PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT
Otay Ranch Village 8 West Project

Public Notice/Application No.: SPL-2013-00495-SAS
Project: Otay Ranch Village 8 West
Comment Period: February 24, 2015 through March 24, 2015
Project Manager: Rose Galer; 760-602-4835; Rose.A.Galer@usace.army.mil

Applicant
Otay Land Company
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Location
The proposed 309-acre Otay Ranch Village 8 West project (Project) falls within in the southeastern portion of the City of Chula Vista, San Diego County, California. The Project is located within the Otay (Estudillo) land grant of the U.S. Geological Survey 7.5-minute Otay Mesa quadrangle (Figures 1 and 2). Specifically, the Project is south of Santa Luna Street, west of Magdalena Avenue in the City of Chula Vista, near the southeasterly edge of the city limits in San Diego County, California (Latitude, Longitude: -116.975927, 32.599128). The Project is within the Otay Ranch General Development Plan (GDP) area and is within areas designated in the County's Multiple Species Conservation Program (MSCP) Subarea Plan (Subarea Plan).

Activity
The applicant proposes to permanently impact approximately 0.18 acre of wetland waters of the U.S. and 1.12 acres (7,169 linear feet) of non-wetland waters of the U.S. in order to construct a mixed-used development including ancillary sewer and storm drain facilities on approximately 309 acres (Figures 3 and 4). This proposed project (Project) includes the development on parcels owned by the applicant (Assessor's Parcel Numbers 644-070-12, -14, -16), referred to as "on-site," and the Planned Facilities alignments located on land not owned by the applicant, referred to as "off-site." 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 figure(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 U.S. Army Corps of Engineers (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. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Rose Galer
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

Alternatively, comments can be sent electronically to: Rose.A.Galer@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 U.S. Environmental Protection Agency (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 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 (NEPA). 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 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 EPA.

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 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.

Cultural Resources- Gallegos & Associates prepared a Phase I and Phase II cultural resources report for the Project site in 2009 (revised and augmented by Noah Archaeological Consulting in 2010). Within the Corps' Permit Area/Area of Potential Effect (APE), two previously recorded archeological sites, CA-SDI-14176 and CA-SDI-12809, were relocated. A third previously recorded site, CA-SDI-14236, could not be relocated and is presumed to have been destroyed or incorrectly mapped. Site CA-SDI-14176 underwent Phase II testing as part of the 2009/2010 study. Site CA-SDI-12809 was tested and evaluated for National Register of Historic Places (NRHP) eligibility by Caltrans in 1993 as part of planning for State Route 125 (McDonald et al. 1993).

The Corps concurs with the determination that CA-SDI-14176 and CA-SDI-14236 are not eligible for the NRHP. The Federal Highway Administration (FHWA) recommended in 1994 that CA-SDI-12809 is eligible for the NRHP under Criterion D. The State Office of Historic Preservation/State Historic Preservation Officer (SHPO) concurred with this determination in a letter to Fred J. Hempel, Division Administration of the FHWA dated May 25, 1995. The Corps concurs that CA-SDI-12809 is eligible for the NRHP.

Within the Corps permit area, a 434-square meter (4,670 square foot) area at the western edge of CA-SDI-12809 will be impacted by construction of a storm drain outfall. However, a survey of this area in 2010 found no surface artifacts. Furthermore, analysis of the results of the extensive Phase II study carried out for Caltrans (McDonald 1993) showed that six shovel test probes (STPs) were excavated at the far western edge of the site, all with negative results.

Because the area of CA-SDI-12809 that will be impacted by construction contains no artifacts, either on or below the surface, and therefore has no research potential, the Project will not alter the characteristics of CA-SDI-12809 that make it eligible for the NRHP under Criterion D. Therefore, the Corps has preliminarily determined that the Project would have "no adverse effect" on historic properties.

The Corps initiated coordination with all tribes listed on the Native American Heritage Commission's (NAHC) Native American contact list on December 23, 2013. The Corps received a response email from the Viejas Band of Kumeyaay Indians (Viejas). The Corps coordinated with Viejas and met with a representative of the tribe with the applicant on the Project site on March 11, 2014. After the site visit, Viejas sent a letter stating the Project is "in an area that is mostly to contain significant resources of the Kumeyaay people" and requested that a tribal and cultural monitor be present during initial ground-disturbing activities. The applicant has agreed to have an archeologist and Kumeyaay tribal monitor on site during ground-disturbing activities based on this tribal input and conditions of approval pursuant to the California Environmental Quality Act.

The Corps has initiated consultation with the SHPO in order to seek concurrence with a preliminary finding of "no adverse effect" for the Project. SHPO consultation is currently ongoing.

Endangered Species- Surveys for coastal California gnatcatcher (*Polioptila californica californica*; CAGN) were conducted in accordance with the U.S. Fish and Wildlife Service (USFWS) Protocol for presence/absence surveys (USFWS 1997) during 2008. Suitable CAGN habitat, including coastal sage scrub (CSS), disturbed CSS, maritime succulent scrub (MSS), and disturbed MSS were surveyed. The survey area was defined by the Project boundary with a mapping buffer that extends 100 feet beyond the parcel boundary. The off-site Planned Facilities alignments were defined by a 100-foot wide survey area for the linear alignments through the City's MSCP Preserve (Preserve) and areas designated for planned active recreation development under the City's MSCP Subarea Plan.

A single adult male CAGN was observed in CSS within the Preserve; multiple sightings of this individual were made during protocol surveys (Figure 5). The Open Space Preserve will not be impacted by the Project (Figure 5). No CAGN occur within the Project impact areas. CAGN were also not detected in the off-site components of the Project, but the CSS habitat associated with these off-site areas are assumed to be utilized by CAGN.

Approximately 11.81 acres of CSS will be permanently impacted, 3.19 acre of which are within the Corps' jurisdiction, and 0.003 acre will be temporarily impacted, none of which is within the Corps' jurisdiction. Approximately 19.71 acres of disturbed CSS will be permanently impacted, 9.12 acre of which are within the Corps' jurisdiction, and 0.07 acre will be temporarily impacted, none of which is within the Corps' jurisdiction. Approximately 0.79 acre of MSS will be permanently impacted, 0.14 acre of which is within the Corps' jurisdiction, and 0.001 acre will be temporarily impacted, all of which is within the Corps' jurisdiction. Figure 5 identifies the impacts on these three vegetation communities. The above listed acreages of CSS, disturbed CSS, and MSS within the direct impact area are unoccupied CAGN habitat.

In addition, approximately 3,500 Otay tarplant (*Deinandra conjugens*) individuals were detected within the Project area. Of the approximately 3,500 Otay tarplants to be impacted, only one was observed within the Corps' jurisdiction specifically, within Drainage 2 (Figure 5).

Based upon this information, the Corps has determined the proposed project is likely to adversely affect the federally listed threatened wildlife species, CAGN, and the federally listed threatened plant species, Otay tarplant, known to utilize habitat within the permit area of the Project. Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the Corps conducted formal consultation with the USFWS for the Project and received USFWS concurrence on December 12, 2014, that the Project is consistent with the Chula Vista MSCP Subarea Plan.

