



PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR PERMIT Southshore Project Tentative Tract 31593

Public Notice/Application No.: SPL-2005-01260-CLD

Project: Southshore Project Tentative Tract 31593

Comment Period: August 13, 2014 through September 12, 2014

Project Manager: Crystel Doyle; 951-276-6624 x260; Crystel.L.Doyle@usace.army.mil

Applicant

Eric Lunde
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Contact

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Location

The Southshore Project Tentative Tract 31593 (Project) is located in the City of Lake Elsinore in western Riverside County, California east of Interstate 15, west of Central Avenue (State Route 74) and south of the current terminus of Elsinore Hills Road. The proposed project area is located within Section 32, Township 5S, Range 4W and Sections 5 and 6, Township 5S, Range 4W on the U.S. Geological Survey 7.5-minute Lake Elsinore quadrangle (Sheet 1).

Activity

The applicant is proposing to permanently discharge fill material into 0.49 acre (8,062 linear feet) of non-wetland waters of the U.S. (WoUS) and to temporarily discharge fill material into 0.09 acre (283 linear feet) of WoUS, for construction of a single-family residential housing development and associated infrastructure, including approximately 94 acres of open space consisting of open lots, landscaped slopes, and a detention basin along the southeastern boundary adjacent to Elsinore Hills Drive. Approximately 34.5 acres will be conserved in the MSCHP preserve on site. An expansion of Elsinore Hills Drive from the north across Wasson Creek using a 30-foot wide arch structure is also proposed (Sheet 2-4).

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 drawings. We invite you to review this public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that contributes to 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 of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
Riverside Regulatory Field Office
ATTN: Crystel Doyle
1451 Research Park Drive, Suite 100
Riverside, California, 92507-2154

Alternatively, comments can be sent electronically to: Crystel.L.Doyle@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 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 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 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. The project received a 401 Certification (Certification No. 33-2005-20-DGW) on December 14, 2006 and will be applying for an amendment for the current proposed mitigation.

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 of 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.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity would not adversely affect essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

Cultural Resources- The latest version of the National Register of Historic Places (NRHP) has been consulted and according to the Final Environmental Impact Report (FEIR; 1991) for the proposed project, there were no historical resources located within the proposed project area. In addition, the applicant has provided additional information indicating that an archaeological survey was conducted in 1989, and the investigation of records and the field survey failed to reveal the

presence of any potentially significant cultural resources on the site. The Corps is requiring another records search be conducted as part of this 404 permit process. The Corps will continue to evaluate potential effects on cultural resources and will make a determination on whether consultation with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, is warranted.

Endangered Species- A biological assessment of the proposed project site was conducted in October 2003; no state or federal listed plant or animal species were found. The site was found to have limited potential to support Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), and slender-horned spineflower (*Dodecahema leptoceras*). However, under the terms and conditions of the MSHCP, surveys for these plant species would not be required.

Quino checkerspot butterfly (*Euphydryas editha quino*), southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), coastal California gnatcatcher (*Polioptila californica californica*), and Stephens' kangaroo rat (*Dipodomys stephensi*) were also noted as having potential to occur on the proposed project site.

A Section 7 Consultation (FWS-WRIV-4618.1) was completed under the previous NWP authorization and addresses impacts to listed species. Because there has been no change in the project description, this Section 7 Consultation remains in effect.

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 sitting 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 on to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is housing. The project is not water dependent.

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 an approximately 490-lot single-family residential housing development to help meet the anticipated housing needs of the City of Lake Elsinore and environs.

Additional Project Information

Baseline information-

The proposed project was previously permitted on October 23, 2007, (SPL-200501260-JPL), under a NWP 29. The permit was re-verified on October 19, 2009. The applicant requested a renewal of the original permit under the current NWP program stating the proposed project description and

impacts are the same as previously permitted; however, the request was denied because project impacts would exceed the 300-foot linear foot limitation of NWP 29. Moreover, as proposed, the project would result permanent impacts nearing the 0.5-acre threshold for NWP 29.

The proposed site is currently undeveloped, consisting primarily of a series of rugged hills and ridge lines supporting coastal sage scrub, with lesser coverage by non-native grassland. Wasson Creek follows the northwestern site boundary and contains small areas of alluvial fan sage scrub, mule fat scrub, and southern willow scrub. Several dirt roads are present on site, though many are narrow and very steep, used primarily by off-highway vehicles. Elevation on site ranges from approximately 1,300 feet above mean sea level (amsl) to approximately 1,750 feet amsl.

