

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT MODIFICATION

LOS ANGELES DISTRICT

Public Notice/Application No.: 2002-00866-AOA

Comment Period: September 20, 2004 through October 5, 2004

Project Manager: Aaron O. Allen (805) 585-2148 aaron.o.allen@usace.rmy.mil

Applicant

SunCal Companies
21601 Devonshire Boulevard, Suite 116
Chatsworth, California 91311

Contact

BonTerra Consulting
Thomas E. Smith
(626) 351-2000

Location

The project is located in Plum Canyon in Santa Clarita, Los Angeles County, California
(at: lat:34-26-43.0080 lon:118-29-17.9880)

Activity

The applicant proposes to modify an existing Section 404 permit (No. 2002-00866-AOA) to augment the length of an authorized storm drain, increasing permanent impacts to waters of the United States by 0.38 acres (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). 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--200200866-AOA
2151 Alessandro Drive, Suite 255
Ventura, California 93001

Alternatively, comments can be sent electronically to: aaron.o.allen@usace.rmy.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- 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. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

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- The applicant has provided a survey report that indicates that no cultural/historic sites would be affected by the proposed permit modification. In addition, the latest version of the National Register of Historic Places has been consulted and this site is not listed. 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- As part of the original application review process, the Corps completed a Section 7 consultation with the U.S. Fish and Wildlife Service to address impacts to designated critical habitat for the coastal California gnatcatcher. The Service issued a Biological Opinion for the original project on March 25, 2003, determining that the project is not likely to adversely modify designated critical habitat. With the proposed permit modification, an additional acre of coastal sage scrub habitat in designated critical habitat for the gnatcatcher would be affected, while 0.5 acres of coastal sage scrub would be avoided. To ensure compliance with the Endangered Species Act, the Corps will consult with the U.S. Fish and Wildlife Service to address the impacts to designated critical habitat for the gnatcatcher that are associated with the proposed permit modification.

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

With the original permit (2002-00866-AOA), the applicant is authorized to permanently impact 1.85 acres of waters of the United States for the construction of storm drains, debris basins and road crossings (Golden Valley Road extension) associated with the construction of approximately 500 residential units (445 single-family units and 54 condominium units) on a 205.8-acre parcel in and adjacent to Plum Canyon Creek in the City of Santa Clarita, Los Angeles County, California. With the above project design, approximately 140 acres of the site would be subject to grading activities for an extension of Golden Valley Road, the above flood control facilities and to stabilize a landslide area, including impacts to Plum Canyon Creek and ten unnamed drainages that are tributary to Bouquet Canyon Creek. The overall project purpose for the original project was the construction of approximately 500 single-family/condominium units on a parcel of approximately 200 acres.

As part of the original project design, the main storm drain had an outlet structure with an energy dissipater at the project boundary that would expel storm water into the existing stream channel before reaching a downstream concrete flood control channel. Due to concerns with channel scour and the expected magnitude of peak storm flows, the Department of Water and Power is requiring that the underground box culvert be extended beyond the project boundaries to connect directly to the downstream flood control channel. With this project design modification, an additional 0.09 acres of waters of the United States would be filled for the construction of the storm drain extension and 0.29 acres of stream channel would be cutoff from upstream hydrology (Figures 1-3). In the project modification area, the stream channel is dominated by unvegetated channel substrate with scattered scrub species including holly-leaved cherry (*Prunus ilicifolia*), mulefat (*Baccharis salicifolia*), scale broom (*Lepidospartum squamatum*) and elderberry (*Sambucus mexicana*). To compensate for permanent impacts to 0.38 acres of waters of the United States, the applicant proposes preserve and enhance approximately 0.82 acres at the Acton mitigation site that was utilized as part of the original permit decision. The Acton mitigation site consists of a total of 35 acres of waters of the United States and adjacent uplands in the Santa Clara River that supports alluvial fan sage scrub habitat and non-native vegetation.