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). As proposed, the Project would result in 0.18 acre of permanent impacts to wetlands, a special aquatic site. The basic project purpose is mixed-use development and related infrastructure. 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 construct approximately 620 single-family residential units, 1,380 multi-family residential units, and 300,000 square feet of commercial space, schools, parks, open space, and associated infrastructure within the City of Chula Vista, adjacent to existing urban development and within 0.25 mile of a transit stop or station[1]. Note that the requirements for schools and parks are fixed by existing entitlements. The Corps will determine the final overall project purpose during its evaluation of the project under the 404(b)(1) Guidelines and NEPA.

Additional Project Information

Project description - The proposed land uses for the Otay Ranch Village 8 West Sectional Planning Area (SPA) Plan include mixed use, multi-family, cluster single-family/townhomes, single family homes, schools, community purpose facility, parks, open space, and arterial rights-of-way. The SPA is identified as the parcels owned by the applicant (Assessor's Parcel Numbers 644-070-12, -14, -16) and referred to as the "on-site" portion of the Project.

[1]This proposed project purpose is consistent with the Otay Ranch General Development Plan (GDP) and Program Environmental Impact Report (PEIR), as well as the more detailed Otay Village 8 West Sectional Planning Area (SPA) Plan and project-specific EIR.

The Otay Ranch Village 8 West SPA is one of the designated 14 villages within the Otay Ranch GDP area. The GDP designates Village 8 West as an Urban Village with a mixed-use Town Center and low-medium density residential uses to the south of the Town Center (Figure 6). Urban Villages are intended to be adjacent to existing urban development and planned for transit-oriented development with higher densities and mixed uses within a quarter mile of a transit stop or station.

This Project as proposed is consistent with the Otay Ranch GDP and Program Environmental Impact Report (EIR), Otay Ranch Resource Management Plan (RMP Phase I and II), and the City of Chula Vista's MSCP Subarea Plan. The Project consists of the following five (5) components[2], described below pursuant to Subarea Plan terminology in order to characterize the status of impact analysis conducted to date (i.e., covered or planned facilities).

- The Village 8 West Sectional Planning Area (SPA) Plan parcel owned by the applicant (covered);
- Temporary grading area within the Not-a-Part parcel (covered);
- Off-site fuel modification zone located along the boundary of the Village 8 West SPA Plan (covered); and
- Off-site planned facilities include a sewer main and paved access road (this component is associated with Salt Creek Intercept/Otay Trunk Sewer) (planned), a storm drain pipeline with associated drainage outfall/energy dissipater structure, and a pedestrian trail with post and rail fencing along the trail alignment (planned).

As defined in the Subarea Plan, covered projects are those projects involving land use development within the City of Chula Vista for which hard-line Preserve boundaries have been established pursuant to the approved Subarea Plan, and where conservation measures consistent with the MSCP Subregional Plan and Subarea Plan have been or will be specified as binding conditions of approval in the Project's local plans and approvals. Planned Facilities are facilities within the Preserve that have been specifically identified by the City to serve development approved by the City and are specified in Table 6-1 of the Chula Vista Subarea Plan. All Planned Facilities are proposed to be situated on existing roads, trails, and other disturbed areas, where feasible, and in areas with minimal slope and outside of wetlands and other areas that may support sensitive habitats, where practicable.

Development of the Project as proposed would be completed in five phases. Phase I would develop 197 to 341 multi-family residential units, and 109 to 114 single-family units in the western portion of the Project. Phase II would develop 260 to 286 single-family residential units in the southwestern area of the Project. Phase III would develop 472 to 776 multi-family units in the northern portion of the Project and 130,000 to 174,000 square feet (sf) of commercial space in the western portion of the Project. Phase IV would develop 185 to 220 single-family residential units in the southeast portion of the Project. Phase V would develop 192 to 313 multi-family residential in the eastern portion of the Project and 70,000 to 126,000 sf of commercial land use in the northern portion of the Project. The sequencing of phases will be determined by current market conditions. A Public Facilities Finance Plan (PFFP) is required as part of the Project. The intent of the PFFP is to ensure that the phased development of the Project is consistent with the overall goals and policies of the City's General Plan, Growth Management Program, and the Otay Ranch GDP. The PFFP components include an analysis of infrastructure facilities, such as water and sewer, and the provision of community services and facilities including fire protection and emergency services, law enforcement, libraries, schools, and parks. The PFFP will require specific facilities to be built in

[2]The existing City of San Diego Reservoir would remain and is not considered part of the proposed Project.

conjunction with development to ensure that improvements adequately serve such development and meet the City's threshold standards.

The off-site Planned Facilities, sewer main, and paved access road are within a 20-foot easement, and the storm drain pipeline and pedestrian trail are within a 10-foot easement immediately adjacent to the sewer main easement. These off-site facilities have been co-located to minimize impacts on the Preserve.

An existing water reservoir in the center of the Project is not a part of the Project and has associated water pipelines that pass through the site on the southern, eastern, and northern sides of the reservoir. These pipelines will be relocated within public street rights-of-way as part of the development and will not create additional areas of grading beyond the current development grading plan.

The proposed Project would permanently impact approximately 0.18 acre of wetland waters of the U.S. and 1.12 acre (7,169 linear feet) of non-wetland waters of the U.S. These impacts include a portion of Drainage 1 (including Wetland 1) and all of Drainage 2 and 3 (Figure 7).

Applicant's Preliminary Alternatives Analysis

The applicant's designated agent prepared an informal alternatives analysis examining the proposed Project, four alternatives, as well as an EIR-approved project. The alternatives include the Drainage 1 Avoidance (Alternative 1a), Avoidance of the Western Portion of Drainage 1 (Alternative 1b), Drainage 2 Avoidance (Alternative 2), and Drainage 3 Avoidance (Alternative 3).The EIR-approved project would impact all drainages, Drainages 1, 2 and 3, and wetlands, Wetlands 1, 2, and 3. Provided below is a brief description of the EIR-approved Project, proposed Project, and the four alternatives. Each alternative was analyzed with respect to the applicant's proposed overall project purpose.

EIR-approved Project

The EIR-approved project would result in permanently impacting all of the drainages, Drainages 1, 2, and 3, as well as all of the wetlands, Wetlands 1, 2, and 3, on the project site. Table 1 compares the available land uses under the EIR-approved Project with those available for the proposed Project and each alternative (described below) and Table 2 identifies the impacts on waters of the U.S. for the EIR-approved project, the proposed Project, and each alternative. Figure 8 depicts the EIR-approved project.

Proposed Project

The proposed Project, as described above in the project description, would avoid the western limits of Drainage 1 (avoiding 287 linear feet), including Wetlands 2 and 3. The proposed Project expands the MSCP Preserve Lands for Wolf Canyon. As described previously, the acreage of parks is a fixed requirement of the existing entitlements for the project; therefore, the multi-family housing was reduced to avoid these aquatic resources. Table 1 compares the available land uses under the proposed Project compared to the EIR-approved project and Table 2 identifies the impacts on waters of the U.S. for the EIR-approved project, the proposed Project, and each alternative. Figure 7 depicts the proposed Project.

