



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

BUILDING STRONG®

## APPLICATION FOR PERMIT Fanita Ranch Development Project

**Public Notice/Application No.:** SPL-2016-00574-AJW

**Project:** Fanita Ranch Development Project

**Comment Period:** October 4, 2022 through November 4, 2022

**Project Manager:** Amanda Wagner; (760) 602-4836; [Amanda.J.Wagner@usace.army.mil](mailto:Amanda.J.Wagner@usace.army.mil)

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### **Applicant**

Jeff O'Connor  
HomeFed Fanita Rancho LLC  
1903 Wright Place, Suite 220  
Carlsbad, CA 92008

### **Contact**

Scott Gressard  
Dudek  
605 3<sup>rd</sup> Street  
Encinitas, CA 92024

### **Location**

Located in Fanita Ranch, within the city of Santee, San Diego County, CA (at: 32.884783, -116.98352).

### **Activity**

Proposed mixed-use master plan community (see attached figures). For more information see Additional Project Information section below.

**Note:** This is an updated public notice for the proposed project and supersedes the previous public notice for SPL-2016-00574-AJW, posted on June 29, 2022. The previous version was withdrawn.

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### **Submittal of Public Comments**

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.

**Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to:**  
**[Amanda.J.Wagner@usace.army.mil](mailto:Amanda.J.Wagner@usace.army.mil). Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Amanda Wagner directly at (760) 602-4836.**

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 or waiver, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. The applicant has not indicated they have applied for Section 401 certification. 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. Per Section 401(a)(2) the Corps is requesting neighboring jurisdiction determination from the U.S. Environmental Protection Agency for the proposed project.

**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 after review of the comments received on this Public Notice.

**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 may affect additional cultural resources. Therefore, tribal coordination and consultation with the State Historic Preservation Officer will be initiated.

**Endangered Species**- Preliminary determinations indicate the proposed activity may affect federally-listed endangered or threatened species, or their critical habitat: San Diego Fairy Shrimp (*Branchinecta sandiegonensis*), Coastal California Gnatcatcher (*Polioptila californica californica*), Least Bell's Vireo (*Vireo bellii pusillus*), Quino Checkerspot butterfly (*Euphydryas editha quino*), and Willowy Monardella (*Monardella viminea*). Additionally, there is Coastal California Gnatcatcher, Willowy Monardella, and Hermes copper butterfly critical habitat that may be affected within the project area. The direct loss of habitat and indirect impacts from the construction process may affect all of the above species. Therefore, formal consultation under Section 7 of the Endangered Species Act will be initiated.

**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 project is **not** water dependent. The basic project purpose is residential and commercial development.

**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 stated purpose and need is: To construct a mixed-use development that would include approximately 3,000 residential units (not less than 2,500) for public purchase and use with intended retail, agriculture, and recreation opportunities within the City and, more broadly, western San Diego County. This would require an average size of 0.2 acre for each residential unit (500 acres) and a minimum of 300 acres for the intended retail, agriculture, parks and other recreation opportunities, and all other infrastructure requirements for the development (e.g., roads, stormwater basins, fire management zones, manufactured slopes, etc.). Further, the implementation of the project must comply with the Fanita Ranch Development Plan (City of Santee 2022), which a previous version referred to as the Fanita Ranch Specific Plan is described in the City of Santee General Plan, and the adopted 1998 MSCP Plan (City of San Diego 1998).

### **Additional Project Information**

**Baseline information-** The proposed project would be a development within Fanita Ranch to accommodate housing needs in the Santee community. The proposed project is currently vacant land with unauthorized bike trails, and unauthorized trails made by off-road vehicles running through it. The land is currently zoned for planned development.

**Project description-** The proposed project would impact 4.13 acres of non-wetland waters, and 0.62 acre of wetland waters (wetlands). All impacts would be permanent. The applicant proposes to develop a new community of approximately 3,000 residential units with associated parks, commercial development, and planned school site. The proposed project would include a 1,650 acres (63% of total site) open space preserve. See the attached figures for the details of what structures would be built over the impacted waters and wetlands. Most of the impacts to waters of the U.S. are due to the construction of the development, impacts on the southwest and southeastern ends of the project would be due to construction of the roads into and out of the development. All permanent fill within waters and wetlands would be with clean earthen fill and/or concrete.

