal Action/No Project alternative (no construction of facilities within "Waters of the U.S." and no physical changes in the project area), The five project alternatives include different locations and configurations of various proposed facilities such as buried bank stabilization, bridges, and grade control structures, along each of the major side drainages including Chiquito Canyon, Potrero Canyon, San Martinez Grande, and Long Canyon, as well as the main-stem of the Santa Clara River. In consideration of the 404(b)(1) Guidelines, the five project alternatives were designed to increase the level of avoidance and minimization of impacts to waters of the United States, including wetlands. Therefore, the five project alternatives result in permanent impacts to waters of the United States, including wetlands, which vary from approximately 71 acres to 11.4 acres. Lastly, the five project alternatives were also designed to explore various buffer sizes and configurations for preserved spineflower areas in the project area, increasing avoidance and minimization of impacts to this species.

Proposed Special Conditions

None at this time.

For additional information please call Aaron O. Allen of my staff at (805) 585-2148. This public notice is issued by the Chief, Regulatory Division.

Please notify the above project manager at least 15 days prior to the hearing date if you have any special communication needs.

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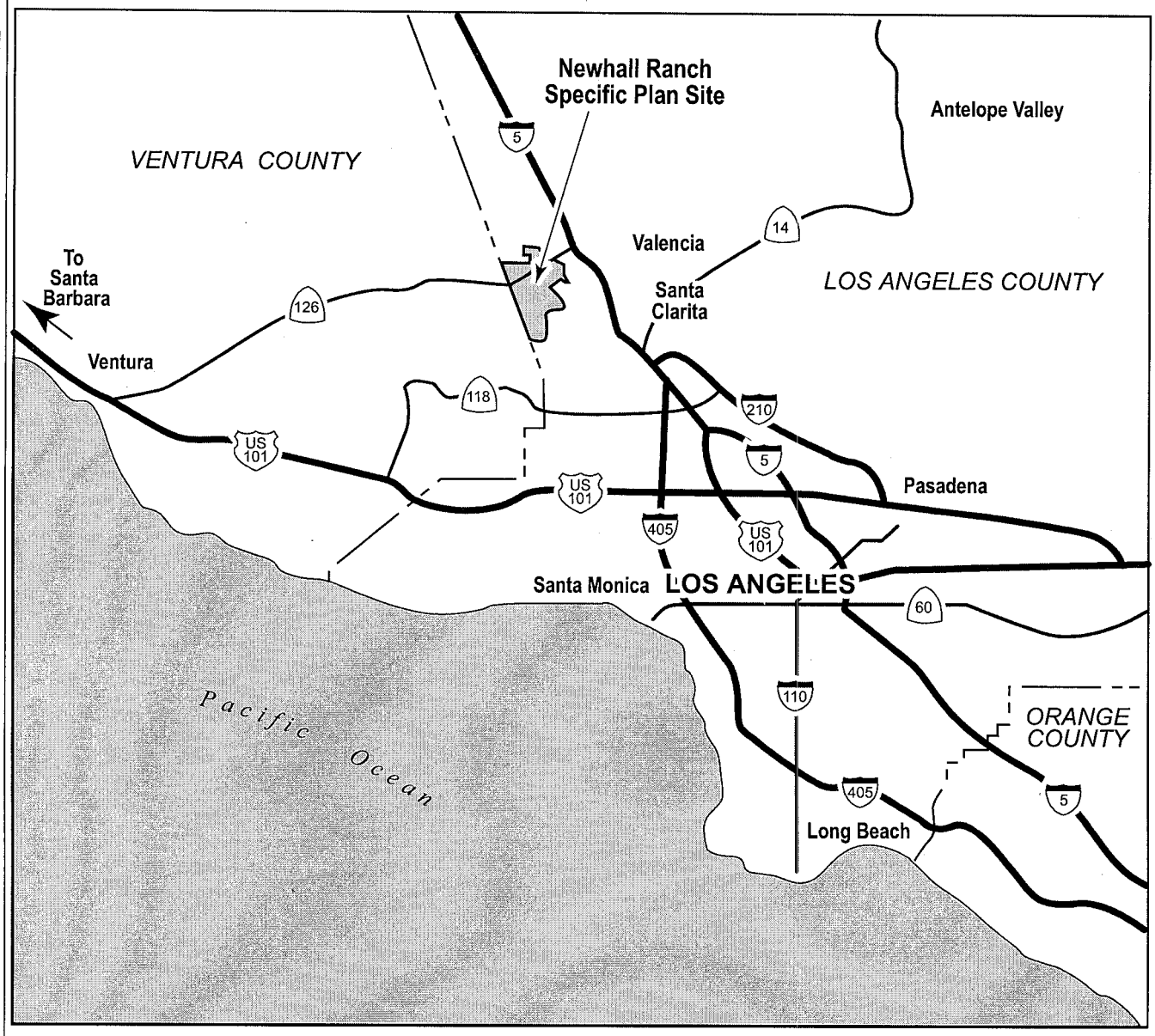

