



PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT
Esperanza Hills Residential Development Project**

Public Notice/Application Number: SPL-2013-00853-GS

Project: Esperanza Hills Residential Development Project

Comment Period: November 7, 2017 through December 7, 2017

Project Manager: Eric Sweeney; 760-602-4837; Eric.R.Sweeney@usace.army.mil

Applicant

Douglas Wymore
Yorba Linda Estates, LLC
7114 E. Stetson, #350
Scottsdale, Arizona 85251
(480) 966-6900

Location

The proposed project is located in unnamed tributaries to the Santa Ana River and Blue Mud Canyon within unincorporated Orange County, California at approximately 33.903358, - 117.744486 (see attached Figure 1).

Activity

The applicant proposes to permanently impact approximately 0.88 acre (16,299 linear feet) of non-wetland waters of the United States (Figure 2). The project would also result in temporary impacts to 0.10 acre of waters of the U.S., 0.02 acre of which consists of wetlands. For more information, see page 6 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 drawings. We invite you to review today's Public Notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers (Corps) Regulatory Division, you provide information that supports 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. Comments should be mailed to:

Department of the Army
U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division, Attn: Eric Sweeney
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: Eric.R.Sweeney@usace.army.mil.

The mission of the Corps 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 waters 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 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 U.S. Environmental Protection Agency (U.S. Environmental Protection Agency (USEPA)) Guidelines (40 C.F.R. part 230) as required by section 404(b)(1) of the Clean Water Act.

The 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 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 (EIS) 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 EIS is not required for the proposed work.

Water Quality: Under Section 401 of the Clean Water Act, the applicant is required to obtain a Water Quality Certification (WQC) from the Santa Ana Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. The applicant is currently pending issuance of the WQC by the Santa Ana RWQCB.

Coastal Zone Management: This project is located outside the coastal zone and preliminary review indicates 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 after review of the comments received on this Public Notice.

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 latest version of the National Register of Historic Places has been consulted and there are no listed properties in the vicinity of the proposed project. The applicant provided a cultural assessment titled, "Archaeological and Paleontological Resources Assessment Update for the Esperanza Hills Project, Unincorporated Orange County, California," by Cogstone, dated November 2012. According to the cultural assessment, a cultural records search was completed for the proposed project location on October 29 and 30, 2012 at the South Central Coast Information Center (SCCIC), California State University at Fullerton. The records search did not identify any known cultural resources within the project area. Furthermore, a pedestrian survey completed in 2008 did not find any cultural resources on the project site.

The Corps has also inquired with the Native American Heritage Commission (NAHC) about the project and has received results of a records search of the NAHC's Sacred Lands File as well as a list of contacts with knowledge of Native American cultural resources in the project vicinity in a letter issued to the Corps on September 7, 2017. Coordination letters were issued to the tribes listed on NAHC's contacts list on September 11, 2017 with a 30-day comment period. No responses from the tribes were received.

In consideration of the information above, the Corps Regulatory Division has made a preliminary determination of "No Historic Properties Affected" for the proposed project.

Endangered Species: The project would potentially affect the federally listed least Bell's vireo (*Vireo bellii pusillus*) (vireo) and coastal California gnatcatcher (*Poliioptila californica californica*). The project site contains 326.13 acres of vegetation that would be cleared by proposed grading activities (Figure 3). The composition of the vegetation proposed for removal is provided below:

Vegetation Types	Acres
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California Coastal Sage Scrub	19.94
Disturbed California Coastal Sage Scrub	5.35
Purple Sage Scrub	7.53
Sagebrush-Monkeyflower Scrub	0.12
California Sage Scrub/Chaparral Ecotone	65.63
Sumac Savannah	24.14
Sumac-Elderberry Chaparral	1.75
Toyon/Sumac Chaparral	84.24
California Walnut Woodland	0.40
Blue Elderberry Woodland	11.48
Southern Coast Live Oak Forest	5.06
Mulefat Scrub	0.31
California Walbut/Mulefat Scrub	0.05
Annual Grassland	96.15
Ruderal	3.98

The proposed project would remove 0.08 acre of vireo-occupied mulefat scrub habitat. Although suitable gnatcatcher habitat would be removed by the proposed project, no surveys to date have reported gnatcatcher occupying this habitat.

Least Bell's vireo surveys:

Several surveys for least Bell's vireo have been conducted over the past several years, none of which have observed vireo within the current project boundaries. Past surveys have reported vireo observations within the Cielo Vista project area, which has since been removed from consideration as part of the proposed project.