The proposed project site contains only non-wetland WoUS occurring in Wasson Creek and six ephemeral drainages (0.84 acre, 12,193 linear feet). No wetland WoUS occur on the property. Vegetation communities found on site include coastal sage scrub (including alluvial fan sage scrub), southern willow scrub, mule fat scrub, non-native grassland, ornamental, and developed.

Surrounding land uses include single-family tract homes to the north and low intensity residential and modest commercial development to the west along I-15. Areas to the north and east are planned for and /or consist of constructed residential development similar to the proposed project.

The proposed project is located partially within the Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Proposed Core 1, and the northern portion of the site comprises a portion of Subunit 5—the western of the two cells in Cell Group Z of the Elsinore Area Plan. The proposed project is consistent with the MSHCP. It conserves habitat and acreage consistent with the cores and linkages, area plan, planning unit and MSHCP Cell Group Z criteria. A Determination of Biological Equivalent or Superior Preservation (DBESP) was prepared by Glenn Lukos, 2004, to establish consistency with the MSHCP and its riparian/riverine section.

Project description-

The proposed project includes 490 single-family lots. The proposed project will also include approximately 34.5 acres of open space within the MSHCP preserve. An expansion of Elsinore Hills Drive from the north across Wasson Creek using a 30-foot wide arch structure is also proposed.

The Corps' jurisdictional extent is comprised of 0.84 acre (12,193 linear feet) of non-wetland WoUS that occur within Wasson Creek and six (6) unnamed, ephemeral drainages. No wetland WoUS occur on the property. Flows from the project site are conveyed northwest to Temescal Wash, which confluences with the Santa Ana River, which in turn conveys flows west and south to the Pacific Ocean.

Impacts to Corps' jurisdictional features are based on a Preliminary Jurisdictional Determination and total 0.58 acre, which is comprised of 0.49 acre (8,062 linear feet) of permanent impacts from grading necessary for construction of the pads for the home sites, streets, parks, and other project amenities and 0.09 acre (283 linear feet) of temporary impacts from construction of a bridge over Wasson Creek, resulting from the extension of Elsinore Hills Road for ingress/egress to the proposed development (Table 1).

Table 1 PROJECT EFFECTS TO USACE JURISDICTIONAL WoUS†		
NON- WETLAND WoUS	ACREAGE* / LINEAR FEET	
	Permanent	Temporary
Wasson Creek	0.15 / 417	0.09 / 283
A1-A2	--	--
B	--	--
C	0.02 / 722	--
D1-D12	0.27 / 5,500	--
E	0.02 / 326	--
F1-F2	0.03 / 1,097	--
TOTAL	0.49 / 8,062	0.09 / 283

*Rounded to the nearest hundredth.

†Includes onsite and offsite impacts

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 applicant proposes to avoid 0.27 acre (3,848 linear feet) of Corps waters of the U.S. The project was designed to avoid all of Wasson Creek with the exception of the road crossing.

Minimization: During the construction phase of the Project, the applicant proposes to follow Best Management Practices (BMP's) designed to minimize the short-term degradation of water quality.

Compensation: The previously issued 404 permit required restoration of 2.4 acres of southern willow scrub. However, a completed assessment of this restoration proposal has determined that the proposed restoration cannot be accomplished at this location, because it would require type conversion of other native habitats (Riversidean sage scrub and alluvial fan sage scrub). In addition, given the sandy, dry nature of the location, southern willow scrub, it is not anticipated that the site would not persist in the long term. The applicant is instead proposing the following compensatory mitigation: for the permanent loss of 0.49 acre and temporary loss of 0.09 acre of non-wetland WoUS, the applicant proposes to pay a one-time in-lieu fee to a Corps-approved mitigation bank and/or in-lieu fee program within the Santa Ana River Watershed.

Proposed Special Conditions

No additional Special Conditions are proposed at this time.