Note that the temporary impacts on the map are due to grading and the creation of manufactured slopes, using clean earthen fill material. They would therefore be considered permanent.

**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: 6.55 acres of non-wetland waters and 3.21 acres of wetland waters would be avoided; which equates to 67% of the on-site jurisdictional aquatic resources are avoided.

Minimization: Minimization measures during construction consist of Best Management Practices to address erosion, runoff, and pollutants. The applicant has also designed the project to minimize habitat fragmentation, altered hydrology, and non-native invasive species.

Compensation: The applicant has proposed on-site mitigation including vernal pool creation and preservation of existing wetland and non-wetland waters. At this time the Corps has not finalized a potential mitigation ratio requirement for the proposed project.

Additionally, the proposed project would result in the dedication of a Habitat Preserve, subject to in-perpetuity management and designed in accordance with the Multiple Species Conservation Sub-area Plan preserve design criteria as informed by the San Diego Management and Monitoring Program.

### **Proposed Special Conditions**

Special conditions would be developed in part based on the outcome of consultation with the U.S. Fish and Wildlife Service, tribal coordination, SHPO consultation, and the Section 401 WQC.

For additional information please call Amanda Wagner of my staff at (760) 602-4836 or via e-mail at [Amanda.J.Wagner@usace.army.mil](mailto:Amanda.J.Wagner@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