Vireo survey results for the project vicinity, shown in Figure 4, are summarized below:

- Focused surveys for least Bell's vireo conducted by GLA between April 10, 2007 and July 13, 2007 did not report any vireo on the project site.
- Vireo individuals were detected opportunistically in Drainage G by surveys conducted in 2010, 2012, and 2013. However, this area would no longer be impacted by the proposed project.
- Focused surveys conducted for least Bell's vireo by PCR Services Corporation in 2012 for the proposed Cielo Vista project immediately west of the project site detected LBV within Drainage G and within an off-site impact area for the Esperanza Hills Project within Drainage F.
- In 2016, Leopold Biological Services opportunistically detected a pair of LBV in the Drainage F off-site impact area as well as single male LBV immediately adjacent to the Drainage F off-site impact area during protocol CAGN surveys for the adjacent Cielo Vista property.

Coastal California gnatcatcher surveys:

As was the case for vireo, several surveys have been conducted for gnatcatcher over the years, none of which reporting the presence of gnatcatcher within the current proposed project boundaries.

Gnatcatcher survey results for the project vicinity, shown in Figure 4, are summarized below:

- No gnatcatcher were detected by focused protocol surveys conducted by GLA in 2007, 2013 and 2017 or by surveys conducted by Campbell BioConsulting in 1997, 1998, and 2002.
- In addition, PCR conducted surveys within a portion of the Project Study Area in 2012, which also did not report gnatcatcher.
- GLA Biologists familiar with the California gnatcatcher have spent numerous hours on the site to conduct vegetation mapping, focused plant surveys, jurisdictional delineation, and general wildlife surveys and have not opportunistically detected any California gnatcatchers within the project area.
- Leopold Biological Services conducted protocol surveys on the adjacent Cielo Vista property in 2016 (outside the current project footprint) and reported two CAGN "territories" each occupied by a male and female CAGN.

Critical habitat for Coastal California gnatcatcher:

Although designated critical habitat for gnatcatcher covers most of the project area, only limited areas within the project area can be classified as Primary Constituent Elements (PCEs) for gnatcatcher. PCEs for gnatcatcher defined by USFWS regulation as "dynamic and succession sage scrub habitats" have low presence in the project area due to historic disturbance caused by grazing, unfavorable natural site conditions (e.g., lack of steep slopes for gnatcatcher to establish on), and residual effects of the Freeway Complex Fire that burned through the project area in 2008.

Other gnatcatcher critical habitat PCEs defined by USFWS regulation as "non-sage scrub habitats...that provide space for dispersal, foraging, and nesting" are present in the project area. For example, such non-sage scrub vegetation is present in the vicinity of Blue Mud Canyon in the southern extent of the project site, allowing movement of gnatcatcher through the project area.

Effects and conservation measures:

Adverse effects to vireo are anticipated due to loss of 0.08 acre of mulefat scrub habitat as a result of grading activities within the project boundaries. The applicant would offset this habitat loss through the establishment of 0.26 acre of willow-mulefat riparian habitat in Blue Mud Canyon (Drainage F) and establishment of 1.79 acres of willow-mulefat habitat in Drainage D (Figure 5). The applicant would conduct grading throughout both establishment areas to create areas that pond briefly following rainfall events.

A conservation easement with long-term management would be placed over the habitat establishment areas to ensure protection of these areas in perpetuity.

Noise resulting from the proposed discharge in waters of the U.S. may also adversely affect vireo known to occur within the southwestern part of the project site. The Corps expects that noise effects would occur at a distance of up to 300 feet from the locations of the proposed jurisdictional impacts.

Preliminary effects determinations:

Having evaluated the available species presence and habitat data for the proposed project area and considered the applicant's proposed minimization/avoidance measures, the Corps has

made a preliminary "may affect, not likely to adversely affect" determination for vireo, a preliminary "may affect, not likely to adversely affect" determination for gnatcatcher, and a preliminary "no effect" determination for gnatcatcher critical habitat pursuant to section 7 of the Endangered Species Act. The Corps shall initiate informal consultation with U.S. Fish and Wildlife Service (USFWS) to seek concurrence with these determinations.

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 purpose of the proposed project is to provide housing.**

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 purpose of the proposed project is to provide housing by constructing 300-400 single family housing units and associated infrastructure within northern Orange County.**

Additional Project Information

Baseline Information: The proposed project site covers approximately 504.20 acres. The topography of the proposed project site is very hilly and contains several areas that are elevated above the jurisdictional drainages. As noted above, vegetation types present throughout the site include California coastal sage scrub, purple sage scrub, sagebrush-monkeyflower scrub, sumac savannah, sumac-elderberry chaparral, toyon/sumac chaparral, California walnut woodland, blue elderberry woodland, southern coast live oak, mulefat scrub, and annual grassland, among others. The project would be located within the Santa Ana Watershed.

