



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Montebello Hills Development and Conservation Project

Public Notice/Application No.: SPL-2008-00212-LM
Project: Montebello Hills Development and Conservation Project
Comment Period: July 24, 2019 – August 24, 2019
Project Manager: Lisa Mangione

Applicant

Toll Brothers, Inc.
Attn: Peter Kim
725 West Town & Country Road
Orange, California 92686

Contact

Glenn Lukos Associates
Attn: Thienan Pfeiffer
29 Orchard
Lake Forest, California 92630
949-340-9088

Location

The Montebello Hills Development and Conservation Project (Project) is located within the northeast portion of the City of Montebello, Los Angeles County, within an area known as the Montebello Oil Field. The Project site is bounded by commercial uses to the north, residential and open space (Whittier Narrows Dam area) to the south, open space (Whittier Narrows Flood Control Basin and Recreation Area) to the east and residential and municipal uses to the west. The Project site is depicted on the U.S. Geological Survey (USGS) topographic map El Monte, California (34.030491°N, 118.086571°W).

Activity

The Project includes development of 224.5 acres within a 488-acre Project site, including a maximum of 1,200 residential units, a neighborhood park, recreation center, multi-use trail system, associated infrastructure, drainage facilities, pedestrian walkways, and landscaping. The Project would also establish a 262.8-acre Montebello Hills Habitat Reserve (Reserve) that will include creation, restoration, and enhancement of native vegetation communities as the Project is developed and as oil operations are abandoned over time.

The Project, as proposed would result in permanent impacts to 0.76 acre (8,419 linear feet) of non-wetland waters of the U.S.

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). 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 support 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 (22 U.S.C. 1344). Comments should be mailed to:

**Los Angeles District, Corps of Engineers
ATTENTION: Regulatory Branch (SPL-2008-00212)
60 South California Street, Suite 201
Ventura, California 93001-2598**

Alternatively, comments can be sent electronically to: lisa.mangione@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 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. The applicant has applied for a Section 401 Water Quality Certification with the Los Angeles Regional Water Quality Control Board.

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 will not affect coastal zone resources.

Cultural Resources- The Corps issued a provisional 404 permit for the Montebello Hills Development and Conservation Project (original Project) in 2010. On October 19, 2009,

the Corps initiated Section 106 consultation with the State Historic Preservation Officer (SHPO) for the original Project with a finding of no historic properties affected. By letter dated November 30, 2009, the SHPO concurred with the Corps' determination.

The applicant's permitting consultant, Glenn Lukos Associates, confirmed in their application materials for the current Project that they have consulted the latest version of the National Register of Historic Places and the Project site is not listed. The applicant's archeological consultant, Environmental Intelligence (EI), conducted a cultural resources records search on June 18, 2018. Eight previously recorded cultural resources are located within the records search extent, all of which are historic-era. Two of the identified resources include the Montebello Oil Field (P-19-003813) and the monument for the Site of Mission Vieja (P-19-186540). The remaining six resources consist of Southern California Edison's (SCE) historic-era subtransmission and transmission lines (P-19-186876, -190502, -190503, -190504, -190505, and -190508). EI has concluded that the Montebello Oil Field is not eligible to the NRHP based on absence of integrity. The monument for the Site of the Mission Vieja (P-19-186540) is located outside of the Project's Area of Direct Effect (ADE) and would not be impacted by Project activities. The remaining six resources (P-19-186876, P-19-190502, -190503, -190504, -190505, and -190508) consist of subtransmission and transmission lines that the applicant's permitting consultant has reported have been previously recommended as not eligible to the NRHP. Based on the above information, the Corps has made a preliminary determination that the proposed Project would have no effect on cultural resources. Pursuant to Section 106 of the National Historic Preservation Act, the Corps will initiate consultation with the SHPO to request their concurrence.

The Corps will request that the Native American Heritage Commission (NAHC) conduct a sacred lands file search for the Project and provide a list of Native American contacts that may have knowledge of the religious and cultural significance of historic properties in the project area. The Corps will contact each of the Native American contacts provided by the NAHC and request their comments. A Corps permit will not be issued until tribal concerns have been adequately addressed and tribal consultations, if required, have been completed.