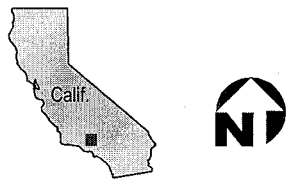

Quadrangle Location

Newhall Ranch
Habitat Management Plan

URS Corporation

Figure 1. **REGIONAL MAP**

August
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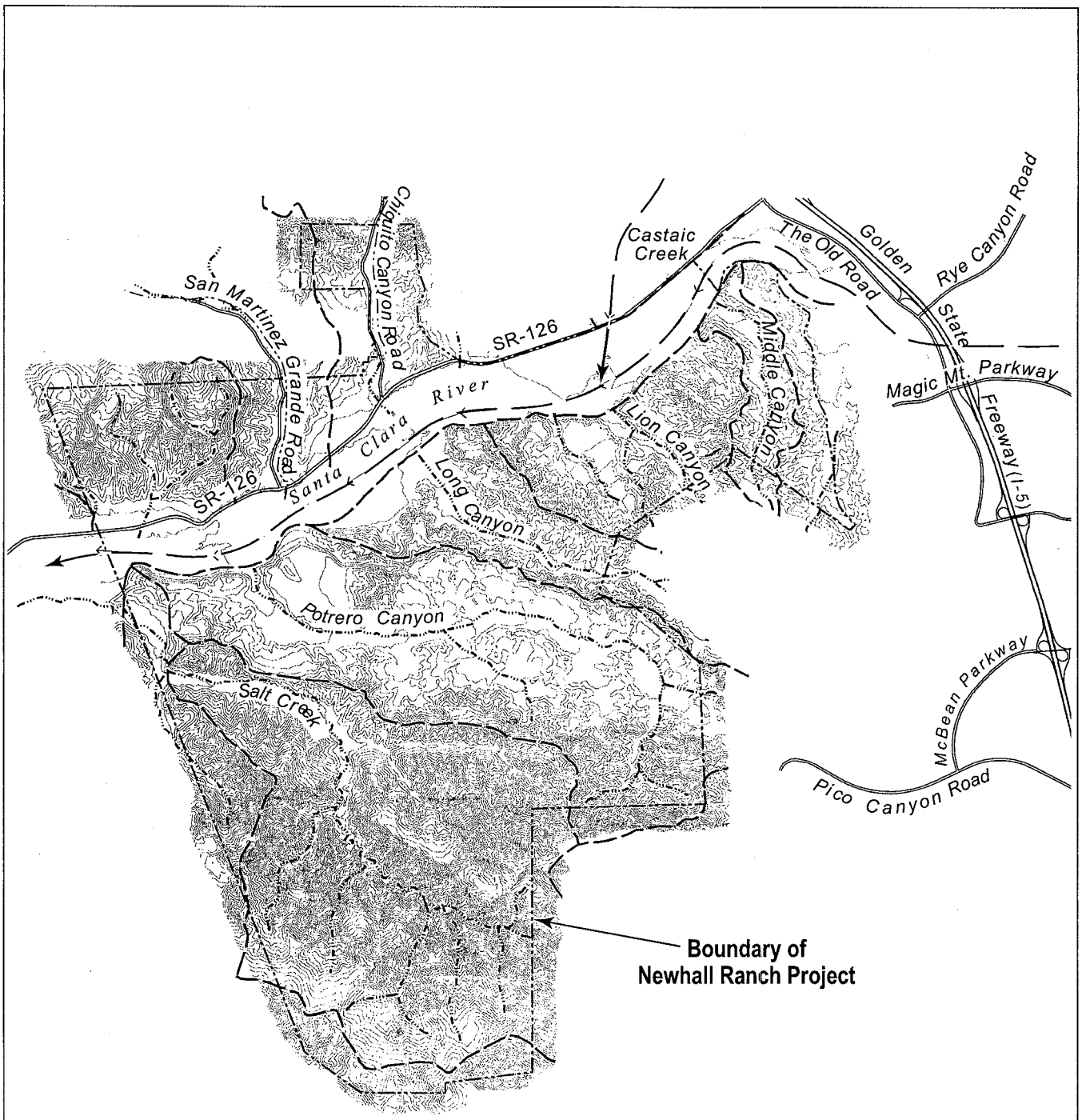

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Approximate Scale in Feet

Drainage Boundary

Blueline Streams

Newhall Ranch Habitat Management Plan **URS Corporation**	Figure 2. **TOPOGRAPHY AND MAJOR DRAINAGE AT PROJECT SITE**	August 2005