The project area supports a total of 1.89 acres of ephemeral non-wetland waters of the United States and 0.19 acre of wetland waters of the United States.

Project Description: The proposed project would construct 340 single-family residential lots, roads, infrastructure, and open space areas. Nine public parks would be provided on 12-13 acres and 35,856-39,111 linear feet of trails would be created. Single-family residences would primarily be low density and clustered to maximize open space preservation and preserve natural ridgelines and topography to the greatest degree possible. The primary roadway connection would be provided south on Stonehaven Drive and would follow the path of an existing access road that would be improved and which would span Blue Mud Canyon.

The proposed project would result in permanent impacts to approximately 0.88 acre (16,299 linear feet) of non-wetland waters of the United States (Figure 4). The project would also result in temporary impacts to 0.10 acre of waters of the U.S., 0.02 acre of which consists of wetlands.

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 has been designed to avoid jurisdictional impacts to waters of the U.S. to the maximum extent practicable. However, given the extent and location of jurisdictional drainages within the project area, combined with the site's topography, impacts to jurisdictional drainages are unavoidable. The project was designed to largely avoid Blue Mud Canyon (Drainage F), for example through the use of span bridges for roads crossing this waterway in two locations. In addition, none of the wetlands located within the project area would be impacted by the proposed project.

Minimization: The applicant would minimize temporary impacts to 0.10 acre of waters of the U.S. within Blue Mud Canyon by restoring the impacted area to preconstruction contours and hydroseeding with native non-invasive vegetation.

Compensation: The applicant has proposed compensatory mitigation for permanent impacts to 0.88 acre of waters of the U.S. through on-site establishment of 2.05 acres of non-wetland waters of the U.S. within Blue Mud Canyon and Drainage D (Figure 5). The creation of waters of the U.S. would be accomplished by grading adjacent these drainages to create new areas of ephemeral stream that pond briefly following rainfall events. No currently identified jurisdictional waters of the U.S. would be impacted as a result of the proposed compensatory mitigation work. A conservation easement with long-term management would be placed over the compensatory mitigation areas to ensure protection of these areas in perpetuity.

Although the applicant has initially proposed to mitigate all aquatic resource through on-site compensatory mitigation, part or all of the required compensatory mitigation may ultimately be completed through use of an off-site mitigation bank or in-lieu fee program.

Preliminary Alternatives Analysis: Not yet available at this time.

Proposed Special Conditions

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

1. This permit is contingent upon the issuance of a Section 401 WQC by the RWQCB. The Permittee shall abide by the terms and conditions of the Section 401 WQC. The Permittee shall submit the Section 401 WQC to the Corps Regulatory Division (preferably via email) within two weeks of receipt from the issuing state agency. If the RWQCB fails to act on a request for certification within 60 days after receipt of a complete application, please notify the Corps so we may consider whether a waiver of water quality certification is warranted pursuant to 33 CFR 325.2(b)(1)(ii).
2. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:
 - A. Date(s) work within waters of the U.S. was initiated and completed;

- B. Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
 - C. Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
 - D. One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
 - E. Signed Certification of Compliance (attached as part of this permit package).
3. This Corps permit does not authorize you to take any threatened or endangered species, in particular the least Bell's vireo (*Vireo bellii pusillus*) (vireo) and coastal California gnatcatcher (*Poliioptila californica californica*) or adversely modify any designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA section 10 permit, or a Biological Opinion (BO) under ESA section 7, with "incidental take" provisions with which you must comply). Pursuant to the USFWS correspondence dated [X], including the required avoidance and minimization measures, the Corps Regulatory Division has determined and the USFWS has concurred that the proposed activity is not likely to adversely affect the above species. Failure to comply with the required avoidance and minimization measures would constitute non-compliance with your Corps permit. Your authorization under this Corps permit is conditional upon your compliance with all of the required avoidance and minimization measures, which are incorporated by reference in this permit. Failure to comply with the required avoidance and minimization measures would constitute non-compliance with your Corps permit.
4. The Permittee shall mitigate for permanent impacts to 0.88 acre of waters of the U. S. through establishment of 2.05 acres of waters of the U.S. as described in the final, approved mitigation plan: "Mitigation and Monitoring Plan for Esperanza Hills Specific Plan Area" (dated August 17, 2017 and prepared by Glen Lukos Associates). The Permittee shall complete site preparation and planting and initiate monitoring as described in the final, approved mitigation plan concurrently with impacts to waters of the U.S. According to the final, approved mitigation plan, responsible parties would be as follows: a) Implementation: Yorba Linda Estates, LLC; b) Performance: Yorba Linda Estates, LLC; c) Long-term management: Yorba Linda Estates, LLC. The Permittee retains ultimate legal responsibility for meeting the requirements of the final, approved mitigation plan. Detailed mitigation objectives, performance standards, and monitoring requirements are described in the above final, approved mitigation plan. Any requirements for financial assurances and/or long-term management provisions are also described in the above final, approved mitigation plan, as well as in special condition 4 below. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition 3 will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from the U.S. Army Corps of Engineers Regulatory Division.

