



# PUBLIC NOTICE

## APPLICATION FOR PERMIT

### *LOS ANGELES DISTRICT*

**Public Notice/Application No.:** SPL-2008-00857-TOR

**Comment Period:** October 1, 2008 – October 31, 2008

**Project Manager:** Therese O'Rourke; 760.602.4830; Therese.Orourke@usace.army.mil

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#### **Applicant**

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#### **Contact**

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#### **Location**

The project site is located in eastern San Diego County (County), just south of Interstate 8 and the intersection of Dunbar Lane, Viewside Lane, and Alpine Boulevard. The approximately 294-acre Crestlake Estates project site (Tentative Map{TM} 5082) is located between the unincorporated communities of Blossom Valley and Alpine within the Alpine Community, Lakeside Community, and Crest/Dehesa/Harbison Canyon/Granite Hills Subregional Plans (at: 32.8466881045496, -116.824444444444).

The project site is situated in a north-south trending valley bordered on the east and west by steep hillsides with rock outcrops. Elevation ranges from 1,400 feet above mean sea level (amsl) in the center of the valley to 1,850 amsl in the western portion of the site. The majority of the site is vacant, undeveloped land. The valley has historically been used for cattle grazing, which is reflected in the predominance of non-native plant species and other disturbances such as cattle trails.

#### **Activity**

The project proposes to construct 60 residential units on lots ranging between 1-1.8 acres with associate roads, construct a water reservoir and a pump station for the Padre Dam Municipal Water District (see attached drawings), and preserve open space. 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). 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  
ATTN: CESPL-CO-R-2008-00857-TOR  
6010 Hidden Valley Road, Suite 105  
Carlsbad, CA 92011

Alternatively, comments can be sent electronically to: [Therese.Orourke@usace.army.mil](mailto:Therese.Orourke@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 (Corps) 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 review of the project suggests that an environmental assessment is the appropriate level document for the proposed work.

**Water Quality-** The applicant is required to obtain a Clean Water Act, Section 401 Water Quality Certification 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 of the Coastal Zone and will not affect Coastal Zone resources.

**Cultural Resources-** Based on information provided by the applicant, the a preliminary determination has been made that sites potentially eligible for listing in the National Register under Section 106 of the Historic Preservation Act may be affected by the proposed project. Coordination with the State Historic Preservation Office (SHPO) is required. Tierra Environmental Services conducted an archaeological survey of the Crestlake Estates project site (County 2007, Appendix E) and identified 16 cultural resource areas within the project boundary. Of these resource areas, 9 sites are located within areas that could be affected by the development. Four of these sites (CA-SDI-12,962, CA-SDI-14,963, CA-SDI-14,965, and CA-SDI-14,966) are characterized as prehistoric cultural resource areas. The remaining 5 sites (P-37-016562, P-37-016563, P-37-016560, CA-SDI-14,960, CA-SDI-14,958) are comprised of historic resources.

Tierra concluded that the prehistoric sites were not archaeologically important and did not satisfy criteria for significance under Federal, State, and local guidelines. Of the historical sites, the Adams structure

(P-37-01653) and the concrete retaining wall (P-37-016560) were not considered significant. The reservoir (P-37-016562), the McClain Ranch historical structure (CA-SDI-14,958), and the area of refuse (CA-SDI-14,960) were considered significant and the latter two sites are located near jurisdictional areas. The refuse area is considered important pursuant to CEQA and could be eligible for nomination to the California Register, and significant impacts could occur to the McClain Ranch structure as a result of construction activities. Mitigation measures are proposed and may reduce the impacts to these cultural resources. The project would not affect the reservoir because it is in an area proposed for open space preservation.

**Listed Species-** No listed plant or animal species were identified on the project site during the surveys that were completed in 1998. No updated surveys have been received by the Corps. The project impacts the Dehesa-El Capitan wildlife corridor. Whether consultation under Section 7 of the Endangered Species Act is needed has not yet been determined.

