



# PUBLIC NOTICE

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

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## **APPLICATION FOR PERMIT** Kirkwood Ranch Project (Tentative Tract Map No. 27357)

**Public Notice/Application No.:** SPL-2014-00744-JEM

**Project:** Kirkwood Ranch Project

**Comment Period:** April 15, 2015 through May 15, 2015

**Project Manager:** James Mace; Tel: (951) 276-6624 x263; Email: [James.E.Mace@usace.army.mil](mailto:James.E.Mace@usace.army.mil).

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### **Applicant**

Mark Majerovic  
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(949) 629-2580

### **Contact**

Richard Beck, Vice President  
RBF Consulting / Michael Baker International  
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### **Location**

The proposed project is located east of Interstate 10 and north of State Route 60 in the western portion of the City of Beaumont, Riverside County, California (at lat: 33.9437N; long - 116.9913W). See attached map (Exhibit 1, Regional Vicinity).

### **Activity**

Discharge of fill material into approximately 1.99 acres of waters of the United States (non-wetland) in association with the Kirkwood Ranch Project (see attached exhibits). This would be a reissuance of a previous (expired) permit (SPL-2004-01068). For more information see page 3 of this notice.

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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. Written comments should be mailed to the Regulatory project manager at the following address:

LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
ATTN: James Mace  
Riverside Field Office  
1451 Research Park Drive, Suite 100  
Riverside, California 92507-2154

Alternatively, comments can be sent electronically to [James.E.Mace@usace.army.mil](mailto:James.E.Mace@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, floodplain 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.

**Coastal Zone Management**- This project is located outside the coastal zone and preliminary review indicates that 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**- The Corps consulted the latest version of the National Register of Historic Places and there are no sites listed within the permit area. The applicant has submitted an archaeological survey and evaluation of cultural resources report to be reviewed by the Corps' archaeologist for compliance with Section 106 of the National Historic Preservation Act, as amended. A Cultural Resources Assessment prepared by RMW Paleo Associates (1988) identified that the project site contains no evidence of prehistoric use or occupation and concluded that no further cultural research effort should be expended on the project site. Compliance with Section 106 of the National Historic Preservation Act will be a requirement of a permit decision.

**Endangered Species**- Based on a Habitat Assessment prepared by RBF Consulting (2014), the site was found to support a willow riparian scrub plant community with a limited potential to provide suitable habitat for the federally listed as endangered least Bell's Vireo (*Vireo bellii pusillus*). The willow riparian scrub plant community within the project footprint is proposed to be impacted from development of the project site (see Exhibit 7, Vegetation Map). U.S. Fish and Wildlife Service (USFWS) protocol surveys for least Bell's Vireo have not been conducted. The site was found to support Riversidean sage scrub with the potential to support the federally listed as threatened California gnatcatcher (*Poliophtila californica californica*). This species was observed during site surveys; however, USFWS protocol surveys for California gnatcatcher have not been conducted. The site supports habitat (open areas with sparse vegetation and loose soils) for the federally listed as endangered Stephens' kangaroo rat (*Dipodomys stephensi*). USFWS protocol surveys for the Stephens' kangaroo rat were conducted by Envira in 2014. No Stephens' kangaroo rats were detected. This project is participating in the USFWS Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for Endangered Species Act compliance. In addition, the Corps will ensure compliance with section 7 of the Endangered Species Act for all five species as part of a permit decision.

**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). The basic project purpose for the proposed project is the establishment of residential housing and roadway improvements. The project is not water-dependent and the applicant will be required to rebut the presumption that there are less damaging alternatives to the proposed project.

**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 implement a Specific Plan in the central portion of the City of Beaumont that will provide several uses and services to the surrounding area. The services provided by the proposed project are intended to serve the needs for both residents who want to move into the area and the business community in the surrounding area. The objectives of the project applicant are as follows:

- 1) To provide a Specific Plan development that would be responsive to the needs of the surrounding area,
- 2) Implement a comprehensive and cohesive plan for the physical and economic development of the property through the establishment of residential housing,
- 3) To preserve important environmental characteristics, resources, and open space, and
- 4) Establish a community plan that will provide a well-integrated land use that is compatible with the surrounding area.