MONITORING: You shall submit monitoring reports for all compensatory mitigation sites as described in the final, approved mitigation plan by October 1 of each year following the construction of mitigation. To assure compensatory mitigation success, you shall monitor the mitigation area(s) for at least five (5) consecutive growing seasons after construction or until the Corps determines the final performance standards are met (monitoring shall be for a minimum of 5 years unless the Corps agrees earlier that success has been reached and maintained for a sufficient time period, or, if success is not demonstrated to the Corps satisfaction after the 5th

year of monitoring, additional monitoring may be required by the Corps as determined at that time). The monitoring period shall commence upon completion of the construction of the mitigation site(s). Additionally, you shall demonstrate continued success of the compensatory mitigation site(s), without human intervention, for at least two consecutive years during which interim and/or final performance standards are met. The compensatory mitigation project will not be deemed successful until this criterion has been met.

GIS DATA: Within 60 days following permit issuance for Standard Individual Permits or within 60 days following written Corps approval of the mitigation plan for General Permits, you shall provide to this office GIS data (polygons only) depicting the boundaries of all compensatory mitigation sites, as authorized in the above, final mitigation plan. All GIS data and associated metadata shall be provided on a digital medium (CD or DVD) or via file transfer protocol (FTP), preferably using the Environmental Systems Research Institute (ESRI) shapefile format. GIS data for mitigation sites shall conform to the Regulatory_mitigation_template_20160115.lpk labeling requirements, as specified in the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated February 10, 2016

(<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences/tabid/10390/Article/651327/updated-map-and-drawing-standards.aspx>), and shall include a text file of metadata, including datum, projection, and mapper contact information. Within 60 days following completion of compensatory mitigation construction activities, if any deviations have occurred, you shall submit as-built GIS data (polygons only) accompanied by a narrative description listing and explaining each deviation.

5. Prior to initiating construction in waters of the U.S., the Permittee shall post financial assurance ("financial assurance") in a form approved by the Corps Regulatory Division for the estimated cost of implementing the approved HMMP (including a 20% contingency to be added to the total costs). The purpose of this financial assurance is to guarantee the successful implementation, maintenance and monitoring of the wetland and non-wetland waters establishment, restoration, and enhancement work. Our preferred form of financial assurance is a Performance Bond, in which case, you shall post a Performance Bond for 120% of the anticipated cost of the mitigation and monitoring associated with the project, as indicated above. In addition,
 - A) The bonding company must appear on the Department of Treasury Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and Acceptable Reinsuring Companies. For a current list of Treasury-authorized companies, write or call the Surety Bond Branch, Financial Management Services, Department of the Treasury, Washington DC 20227; (202) 874-6850 or at the following website: https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm.
 - B) The performance bond shall be released only upon a determination by the Corps Regulatory Division that successful mitigation has been completed.
 - C) Alternatively, the Corps Regulatory Division will accept an irrevocable letter of credit in the same amount in lieu of a Performance Bond. The terms of the irrevocable letter of credit are subject to Corps Regulatory Division approval.
 - D) The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas shown on Figure 5. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.

6. The Permittee shall record a Conservation Easement (CE in a form approved by the Corps Regulatory Division, which shall run with the land, obligating the Permittee, its successors and assigns to protect and maintain the 2.05-acre mitigation area (as shown in attached Figure 5) as natural open space in perpetuity. The CE must include a 3rd party easement holder qualified to hold easements pursuant to California Civil Code 815.3 and Government Code section 65965. The Permittee must provide monies in the form of an endowment (endowment amount to be determined by Property Analysis Record or similar methodology) for the purposes of fulfilling the 3rd party easement holder's responsibilities under the CE. The CE shall preclude establishment of fuel modification zones, paved public trails, drainage facilities, walls, maintenance access roads and/or future easements, except as provided in the Project Description (described herein). Further, to the extent practicable, any such facilities outside the CE shall be sited to minimize indirect impacts on the avoided, created, restored and enhanced wetland and non-wetland waters of the U.S. Prior to its execution and within six months of issuance of this permit, the Permittee shall submit a draft CE to the Corps Regulatory Division for review. The Permittee shall receive written approval (by letter or email) from the Corps Regulatory Division of this CE prior to it being executed and recorded. No later than 30 calendar days after receiving Corps Regulatory Division approval of the final draft CE, the CE shall be executed and recorded and a recorded copy furnished to the Corps Regulatory Division.