**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**

The proposed activity, requiring a permit, is the discharge of fill material into waters of the U.S. (WUS) in association with the construction of the Crestlake Estates project, a residential development of 60 residential lots on approximately 88 acres, a Padre Dam Municipal Water District water tank and pump station (approximately 4 acres), open space (202 acres) and associated infrastructure on the 294-acre site. The project that was originally proposed in 1999 has been redesigned to avoid some sensitive habitats and WUS and is now referred to as the Reduced Plan Alternative. A Final Environmental Impact Report (SCH # 1998071096) and its subsequent supplements were certified by the County on August 24, 2007.

Jurisdictional resources on the site were delineated by Tierra in 1998 and later by HELIX in 2005 to identify and quantify aquatic resources under the jurisdiction of the U.S. Army Corps of Engineers (Corps) and the California Department of Fish and Game (CDFG). Corps jurisdictional areas total 6.38 acres, comprised of 1.62 acres of wetland WUS and 4.76 acres of non-wetland WUS (Table 1). Development onsite would affect 0.14 acre of wetland, comprised of 0.03 acre of southern willow scrub and 0.11 acre of emergent wetland, and 0.24 acre of non-wetland WUS, comprised of 0.22 acre of intermittent drainage and 0.02 acre of ephemeral drainage. Permanent project effects would result from the fill of waters of the U.S. for road crossings and building pads.

<b>TABLE 1 CRESTLAKE ESTATES PROJECT CORPS JURISDICTIONAL AREAS AND PROJECT EFFECTS (acres)</b>			
<b>Habitat</b>	<b>Existing</b>	<b>Permanent Effects (linear feet)</b>	<b>Avoided</b>
<b>WETLANDS</b>			
Freshwater seep	0.27	0	0.27
Southern willow scrub	0.34	0.03 (61)	0.31
Mule fat scrub	0.63	0	0.63
Freshwater marsh	0.04	0	0.04
Emergent wetland	0.34	0.11 (1,960)	0.23
<b>Subtotal</b>	<b>1.62</b>	<b>0.14</b>	<b>1.48</b>

<b>NON-WETLAND WATERS</b>			
Pond	4.4	0	4.4
Intermittent drainage	0.34	0.22 (8,015)	0.12
Ephemeral drainage	0.02	0.02 (682)	0
<b>Subtotal</b>	<b>4.76</b>	<b>0.24</b>	<b>4.52</b>
<b>TOTAL</b>	<b>6.38</b>	<b>0.38</b>	<b>6</b>

**Existing Conditions at the Proposed Project Site**

The project site includes five wetland/riparian communities in addition to a pond and intermittent and ephemeral drainages.

**Freshwater Seep**

Freshwater seeps are herbaceous wetland communities that typically occur where groundwater seeps to the surface resulting in permanently wet soils. Vegetation in these communities is predominated by low growing perennial herbs, which may form complete cover. This habitat occupies 0.27 acre in the eastern-central portion of the site and occurs south of the pond, where water percolates through an earthen dam. This habitat is not affected by construction activities.

**Southern Willow Scrub**

Southern willow scrub consists of dense, broadleaved, winter-deciduous strands of trees dominated by shrubby willows, generally in association with mule fat. This habitat occurs on loose, sandy, or fine gravelly alluvium deposited near stream channels during flood flows. On site, the vegetation type occurs in several patches associated with the drainage and pond in the eastern portion of the site and within a strip of eucalyptus woodland along the drainage in the northern portion of the site. Southern willow scrub totals 0.34 acre of which 0.03 acre would be affected by the development.

**Mule Fat Scrub**

Mule fat is the predominant shrub species with scattered arroyo willow (*Salix lasiolepis*) and blue elderberry also present. On site, this habitat totals 0.63 acre and occurs along the intermittent stream that drains the western hillsides and at the southern end of the pond along an earthen dam. This habitat would not be affected by construction activities.