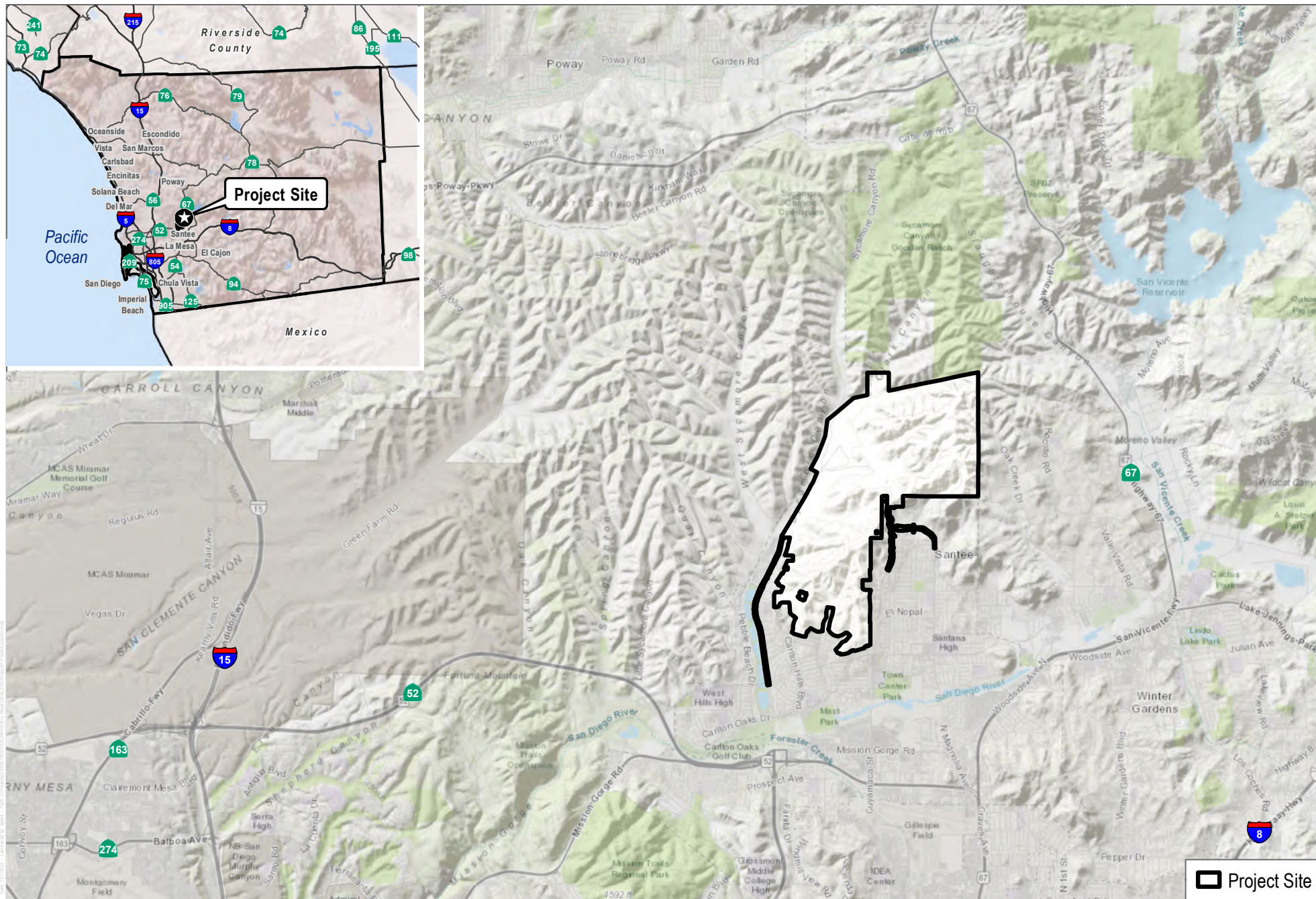
#### *Regulatory Program Goals:*

- 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**  
[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)