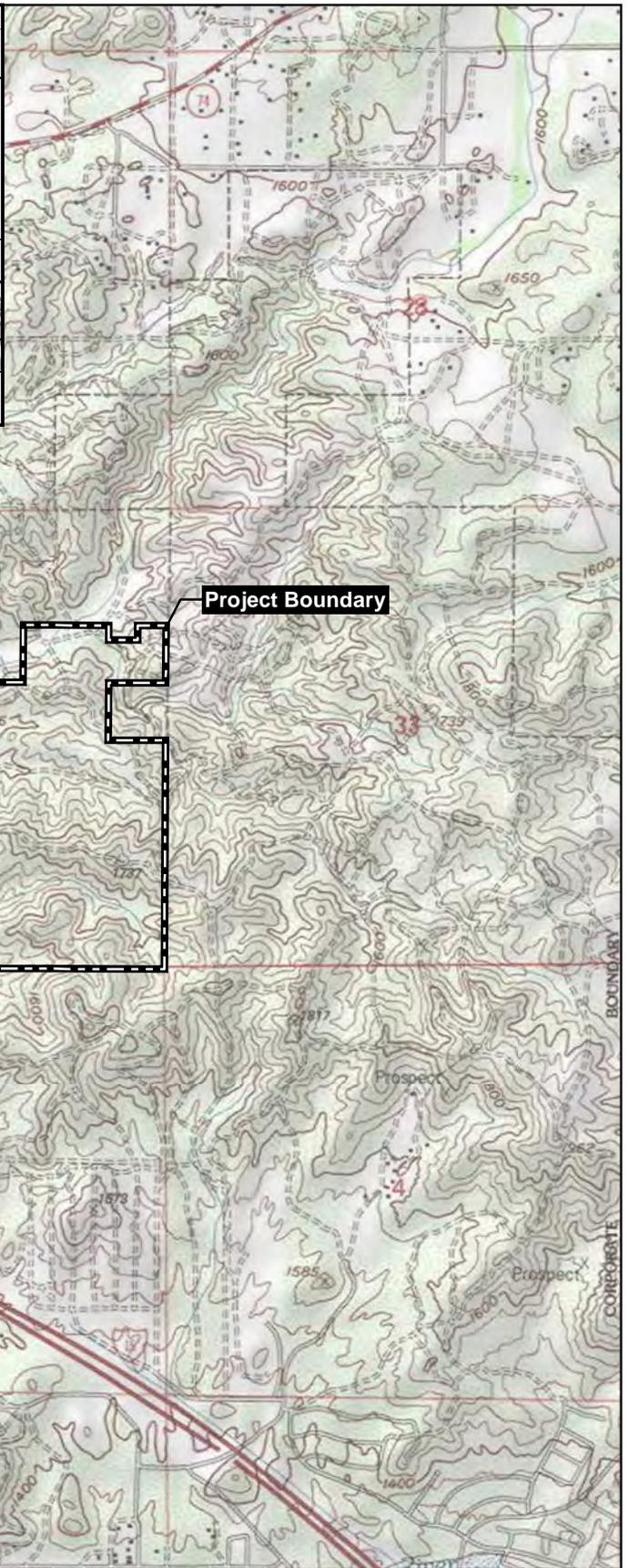
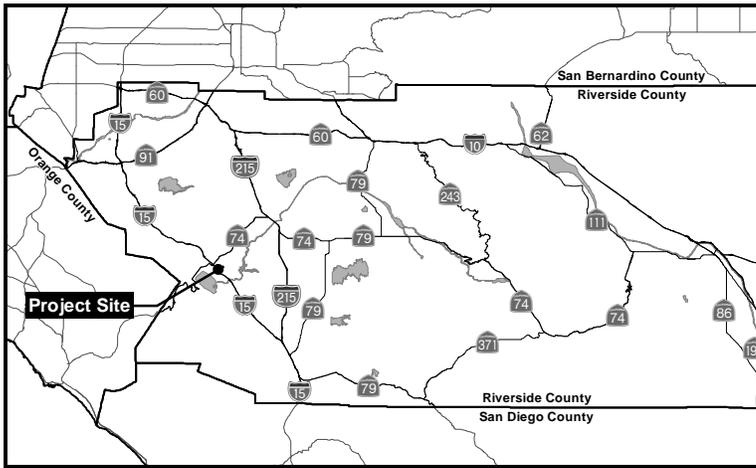
For additional information, please call Crystel Doyle at 951-276-6624 x260 or via e-mail at Crystel.L.Doyle@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



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.

