



# PUBLIC NOTICE

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

**BUILDING STRONG®**

**APPLICATION FOR PERMIT  
TESORO DEL VALLE (PHASES B AND C)  
RESIDENTIAL DEVELOPMENT  
REVISED VTTM 51644-1**

**Public Notice/Application No.:** SPL-1999-15629-AOA  
**Project:** TESORO DEL VALLE (PHASES B AND C) RESIDENTIAL DEVELOPMENT  
**Comment Period:** February 16 through March 18, 2017  
**Project Manager:** Theresa Stevens; 805-585-2146; [Theresa.Stevens@usace.army.mil](mailto:Theresa.Stevens@usace.army.mil)

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**Applicant**

BLC TESORO LLC  
100 Bayview Circle, Suite 2200  
Newport Beach, California 92660

**Contact**

Mr. Michael Schlesinger  
(949) 945-2556

**Location**

The project site is located in an unincorporated portion of Los Angeles County north of the City of Santa Clarita, California (at: lat: 34-28-38.72 lon: 118-34-00.73 within Sections 21, 22, 27, 28, 29, 32, and 33, Township 5 North, and Range 16 West). The site is surrounded to the north and west by undeveloped open space. Natural open space and San Francisquito Canyon are located east of the Project site. Southwest and southeast of the Project site are the Valencia Master Planned Communities of West Creek and North Park (see exhibits 1-3, attached).

**Activity**

Discharge of fill into approximately 4.77 acres of non-wetland waters of the U.S. in association with completion of the Tesoro del Valle Project (see attached drawings). For more information see Additional information section, below.

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Interested parties are hereby notified 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 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  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
ATTN: Theresa Stevens, Ph.D.  
VENTURA FIELD OFFICE  
2151 ALESSANDRO DRIVE, SUITE 110  
VENTURA, CALIFORNIA 93001

Alternatively, comments can be sent electronically to: [Theresa.Stevens@usace.army.mil](mailto:Theresa.Stevens@usace.army.mil)

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the

needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

**Water Quality**- Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. A Section 401 Water Quality Certification was issued on September 9, 1999.

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

**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 project area currently supports three historic resources (LAN-2070H, LAN-2071H and LAN-2072H). The first two sites are structures that define the Harry Carey Ranch buildings, potentially eligible for listing in the National Register as a National Historic District. The Harry Carey Ranch includes 17 buildings and structures of which nine are considered contributing structures. As part of the proposed project, the applicant would demolish three of the nine contributing structures (caretakers house, the upper and lower garages), relocate three contributing structures (adobe, wood stables and the smoke house) and preserve three contributing structures. Elements from the demolished structures would be utilized to restore the remaining structures. In addition, the applicant proposes to place a road in close proximity to the preserved structures, altering the historic character of the site. The third site is comprised of a debris scatter in the northern portion of Area C which probably resulted from a single disposal event during the late 1950's or early 1960's. Although the debris scatter in Area C is not eligible for listing, the remaining structures of the Harry Carey Ranch are potentially eligible for listing in the National Register. The Corps completed consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation for the proposed project and executed a memorandum of agreement in 1999 to protect an historic district that is found in the Phase A portion of the site. All aspects of this MOA have been complied with and the area has been donated to the County of Los Angeles for permanent preservation.

**Endangered Species-** Focused surveys for California gnatcatcher (*Polioptila californica californica*) in 2015 found 1 juvenile bird within the grading limits and within the Corps' permit area for the subject action. The bird was only observed on one occasion and was presumed to be a dispersing juvenile bird. No nesting activity has been observed and the project site is not within designated critical habitat for the species. Previous surveys for threatened and endangered species, including focused surveys for California gnatcatcher in 2005 and 2008, did not detect the presence of any federally listed species. Surveys of special status plant species in 2005, 2011 and 2016 did not detect the presence of any federally listed plant species.

Based on the results of the 2015 surveys, the Corps has made a preliminary determination that the proposed action may affect, but is not likely to adversely affect California gnatcatcher. The Corps has also determined the proposed action would have no effect on designated critical habitat for the California gnatcatcher. The Corps anticipates completing information consultation with the U.S. Fish and Wildlife Service to address potential impacts to this species.

**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). Fill would take place in non-wetland waters of the United States. Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

**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 complete construction of a residential project that is the approximately size and configuration of the currently proposed Tesoro del Valle Project.

