



PUBLIC NOTICE

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

BUILDING STRONG®

**APPLICATION FOR PERMIT
Metropolitan Airpark Project**

Public Notice/Application No.: SPL-2012-00212-MG

Project: Metropolitan Airpark Project

Comment Period: November 13, 2015 through December 13, 2015

Project Manager: Meris Guerrero; 760-602-4836; meris.guerrero@usace.army.mil

Co-Applicant

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Real Estate Assets Department
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Authorized Agent/Contact

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Co-Applicant

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Location

The proposed Metropolitan Airpark project is located on the current site of Brown Field Municipal Airport in the City of San Diego and the community of Otay Mesa, approximately 2.5 miles east of Interstate 805 and 1.5 miles north of the United States-Mexico International Border. The site is depicted on the U.S.G.S. 7.5 minute Otay Mesa Quadrangle in Sections 27, 28 and 29, Township 18 South and Range 01 West. The proposed project impacts would occur in numerous wetlands, vernal pools, and non-wetland waters of the United States associated with unnamed tributaries to the Otay and Tijuana Rivers in San Diego, San Diego County, California (latitude: 32.568166°N, longitude:-116.978665°W) (Figures 1 and 2).

Activity

The City of San Diego (City) and Metropolitan Airpark, LLC propose to redevelop portions of the 880-acre Brown Field Municipal Airport site, both north and south of the existing runway, by constructing aviation and non-aviation facilities, including large and small scale aircraft hangers, a helicopter base, commercial center, industrial park and solar energy facilities on approximately 310 acres (Figure 4). The project also includes offsite road improvements along La Media Road, south of the airport site (Figure 3). The City intends to lease a portion of the project site to Metropolitan Airpark, LLC for aviation and non-aviation uses. The project (onsite and offsite) would impact approximately 0.275 acre of vernal pools, 0.258 acre of freshwater marsh wetlands, and 0.75 acre of non-wetland waters of the United States. The project would be built out over a 20-year period, but

impacts to waters of the United States would occur, and be mitigated for, during the first 5-year phase. For more information see page 3 of this notice.

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 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
Los Angeles District, US Army Corps of Engineers
Regulatory Division
Attn: SPL-2012-00212-MG
5900 La Place Court, Suite 100
Carlsbad, California 92008

Alternatively, comments can be sent electronically to: meris.querrero@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 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 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- 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 any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance.

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 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.

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-For all proposed work on the airport, the Federal Aviation Authority (FAA) is serving as the Lead Federal Agency for purposes of Section 106 of the National Historic Preservation Act (NHPA) consultation with the State Historic Preservation Office (SHPO). On behalf of the co-applicants, Environmental Science Associates completed a cultural resources assessment of the approximately 362-acre area of potential effect (APE) in 2012. The report included a cultural resources inventory records search at the South Coastal Information Center (SCIC), and pedestrian surveys of the proposed project area to identify cultural resources that are eligible for listing on the

National Register of Historic Places (NRHP) under Section 106 of the NHPA. The Corps will review the FAA consultation results with the SHPO to ensure that the adequacy of the inventory of cultural resources located within the project's APE as defined by the FAA, and the evaluation of those resources, as well as the sufficiency of Native American Tribal coordination, have been fully addressed.

The Corps is the Lead Federal Agency for purposes of Section 106 of the NHPA consultation with the SHPO for the proposed offsite road improvements along La Media Road, south of the airport site. A cultural resources assessment including a records search at the SCIC and pedestrian survey of the offsite project area is currently being prepared. The Corps will determine whether the proposed offsite road improvements will have any adverse effect on historic properties listed, or determined eligible for listing in the National Register.

Endangered Species-The FAA is serving as the Lead Federal Agency for purposes of consulting with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (ESA) for effects to listed species as a result of the proposed work on the airport property and the Corps is the Lead Federal Agency for effects to listed species as a result of the offsite road improvements along La Media Road. Preliminary determinations indicated the proposed activity would affect federally-listed endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*) and, therefore, formal consultation is required.

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, vernal pools).

As proposed, the project would permanently impact 0.275 acre of vernal pools (a special aquatic site), 0.258 acre of freshwater marsh wetlands (a special aquatic site) and 0.74 acre of non-wetland waters of the United States. The basic project purpose for the project is to construct a large-scale Jet Aviation Fixed Based Operator (FBO) with supportive aviation and non-aviation uses. The basic project purpose is not water dependent; therefore, the applicant has the burden of rebutting the presumption that there is a less damaging alternative for the proposed activity that would not affect jurisdictional wetlands {§40 CFR 230.10(a)(3)}.

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 applicant's proposed overall project purpose is to develop a large-scale jet aviation development (minimum of 29.4 acres) and other supportive aviation (minimum of 99.5 acres) and related non-aviation uses including but not limited to industrial, commercial and renewable energy

facilities (minimum of 179.9 acres) that accommodates the forecasted demand for the airport and Otay Mesa.

Additional Project Information

Project description- The Metropolitan Airpark Project includes both the onsite development of a large-scale jet aviation development and offsite road improvements. The onsite development is located on the Brown Field Municipal Airport, north and south of the existing runway; and covers approximately 310 acres of the 880 acres of airport property. The central focus of the project is the Jet Aviation FBO located along Otay Mesa Road in the south-central part of the site. Supportive aviation and non-aviation facilities include large and small aircraft hangars, a helicopter FBO, an industrial park, and a commercial center. Also, a six to eight megawatt solar photovoltaic energy generation facility is proposed to be constructed as part of the project. The project would be constructed in four phases over a 20-year period; however all grading impacts would occur during the first phase.

In addition to the onsite development, the proposed project also includes offsite road improvements to La Media Road, south of Brown Field (Figure 3). Road improvements include widening of La Media Road from two lanes to four lanes between State Route 905 to Siempre Viva Road.

The proposed project would permanently impact a total of 1.265 acre of Waters of the U.S., comprised of 0.275 acre of vernal pool wetlands, 0.25 acre of freshwater marsh wetlands, and 0.74 acre of non-wetland waters of the United States.

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 applicant's proposed mitigation for the project is summarized below:

The applicant is proposing a 1:1 mitigation ratio for onsite and offsite impacts to unvegetated stream channels, 2:1 mitigation ratio for impacts to wetland habitat, and 5:1 mitigation ratio for impacts to vernal pools. Proposed compensatory mitigation types and acreages by jurisdiction are illustrated in Table 1.

TABLE 1. SUMMARY OF MITIGATION ACREAGES BY JURISDICTION

Jurisdictional Type Impacted	Habitat Mitigation Ratio	Corps/RWQCB (acres)	Total Mitigation	Mitigation Type
Ephemeral channel	1:1	0.74	2.91	Ephemeral channel
Wetlands	2:1	0.5	0.5	Vernal pools
Vernal pools	5:1	1.38	1.38	Vernal pools

Approximately 0.74 acre of ephemeral channel would be established along the eastern edge of the Project, paralleling La Media Road. Vernal Pool mitigation would occur onsite, on the Thumb (north of Development Area J), which totals 10.2 acres.

Compensatory Mitigation: The Corps will make the final determination on the need, type and amount of compensatory mitigation for the project, if a Department of the Army permit is issued.

Proposed Special Conditions: The Corps will make the final determination on the need and appropriateness of all Special Conditions of a Department of the Army permit, if issued.

For additional information please call Meris Guerrero of my staff at 760-602-4836 or via e-mail at meris.guerrero@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
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CARLSBAD, CALIFORNIA 92008**

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