



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT 3 ROOTS SAN DIEGO PROJECT

Public Notice/Application No.: SPL-2019-00027-CJA

Project: 3 Roots San Diego Project

Comment Period: August 21, 2019 through September 21, 2019

Project Manager: Christopher J. Allen, (760) 602-4836

Applicant

Ryan E. Green
Mesa Canyon Community Partners
16465 Via Esprillo, Suite 150
San Diego, California 92127

Contact

Thomas S. Liddicoat
Helix Environmental Planning, Inc.
703 Palomar Airport Road, Suite 200
Carlsbad, California 92011

Location

The 3 Roots San Diego Project is situated in the community of Mira Mesa east of Camino Santa Fe, west of Comino Ruiz, south of Mira Mesa Boulevard, and north of Miramar Road in the City and County of San Diego, CA (Latitude: 32.89561, Longitude: -117.16194). As shown on the U.S. Geological Survey 7.5-minute Del Mar Quadrangle map (Figure 1), the site occurs within Section 35 of Township 14 south, Range 3 west and within Sections 1, 2, 3, and 11 of Township 15 south, Range 3 west.

Activity

The proposed project would result in the permanent discharge of fill into approximately **0.74-acre** (1,260-linear feet) of wetland waters and **0.68-acre** (966-linear feet) non-wetland waters of the U.S.; and temporary discharge of fill into **0.06-acre** (30-linear feet) wetland waters and **0.13-acre** (42-linear feet) non-wetland waters of the U.S. (Table 1).

The applicant's stated activity includes grading 246-acres within a 430-acre site for the construction of residential and commercial infrastructure. In addition, the applicant's stated activity includes ancillary roads and similarly situated facilities (Figure 3). The project would be constructed in two phases (north phase and central-south phase). The first phase is proposed to begin in Fall 2019 and the second phase is proposed to begin in Spring 2020. 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 drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-

specific comments to the U.S. Army Corps of Engineers, Los Angeles District, Regulatory Division (Corps), 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
ATTN: CHRISTOPHER J. ALLEN
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

Alternatively, comments can be sent electronically to: christopher.allen@usace.army.mil.

The mission of the Corps 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 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 (EIS) 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 and an EIS 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 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- Cultural resource inventories were completed to identify cultural resources that are eligible for listing on the National Register of Historic Places (NRHP). The recent 2017 and 2018 research efforts identified 44 cultural resources within one mile of the project site and the Carroll Canyon Road western extension. None of these resources were recorded within the proposed project site. The Corps will evaluate the sites to determine if they are eligible for listing on the NRHP.

Endangered Species- Preliminary determinations indicate the proposed activity may affect coastal California gnatcatcher (*Polioptila californica californica*, 58 FR 16742 16757) and least Bell's vireo (*Vireo bellii pusillus*, 51 FR 16474 16482), which are federally-listed endangered and threatened species. Therefore, 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-

The applicant's stated project includes site reclamation grading and recontouring, construction of residential homes, construction of commercial infrastructure, extension of Carroll Canyon Road, establishment of arterial access roads, installation of utility facilities, construction of in-stream grade control structures, and re-establishment and rehabilitation of Carroll Canyon Creek. Specifically, the project proposes to develop 57-acres of mixed density residential space, 13-acres of commercial space, and 46-acres of on-site roads and parkways. The project will also result in approximate 258-acres of open space, including 181-acres of natural open space, 39-acres of parks, and approximately 38-acres of vegetated slopes, enhanced landscape and water quality retention basins.

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 establish residential and commercial infrastructure. 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 applicant's stated project purpose is to implement the existing Conditional Use Permit reclamation obligations and elements of the Mira Mesa Community Plan and the Carroll Canyon Master Plan. In addition, the applicant's stated purpose is to provide residential, non-residential mixed use, business office space, roads and parkways, open spaces, parks, and recreational trails.

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, as proposed, would avoid Rattlesnake Canyon Creek and (with the exception of several small encroachments needed for remedial grading) the upper section of Carroll Canyon Creek. Additionally, the project design has been pulled-back (i.e., setback) from the various aquatic resources on-site to minimize indirect impacts to the drainages and associated riparian corridors.

Permanent impacts of the project would be largely limited to filling of the lower portion of Carroll Canyon Creek for the construction of Carroll Canyon Road. This portion of Carroll Canyon Creek is heavily disturbed by past mining activities. New fills would be placed in areas requiring drop structures necessary for providing a non-erosive channel in the central portion of Carroll Canyon Creek. The general configuration of the upper and central portions of the channel would be maintained and the functions and services would be conserved and enhanced. Project efforts to avoid impacts to aquatic resources would result in impacts to 1.61-acres wetlands and non-wetlands, ultimately demonstrating avoidance of 88% (11.56 acres avoided) of the aquatic resources on-site.