### **Additional Project Information**

**Baseline information-** The Corps issued a standard individual permit for the 1,800-acre Tesoro del Valle project that authorized the applicant to impact 3.84 acres of non-wetland waters, including 0.11 acres of wetlands, for the placement of compacted earthen fill, storm drains, buried bank stabilization and a bridge associated with the proposed residential development. The project was analyzed in its entirety when the original permit was authorized but was subsequently divided into four phases (named A through D) for project development. To date, Phase A of the project (approximately 440 acres) has been constructed which impacted 1.43 acres of non-wetland waters. No impacts have occurred in the remaining phases of the project site and the Corps permit expired as of September 30, 2015, prior to completion of the remaining phases.

**Project description-** Currently, the 1,271.4-acre Tesoro del Valle Project involves the buildout of Phases B and C. The proposed Project would impact 394.61 acres to construct 820 homes, including

456 single-family detached homes and 364 age-qualified senior homes; private parks and recreation areas; public and private trails; public and private open space; public and private roadways; and utility infrastructure. The proposed Project would also contain an equestrian and hiking trail that would be constructed along the outer edge of the Project's grading footprint and would connect to existing trails on site.

Due to the age of the jurisdictional determination (JD) of the extent of waters of the U.S. on the project site, the applicant completed an updated JD and redesigned Phases B and C of the authorized project. The updated JD has identified additional "waters of the U.S." in the project area and redesigned project to reduce the overall footprint of the residential development. The applicant is requesting reissuance of a Corps permit to re-authorize the redesigned project. Additional information was requested on November 9, 2015 including (1) additional information concerning the amount of avoidance and minimization to "waters of the U.S." compared to the original project design; (2) the completed compensatory mitigation; and (3) the type of habitat currently present in the "waters of the U.S."

As noted above, Phase A was completed in 2005 and no project work in Phase D (located east of San Francisquito Wash) is currently proposed. Because no development is proposed in Phase D, the bridge that was part of the original project design is also no longer proposed.

The principal change in the Project as currently proposed is the reduction in the development footprint for Phases B and C. The originally approved project design envisioned a development footprint of 710.85 acres for Phases B and C that covered much of the project site. The currently proposed Project has reduced impacts to a total of 394.61 acres, clustered near the southern portion of the site near the Phase A portion of the site.

An updated Delineation of Jurisdictional Waters was performed in 2015 to facilitate an updated analysis of the project's impacts. Based on the findings of that study, a total of 38.02 acres of "waters of the U.S." occur on the site. Development of Phases B and C would result in permanent impacts to approximately 4.77 acres of non-wetland waters of the U.S. or approximately 12.5 percent of all on-site waters (see Exhibit 4). A large portion of on-site waters (19.97 acres) occurs within San Francisquito Canyon which runs along the eastern edge of the site. This area is outside the project impact footprint and would be permanently preserved to ensure its conservation.

The 2015 Delineation of Jurisdictional Waters identified more waters than what was identified in the previous report (upon which the impacts in the proposed permit are based). The increase in identified waters is generally due to improved mapping technology and not in any substantial changes in conditions on the ground. Therefore, while the quantity of impacts is more than what was authorized in 1999, the actual percentage of jurisdictional waters impacted in Areas B and C are substantially less due to the 42 percent reduction in the development footprint described above).

With the removal of the Phase D portion of the project site (and the associated bridge construction no longer needed), the project would not affect any federally-listed threatened or endangered species that may occur within San Francisquito Creek.

Compensatory Mitigation– Required compensatory mitigation for impacts to on-site waters listed in the original 1999 permit include: (1) funding 7.68 acres of *Arundo donax* removal in upper San Francisquito Canyon; (2) removing 1.11 acres of *Arundo donax* in lower San Francisquito Creek; (3) establishing 1.0 acre of riparian habitat in San Francisquito Creek; and (4) preserving a portion of San Francisquito Canyon in the northeastern corner of the project site which contains 19.97 acres of "waters of the U.S." as described above. To date, requirements 1 and 2 have been completed.

Requirement 3 has been initiated though not formally signed-off by the Corps. Requirement 4 has been partially completed. A 28.6-acre parcel has been dedicated to a third-party organization; another 31.6-acre parcel would be dedicated prior to the initiation of grading activities.

