



# PUBLIC NOTICE

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

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## APPLICATION FOR PERMIT

### Rancho San Gorgonio Planned Community Development Project

**Public Notice/Application No.:** SPL-2016-00817-JEM

**Project:** Rancho San Gorgonio Planned Community Development Project

**Comment Period:** April 30, 2019 through May 30, 2019

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

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#### **Applicant**

Rancho San Gorgonio, LLC  
Attn: Pete Pitassi  
10621 Civic Center Drive  
Rancho Cucamonga, California 91730  
Phone: (858) 875-0243

#### **Contact**

LSA  
Attn: Anthony Greco  
1500 Iowa Avenue, Suite 200  
Riverside, California 92507  
Phone: (951) 781-9310

#### **Location**

The project site is located at latitude 33.90861 and longitude -116.8928 within the City of Banning, Riverside County, California (Figure 1). The Rancho San Gorgonio (RSG) Specific Plan site is an irregularly shaped area on the southern edge of the City, about 0.4 mile south of Interstate 10 (I-10), which runs east-west through the City and provides regional access to the site. The project site is bounded by Westward Avenue on the north, Sunset Avenue and Turtle Dove Lane on the west, San Gorgonio Avenue (State Route 243) on the east, and Coyote Trail and Old Idyllwild Road on the south. Access to the site from I-10 is via ramps at Sunset Avenue, 22nd Street, and 8th Street, from west to east.

#### **Activity**

To discharge fill material into 4.86 acres of non-wetland waters of the United States for the construction of a planned development on approximately 831 acres of land (Figure 2). The RSG Specific Plan would be a master-planned community organized into 44 planning areas and would include a mixture of residential, commercial, open space, and recreational uses. For more information see the detailed project description below.

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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:

LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
Riverside Regulatory Office  
Attn: James Mace  
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 waters 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**

**Environmental 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 to 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. 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-** The latest version of the National Register of Historic Places has been consulted and the applicant has provided additional information indicating that cultural resources listed on or potentially eligible to be listed on the NRHP are located within the proposed project site. The Corps will determine whether the proposed activity would have any effect on historic properties listed on, or determined eligible for listing in the National Register. The Corps may initiate consultation with the State Historic Preservation Officer (SHPO) to determine the adequacy of the inventory and the Corps evaluation of any cultural resources that may be located within the project's Area of Potential Effect. The Corps may also consult with any applicable Native American Tribes regarding the proposed impacts of the project. Mitigation measures may also be incorporated as part of project implementation to reduce potential impacts to cultural resources, if deemed appropriate.

**Endangered Species-** The project site is located within the Multiple Species Habitat Conservation Plan (MSHCP) area for Western Riverside County and does not support any U.S. Fish and Wildlife (USFWS)-designated or proposed critical habitat. No federally-listed threatened or endangered species have been identified within the project area. Based on the above information, the Corps has made a preliminary determination that the proposed activity would not have any effect on threatened or endangered species listed under the Endangered Species Act (ESA) and/or their critical habitat, and formal consultation with the USFWS pursuant to Section 7 of the ESA does not appear required.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

## **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is to construct a master-planned community. 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 construct a large-scale, mixed-use, master planned community providing a range of housing options to serve the San Gorgonio Pass Area housing demand.

## **Additional Project Information**

**Baseline information-** The project area elevation ranges between approximately 2,200 and 2,420 feet above mean sea level. The rolling hills and high terraces that characterize the site are split by the deeply incised Montgomery and Pershing Creeks, both of which are tributaries to a larger drainage identified as Smith Creek. The creeks contain low-flow channels, active terraces, inactive low terraces, and isolated oxbows. Nonnative grassland is the predominant vegetation community on the site, with smaller areas of Riversidean alluvial fan sage scrub, upland Riversidean sage scrub, southern riparian scrub, and developed/ruderal vegetation. As shown in Figure 2, the site supports 34.67 acres of non-wetland waters of the U.S.—consisting of Pershing Creek and Smith Creek (Drainage A), Montgomery Creek (Drainage H), Drainage J (South 4th Street), and other smaller tributaries with and without frequent seasonal flow—and 0.21 acre of non-jurisdictional wetlands.

**Project Description-** The RSG Specific Plan provides for a large-scale, mixed-use, mixed-density residential master-planned community on 831 acres that includes the following uses: (1) Very low, low, medium, and medium-high density residential (approximately 62 percent of the project site); (2) Public park and open space (approximately 25 percent of the project site); and (3) Neighborhood commercial, public facility, school, roadway, and storm drain easement use (approximately 13 percent of the project site).

The project, as currently proposed, would result in permanent impacts to 4.86 acres of non-wetland waters of the U.S., and a total of 19,000 linear feet of ephemeral streambed. The project would also result in temporary impacts to 1.78 acres of non-wetland waters of the U.S., and 1,500 linear feet of streambed (Figure 2).

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 been specifically designed to avoid approximately 30 acres and 20,000 linear feet of non-wetland waters of the U.S. that occur within the project study area. The original project, as approved by the Banning City Council in October 2016, would have resulted in permanent impacts to 6.09 acres of non-wetland waters associated with Montgomery Creek and other jurisdictional drainages. The development footprint for the currently proposed project reduces permanent impacts to waters of the U.S. associated with Montgomery Creek and other drainages by approximately 20 percent or 1.23 acres as shown in the Montgomery Creek realignment inset shown in Figure 2. This impact reduction was accomplished by removing 56 dwelling units from the proposed residential planning areas.

Complete avoidance of waters of the U.S. has not been proposed. The applicant will evaluate a complete avoidance alternative as part of the 404(b)(1) alternatives analysis.

**Minimization:** The applicant will be mandated to follow Best Management Practices (BMPs) and low- impact development strategies (LIDs) during and after project development. Temporary impacts to waters of the U.S. would be restored onsite to pre-project contours.

**Compensation:** The applicant has proposed to preserve the existing non-wetland waters of Pershing Creek and Smith Creek in the avoided portion of the project site, as well as to restore and enhance 10.8 acres of Riversidean Alluvial Fan Sage Scrub along these features. In addition, an approximately 1,600 linear foot portion of Montgomery Creek would be realigned and enhanced, as shown in Figure 2. Additional mitigation, such as purchase of off-site preservation area(s), restoration/enhancement of on-site and offsite preservation area(s), and mitigation bank or in-lieu fee credit(s), may also be required as a condition of the permit, if issued.

### **Proposed Special Conditions**

Special conditions addressing compensatory mitigation requirements, including site protection and financial assurances, would likely be included in the permit, if issued.

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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**DEPARTMENT OF THE ARMY**  
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