



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

BUILDING STRONG®

## APPLICATION FOR PERMIT Candlelight Project

**Public Notice/Application No.:** SPL-2015-00294-MAL

**Project:** Candlelight Project

**Comment Period:** January 10, 2019 through February 11, 2019

**Project Manager:** Michael LaDouceur; (760) 602-4840; [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@usace.army.mil)

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### **Applicant**

Clinton Abrams  
Candlelight, LLC  
814 Morena Blvd, Suite 101  
San Diego, California 92110

### **Contact**

Gerry Scheid  
RECON Environmental, Inc.  
1927 Fifth Avenue  
San Diego, California 92101

### **Location**

The proposed project is located in the City of San Diego, in the Otay Mesa area, in San Diego County, CA (at: 32.560657, -117.019133).

### **Activity**

To permanently discharge fill material into 0.41 acre of wetland, 0.124 acre of vernal pool, and 0.025 acre (585 linear feet) of non-wetland waters to construct a multi-family residential development and associated infrastructure including roads, stormwater detention, and utilities. For more information see Additional Project Information section below. The project was previously on Public Notice October 1, 2015. The amount of waters on-site have changed and reflected in this notice.

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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 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 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, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
5900 LA PLACE COURT, SUITE 100  
CARLSBAD, CA 92008  
ATTN: MICHAEL LADOUCEUR

Alternatively, comments can be sent electronically to: [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@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 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.

**Coastal Zone Management**- 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**- Preliminary determinations indicate the proposed activity would have no effect on cultural resources. A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area. This notice has been provided to the State Historic Preservation Office (SHPO), interested Native American Indian Tribes, and other interested parties.

**Endangered Species**- Preliminary determinations indicate the proposed activity may affect an endangered or threatened species or designated critical habitat. The Corps will initiate consultation under Section 7 of the Endangered Species Act. The Corps will complete the required consultation prior to finalizing 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 to provide residential housing. The project is not water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose as stated by the applicant is to provide housing and related infrastructure in the Otay mesa area.

### **Additional Project Information**

Baseline information- The project site consists of a mesa top located within the Cottonwood-Tijuana watershed (HUC: 18070305). The site was historically subject to agriculture from the mid 1900's and has been previously disturbed by agriculture activities including ditching and the construction of berms. The site is characterized by non-native grassland with multiple types of wetland and water resources present. Biological surveys have identified Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and burrowing owl (*Athene cunicularia*) on the project site.

Project description- The applicant proposes to construct a residential subdivision located on a 44.9 – acre site in the Otay Mesa area of San Diego. The site would be subdivided into three multi-family residential lots and two open space / habitat preserve lots. Road access to the site would be provided by extending Caliente Avenue to the south as a 5-lane major road and creating Public Street "A" running east and west below Caliente Avenue as a two-lane collector road. The applicant is seeking Department of the Army authorization to discharge fill material into 0.41 acre of wetland, 0.124 acre of vernal pool, and 0.025 acre (585 linear feet) of non-wetland waters, resulting in a permanent loss of waters. The wetland boundaries and/or location of the ordinary high water mark shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the wetland/waters are substantially inaccurate a new public notice may be published

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

**Avoidance:** The project has avoided the eastern drainage and vernal pools located on the west side of the project site. These avoided areas are proposed to be incorporated into a preserve.

**Minimization:** The project is designed to collect runoff from the development and direct it away from the remaining vernal pools to prevent contaminated water from entering the vernal pools.

**Compensation:** The applicant has proposed onsite permittee responsible mitigation. The proposal would establish 1.06 acres of vernal pool, as well as enhance nine existing vernal pools, totaling 0.0683 acre. Upland southern maritime chaparral would also be restored, totaling 7.44 acres.

For additional information please call Michael Ladouceur of my staff at (760) 602-4840 or via e-mail at [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@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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**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
5900 La Place Court Suite 100  
Carlsbad, CA 92008  
[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)