GIS DATA: Within 60 days following recordation, you shall provide to this office GIS data (polygons only) depicting the CE boundaries, as authorized by the Corps. All GIS data and associated metadata shall be provided on a digital medium (CD or DVD) or via file transfer protocol (FTP), preferably using the Environmental Systems Research Institute (ESRI) shapefile format. GIS data for CE sites shall conform to the Regulatory_mitigation_template_20160115.lpk labeling requirements, as specified in the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated February 10, 2016 (<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences/tabid/10390/Article/651327/updated-map-and-drawing-standards.aspx>), and shall include a text file of metadata, including datum, projection, and mapper contact information.

7. At the conclusion of the project, all temporary fill shall be removed and the area shall be restored to pre-construction conditions (contours and vegetated condition) to the maximum extent practicable. The Permittee shall hydroseed the disturbed portions of the earthen stream banks with native non-invasive vegetation of facultative upland (FACU) or wetter species, as appropriate. The Permittee shall submit the proposed planting palette for review and approval by the Corps, prior to initiation of construction. The Permittee shall ensure the hydroseeded areas are maintained and monitored for a period of two years after completing the seeding activities, such that less than 10 percent of the areas disturbed by the project are vegetated by non-native and invasive plant species. Monitoring reports shall be submitted by the Permittee to the Corps, by May 15th annually, one and two years following hydroseeding, documenting the recovery of the restored areas.
8. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Danielle Storey at 213-452-3855) or Meg McDonald at 213-452-3849). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

For additional information, please contact Eric Sweeney at 760-602-4837 or via email at Eric.R.Sweeney@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
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017
<http://www.spl.usace.army.mil/missions/regulatory>**