### **Additional Project Information**

**Baseline information-** The approximately 128-acre proposed project site is located north of Florence Street, south of Oak Valley Boulevard, east of Interstate 10, and west of Beaumont Avenue (see Exhibit 2, Site Vicinity). Marshal Creek flows roughly east to west along the southern portion of the site, then is conveyed west under Interstate 10 to Noble Creek and eventually to San Timoteo Wash. The entire site, which ranges in elevation from 2,475 to 2,610 feet above mean sea level, consists of hills with occasional drainages feeding into Marshal Creek (see Exhibit 3, Project Site). The site is undeveloped and consists mostly of various associations of Riversidean sage scrub and grassland habitat. The willow riparian scrub plant community is located within Marshal Creek, with an additional larger willow riparian scrub plant community occurring in the project vicinity. The unnamed tributaries consist primarily of non-native grassland.

The project site is located in an urbanized area that has undergone a conversion from natural habitats to residential, commercial, recreational, and related developments with subsequent improvements to infrastructure. Immediately across Oak Valley Parkway at the northeast section of the project site is the Noble Creek Park, abutting the northwestern section of the project site is

Noble Creek and an open field, and abutting the southern boundary of the site is a residential neighborhood. The eastern site boundary ends at I-10.

The project was previously issued a CWA Section 404 Individual Permit (File No. SPL-2004-01068) on February 22, 2005. However, that authorization expired before the project was built.

Within the proposed project site, jurisdictional areas include approximately 2.84 acres of non-wetland waters of the U.S., along a total of approximately 4,651 linear feet (see Table 1). Of these 2.84 acres of jurisdictional waters of the U.S., approximately 1.99 acres are proposed to be permanently filled (see Exhibits 5 and 6).

<b>Table 1. Jurisdictional Waters of the U.S. Onsite and Proposed Permanent Impacts</b>				
<b>Jurisdictional Area Habitat Type</b>	<b>Present Onsite</b>		<b>Proposed Permanent Impacts</b>	
	<b>Area (acres)</b>	<b>Length (feet)</b>	<b>Area (acres)</b>	<b>Length (feet)</b>
<b>Non-Wetland Waters of the United States</b>				
Streambed*	2.84	4,651	1.99	4,589
<b>TOTAL</b>	<b>2.84</b>	<b>4,651</b>	<b>1.99</b>	<b>4,589</b>

\*Streambed on-site consists of Drainage 1 and 2 which are vegetated sparsely with non-native grasses. Streambed within Marshal Creek is vegetated with Riversidean sage scrub and limited patches of willow riparian scrub.

The project site is located within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Specifically, the project site is located in the "The Pass" and the "Cities of Riverside and Norco" Area Plans of the MSHCP. The proposed project is partially located within Subunit 2, Badlands/San Bernardino National Forest, of the The Pass Area Plan, but is not located within any designated Criteria Cell or MSHCP conservation area. However, the western edge of the project site terminates at the eastern boundary of Criteria Cell 940 which supports Proposed Constrained Linkage 22. The project site is separated from Proposed Constrained Linkage 22 by the Interstate 10.

Project description- The project site has an approved Specific Plan, and approved Tentative Tract Map No. 27357 (March 2009) for 371 lots, and a Final Map for an initial phase of 71 lots (See Exhibit 4, Depiction of Project Site). The subdivision is currently vacant, and was historically used for grazing and dry-land farming. The site consists of a rectangular shape, and is a 128-acre parcel of land. The subdivision largely consists of a bluff area which runs southwest to northeast, between Marshal Creek on the south and Noble Creek on the north. Many of the proposed lots would be situated to provide views over three drainage courses, towards the San Gorgonio Mountains to the north and the Badlands and Mount San Jacinto to the south.

The proposed subdivision map generally provides for the establishment of three principal single-family residential product types with generally 6,000, 7,000, and 10,000 square foot based lots. The proposed scheme gradually increases lot size from west to east, and along the southerly perimeter of the site which overlooks Marshal Creek. A trail is proposed to run along one south side of the project along Marshal Creek.

**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:** Approximately 0.85 acre of onsite waters of the U.S. are proposed to be avoided. Placement of loose rock rip-rap within Marshal Creek has been limited to areas immediately adjacent to the proposed Ring Ranch Road bridge to provide erosion/scour protection. No other rock armoring or scour protection is proposed within Marshal Creek.

**Minimization:** In accordance with the requirements of the NPDES General Construction Permit, the project applicant would develop a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. Standard Best Management Practices (BMPs) would be implemented to the maximum extent possible by incorporating water pollution control practices in the following categories: soil stabilization, sediment control, wind erosion control, tracking control, non-storm water management, and waste management and materials pollution control. Staging and storage areas for all equipment and related materials would be located outside of jurisdictional areas.