### **Proposed Special Conditions**

None proposed at this time. It is anticipated that special conditions regarding completion of mitigation requirements and potential avoidance measures with respect to federally listed species may be included the final permit, if issued, and in response to comments received on this public notice.

For additional information please call Theresa Stevens, Ph.D. of my staff at 805-585-2146 or via e-mail at [Theresa.Stevens@usace.army.mil](mailto:Theresa.Stevens@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.

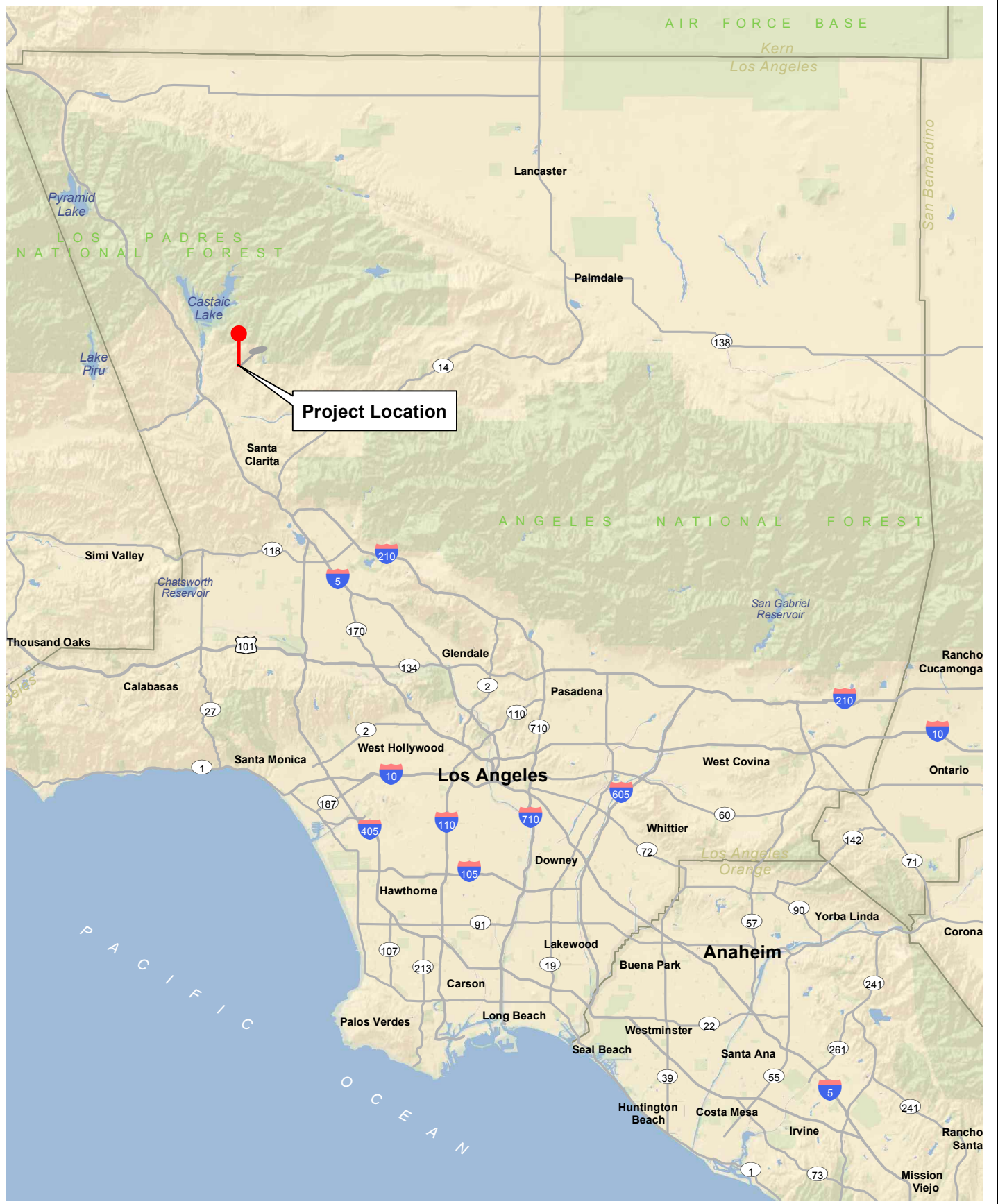


#### *Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
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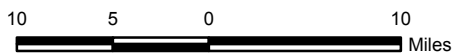