**\*** Project Location

**ATTACHMENT 1 - FIGURE 1**  
Regional Location



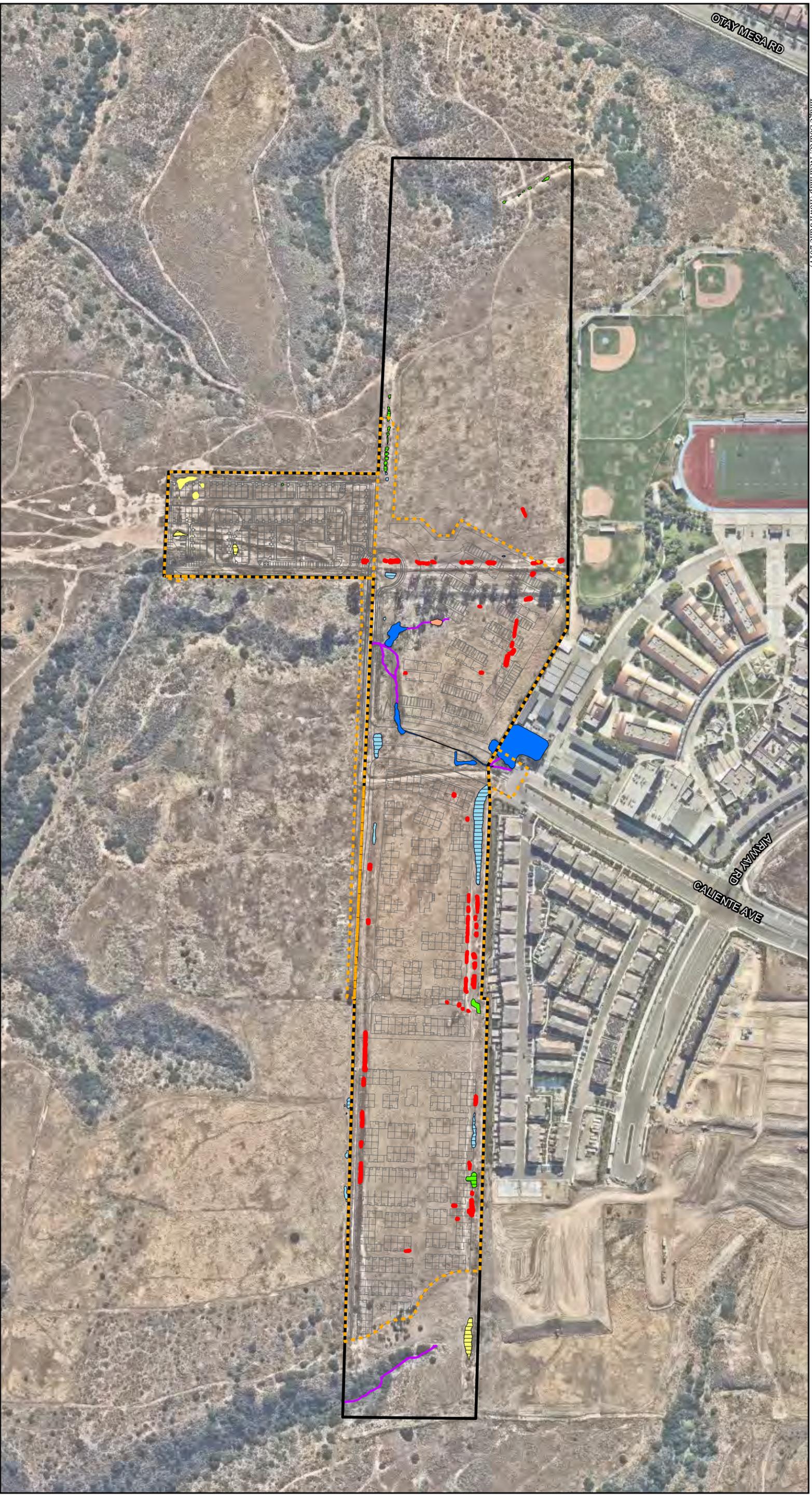


 Candlelight Project Boundary



- Candlelight Project Boundary
- Limit of Disturbance
- Candlelight Site Plan





 Candlelight Project Boundary	<b>Waters of the U.S.</b>	 Isolated Vernal Pool	<b>Isolated Waters (USACE/RWQCB)</b>	<b>ATTACHMENT 1 - FIGURE 4</b> Location of Impacts to Waters of the U.S. and Isolated Waters
 Limit of Disturbance	 Vernal Pool	 Isolated Vernal Pool with Fairy Shrimp	 Isolated Seasonal Basin with Fairy Shrimp	
 Candlelight Site Plan	 Vernal Pool with Fairy Shrimp	 Isolated Vernal Pool with Fairy Shrimp	 Isolated Seasonal Basin	
 Isolated Potential Seasonal Basins	 Seasonal Basin	 Isolated Vernal Pool with Fairy Shrimp	 Isolated Seasonal Basin with Fairy Shrimp	
	 Wetland	 Isolated Vernal Pool with Fairy Shrimp		
	 Non-wetland Water/Streambed	 Isolated Vernal Pool with Fairy Shrimp		