Additional Project Information

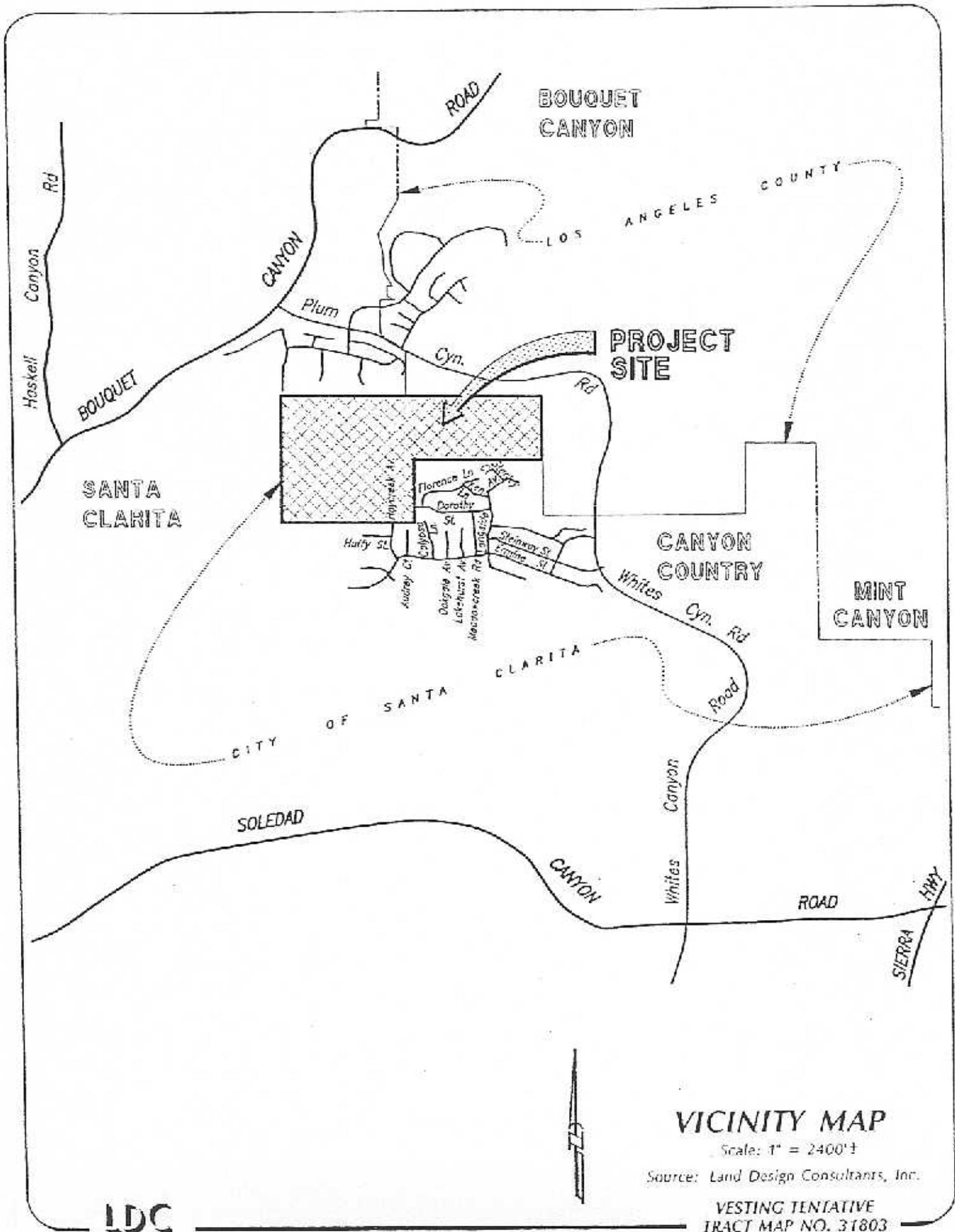
To comply with the 404(b)(1) Guidelines, the applicant has explored less damaging alternatives to the proposed permit modification, including the no federal action alternative. With no federal action, the existing permit would not be modified and storm flows exiting the box culvert would subject the stream channel to intense scour, resulting in the elimination of channel vegetation and possible channel incision. With no federal action, Department of Water and Power maintenance costs would increase substantially to maintain the stream channel upstream of the concrete flood control channel and for periodic construction of a road crossing to maintain electrical transmission towers south of the concrete channel. Without the proposed permit modification, the Department of Water and power would likely apply for a permit for ongoing maintenance

activities in the 0.38 acres of waters of the United States in the project area to protect the downstream concrete flood control channel, reducing the physical and biological functions in the proposed project area. Other possible project designs include construction of a fully lined concrete channel in the 0.38-acre project area (however, this design provides marginal environmental benefits) and a soft bottom flood control channel (however this design does not address possible scour problems in the channel). Both the above alternatives would be more expensive than the proposed storm drain extension. Based on the applicant's review of alternatives to the proposed project design, they feel that the proposed permit modification represent the least environmentally damaging practicable alternative.