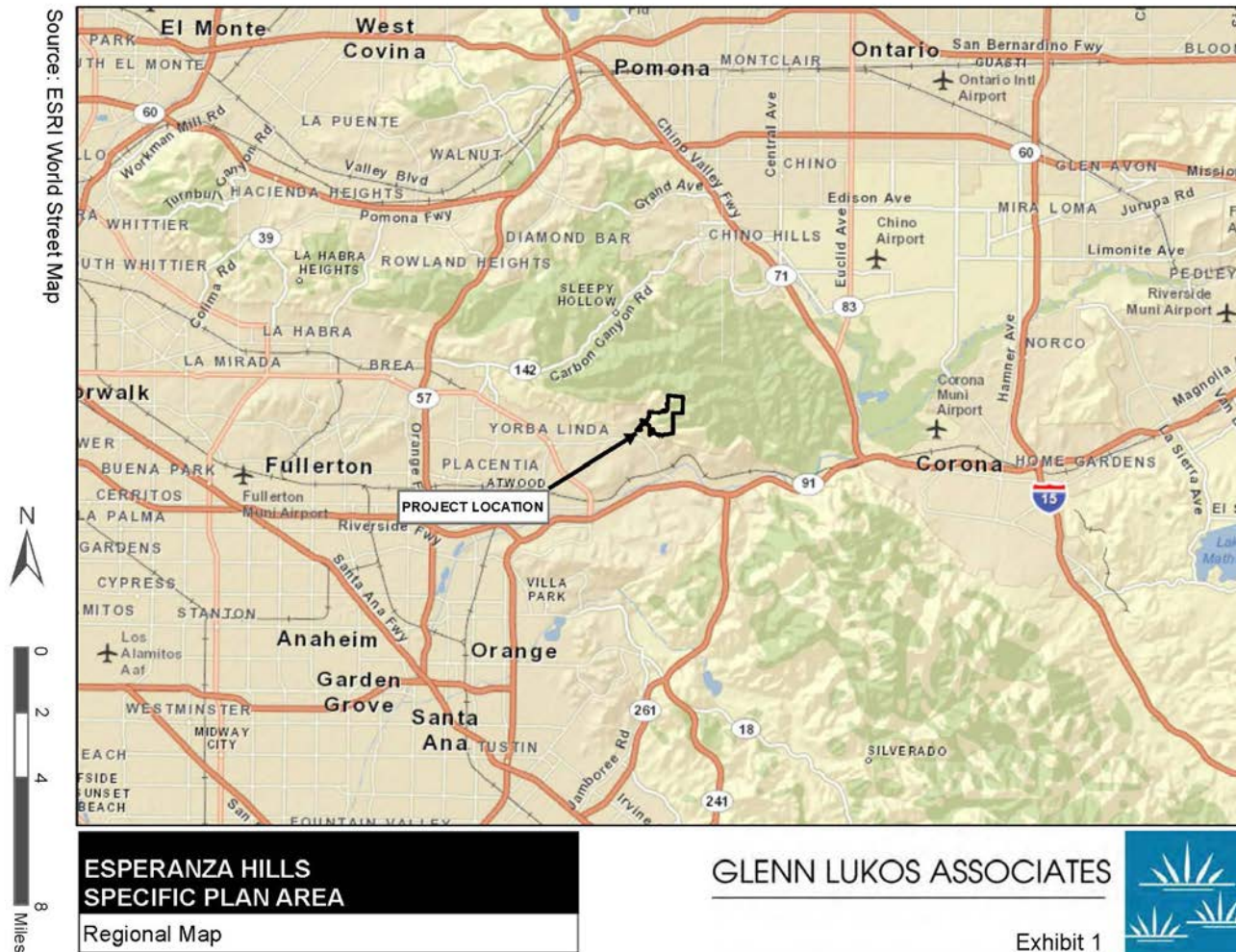


Figure 1 Regional vicinity of the proposed Esperanza Hills Residential Development Project.