**Freshwater Marsh**

Freshwater marsh is predominated by perennial, emergent monocots up to 12 feet tall, often forming completely closed canopies. This community usually occurs on drainages, ponds lacking significant current, and in areas that are permanently flooded by fresh water. On site, freshwater marsh habitat totals 0.04 acre and is located at the southern end of a large patch of coast live oak woodland south of the pond. No freshwater marsh habitat is affected by the construction activities.

**Emergent Wetland**

Emergent wetland is identified here as an herbaceous community occurring in a historically upland area that has experienced altered hydrology. Heavy rainfall during the 2005 rainy season likely created a wet situation allowing wetland vegetation to persist in several places where it otherwise might not exist. A total of 0.34 acre of emergent wetland is present along the drainage in the north-central portion of the site, along intermittent drainages in the central portion of the site, and adjacent to Bullard Lane. Of 0.34 acre, 0.11 acre would be affected by the proposed development.

**Open Water**

A total of 4.4 acres of open water exists in a man-made pond in the eastern-central portion of the project

site. A much smaller second pond exists along a small drainage in the northern part of the site but supports willows and herbaceous wetland species. The larger pond is partially vegetated on its periphery, with herbaceous wetland vegetation and some shrubby willows in the water. The proposed development would completely avoid both ponds, and they would be preserved onsite.

**Streams**

Areas mapped as streams on the project site total 0.36 acre, of which 0.24 acre is affected by the development. Most of the drainages originate on the project site as non-vegetated WUS. The northern portion of the site drains to Los Coches Creek and ultimately drains to the San Diego River. The southern portion of the site drains to Sweetwater River and ultimately flows to San Diego Bay.

**Project Impacts**

Permanent effects to Corps jurisdictional areas total 0.38 acre and are comprised of 0.14 acre of wetlands and 0.24 acre of non-wetland WUS. Project effects on WUS are the result of the construction of the residential development and Bullard Lane.

**Avoidance and Minimization**

The proposed development has been redesigned to avoid, to the maximum extent practicable, project effects to WUS. In addition to preserving approximately 202 acres (67%) of the overall 294-acre site for open space, the project would avoid 6 acres (94%) of onsite WUS, comprised of 1.48 acres (91%) of wetland and 4.52 acres (95%) of non-wetland WUS.

**Mitigation**

Compensatory mitigation is provided for project effects to 0.38 acre of WUS. Effects to 0.14 acre of wetlands (0.03 acre of southern willow scrub and 0.11 acre of emergent wetland) would be mitigated at a 3:1 ratio through the purchase of 0.42 acre of wetland creation credit at the Rancho Jamul Mitigation Bank (RJMB), an approved bank within the MSCP boundary (Table 2).

<b>TABLE 2 CRESTLAKE ESTATES PROJECT COMPENSATORY MITIGATION</b>			
<b>Habitat</b>	<b>Permanent Effects</b>	<b>Mitigation Ratio</b>	<b>Required Mitigation*</b>
<b>WETLANDS</b>			
Southern willow scrub	0.03	3:1	0.09
Emergent wetland	0.11	3:1	0.33
<b>Subtotal</b>	<b>0.14</b>	<b>---</b>	<b>0.42</b>
<b>NON-WETLAND WATERS</b>			
Intermittent drainage	0.22	2:1	0.44
Ephemeral drainage	0.02	1:1	0.02
<b>Subtotal</b>	<b>0.24</b>	<b>---</b>	<b>0.46</b>
<b>TOTAL</b>	<b>0.38</b>	<b>---</b>	<b>0.88</b>

\*Reflects only required Corps mitigation.

For project effects to 0.22 acre of intermittent drainage, mitigation is provided at a 2:1 ratio through the purchase of 0.44 acre of credit at the RJMB. Mitigation would also be provided at a 1:1 creation for project effects to 0.02 acre of ephemeral drainage. The purchase (Wildlands 2007) of an overall total of 1.1 acres for the 0.88 acre required mitigation reflects the larger requirements of the California Department of Fish and Game (CDFG).

### **Purpose and Need of the Proposed Project**

The project purpose is to construct 60 residential units on lots ranging between 1-1.8 acres with associate roads, construct a water reservoir and a pump station for the Padre Dam Municipal Water District (see attached drawings), and preserve open space. The Applicant has submitted a preliminary alternatives analysis.