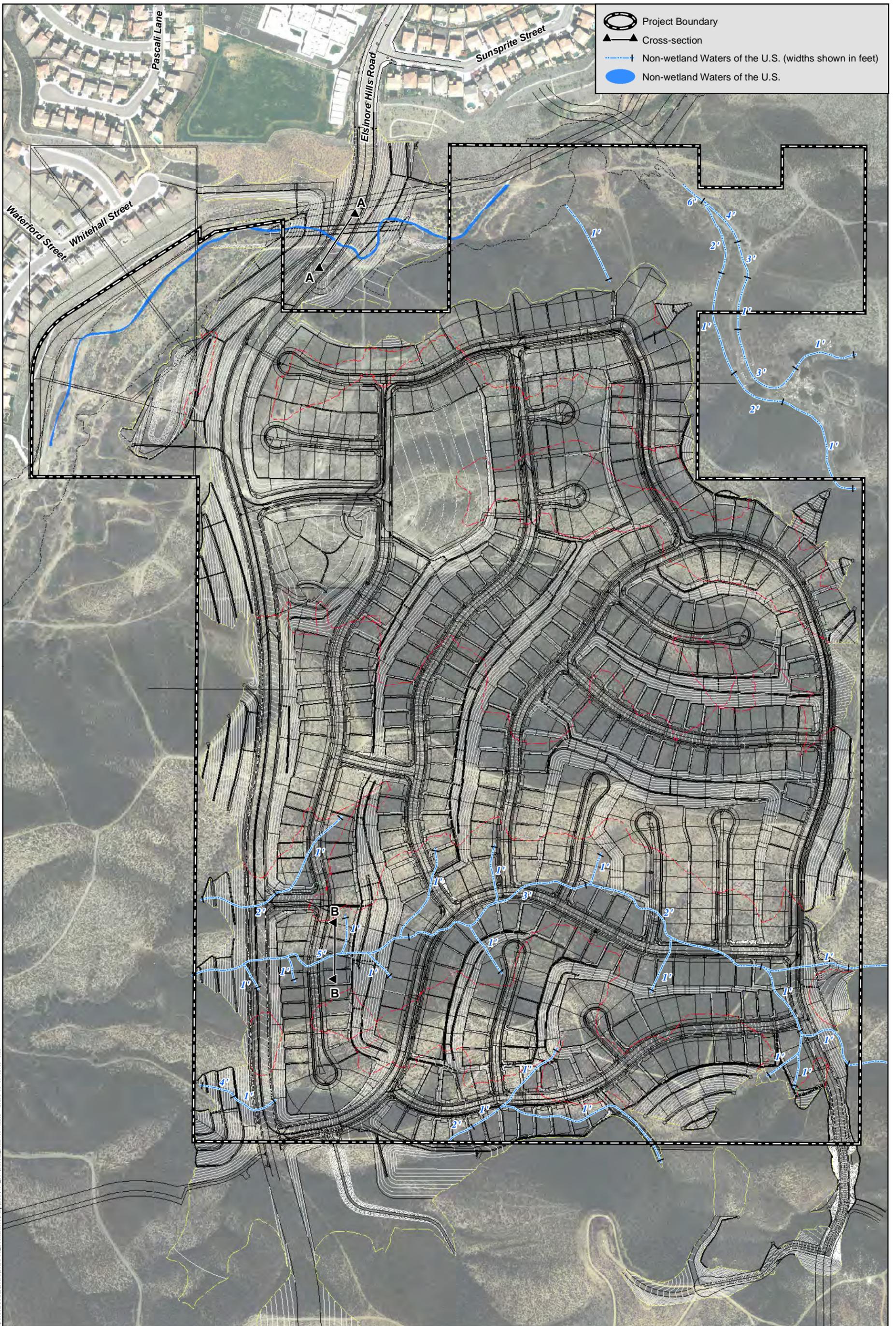
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Project Location Map