Endangered Species- The proposed Project would impact 224.5 acres of occupied and designated critical habitat for the coastal California gnatcatcher (*Poliioptila californica californica*). A Biological Opinion (BO) was issued by the U.S. Fish and Wildlife Service (USFWS) for oil operations in 2007. The USFWS issued a separate BO in 2009 in support of a 404 permit application that was submitted in 2008 for the development of the Montebello Hills Development and Conservation Project, for which a provisional Section 404 permit was issued in 2010. The applicant has submitted an updated project description to the USFWS in support of the current project proposal. The USFWS has indicated they are conducting an administrative review to determine whether the 2009 BO provides sufficient ESA coverage for the current Project proposal in light of ongoing implementation of the conservation measures set forth in the 2007 and 2009 BOs.

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 dredge or fill material in to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is residential development, which is not water dependent.

Overall Project Purpose- 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 a residential community, comprising approximately 1,200 residential units with associated infrastructure on a 488-acre parcel in the vicinity of the City of Montebello.

Project Description

The Project proposes to develop 224.5 acres within the 488-acre Project site consisting of a maximum of 1,200 residential units, a neighborhood park, recreation center, multi-use trail system, associated infrastructure, drainage facilities, pedestrian walkways, and landscaping. The Project would also establish a 262.8-acre Montebello Hills Habitat Reserve (Reserve) that would include creation, restoration, and enhancement of native vegetation communities as the Project is developed and as oil operations are abandoned over time.

Existing oil operations and their associated access roads, along with the northeast portion of the site (SCE Easement), are included in the overall boundary of the Project site, and labeled on Exhibit 3 – Corps Jurisdictional Delineation/Land Use Map as “NAP/Existing Uses”. Existing oil operations are described in more detail under *Existing Conditions*. The NAP (Not A Part) area consists of the SCE Easement and is not associated with Project activities.

Additional Project Information

Existing Condition

The Project site is located within the Montebello Hills and consists of generally rugged topography (i.e., steep canyons) with limited areas of flat or gently sloping topography. The onsite elevations range from 210 feet above mean sea level (AMSL) in the southeast portion of the site to 598 feet AMSL in the northwest portion. Much of the site has been disturbed for oil and gas production activities occurring over the past 100 years. As such, the site is interspersed with roadways and oil and gas production facilities including well pads, pipelines, associated equipment, and buildings. The Project site is largely surrounded by urban land uses, including single-family homes to the southwest, large retail and restaurant complexes to

the north and northeast and rural residential and disturbed open space, including the Whittier Narrows Dam to the east and southeast. Montebello Boulevard is a major thoroughfare which immediately borders the site to the north and west, and State Highway 60 is nearby to the north. The entire perimeter of the Project site is fenced.

As described in the Montebello Hills Specific Plan, the Montebello Oil Field currently functions as a producing oil field. As a part of ongoing operations, the oil and gas facilities will be modernized to utilize more efficient technologies involving the abandonment or relocation of wells or pipelines and the drilling of new wells subject to separate permits issued by applicable agencies. No changes to oil operations are planned or included as part of the Specific Plan. All wells within the planning areas are to be abandoned or accommodated within subsurface concrete cellars. The Specific Plan also allows for the continued operation and servicing of oil and gas facilities, and such operations are permitted within the Specific Plan's open space areas, pursuant to the Montebello Municipal Code.

Corps Jurisdictional Waters

Glenn Lukos Associates (GLA) conducted an updated jurisdictional delineation of the Project site in July 2018. Potential Corps jurisdiction within the Project site totals approximately 1.67 acres with 14,163 feet of jurisdiction across fourteen drainages and eight associated tributaries, none of which consists of wetland waters (Exhibit 3 - Corps Jurisdictional Delineation/Land Use Map). All of the drainages are ephemeral. Upon leaving the site, flows ultimately enter the Rio Hondo, which is located approximately 0.5 mile south of Project site. Table 1 below outlines the total acreage and linear footage of Corps jurisdiction within the Project site.