Minimization: Project impacts were minimized to activities required to construct a stable creek suitable for flood conveyance and habitat restoration. Further, the project incorporates use of standard

Best Management Practices (BMPs) to avoid and minimize potential impacts to waters of the U.S. from erosion, sedimentation, and pollutants during construction and perpetually following construction.

Compensation: The applicant proposes to complete 3.21 acres of compensatory mitigation, which would occur through establishment, re-establishment, restoration, and enhancement of on-site aquatic resources. The proposed compensatory mitigation activities are detailed in the Habitat Mitigation Plan for the 3Roots San Diego Project.

Final compensatory mitigation requirements for the proposed project impacts (both temporary and permanent) will be determined during the Corps' evaluation of the permit application.

Additional Project Information

Baseline information: The site was formerly operated by Hanson Aggregates Pacific Southwest as a quarry for sand and gravel mining and the site is currently undergoing reclamation efforts to return the site to its intended/planned use (i.e., development and open space). Based on a review of historical aerials, the site has been subject to mining operations since 1964.

Topographic complexity on the site is the result of natural canyons, watercourses, and man-made features as a result of the active quarry. On-site elevations range from approximately 214 feet AMSL in the southwestern portion of the site and up to 365 feet AMSL in the northeastern portion of the site. Rattlesnake Canyon (incorporating Rattlesnake Creek and associated tributaries) is on-site and originates on the northeast side of the site and transports flows southwest through the site. Carroll Canyon (incorporating Carroll Canyon Creek and associated tributaries) is located through the central portion of the site and conveys flows westward. Most of the land between these Canyons is active quarry undergoing reclamation grading and is characterized by variable, temporally changing topography, with a relatively flat industrial area south of Carroll Canyon Creek. Rattlesnake Creek and Carroll Canyon Creek converge approximately 0.9 miles west of the project site.

Land uses surrounding the project site include residential development to the north, and industrial and commercial development to the south, west, and east. Another aggregate materials site occurs further to the east. Some undeveloped land occurs west and east of the project, within the canyons extending away from the site. Camino Santa Fe bounds the project to the west. Two vernal pool complexes are located offsite and near (i.e., within 500 feet) the project boundary. Both complexes are conserved and will not be impacted by the proposed project.

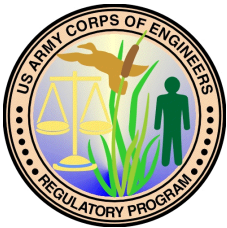
In order to accomplish the site reclamation requirements for Carroll Canyon Creek and associated tributaries, a Section 404 Clean Water Act permit is required prior to implementation of reclamation efforts within areas regulated by the Corps.

An aquatic resource delineation reported that approximately 5.82-acres of wetlands and approximately 7.35-acres of non-wetlands occur within the project area. The proposed project would result in the permanent discharge of fill into approximately 0.74-acre (1,260-linear feet) of wetland waters of the U.S. and 0.68-acre (966-linear feet) non-wetland waters of the U.S.; and temporary discharge of fill into 0.06-acre (30-linear feet) wetland waters of the U.S. and 0.13-acre (42-linear feet) non-wetland waters of the U.S. (Table 1).

**Table 1
PROJECT IMPACTS TO WETLANDS AND NON-WETLAND WATERS**

Habitat	Permanent		Temporary		Total ¹ Impacts (linear feet)
	Area ¹ (acres)	Length ² (linear feet)	Area ¹ (acres)	Length ² (linear feet)	
Wetland Waters					
Southern riparian woodland	0.61	977	0.01	30	0.62 (1,007)
Southern willow scrub	0.13	283	0.05	--	0.18 (283)
<i>Subtotal</i>	<i>0.74</i>	<i>1,260</i>	<i>0.06</i>	<i>30</i>	<i>0.80</i> <i>(1,290)</i>
Non-Wetland Waters					
Unvegetated Channel	0.68	966	0.13	42	0.81 (1,008)
<i>Subtotal</i>	<i>0.68</i>	<i>966</i>	<i>0.13</i>	<i>42</i>	<i>0.81</i> <i>(1,008)</i>
TOTAL	1.42	2,226	0.19	72	1.61 (2,298)

For additional information please call Christopher J. Allen at 760-602-4836 or via e-mail at christopher.allen@usace.army.mil.



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.

**DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
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CARLSBAD, CALIFORNIA 92008**

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