**Compensation:** The applicant would be required to mitigate for the permanent loss of 1.99 acres of non-wetland waters of the United States. Mitigation would likely be through the purchase of credits at a mitigation bank or in-lieu fee program, at a minimum ratio of 1:1 (as applicable; dependent on impact timing and type of resource credit). Any temporary losses of waters of the United States would be mitigated onsite (post-construction restoration to pre-project conditions).

### **Proposed Special Conditions**

Special Conditions are not proposed at this time. Special Conditions regarding mitigation and/or other items relating to endangered species and/or cultural resources would likely be incorporated into a permit decision.

For additional information please call James Mace of my staff at (951) 276-6624 x263 or via e-mail at [james.e.mace@usace.army.mil](mailto:james.e.mace@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



*Regulatory Program Goals:*

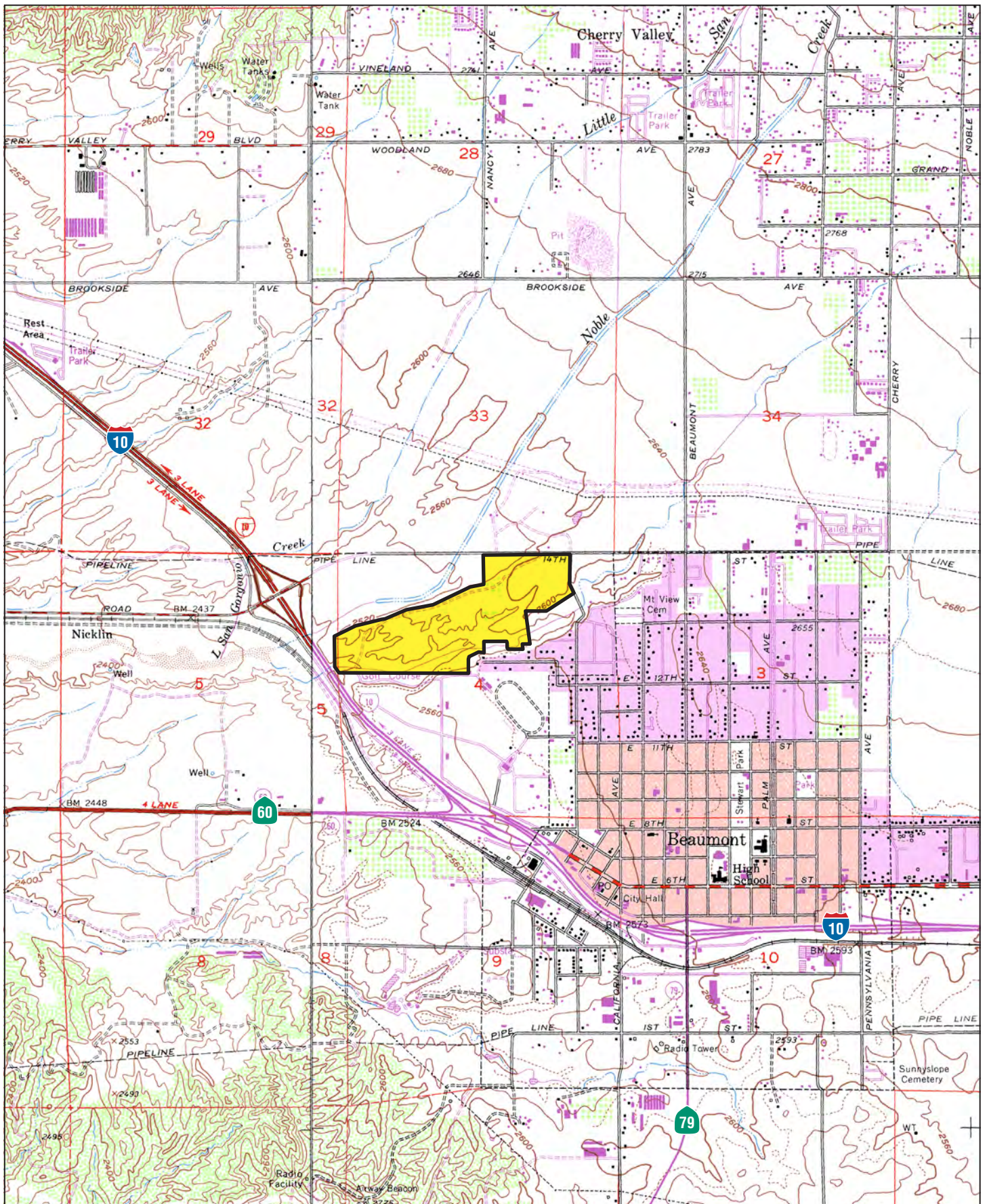
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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Source: USGS Beaumont, Calif. Quadrangle, Photorevised 1988,  
El Casco, Calif. Quadrangle, Photorevised 1979.