Table 1. Potential Corps Jurisdiction

Drainage/ Tributary	Total Non-Wetland Waters	Total Wetland	Total Corps Jurisdiction (acres)	Linear Feet
A	0.03	0	0.03	322
B	0.03	0	0.03	139
C	0.05	0	0.05	269
D	0.03	0	0.03	327
E	0.19	0	0.19	1,413
E1	0.01	0	0.01	212
F	0.09	0	0.09	1,124
F1	0.02	0	0.02	384
F1.1	0.004	0	0.004	187
F3	0.02	0	0.02	387
G	0.02	0	0.02	366
H	0.08	0	0.08	1,384
I	0.24	0	0.24	2,154
I1	0.10	0	0.10	1,266
J	0.12	0	0.12	499
K	0.09	0	0.09	328
L	0.21	0	0.21	433

Drainage/ Tributary	Total Non-Wetland Waters	Total Wetland	Total Corps Jurisdiction (acres)	Linear Feet
M	0.19	0	0.19	1,374
M1	0.02	0	0.02	325
M2	0.05	0	0.05	532
N	0.07	0	0.07	466
N1	0.01	0	0.01	272
Total	1.67	0	1.67	14,163

Proposed Project Mitigation

The Applicant proposes to mitigate for permanent impacts to 0.76 acre (8,419 linear feet) of Corps jurisdiction at a 2:1 ratio through purchase of 1.52 acres of creation, enhancement and/or rehabilitation credits from a Corps-approved mitigation bank or in-lieu fee program. Copies of the credit purchase will be provided to the Corps prior to impacts to Corps jurisdiction.

Proposed Special Conditions

Special conditions to ensure minimization of impacts to aquatic and other environmental resources will be identified through the environmental assessment and permit application review processes, and incorporated into the Corps permit for the Project.

For additional information please call Lisa Mangione of my staff at 805-585-2150 or via e-mail at Lisa.Mangione@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