### **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. The basic project purpose for the proposed project is for shelter. The project is not water dependent. Since the development of the housing community is a non-water dependent activity, the applicant is required to rebut the presumption that there is a less damaging alternative for the proposed activity that does not affect WUS.

**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 50 to 70 residential units on lots ranging between 1-1.8 acres with associate infrastructure in an area between 80 and 120 acres in eastern San Diego County, California.

### **Preliminary Alternatives Analysis**

The Applicant's project purpose is to construct a residential development and associated infrastructure in the vicinity of Alpine, provide community amenities including open space, and facilitate and protect wildlife as in accordance with the County's Multiple Species Conservation Program (MSCP).

The project would provide additional housing opportunities and associated infrastructure for people in eastern San Diego County. The Crestlake Estates project proposes to develop 60 residential lots, open space, and associated infrastructure on approximately 294 acres. The private need for the proposed project is to generate revenue by constructing a residential development.

The applicant has analyzed five project alternatives: No Build Alternative, No Federal Action Alternative, Off-site Alternative, 1999 Original Alternative, and Modified Alternative. The applicant has submitted a report describing the biological resources on site and assessed potential project impacts of each alternative to jurisdictional WUS and their biological resources. A summary of each alternative is presented below.

#### **Alternative 1. The Applicant's No Build Alternative**

Under the No Build Alternative, there would be no development, the Corps would not issue a 404 permit, and there would be no fill of WUS from the applicant's proposed project. Typically, the No Build Alternative assumes that there will be no development and that the site would be retained in its current condition. This alternative would avoid the effects associated with the project's construction but would not meet the project's purpose of providing housing to meet market demands in the San Diego area or permanent preservation of biological open space.

#### **Alternative 2. The Applicant's No Federal Action Alternative**

Under the No Federal Action Alternative, the Corps would not issue a 404 permit, and there would be

no fill of WUS from the applicant's proposed project. This alternative would preclude the applicant from developing those portions of the project site that would affect jurisdictional waters. Typically, the No Federal Action Alternative assumes that there will be either no development or severely reduced development, as some development of the site could still occur in upland areas.

As a result of the distribution of jurisdictional habitat throughout the site, the No Federal Action Alternative is essentially the same as the No Build Alternative, since the applicant reports this would not be able to provide enough lots to make a No Federal Action Alternative economically feasible. The No Federal Action Alternative would require the realignment of Bullard Lane, the main access road to the site. Relocating Bullard Lane further east is not feasible because this area contains steep slopes, sensitive Engelmann oak woodland, and San Diego goldenstar. Therefore, to completely avoid the jurisdictional area, Bullard Lane would not be constructed, and public access to the site would be limited to the emergency access road and utility easement/fire road in the southern portion of the site. This alternative would avoid the effects associated with the project's construction but would not meet the project's purpose of providing housing to meet market demands in the San Diego area or permanent preservation of biological open space.

### **Alternative 3. The Applicant's Off-site Alternative**

Off-site alternatives were considered within the general project vicinity that could meet the overall project purpose. The applicant sought to identify sites that were undeveloped and available for private development that would allow a comparable number of residential units (Sheet 7). Candidate off-site alternative locations were evaluated according to six primary criteria: 1) existing land use and available urban infrastructure; 2) land use designation and zoning; 3) environmental constraints; 4) availability for private development; 5) accessibility; and 6) ownership. The applicant has reviewed all parcels within a 5-mile radius of the project site and has determined that there is no available, undeveloped, similar sized parcel within the region to support a development comparable to that proposed.

### **Alternative 4. The Applicant's Original Alternative**

The 1999 Original Project Alternative is a residential community design consisting of the construction of 69 single-family residential units, along with associated roadways, public utilities, parks, and open space on the approximately 294-acre project site (Sheet 6). Permanent project effects to WUS would total 0.48 acre, comprised of 0.16 acre of wetland and 0.32 acre of drainage. A total of 5.9 acres (approximately 92%) of jurisdictional habitat would be avoided and permanently preserved on site.