 Project Site

KIRKWOOD RANCH TENTATIVE TRACT MAP NO. 27357  
CORPS FILE NO. SPL-2014-00744

**Site Vicinity**





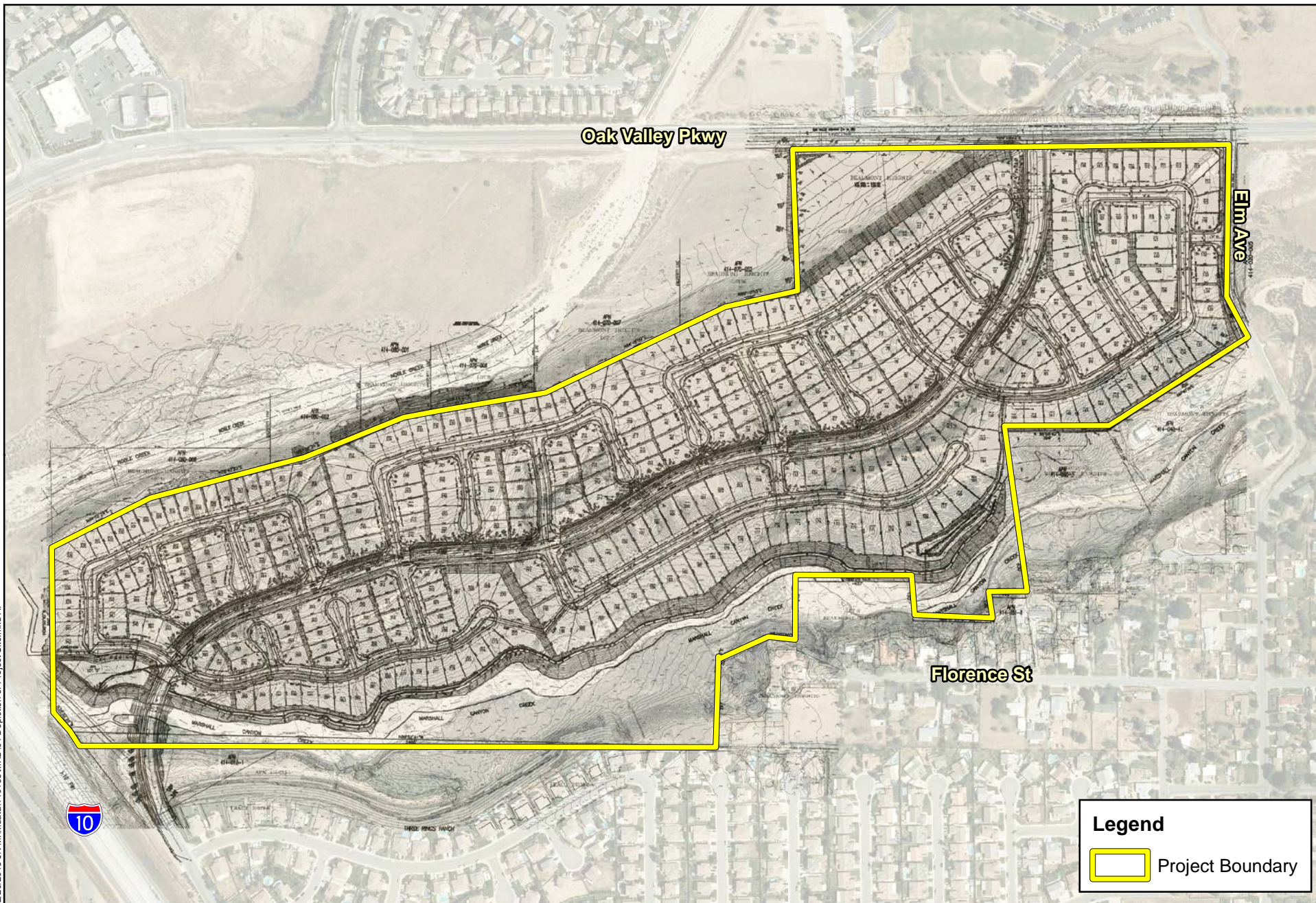
KIRKWOOD RANCH TENTATIVE TRACT MAP NO. 27357  
CORPS FILE NO. SPL-2014-00744

**Project Site**

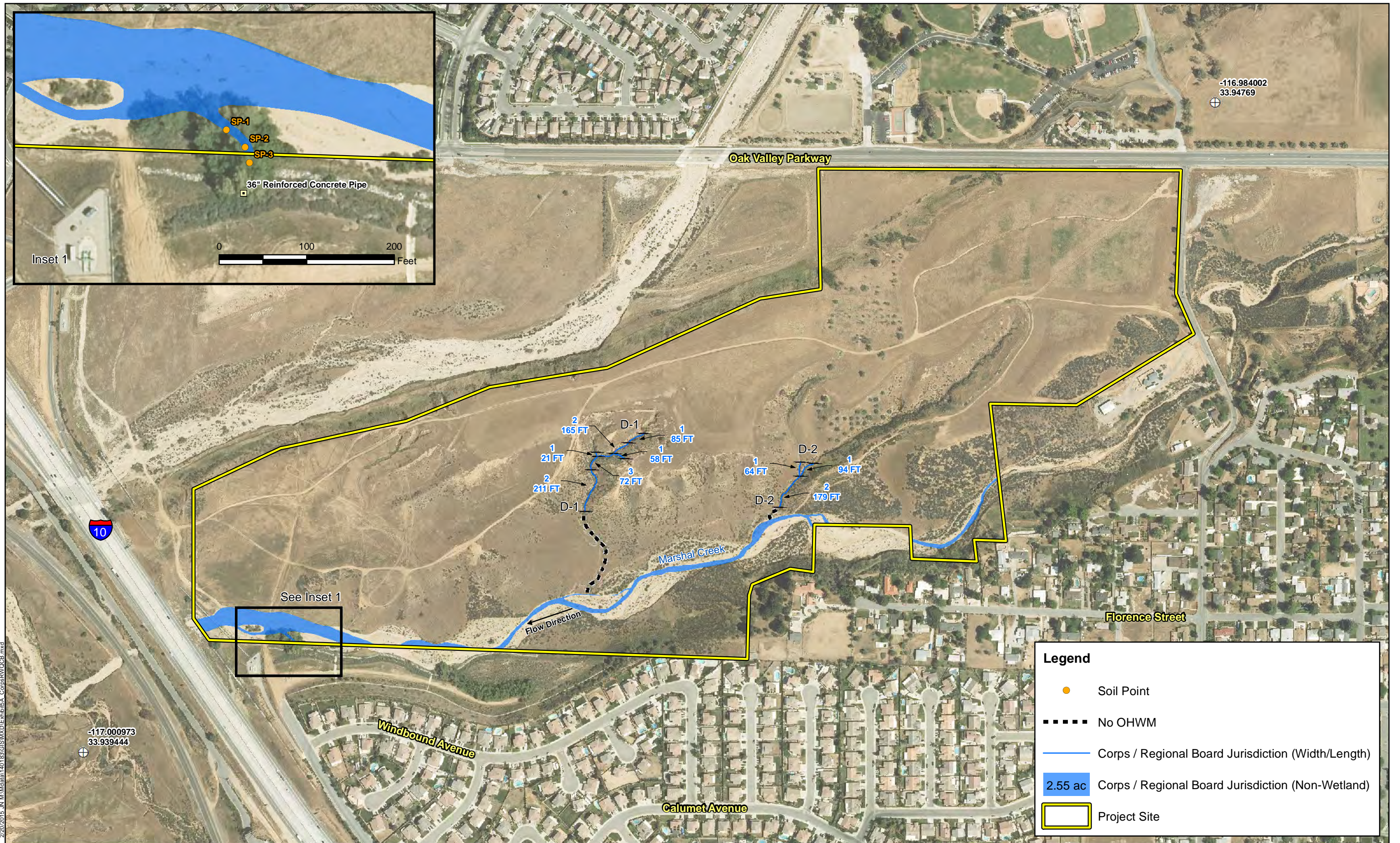
**Exhibit 3**



2/20/2015 10:11:14 AM Data140183MXD04 Depiction of Project Site.mxd AP







2/20/2015 J:\M\Map\140118\GIS\MXD\Exhibit5A\_CorpsRWOCB.mxd



0 200 400 800 Feet

Source: Eagle Aerial 2013

Corps File No. SPL-2014-00744

KIRKWOOD RANCH TENTATIVE TRACT MAP 27357

Corps / Regional Board Jurisdictional Map

Exhibit 5