Alternative 1a: Drainage 1 Avoidance

Alternative 1 would avoid all of Drainage 1, a natural ephemeral tributary to Wolf Canyon. Avoidance of this drainage also includes avoidance of Wetlands 1, 2, and 3. Avoiding Drainage 1 would directly reduce the usable area planned for parks, schools, the town center, and medium to high-density residential land uses. The requirements for schools and parks are fixed by existing entitlements; therefore, medium to high-density multi-family uses would be reduced to accommodate these requirements. In addition, this alternative would require a 100-foot long bridge where La Media Road intersects Drainage 1, redesign of the sewer system, including a pump station, a new storm drain, a new hydromodification basin, and additional earthwork. Table 1 compares the available land uses under this alternative with the EIR-approved Project and Table 2 identifies the impacts on waters of the U.S. for the EIR-approved project, the proposed Project, and each alternative. Figure 9 depicts this alternative.

Alternative 1b: Avoidance of the Western Portion of Drainage 1

Alternative 1b would avoid the western portion of Drainage 1 from the property line up to the La Media Road (avoiding 746 linear feet), including Wetlands 2 and 3. This alternative expands the MSCP Preserve Lands for Wolf Canyon. Planned parks and medium to high-density residential land uses would be reduced. As described previously, the acreage of parks is a fixed requirement of the existing entitlements for the project; therefore, the multi-family housing was reduced to accommodate the alternative design. This alternative would require substantial redesign of the sewer system, including a sewer pump station, new storm drain outlet, and a hydromodification basin. Table 1 compares the available land uses under this alternative compared to the EIR-approved project and Table 2 identifies the impacts on waters of the U.S. for the EIR-approved project, the proposed Project, and each alternative. Figure 10 depicts this alternative.

Alternative 2: Drainage 2 Avoidance

Alternative 2 would avoid Drainage 2 in the southeast portion of the project site. Drainage 2 is supported by a series of outlet pipes that would be relocated as part of the proposed development. This alternative directly affects the elementary school site, park site, and low to medium-density residential land uses. As described previously, the acreage of schools and parks is a fixed requirement of the existing entitlements. Therefore, single-family residential lots and multi-family units would be reduced in this alternative. This alternative would also require construction of three bridges, a storm drain connecting to the Otay River, a sewer line connecting to the sewer main in Otay River Valley, and additional fire access areas. These utilities would require construction through sensitive biological resources and a listed Indian artifact area located south of the property within designated MSCP Preserve Lands. Table 1 compares the available land uses under this alternative compared to the EIR-approved project and Table 2 identifies the impacts on waters of the U.S. for the EIR-approved project, the proposed Project, and each alternative. Figure 11 depicts this alternative.

Alternative 3: Drainage 3 Avoidance

Alternative 3 avoids Drainage 3 located in the southern portion of the project area. Avoiding Drainage 3 would require a reduction of medium and low-density residential land uses and park areas, the addition of a bridge, a pump station and significant redesign of the water and sewer systems, including the addition of a hydromodification basin. The redesign of the water and sewer systems would require trespass into existing MSCP Preserve Lands to the south and re-entitlement of this planning area. This alternative would result in a loss of high value single-family lots and multi-family units. Table 1 compares the available land uses under this alternative compared to the EIR-

approved project and Table 2 identifies the impacts on waters of the U.S. for the EIR-approved project, the proposed Project, and each alternative. Figure 12 depicts this alternative.

Table 1: Comparison of Land Uses for Each Alternative

	EIR-approved Project	Proposed Project		Alternative 1a: Drainage 1 Avoidance		Alternative 1b: Avoidance of the Western Portion of Drainage 1		Alternative 2: Drainage 2 Avoidance		Alternative 3: Drainage 3 Avoidance	
	Land Use	**Land Use**	**Change from EIR-approved Project**	**Land Use**	**Change from EIR-approved Project**	**Land Use**	**Change from EIR-approved Project**	**Land Use**	**Change from EIR-approved Project**	**Land Use**	**Change from EIR-approved Project**
Commercial (Square Feet)	**300,000**	300,000	0	281,000	-19,000	300,000	0	300,000	0	300,000	0
Residential (Target Residential Units/Gross Acres)	**2050**	2003	-47	1935	-115	2016	-34	1933	-117	1986	-64
Community Purpose Facility (Gross Acres)	**5.8**	5.8	0	5.8	0	5.8	0	6.9	+1.1	5.8	0
Potential School (Gross Acres)	**31.6**	31.6	0	24.6	-7	31.6	0	25.6	-6	31.6	0
Parks (Gross Acres)	**27.9**	24.0	-3.9	19.1	-8.8	20.2	-7.7	26.2	-1.7	27.9	0
Open Space (Gross Acres)	**39.1**	48.0	+8.9	60.4	+21.3	48.7	+9.60	56.9	-17.8	47.3	+8.2
Other, including Right-of-Way (Gross Acres)	**32.5**	32.5	0	32.5	0	32.5	0	32.3	-0.2	32.5	0

Source: Otay Land Company (OLC) 2014.

Proposed Impacts to Wetland and Non-wetland Waters of the U.S.: The proposed Project would result in direct impacts on 1.12 acre (7,169 linear feet) non-wetland waters of the U.S. and 0.18 acre of wetland waters for a total of 1.30 acre. These impacts would include the placement of approximately 125 cubic yards of rock slope protection along drainage and approximately 1,280 cubic yards of earthen material along portions of the drainages. Figure 4 depicts the proposed impacts to Corps jurisdictional waters of the U.S., including wetlands, and Table 2 summarizes the permanent impacts per jurisdictional feature for each alternative as well as the EIR-approved project.

Temporary impacts on the downstream portion of Drainage 1 and upland habitat adjacent to Drainage 3 may occur in order to create stable slopes for lots and infrastructure. All areas subject to temporary impacts would be restored and re-vegetated with native California species consistent with adjacent Preserve areas.

Table 2: Permanent Impacts to Jurisdictional Waters and Wetlands by Alternative

	Existing Conditions		EIR-approved Project		Proposed Project		Alternative 1a: Drainage 1 Avoidance		Alternative 1b: Avoidance of the Western Portion of Drainage 1 from Property Line to La Media Road		Alternative 2: Drainage 2 Avoidance		Alternative 3: Drainage 3 Avoidance	
	Acres	**Linear Feet**	**Acres**	**Linear Feet**	**Acres**	**Linear Feet**	**Acres**	**Linear Feet**	**Acres**	**Linear Feet**	**Acres**	**Linear Feet**	**Acres**	**Linear Feet**
Drainage 1	0.46	2,309	**0.46**	**2,309**	0.41	2,022	N/A	N/A	0.33	1,563	0.46	2,309	0.46	2,309
Wetland 1	0.18	N/A	**0.18**	**N/A**	0.18	N/A	N/A	N/A	0.18	N/A	0.18	N/A	0.18	N/A
Wetland 2	0.06	N/A	**0.06**	**N/A**	N/A	N/A	N/A	N/A	N/A	N/A	0.06	N/A	0.06	N/A
Wetland 3	0.01	N/A	**0.01**	**N/A**	N/A	N/A	N/A	N/A	N/A	N/A	0.01	N/A	0.01	N/A
Drainage 2	0.53	3,237	**0.53**	**3,237**	0.53	3,237	0.53	3,237	0.46	2,754	N/A	N/A	0.53	3,237
Drainage 3	0.15	1,910	**0.15**	**1,910**	0.15	1,910	0.15	1,910	0.11	1,395	0.15	1,910	N/A	N/A
Otay River (outfall)[1]	0.03	N/A	**0.03**	**N/A**	0.03	N/A	0.03	N/A	0.03	N/A	0.03	N/A	0.03	N/A
TOTAL[2]	**1.42**	**7,456**	**1.42**	**7,456**	**1.30**	**7,169**	**0.71**	**5,147**	**1.10**	**5,713**	**0.89**	**4,219**	**1.27**	**5,546**

[1]Impacts associated with the Otay River (outfall) are associated with the off-site Planned Facilities Alignment.