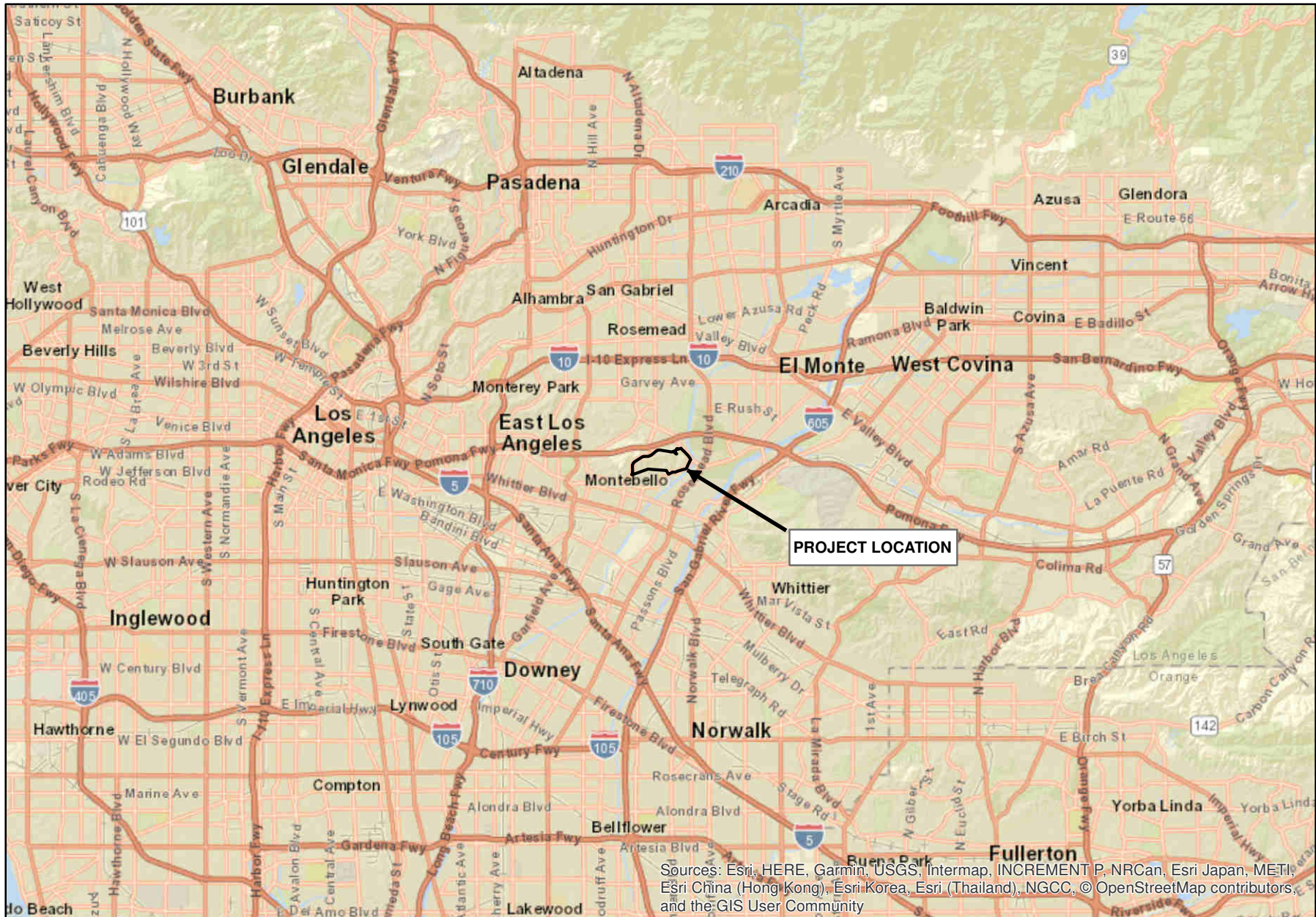


Regulatory Program Goals:

- 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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Source: ESRI World Street Map



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

MONTEBELLO HILLS DEVELOPMENT AND CONSERVATION PROJECT

Regional Map

GLENN LUKOS ASSOCIATES

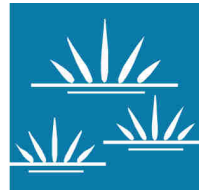
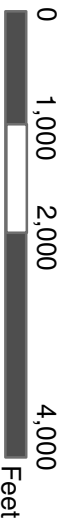
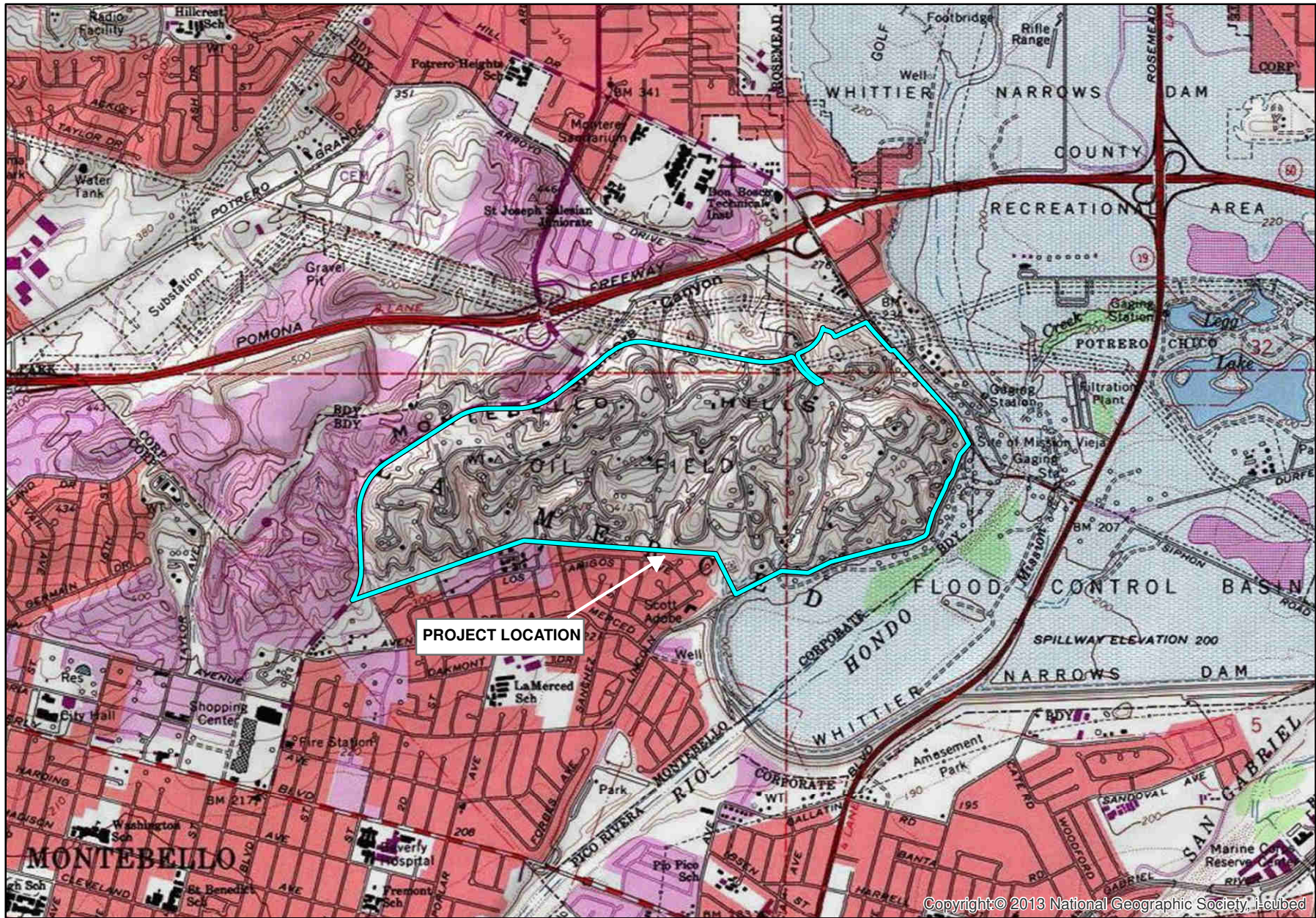