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SOUTHSHORE



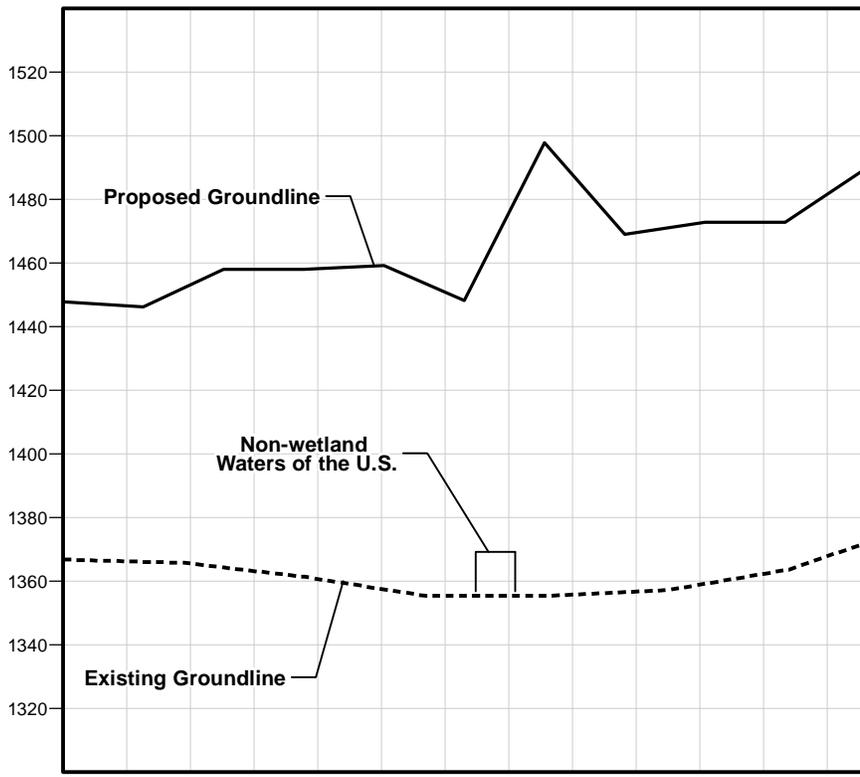
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Plan View

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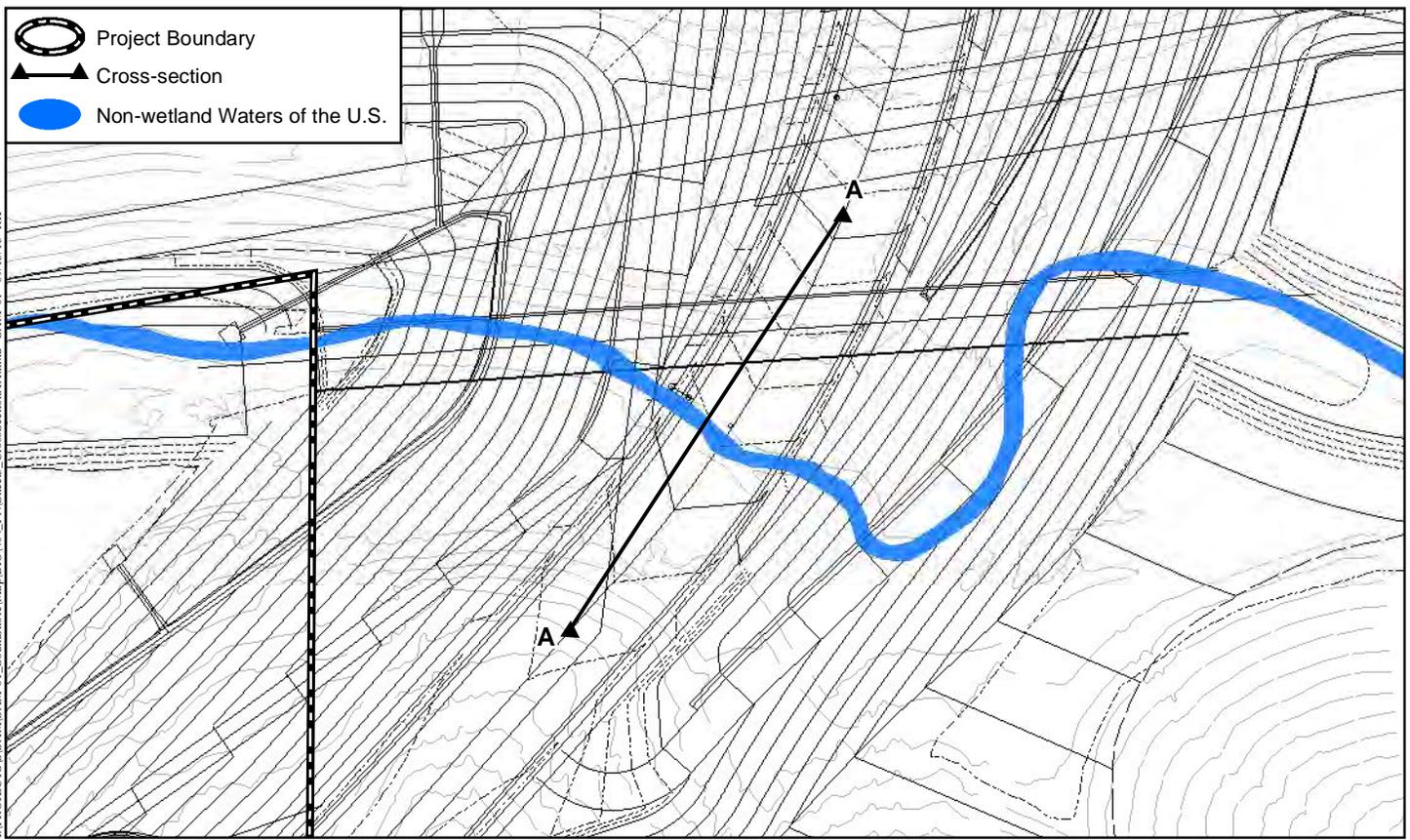
SOUTHSHORE