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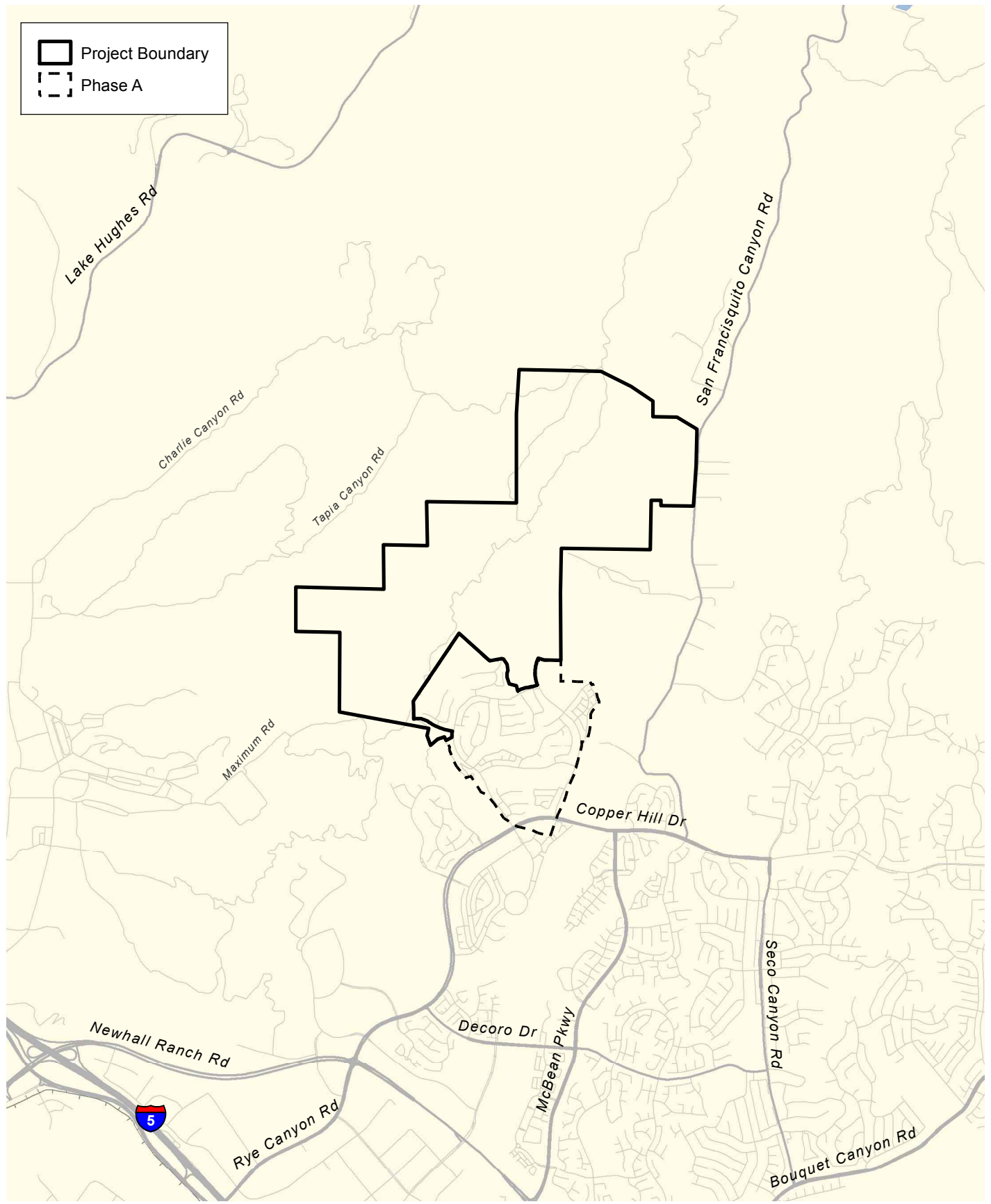
## Regional Location

*Jurisdictional Delineation Report for Phases B and C of the Tesoro del Valle Residential Development Project*