Approximately 159 of 294 acres (54%) would be preserved for open space on site. In addition, development of the 1999 Original Alternative would result in encroachment of approximately 1,000 feet into the Dehesa-El Capitan wildlife corridor (250 feet more than the Modified Alternative), which would leave 450 feet of undisturbed linkage at the southern portion of the project site. With implementation of this project design, the minimum width of the corridor on site would be 390 feet for a distance of approximately 750 feet. The corridor would traverse the southern portion of the site and would be approximately 2,700 feet in length.

### **Alternative 5. The Applicant's Modified Alternative**

The jurisdictional habitat within the proposed project area (County 2007 and Table 1) totals 6.38 acres and consists of 1.62 acres of wetland WUS and 4.76 acres of non-wetland WUS. The Modified Alternative would avoid 6 of 6.38 acres of WUS. To avoid additional permanent project effects to WUS, development of the site would be reduced to 60 dwelling units, an overall reduction of 9 units (13%) from the 1999 proposed project design of 69 units. Figures illustrating the plan view and all jurisdictional areas that would be affected by the reduced project alternative are included as Sheets 3-5.

Under the Modified Alternative, 0.63 acre of mule fat scrub would be completely avoided, and only 0.02 acre of southern willow scrub would be affected. In addition, effects to intermittent drainage would be substantially reduced (versus the 1999 Proposed Project Alternative) from 0.32 acre to 0.24 acre, a 22% decrease in effects to non-wetland WUS. Thus, overall impacts to WUS under this alternative would be reduced by 0.1 acre, there would be no development of the eastern portion of the site and the southern portion of the development would be eliminated.

The Modified Alternative would also preserve additional acreage as open space. Under this alternative, approximately 202 of 294 acres or 69% of the site would be preserved. In addition, the Modified Plan project design would encroach approximately 750 feet into the Dehesa-El Capitan linkage of the MSCP (250 feet less than the 1999 Proposed Project Alternative). The Modified Alternative would also maintain the existing connectivity between Crestridge Ecological Reserve and the Dehesa-El Capitan wildlife corridor linkage by protecting an affected section of the corridor as open space. The proposed mitigation and subsequent preservation of the Dehesa-El Capitan wildlife corridor linkage in the southeastern section of the project site would benefit the MSCP.

Compensatory mitigation is provided for project effects to 0.38 acre of WUS. Effects to 0.14 acre of wetlands (0.03 acre of southern willow scrub and 0.11 acre of emergent wetland) would be mitigated at a 3:1 ratio through the purchase of 0.42 acre of wetland creation credit at the Rancho Jamul Mitigation Bank (RJMB), an approved bank within the MSCP boundary (Table 2). For project effects to 0.22 acre of intermittent drainage, mitigation is proposed at a 2:1 ratio through the purchase of 0.44 acre of creation credit at the RJMB. Mitigation would also be provided at a 1:1 creation ratio for project effects to 0.02 acre of ephemeral drainage.

### **Proposed Special Conditions**

The specifics of the mitigation have not been determined at this time.

For additional information please call Therese O'Rourke at 760-602-4830.

### **LIST OF FIGURES**

- Sheet 1. Regional Location Map with Vicinity Inset
- Sheet 2. Plan View of Project Site (Reduced Plan Alternative)
- Sheet 3. Plan View and Cross section A-A through Ephemeral Drainage
- Sheet 4. Plan View and Cross section B-B through Intermittent Drainage
- Sheet 5. Plan View and Cross section C-C through Southern Willow Scrub and Emergent Wetland
- Sheet 6. Plan View of the 1999 Proposed Project Alternative
- Sheet 7. Plan View of the Off-site Alternative

### **ADDITIONAL INFORMATION**

County of San Diego. 2007. Environmental Impact Report for the Crestlake Estates Tentative Map TM 5082RPL, AD 95-046, LOG NO. 95-14-11 (SCH #1998071096).