[2] Total acreage may not add up; total is reflective of rounding GIS raw data in each category.

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 Clean Water Act 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 proposed off-site sewer and storm water conveyance utilities and the associated access road/trail were located to avoid the adjacent waters of the U.S. (off-site within the Chula Vista MSCP Preserve) and significant cultural resources. The proposed Project avoids a portion of the Preserve Area within the southern portion of the project site, which comprises 15.63 acres of high quality sage scrub habitat and 0.05 acre (515 linear feet) waters of the U.S. associated with Drainage 3. The Project avoids the western 287 linear feet and 0.05 acre of waters of the U.S., including 0.07 acre of wetlands in Drainage 1. This constitutes additional native open space at the upstream end of Wolf Canyon. Both of these avoidance areas are extensions of off-site MSCP Preserves and would be enhanced following construction to remove any existing non-native species and all temporary impact areas would be restored with native habitat. Refer to Figure 5.

The applicant's entitlements with the City of Chula Vista pursuant to the California Environmental Quality Act (CEQA) and the associated EIR include a larger suite of properties than the Project site. This entitlement process, which began in April 2008 and concluded with certification of the EIR in December 2013 (SCH No. 2010062093), resulted in the off-site avoidance and preservation of 470.5 acres of open space, including more than 31,410 linear feet of high quality ephemeral waters of the U.S. These lands occur on "Parcel D", northeast of the project site, within the Otay River watershed in Jamul Mountains (Figure 1). Assuming a nominal channel width of 3 feet, this represents 2.16 acres of jurisdictional waters of the U.S., which support native sage scrub habitat and small intermittent riparian habitat.

Indirect impacts on jurisdictional waters will be avoided by implementing the measures outlined in the Preserve Edge Plan through storm water and drainage best management practices (BMPs), and by design of drainage facilities to incorporate long-term control of pollutants and storm flow to minimize pollution and hydrologic changes.

Pursuant to the FEIR and Project Mitigation Monitoring and Reporting Program (MMRP), Cultural and Paleontological section, the applicant proposes to retain an archaeological monitor during all cutting of undisturbed soils (MMRP Mitigation Measure 5.7-2). In order to avoid impacts to CA-SDI-12809, the applicant proposes to enclose the perimeter of the storm drain-associated APE with fencing during construction, and employ both an archaeologist and a Native American monitor to assure that no work is performed beyond the limits of the APE, and to notify the Corps should additional cultural resources be identified (e.g., during grading).

Minimization: The EIR-approved Project was designed to impact all drainages on-site except for the southern portion of Drainage 3 that is within the MSCP Preserve Area in the southwestern corner of the project site. As described under "Avoidance" above, the proposed Project has minimized impacts within the northwestern corner of the Project site. As a result, the western portion of Drainage 1 on-site totaling approximately 0.05 acre (287 linear feet) of waters of the U.S., 0.07 acre of wetlands, and additional adjacent uplands would be avoided. The applicant proposes to enhance and restore this portion of Drainage 1 by laying back the slopes and slightly widening the channel to accommodate the existing runoff from developments upstream and replanting with native wetland and riparian species. All the non-native species on the new and avoided slopes will be removed and the area will be restored with native sage scrub species. This area is the headwaters of Wolf Canyon, and the avoidance and minimization would expand the adjacent Wolf Canyon MSCP Preserve Lands.

The acreage of parks is a fixed requirement of the existing project entitlements; therefore, the multi-family housing was reduced by 47 units to accommodate the new proposed Project design.

The proposed Project will implement low-impact development (LID) strategies and site design features to further minimize impacts. The LID features anticipated to be incorporated into the Project are presented below.

- Using natural site design features to the maximum extent practicable.
- Incorporating alternative street layouts to reduce road networks (e.g., La Media Road, a four-Lane Major road, is designed with a 94-foot right-of-way rather than the typical 100-foot right-of-way).
- Whenever practical, preserving existing native trees and shrubs to maximize canopy interception and water conservation (e.g., A total of 48.0 acres of the Project site is to remain undeveloped and set aside as a combination of Open Space and MSCP).
- Planting native or drought-tolerant trees and large shrubs to maximize canopy interception and water conservation.
- Minimizing soil compaction.
- Utilizing natural drainage systems to the maximum extent practicable. The site will outlet to three existing discharge points. Two of the three points discharge directly to the Otay River; the third point discharges to an existing drainage path in Wolf Canyon that ultimately outlets to the Otay River as well.
- Where landscaping is proposed, draining impervious sidewalks, pathways, and trails into adjacent landscaping prior to discharging to the storm drain.

Additional site-design BMPs include the following, which are detailed on pages 20 to 22 of the Preliminary Water Quality Technical Report (Hale Engineering 2013):

- Minimizing the Impervious Footprint
- Conserving Natural Resources and Areas
- Minimizing Directly Connected Impervious Areas
- Protecting Slopes and Channels

Compensation: The applicant is proposing stream and wetland restoration within the Otay River Valley in southwestern San Diego County, California (Figure 1). The proposed mitigation site is approximately 1.2 miles southeast of the proposed Project, and located immediately south of the Savage Dam that impounds the Otay River waters within the Lower Otay Reservoir.

The proposed mitigation site exists in a post-disturbance state. The Savage Dam failure of 1916 scoured the floodplain, after which sand and gravel were mined until the 1980's. The eastern portion of the mitigation site has burned several times, most recently in 2003. The Upper and Lower Otay Reservoirs prevent major flood events along the Otay River by absorbing increased flow from rain events. Otay River does not receive water except during rain events and infrequent, minor dam over-spills. Due to the construction of the dam, the Otay River is no longer fully functional as a river and floodplain but provides hydrologic, biogeochemical and habitat functions associated with ephemeral streambeds and dry alluvial fans. Riparian habitat areas do exist, although scattered throughout the mitigation site, which include non-native species such as eucalyptus, pepper tree, palm trees and tamarisk. The applicant is currently developing a habitat mitigation and monitoring plan (HMMP) that will include detailed plans for mitigation for this site.

Consistent with the project-specific EIR, direct impacts of the proposed Project upon the federally-listed CAGN would be mitigated through consistency with the Chula Vista Subarea MSCP and the Otay Ranch Resource Management Plan (RMP). No clearing of CAGN-occupied habitat will occur

during the breeding season for this species (February 15 to August 15). Proposed mitigation measures to avoid and minimize impacts to CAGN include pre-construction surveys for sensitive species and the establishment of 300-foot buffer area around known occurrences of CAGN and other sensitive species, biological construction monitoring, and Migratory Bird Treaty Act compliance (i.e., avoidance of all active nests with buffers until inactive).