## Exhibit 1



 Project Boundary  
 Phase A

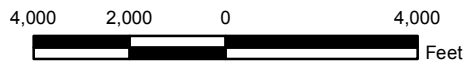


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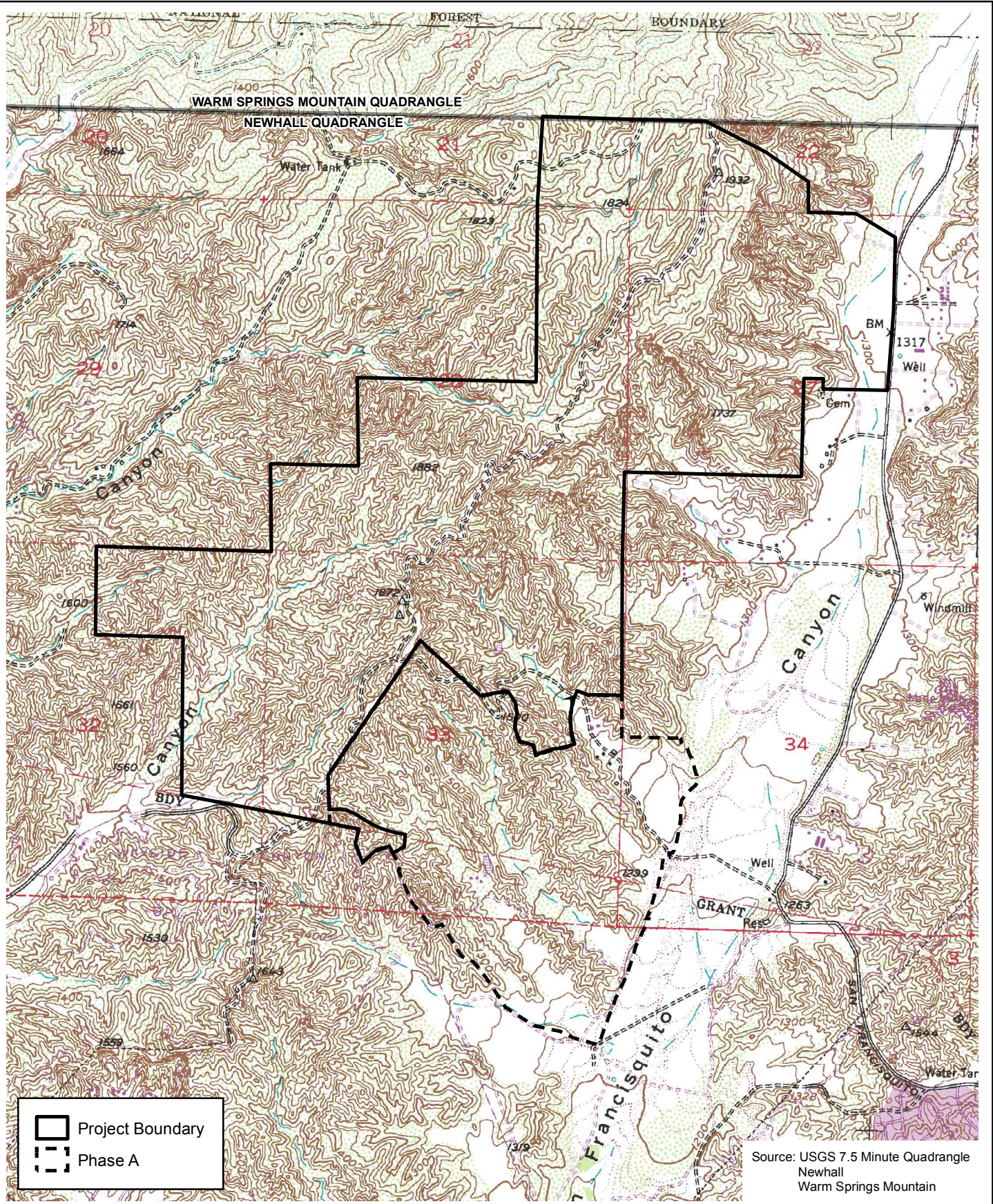
## Local Vicinity

## Exhibit 2



*Jurisdictional Delineation Report for Phases B and C of the Tesoro del Valle Residential Development Project*







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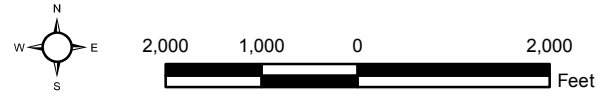
	Project Boundary
	Phase A