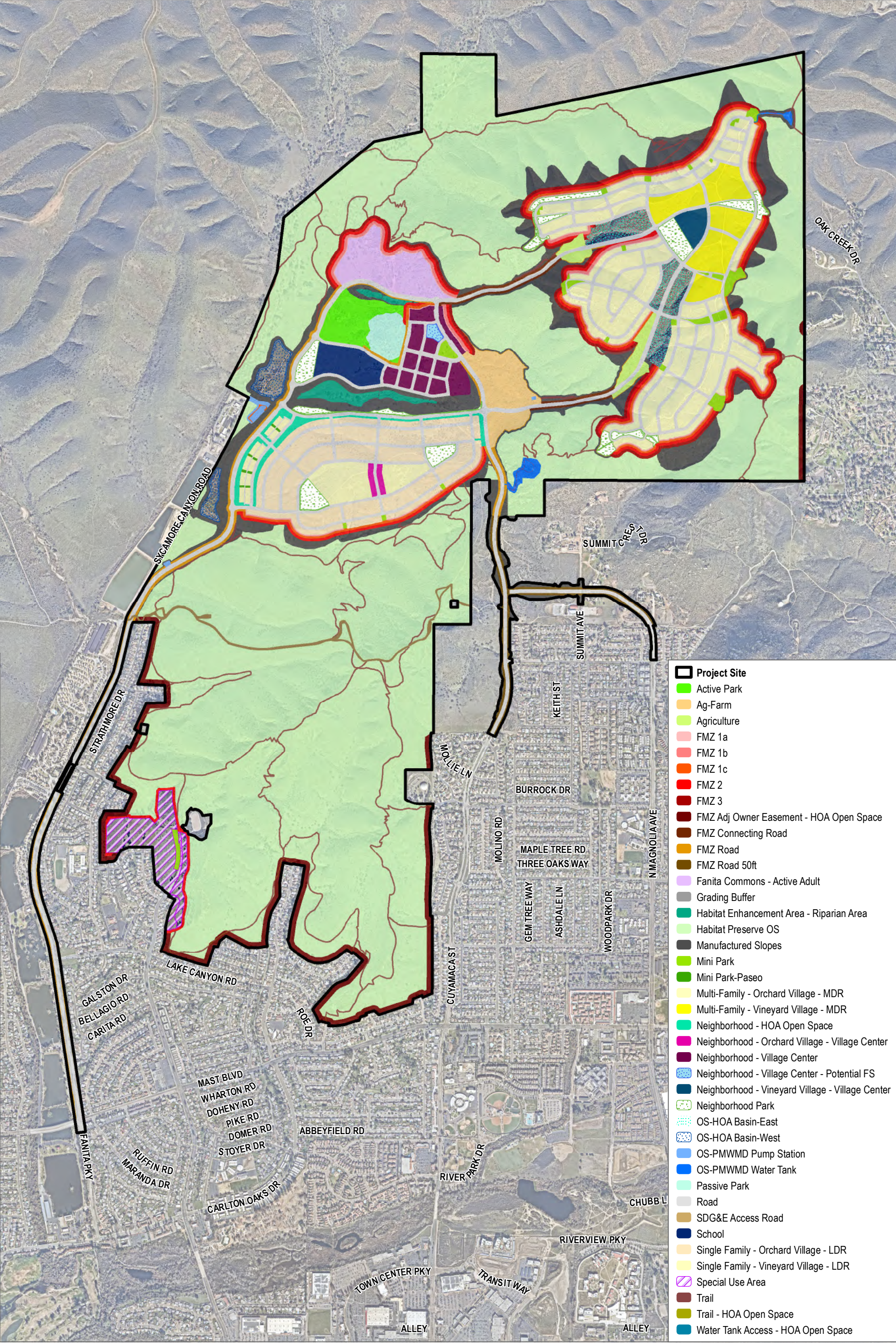


SOURCE: USGS Topographic World Map; SANGIS 2021

Project Site

**FIGURE 1**  
Project Location





SOURCE: Hunsaker 2021; SANGIS 2020, 2021

**FIGURE 2**  
**Land Uses**



Project Site

Project Impacts

Development Footprint (Permanent)

Manufactured Slopes (Temporary)