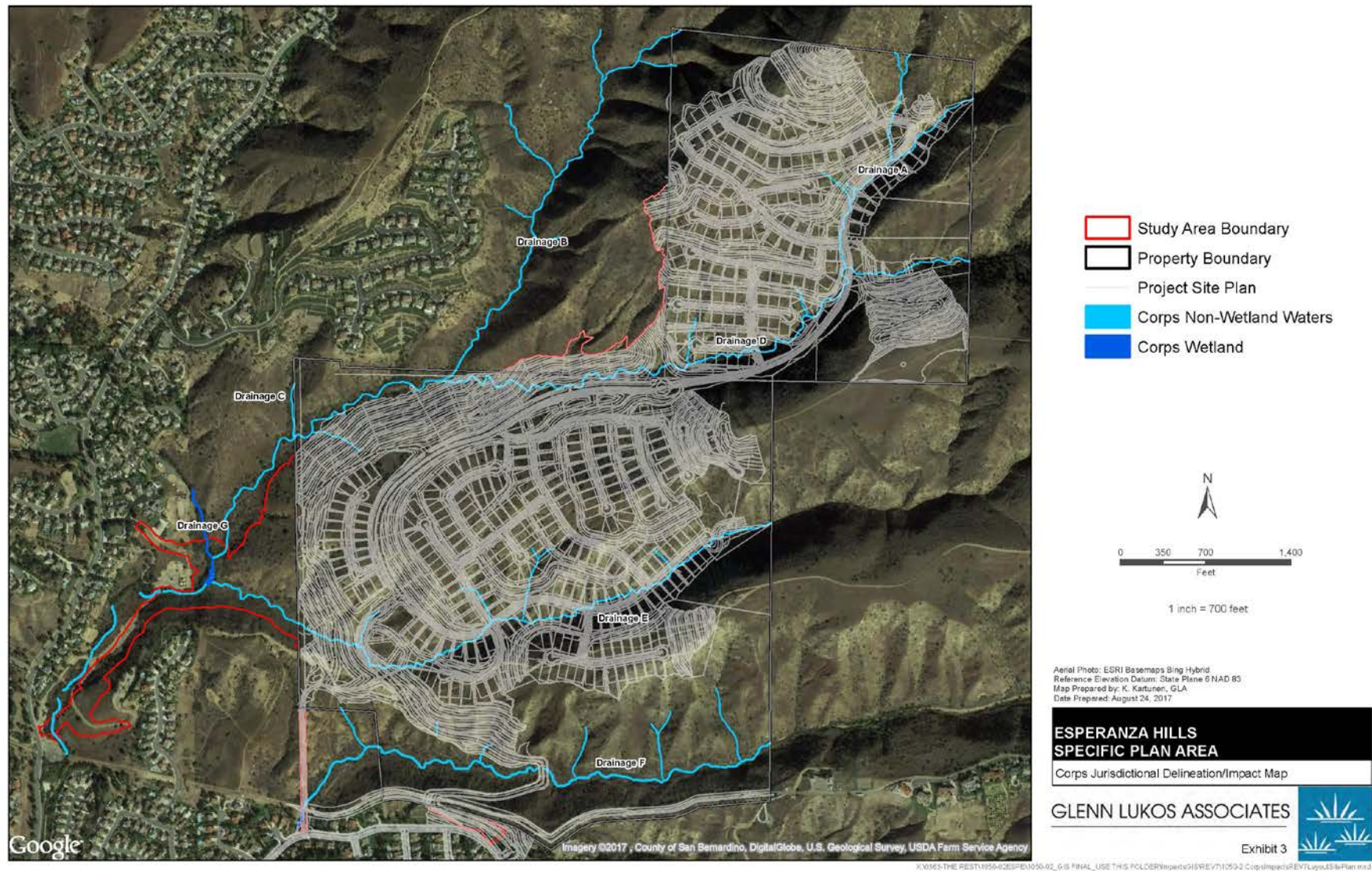


Figure 2 Locations of impacts to waters of the U.S. as a result of the proposed Esperanza Hills Residential Development Project.

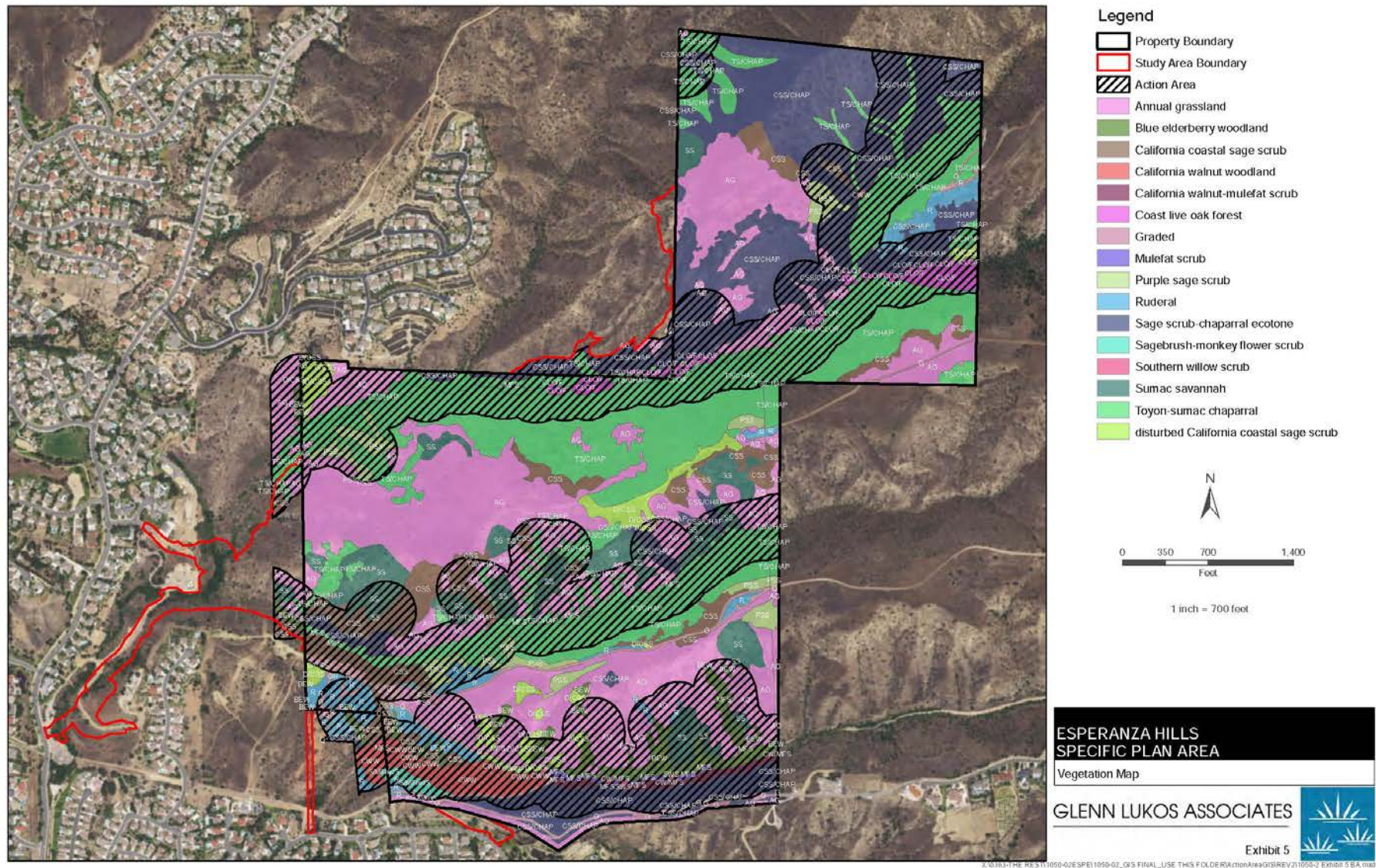


Figure 3 Distribution of vegetation types throughout the project area.