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 ch.



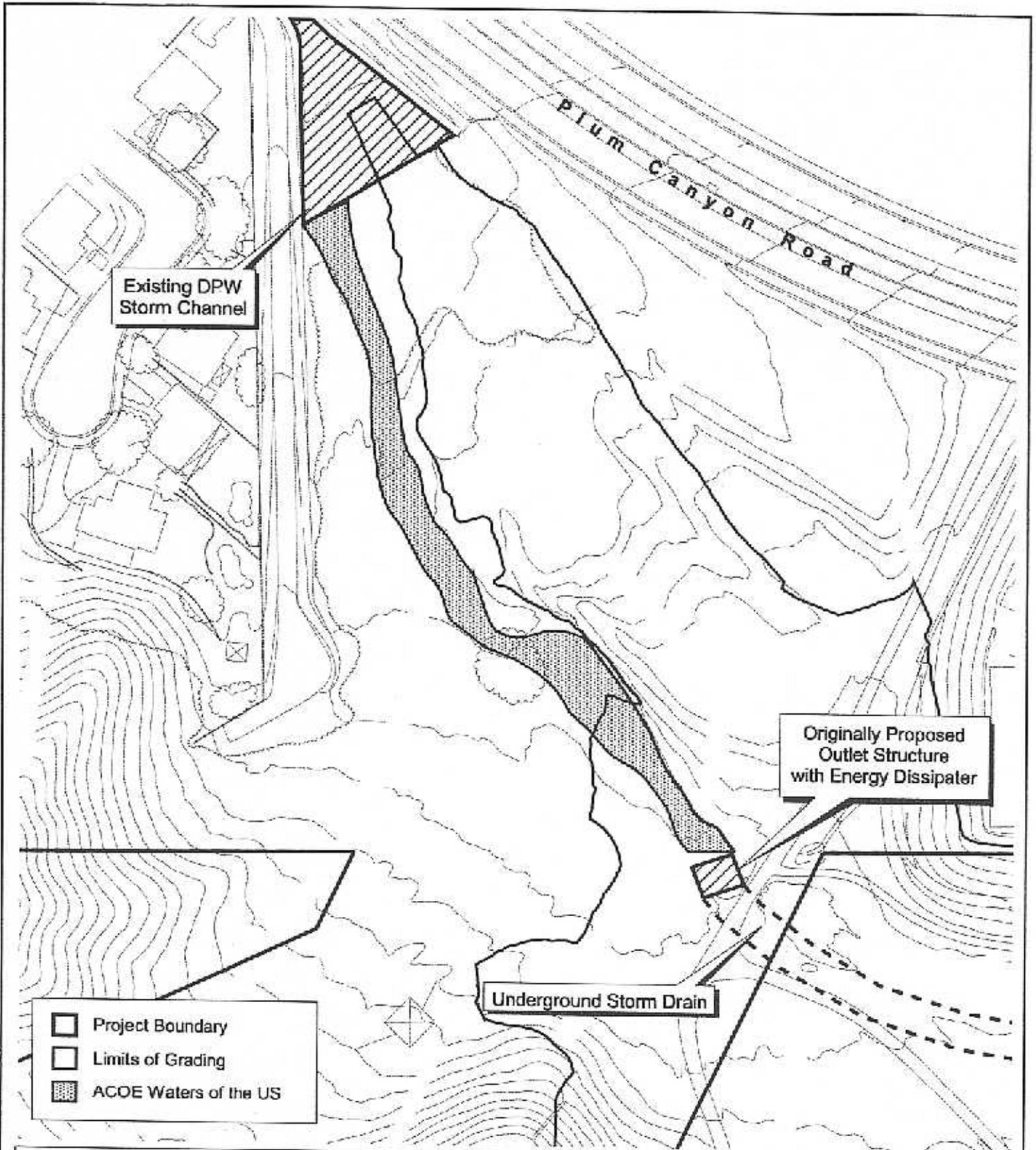
VICINITY MAP

Scale: 1" = 2400'

Source: Land Design Consultants, Inc.