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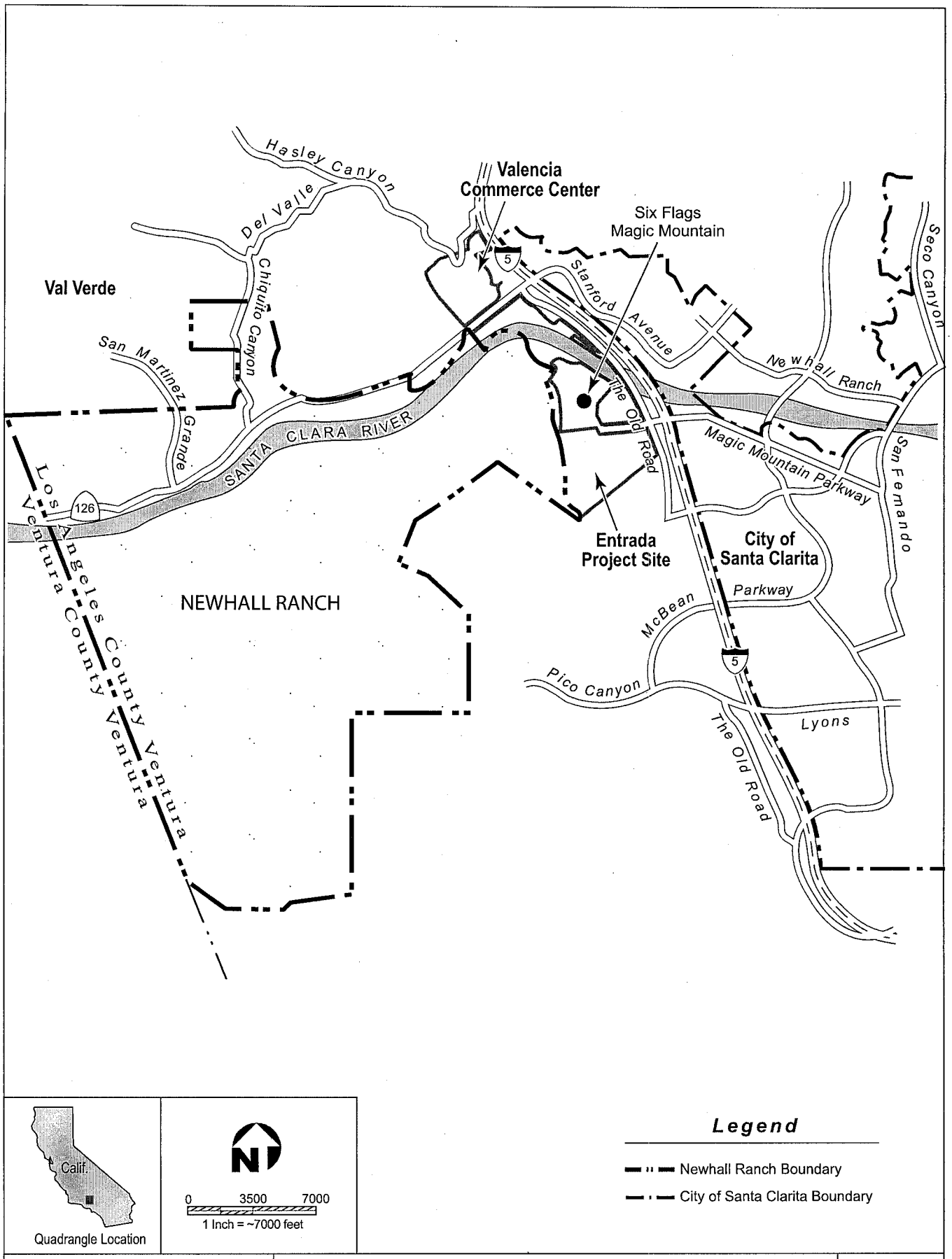
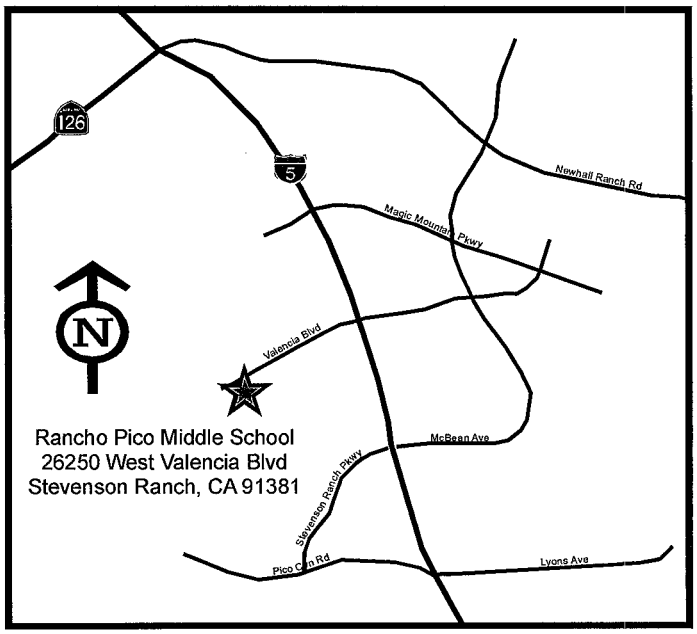


Legend

- Newhall Ranch Boundary
- City of Santa Clarita Boundary

Newhall Ranch Habitat Management Plan **URS Corporation**	Figure 3. **VICINITY MAP**	August 2005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Newhall Ranch Rd
Magic Mountain Pkwy
N
Valencia Blvd
Rancho Pico Middle School
26250 West Valencia Blvd
Stevenson Ranch, CA 91381
McBean Ave
Stevenson Ranch Pkwy
Lyons Ave