Proposed Special Conditions

No permit conditions are proposed at this time. For additional information please call Rose Galer of my staff at 760-602-4835 or via e-mail at Rose.A.Galer@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.

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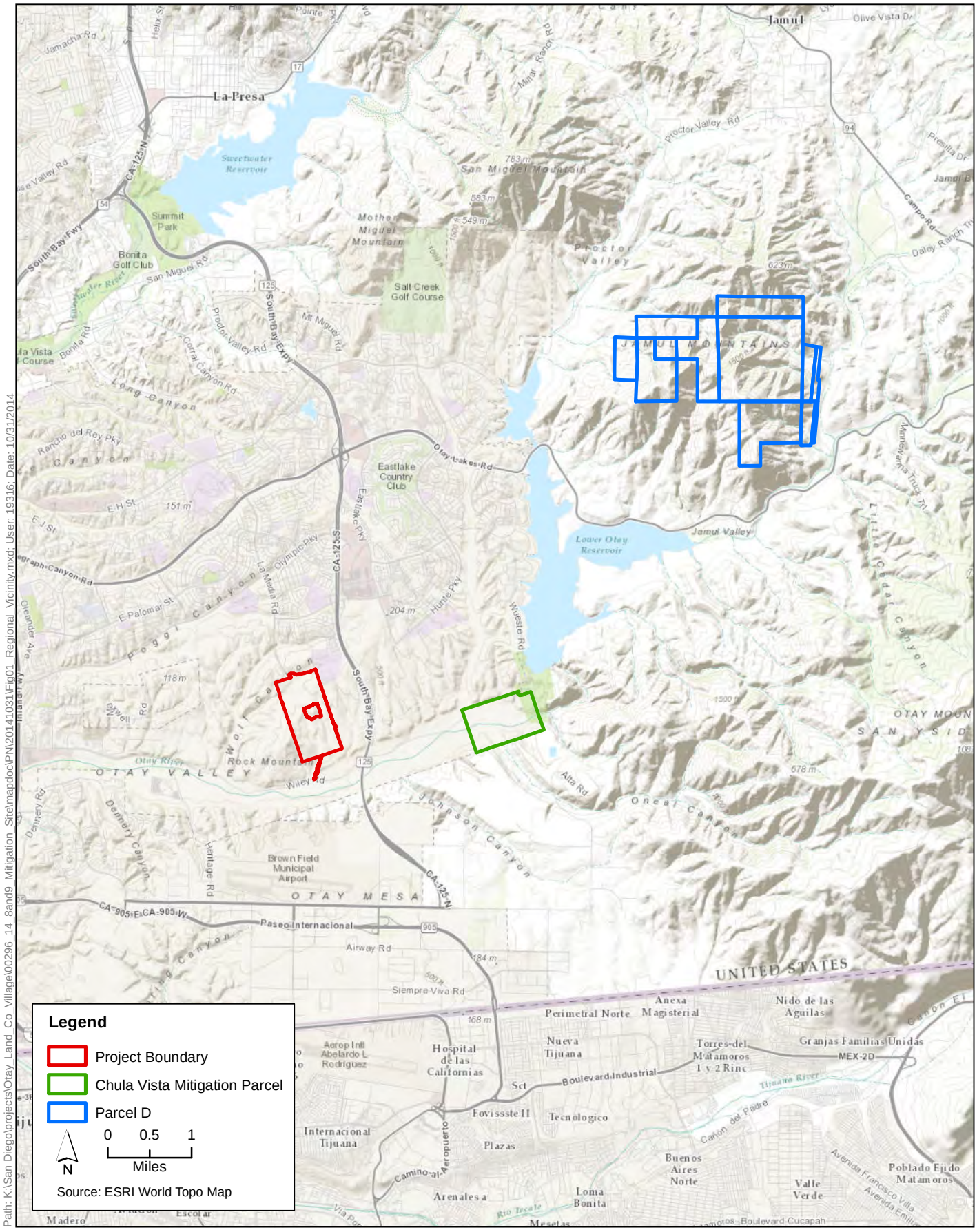

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Figure 1
Regional Vicinity
Otay Ranch Village 8 West

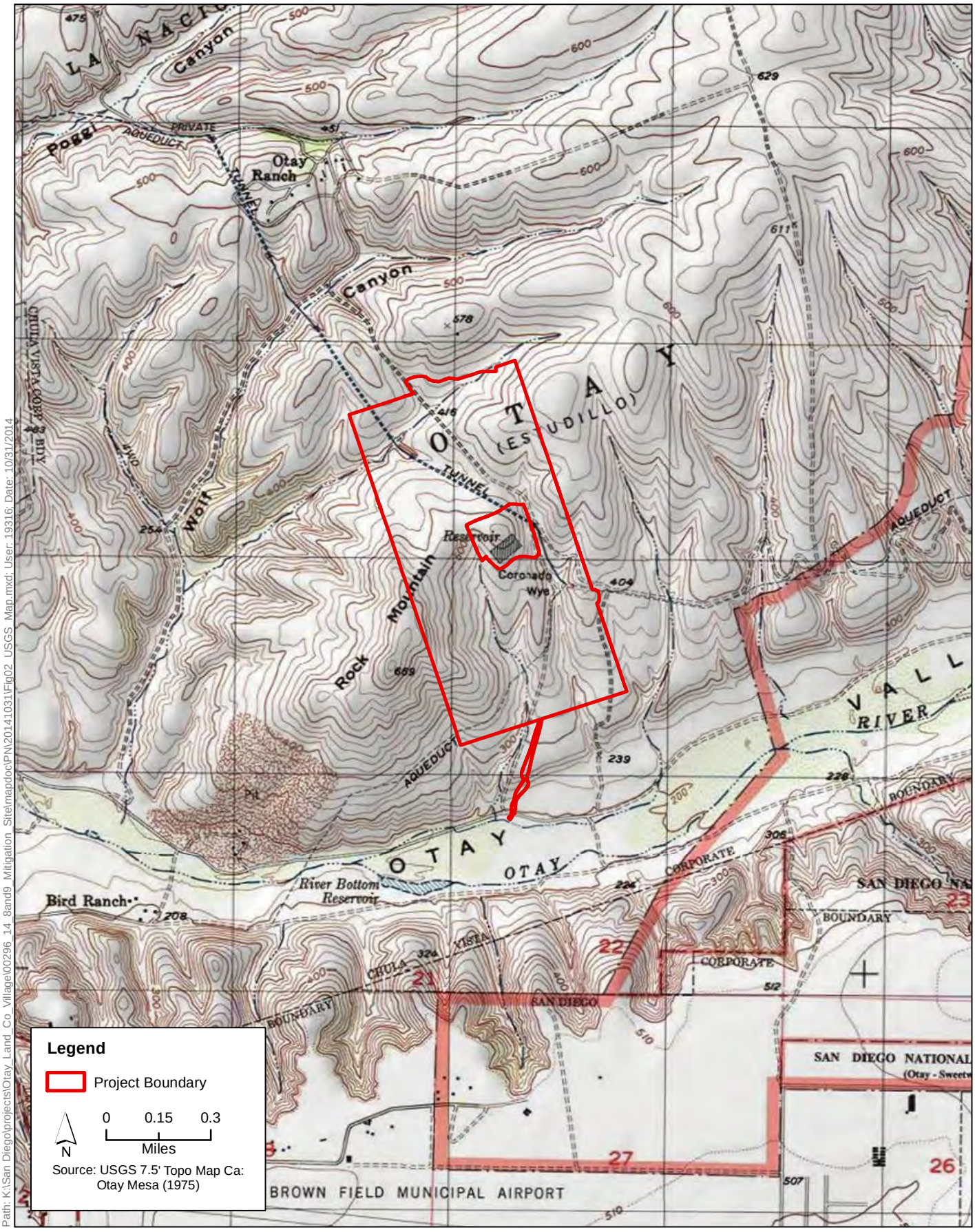

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Figure 2
USGS Topographic Map
Otay Ranch Village 8 West

