



PUBLIC NOTICE

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

BUILDING STRONG®

**APPLICATION FOR PERMIT
San Gorgonio Crossings**

Public Notice/Application No.: SPL-2018-00581-JEM

Project: San Gorgonio Crossings

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

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

Applicant

Brian Rupp
TSG Cherry Valley, LP
2 Park Plaza, Suite 700
Irvine, California 92614

Contact

Barry Jones
Helix Environmental Planning, Inc.
7578 El Cajon Blvd., Suite 200
La Mesa, California 91942

Location

The approximately 229-acre San Gorgonio Crossings property is located east of Interstate 10 (I-10) on the north side of Cherry Valley Boulevard in the northwestern portion of Riverside County, California (Figures 1 and 2). The property is situated on the U.S. Geological Survey (USGS) 7.5-minute El Casco quadrangle in the northern portion of Section 30, Township 2 South, Range 1 West (Figure 3).

Activity

The proposed 229.9-acre project site contains a total of approximately 1.06 acres of waters of the U.S. (Figure 4) and would result in the permanent discharge of fill into approximately 0.54 acre (1,394 linear feet) of wetland waters of the U.S. and 0.34 acre (7,895 linear feet) of non-wetland waters of the U.S. (Figure 5).

The proposed project would be the construction of two large industrial buildings and associated infrastructure on approximately 145.6 acres of the 229.9-acre property. The project would include detention basins, parking, landscaping, and other associated infrastructure. See below for a detailed project description.

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

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 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 applicant has submitted an archaeological survey and evaluation of cultural resources that will be reviewed by the Corps' archaeologist for compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106). A Phase I Cultural Resource Assessment was prepared for the entire project area in 2013 by Michael Brandman Associates. That report also included a review of the National Register of Historic Places (NRHP) and the California Register of Historic Preservation (CR), as well as contact with the Native American Heritage Commission (NAHC) to request a records search of the Sacred Lands File (SLF). The 2013 assessment indicated no historic, Native American, or cultural resources occur within the project area. Additionally, the potential for prehistoric deposits is considered to be low, and the potential for impacts to historic era resources is considered to be low. The Corps will complete compliance with Section 106 before a permit decision is issued.

Endangered Species- The proposed project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP; Dudek and Associates 2003) Pass Area Plan. The project is not within a Criteria Cell or Cell Group. HELIX Environmental Planning, Inc. conducted general biological surveys and vegetation mapping on the property in 2005, 2007, 2008, 2012, and 2018. The MSHCP requires surveys to be conducted for projects that have impacts to suitable habitat for the federally and state listed as endangered least Bell's vireo (*Vireo pusillus bellii*) and southwestern willow flycatcher (*Empidonax traillii extimus*), and the State listed as endangered western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). Riparian/riverine habitat that has

the potential to support these species does not occur on site. These species do not occur on site. The site is within the MSHCP Narrow Endemic Plant Species Survey Area (NEPSSA) 8. HELIX conducted sensitive plant surveys in 2005. Yucaipa onion (*Allium marvinii*) were observed. A total of 20 bulb clusters with 93 flowering heads were observed on site within a 200 square foot area, located in the hills more than 500 feet northwest of the project footprint and would not be impacted by the project.

There are two listed species with low potential to occur on the project site: coastal California gnatcatcher (CAGN; *Poliophtila californica californica*) and Stephens' kangaroo rat (*Dipodomys stephensi*). CAGN is fully covered under the MSHCP and Stephens' kangaroo rat is not expected to occur onsite.

Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act (Section 7) does not appear to be required at this time. The Corps will ensure compliance with Section 7 before a permit decision is issued.

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 two large industrial buildings for a regional distribution center. 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 for the proposed project is to provide a regional wholesale distribution center in western Riverside County.

Additional Project Information

Baseline information- The proposed project site is undeveloped with surrounding land uses being a mix of undeveloped land and sparse rural residential to the north, east, and west. The site is bordered by Cherry Valley Road to the south followed by a mix of undeveloped land and the remnants of a chicken ranch. Topography on site varies from a relatively flat valley in the south and west to rugged hills in the north and northwest. Elevations range from approximately 2,388 feet above mean sea level (amsl) in the southeast to 2,708 amsl in the northwest. Site drainage is to the east toward San Timoteo Creek located approximately four miles to the east of the site, which connects to the Santa Ana River, approximately nine miles to the northeast.

Within the 229.9-acre property, Corps jurisdictional areas include 1.06 acres of waters of the U.S., made up of 0.54 acre of wetland waters of the U.S., and 0.52 acre of non-wetland waters of the United States (ephemeral drainage). Permanent impacts associated with construction of the proposed

project would occur to 0.88 acre of waters of the U.S., made up of 0.54-acre of wetland waters of the U.S. and 0.34 acre of non-wetland waters of the U.S. (Figures 4, and 5)

Project description- The project proposes the construction of two large industrial buildings and associated infrastructure on approximately 145.6 acres of the 229.9-acre property. The project would include detention basins, parking, landscaping, and other associated infrastructure. The two industrial buildings would be designed to be eligible for Leadership in Energy and Environmental Design (LEED) Silver Certification. Building 1 would comprise approximately 811,000 square feet and Building 2 would comprise approximately 1,012,760 square feet, for a total of approximately 1,823,760 square feet of floor area. The project is planned for a variety of industrial uses including “high cube” wholesale distribution. Additionally, the project includes the use of solar panels on roofs, with 23 percent of the project’s power needs being provided by the on-site solar panels. The project would avoid 84 acres of natural open space that includes avoiding a small population of Yucaipa onion, and plantings within the developed footprint would utilize a relatively drought tolerant landscape palette.

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 proposed project would avoid 0.17 acre of waters of the U.S. (total waters of the U.S. on site are approximately 1.06 acres).

Minimization: The proposed project would incorporate standard Best Management Practices to minimize potential impacts to waters of the U.S. from erosion, sedimentation, and pollutants during construction.

Compensation: The applicant is proposing compensation at a ratio of 2:1 for impacts to wetland and non-wetland waters of the U.S. Based on the proposed 2:1 ratio, impacts to Corps jurisdictional area would require 1.76 acres of mitigation. The mitigation would occur through the establishment/re-establishment of 1.76 acres of waters of the U.S. within the larger 4.12 acres of riparian/riverine habitat to be established/re-established on site. The on-site establishment/re-establishment of 4.12 acres of riparian/riverine habitat would occur within the proposed mitigation areas along the eastern edge of the project (Figure 6). The eastern mitigation area is proposed to be made up of 1.60 acres of riparian scrub and 3.42 acres of floodplain scrub, and the western area is proposed to be made up of streambed. The riparian scrub would include a minimum of 1.08 acre of wetland waters of the U.S. A braided streambed similar to the drainages that are being impacted on site would be graded within the 50- to 230-foot-wide eastern restoration area and a streambed would be graded in the approximately 38-foot-wide western restoration area.

The proposed mitigation will be evaluated by the Corps as part of the permit application and after the permit decision, if the permit is issued, the final mitigation requirements may be different.

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 or via e-mail at 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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