Sheet 2



1 inch = 60 feet

-  Project Boundary
-  Cross-section
-  Non-wetland Waters of the U.S.



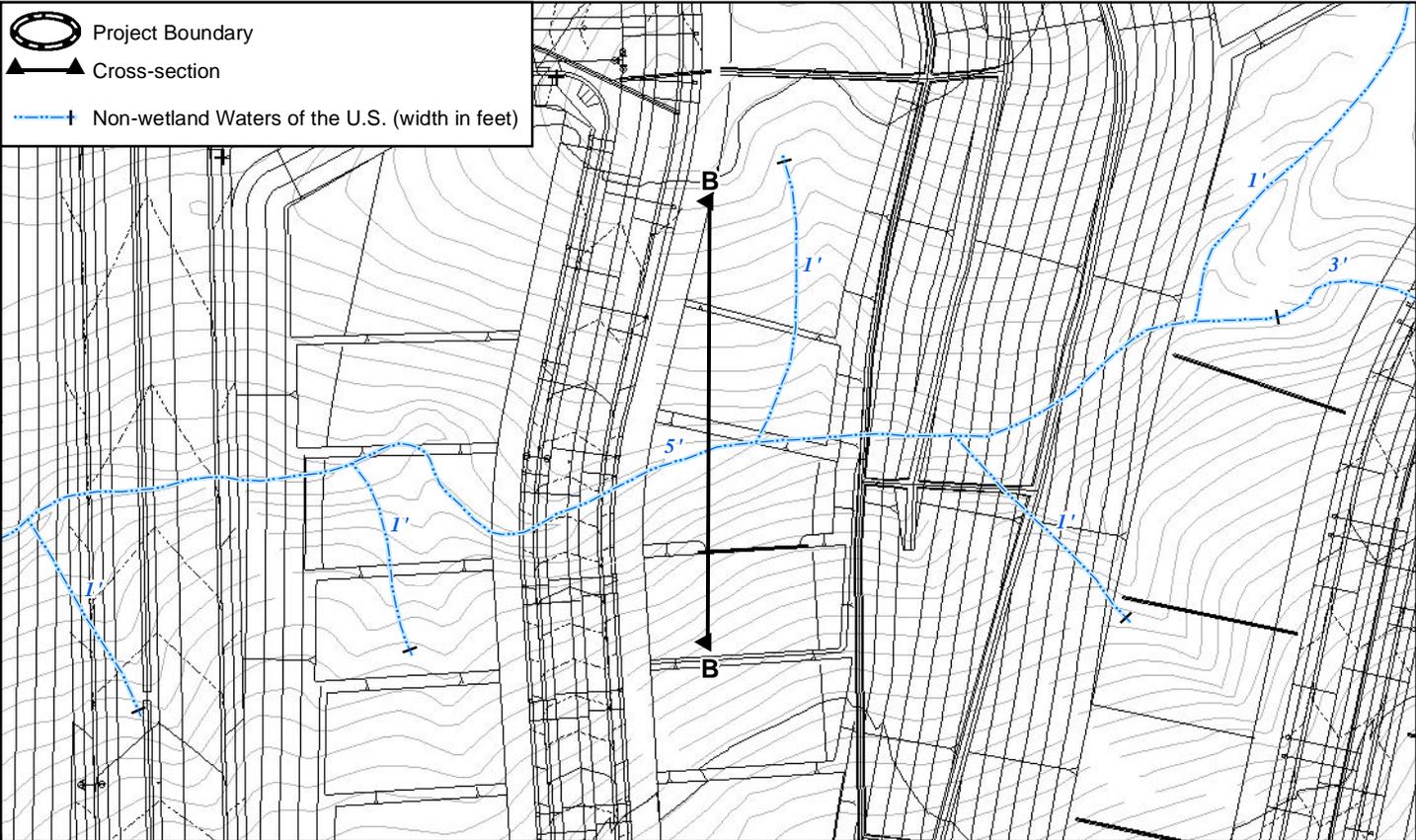
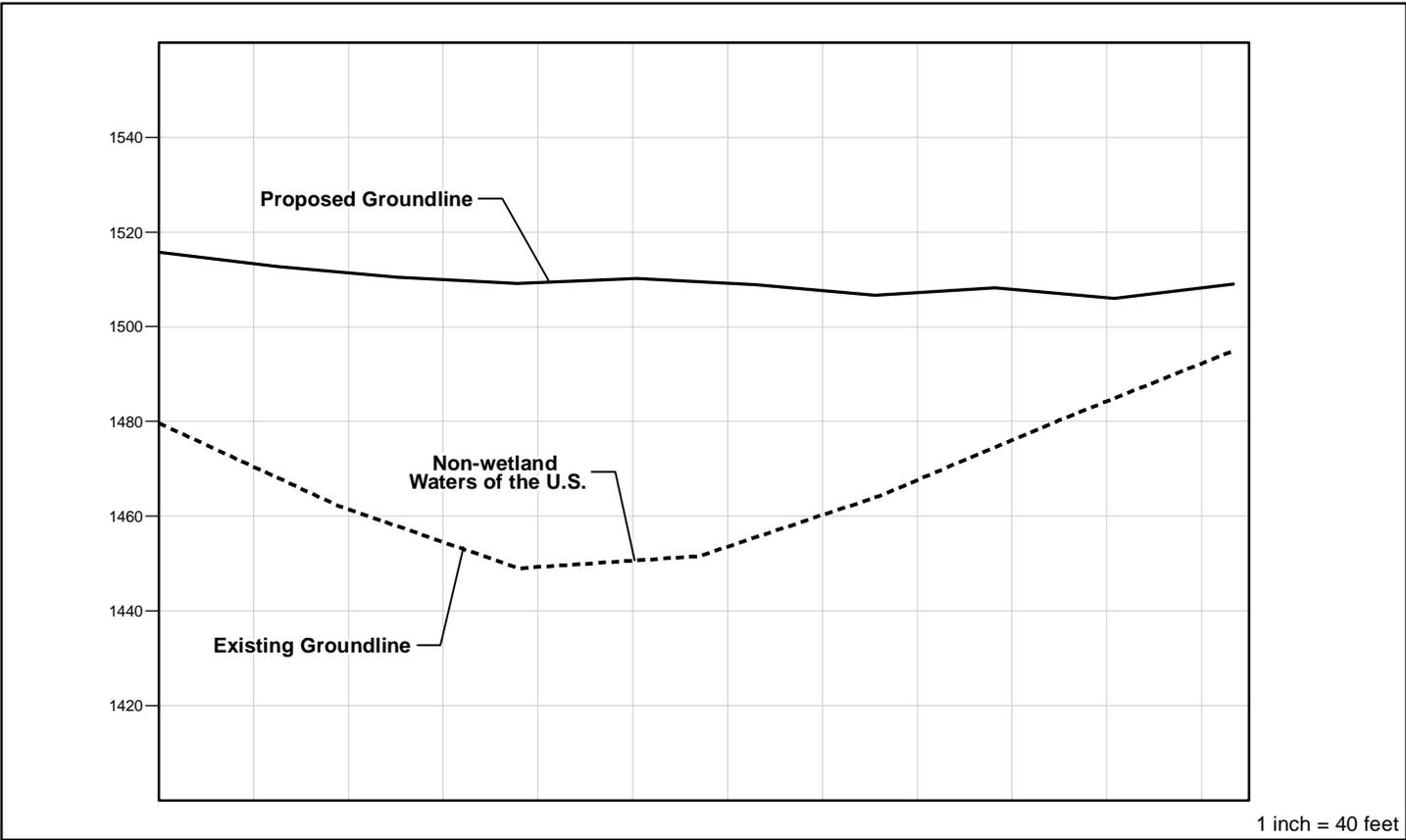
Cross-section A-A

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SOUTHSHORE

Sheet 3

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Cross-section B-B

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SOUTHSHORE