Proposed Trail

Impact Neutral

Preserve

USACE Aquatic Resources

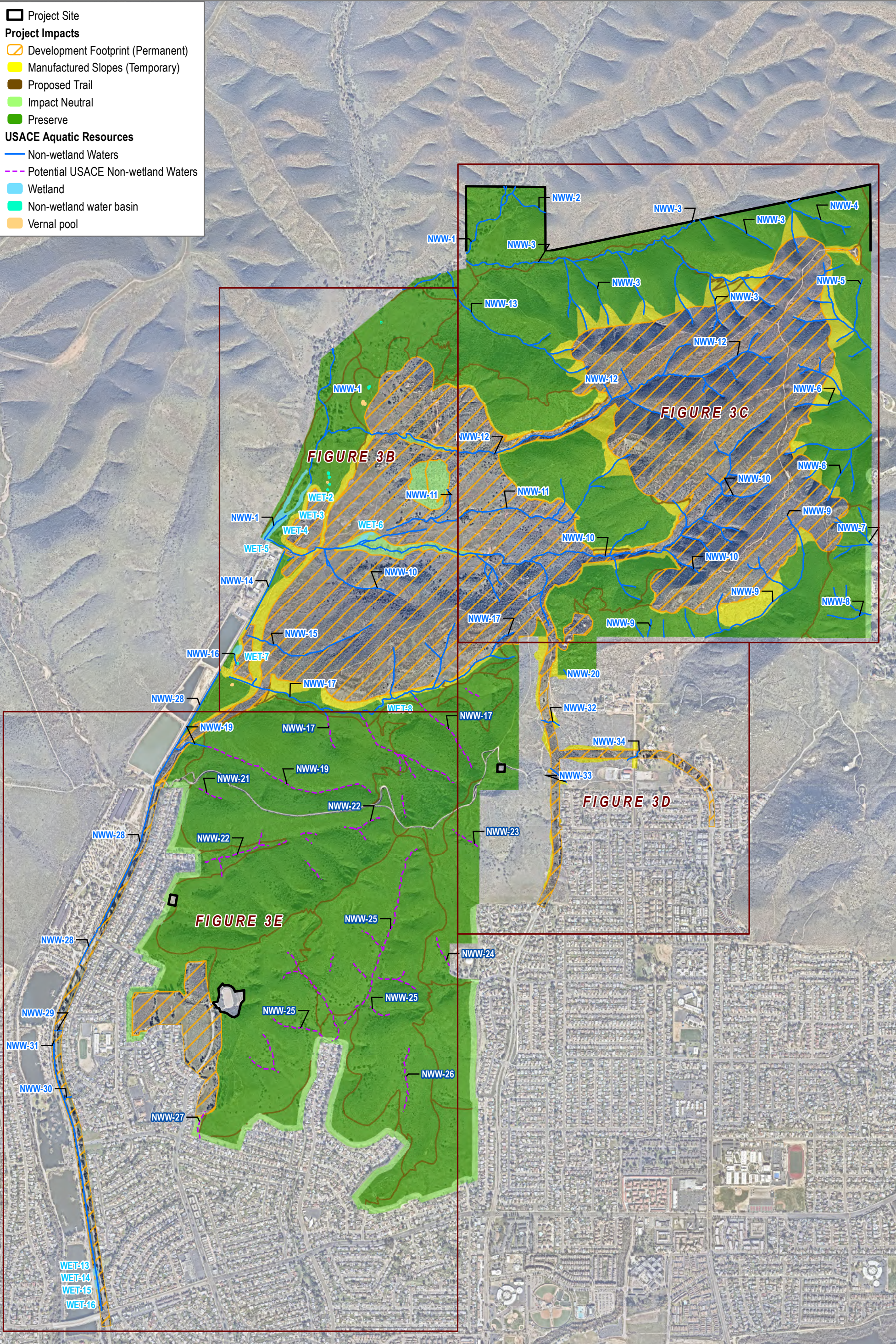
Non-wetland Waters

Potential USACE Non-wetland Waters

Wetland

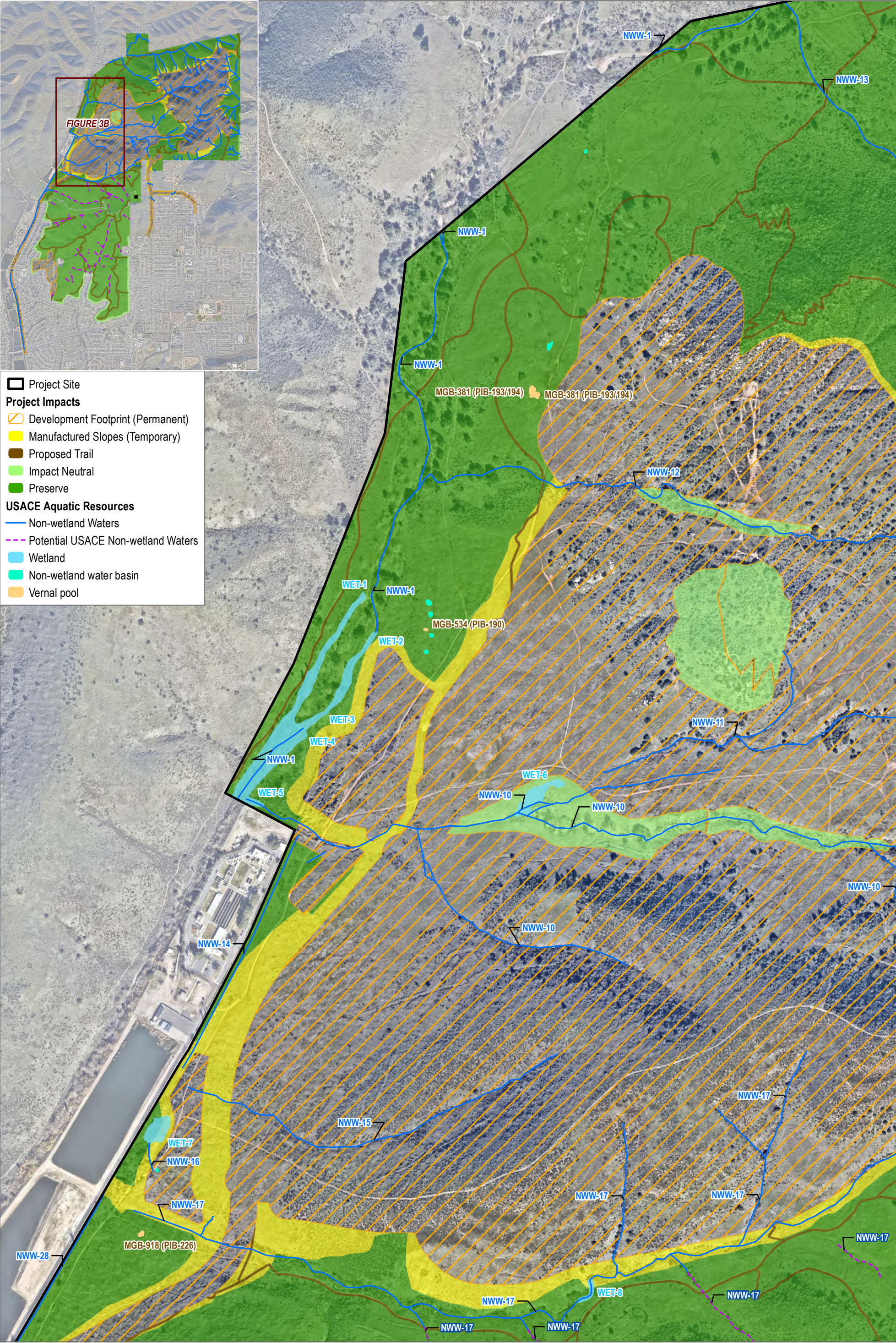