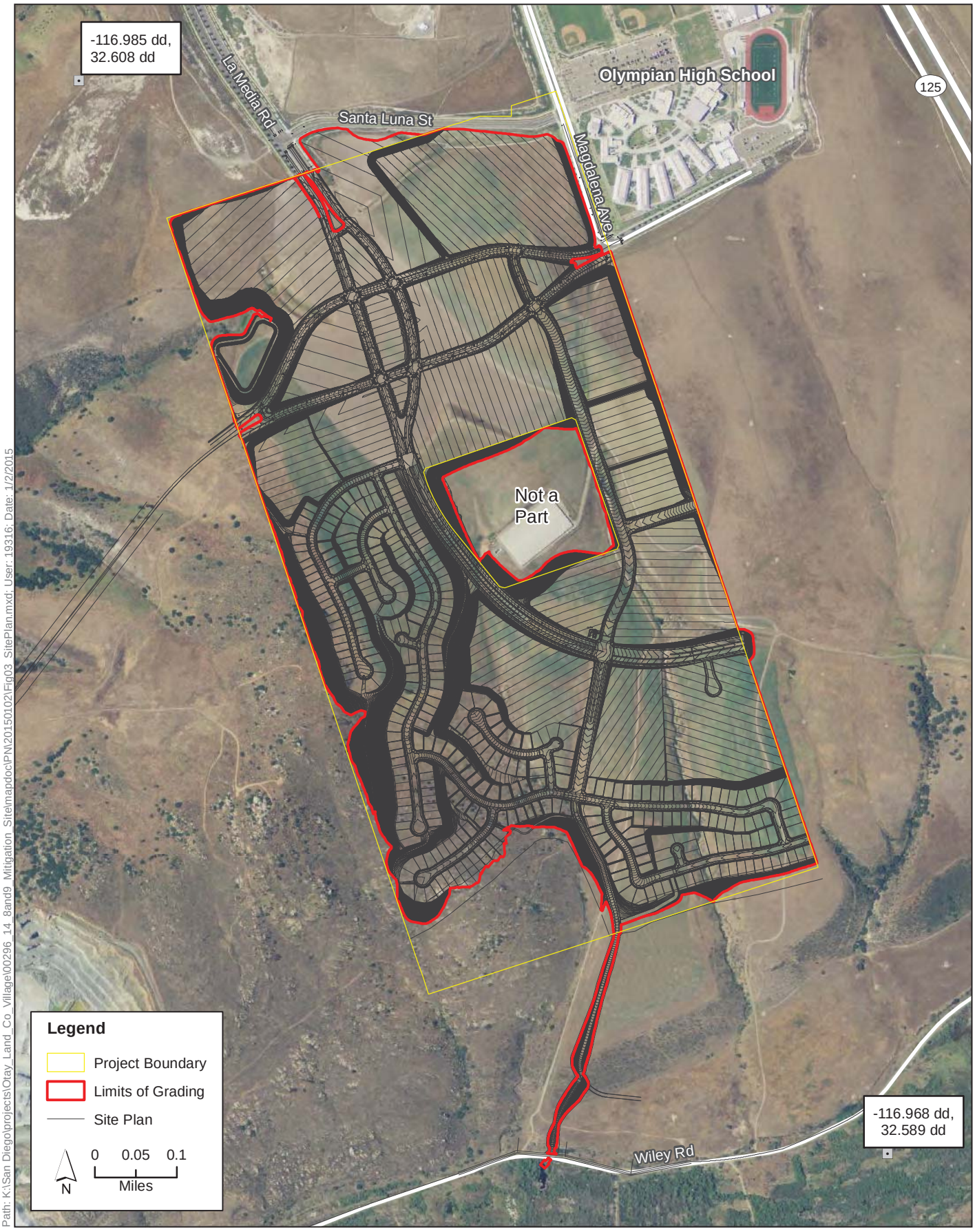

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Figure 3
Proposed Project Site Plan
Otay Ranch Village 8 West