VESTING TENTATIVE
TRACT MAP NO. 31803

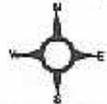
LDC



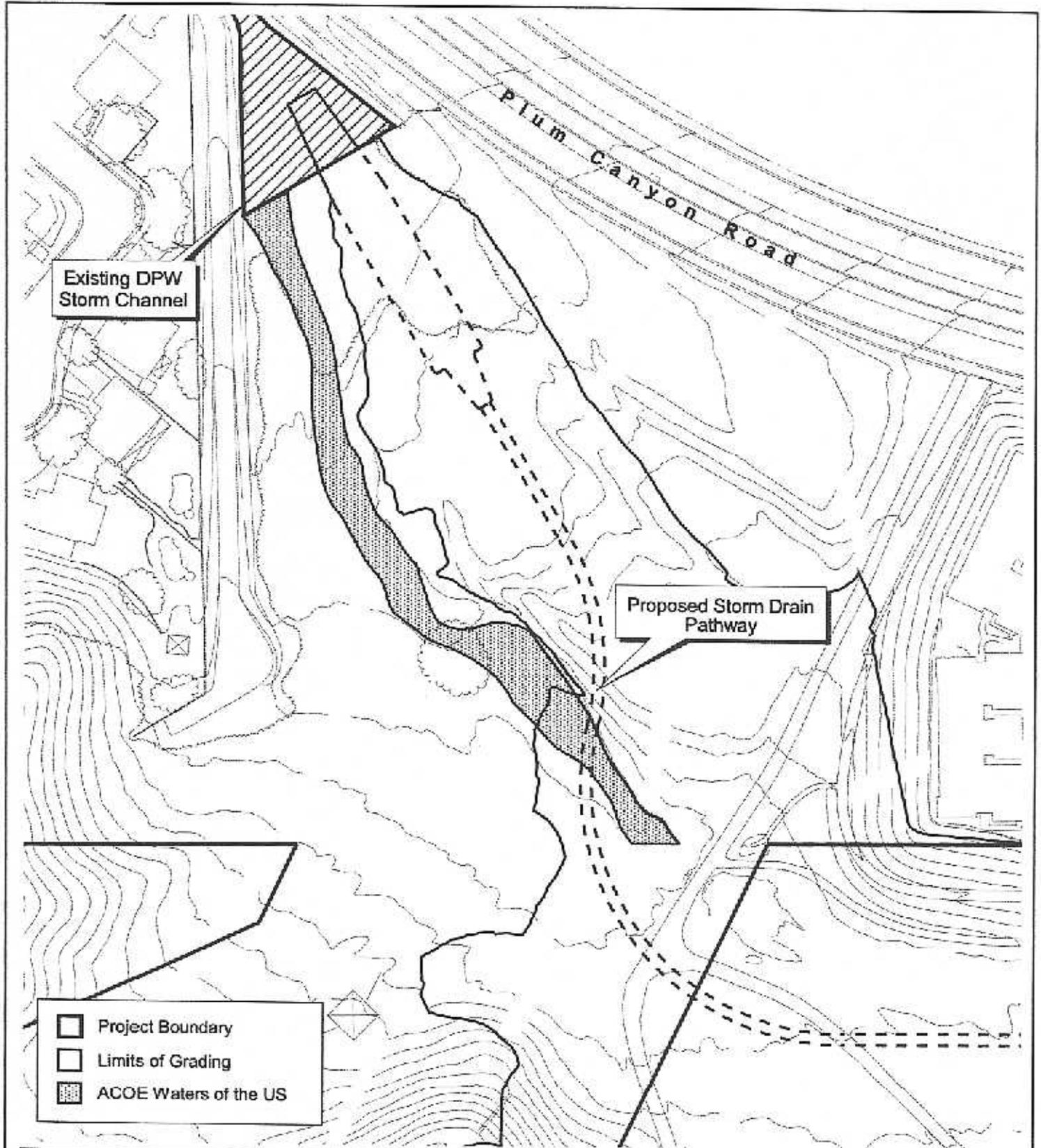
Storm Drain Design as Approved in EIR

Plum Canyon Development Project, Off-Site Grading Area

Exhibit 1



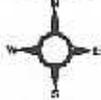
100 0 100 Feet



Proposed Storm Drain Connection

Plum Canyon Development Project, Off-Site Grading Area

Exhibit 2



100 0 100 Feet

Bonterra
CONSULTING

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