Non-wetland water basin

Vernal pool



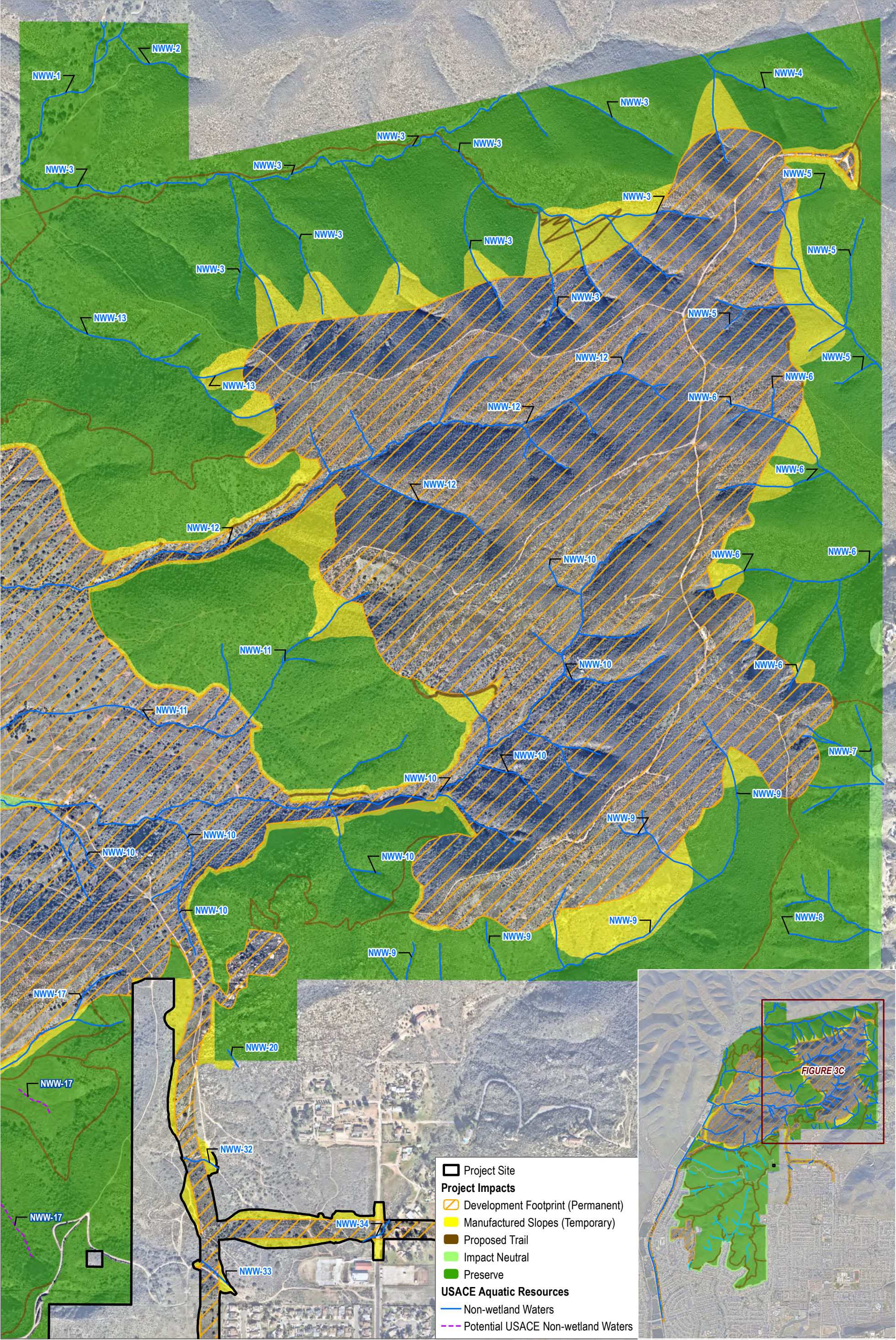
SOURCE: Hunsaker 2020; SANGIS 2020





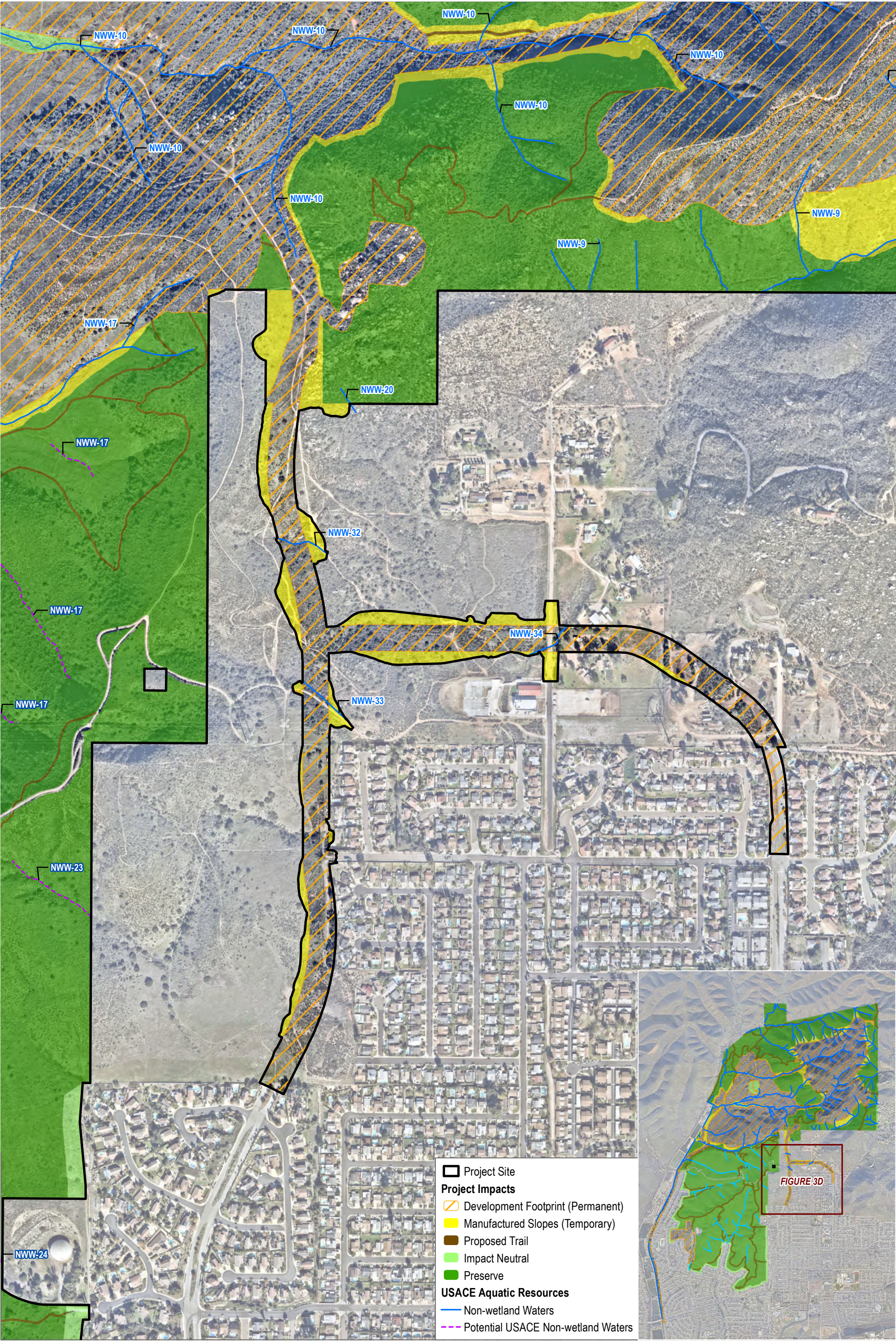
SOURCE: Hunsaker 2020; SANGIS 2020





SOURCE: Hunsaker 2020; SANGIS 2020





SOURCE: Hunsaker 2020; SANGIS 2020

**DUDEK**

0 250 500 Feet

**FIGURE 3D**

**Project Impacts**

Application for Section 404 Individual Permit for the Fanita Ranch Project





SOURCE: Hunsaker 2020; SANGIS 2020