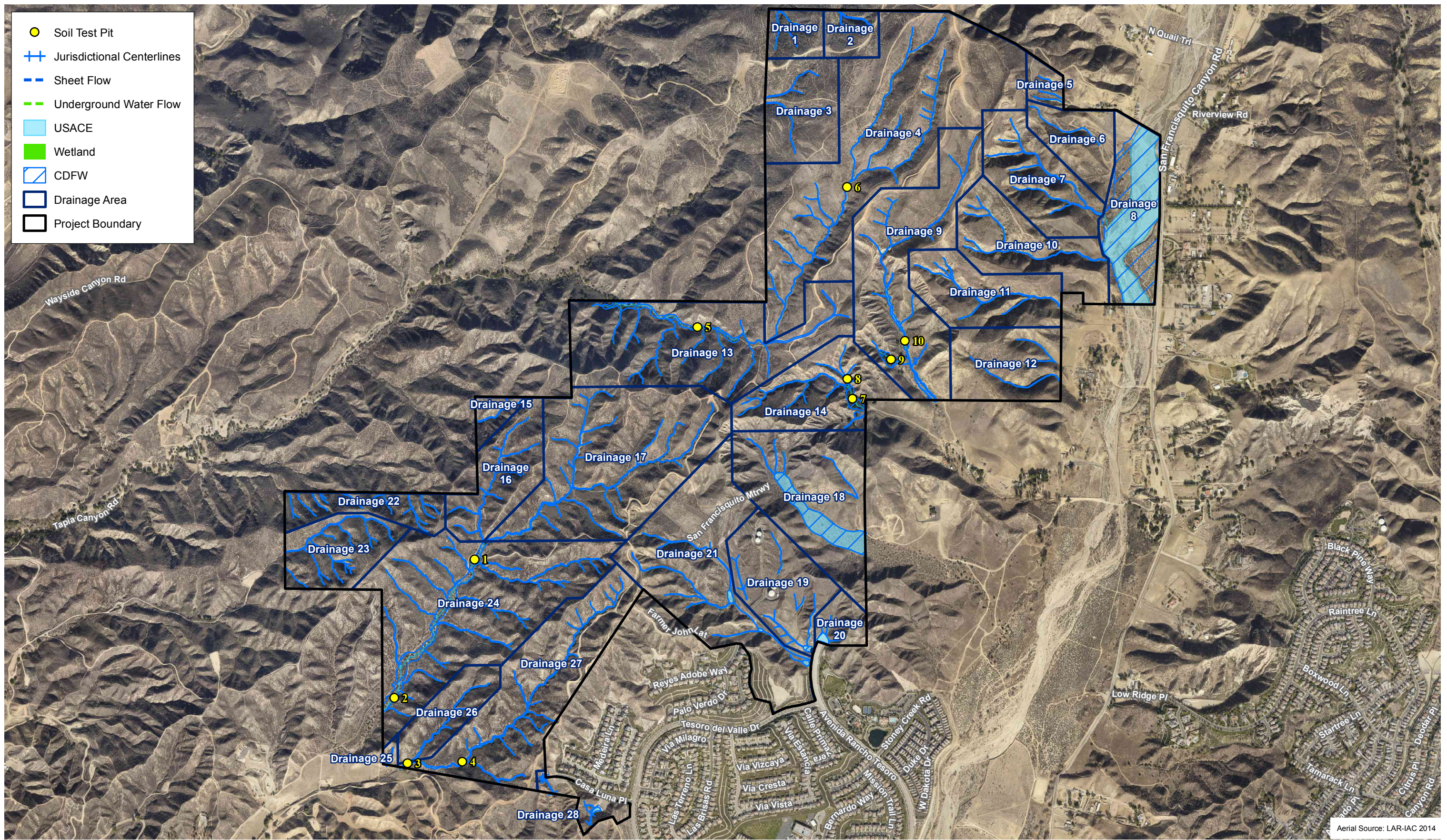
Source: USGS 7.5 Minute Quadrangle  
Newhall  
Warm Springs Mountain

## USGS 7.5–Minute Digital Quadrangle

## Exhibit 3

*Jurisdictional Delineation Report for Phases B and C of the Tesoro del Valle Residential Development Project*





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Aerial Source: LAR-IAC 2014

### Jurisdictional Resources

Jurisdictional Delineation Report for Phases B and C of the Tesoro del Valle Residential Development Project



### Exhibit 4