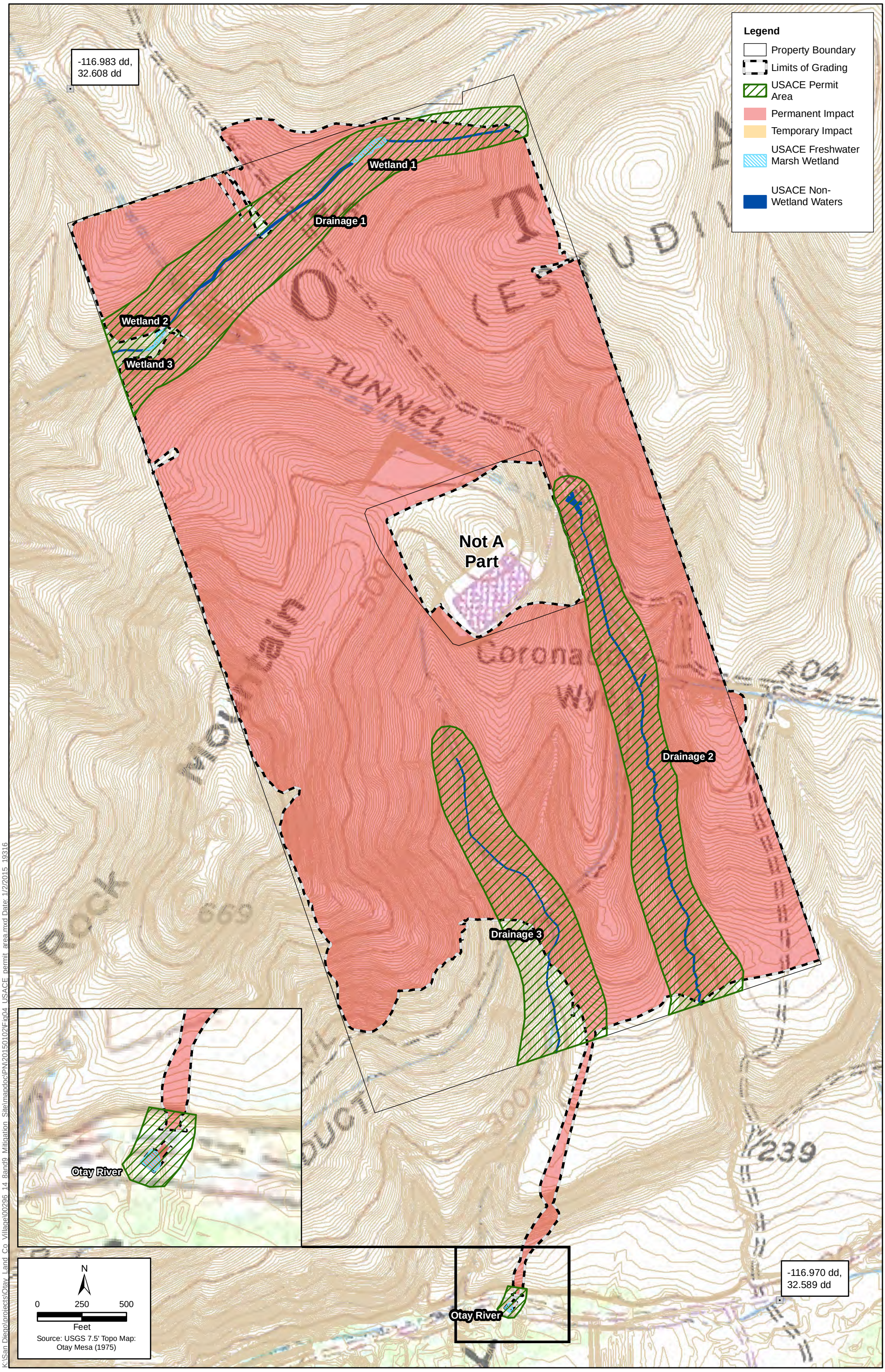

Figure 4
Corps Jurisdictional Delineation Map, Impact Area and Corps Permit Area
Otay Ranch Village 8 West