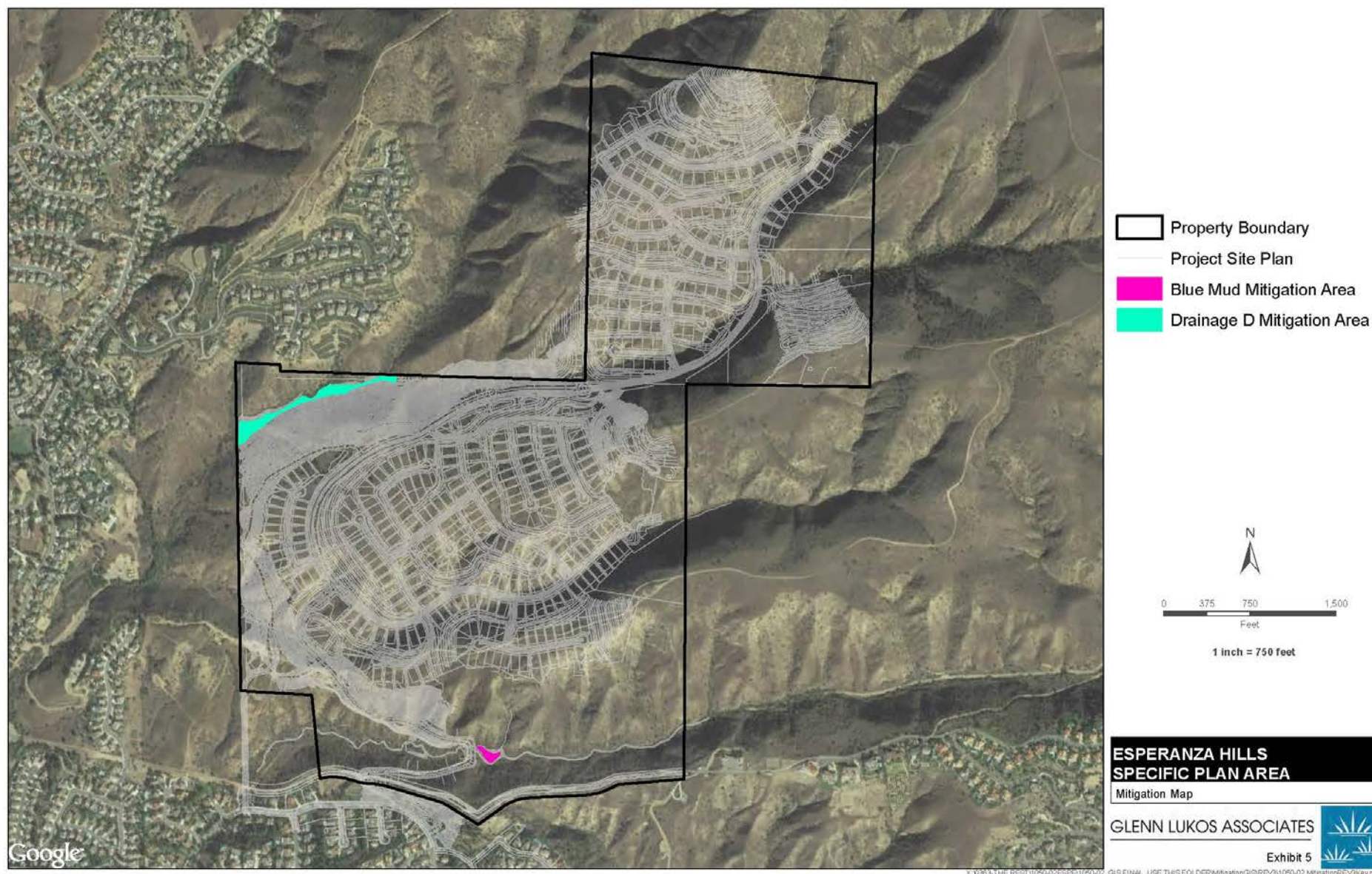


Figure 5 Proposed compensatory mitigation areas within Blue Mud Canyon and Drainage D.