Exhibit 1

Adapted from USGS El Monte, CA quadrangle



MONTABELLO HILLS DEVELOPMENT AND CONSERVATION PROJECT

Vicinity Map

GLENN LUKOS ASSOCIATES

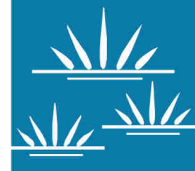


Exhibit 2

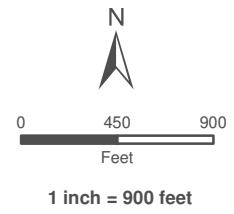
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- Project Boundary
- Conservation Area
- NAP/Existing Uses

- Impacted Non-Wetland Waters of the U.S.
- Avoided Non-Wetland Waters of the U.S.
- Width of Jurisdiction in Feet

- Permanent Impact Categories**
- Project Area Phases A & B
 - Manufactured Slopes
 - Fuel Modification Zones
 - City Right-of-Way







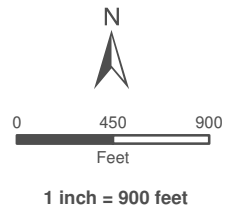
MONTEBELLO HILLS DEVELOPMENT AND CONSERVATION PROJECT
Corps Jurisdictional Delineation/Land Use Map

GLENN LUKOS ASSOCIATES 

Exhibit 3








-  Project Boundary
-  Project Impact Footprint
-  Avoided Non-Wetland Waters of the U.S.
-  Width of Jurisdiction in Feet

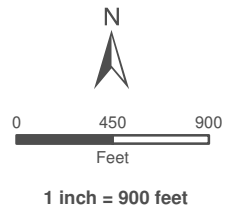


MONTEBELLO HILLS DEVELOPMENT AND CONSERVATION PROJECT
 No Federal Action Alternative

GLENN LUKOS ASSOCIATES 
 Exhibit 4








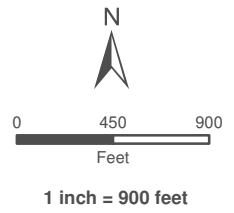
-  Project Boundary
-  Project Impact Footprint
-  Impacted Non-Wetland Waters of the U.S.
-  Avoided Non-Wetland Waters of the U.S.
-  Width of Jurisdiction in Feet



MONTEBELLO HILLS DEVELOPMENT AND CONSERVATION PROJECT
 Partial Avoidance Alternative



-  Project Boundary
-  Project Impact Footprint
-  Impacted Non-Wetland Waters of the U.S.
-  Avoided Non-Wetland Waters of the U.S.
-  Width of Jurisdiction in Feet



MONTEBELLO HILLS DEVELOPMENT AND CONSERVATION PROJECT
 Previously Proposed 2008 Alternative

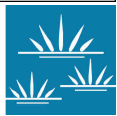





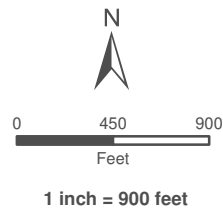
GLENN LUKOS ASSOCIATES 

Exhibit 6

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-  Project Boundary
-  Project Impact Footprint
-  Impacted Non-Wetland Waters of the U.S.
-  Avoided Non-Wetland Waters of the U.S.
-  Width of Jurisdiction in Feet



MONTEBELLO HILLS DEVELOPMENT AND CONSERVATION PROJECT
Proposed Project Alternative

GLENN LUKOS ASSOCIATES 

Exhibit 7