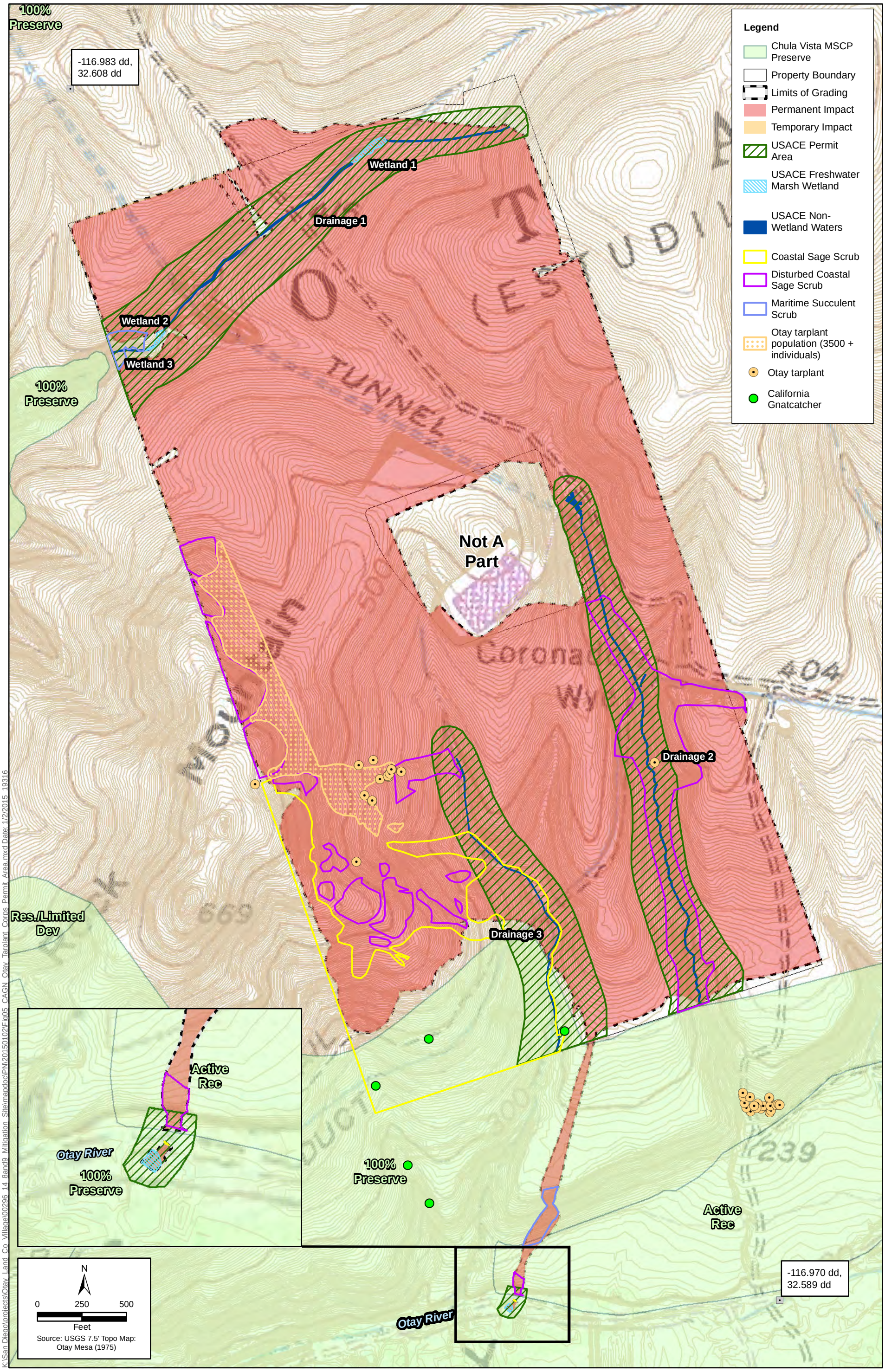

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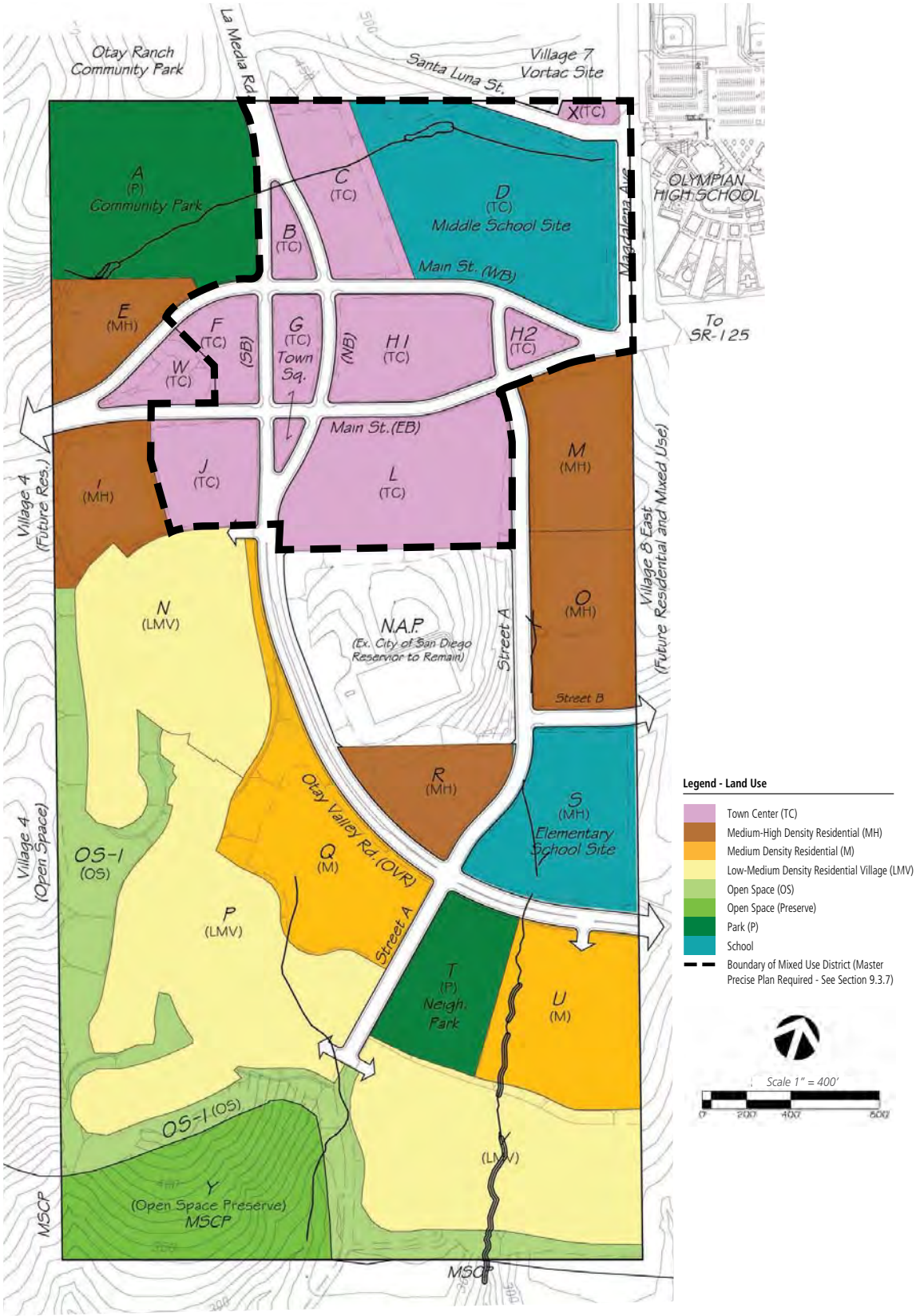
Figure 5
CAGN, CAGN Habitat, and Otay Tarplant Impact Area and Corps Permit Area
Otay Ranch Village 8 West



Otay Ranch Village 8 West - Site Utilization plan with Wetland Overlay
January 10, 2014

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Figure 6
Land Use Plan
Otay Ranch Village 8 West

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Source: Otay Land Company, 2014

Figure 7
Proposed Project
Otay Ranch Village 8 West

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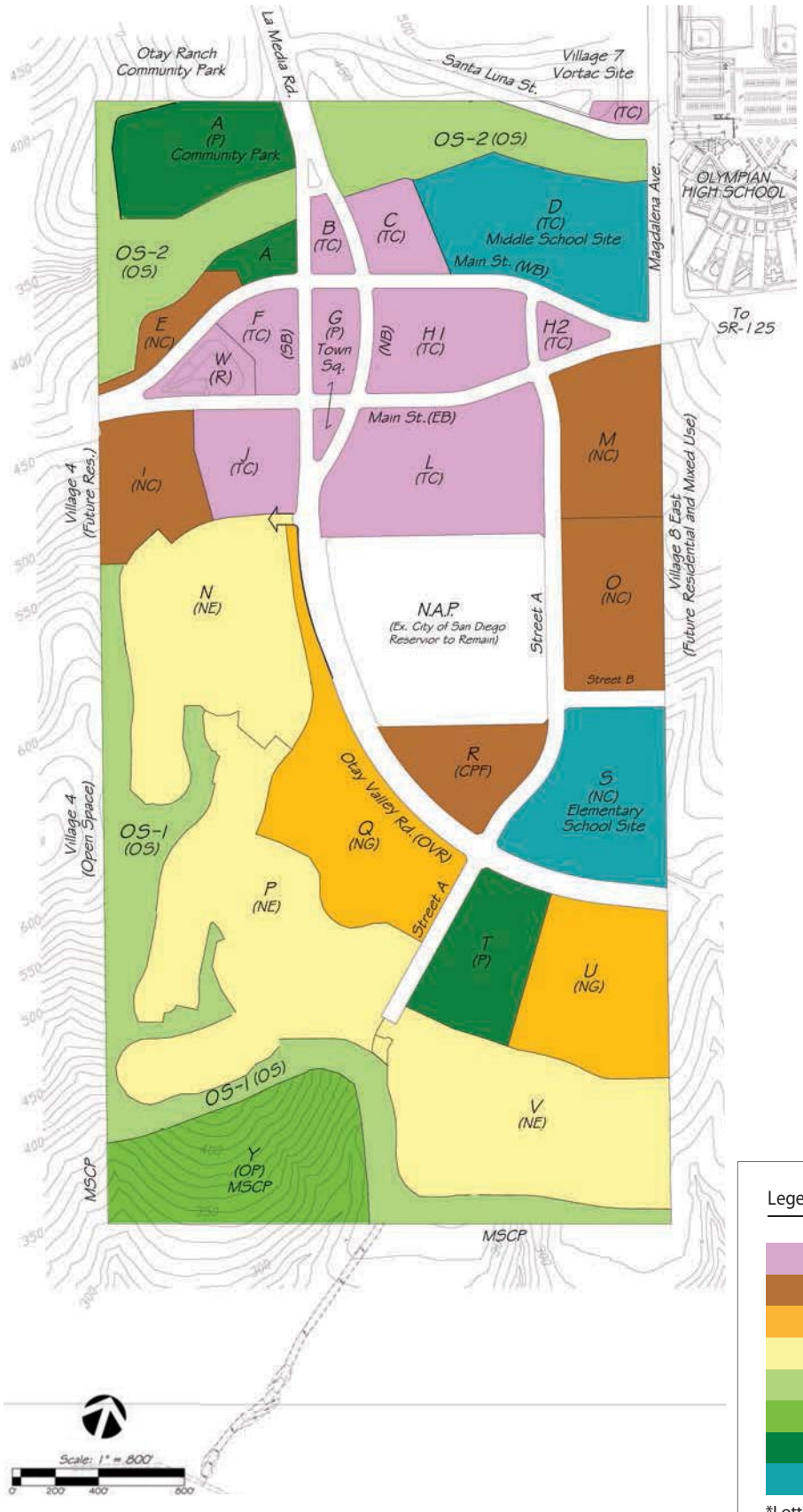
Source: Otay Land Company, 2014

Figure 8
EIR-Approved Project
Otay Ranch Village 8 West



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Source: Otay Land Company, 2014

Figure 9
Alternative 1a - Drainage 1 Avoidance
Otay Ranch Village 8 West

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Source: Otay Land Company, 2014

Figure 10
Alternative 1b - Avoidance of the Western Portion of Drainage 1
Otay Ranch Village 8 West

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Source: Otay Land Company, 2014

Figure 11
Alternative 2 - Drainage 2 Avoidance
Otay Ranch Village 8 West

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Source: Otay Land Company, 2014

Figure 12
Alternative 3 - Drainage 3 Avoidance
Otay Ranch Village 8 West