



PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR PERMIT

Public Notice/Application No.: SPL-2020-00270-EBR

Project: Monarch Hills Residential Development Project

Comment Period: May 22 – June 22, 2020

Project Manager: Emma Ross; 805-585-2149; emma.b.ross@usace.army.mil

Applicant

Richland Communities
Attn: Craig Cristina
3161 Michelson Drive, Suite 425
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Contact

Amy Walters
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Location

The Project site is located at latitude 34.170954 and longitude -117.459229 (center reading) within the City of Fontana, San Bernardino County, California (Exhibit 1). The Property encompasses approximately 223 acres, including offsite areas, and is located within Section 13, Township 1 North, and Range 6 West, as depicted on the U.S. Geological Survey (USGS) topographic map Devore, California (dated 1966 and photorevised in 1988). The Project area, which is bisected by utility easements, is bounded by the San Bernardino National Forest to the north, Lytle Creek Road and the Interstate 15 Freeway to the south, Duncan Canyon Creek and undeveloped land to the east, and residential housing to the west. A Los Angeles Department of Water and Power (LADWP) easement separates the northern and southern portions of the property.

Regional access to the Project site is provided by Interstate 210 (I-210), the Interstate 15 (I-15), and Duncan Canyon Road.

Activity

To permanently discharge fill material onto 1.68 acres of non-wetland waters of the United States for the construction of the Monarch Hills Residential Development (Project) which would include 489 residential units and associated infrastructure improvements on approximately 136.4 acres. The proposed infrastructure improvements include the relocation of existing right-of-way for both the City of Fontana (Lytle Creek Road) and San Bernardino Flood Control District (Hawker-Crawford Channel). For more information see Additional Information section in this notice.

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.

Due to COVID-19 please submit all comments electronically to: emma.b.ross@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.

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 this site is not listed. As part of their submittal the applicant has provided the following information. The Corps of Engineers has not made a determination regarding the eligibility of any potential historic properties within the permit area for listing on the National Register.

L & L Environmental, Inc. (L&L) conducted a Phase 1 Cultural Resources Assessment of the Project site in 2014 and 2017. The cultural resources assessment included an archaeological records search which was originally conducted at the Eastern Information Center (EIC) and was updated in 2017 at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. The records search was conducted to determine if any archaeological sites had been previously recorded on or within a one-mile radius of the Project site. A total of 24 studies had been completed within the Project site and a one-mile search radius. As a result of these studies, a total of 34 resources (23 formally recorded resources and 11 pending resources) had been recorded, of which seven (7) of these resources were mapped within or partially within/adjacent to the Project site. These resources include five (5) formally recorded resources and two (2) pending resources, as outlined below.

- 36-4296/CA-SBR-4296 (Rock Circles)
- 36-11678/CA-SBR-11678H (Historic Homestead Remains)
- 36-11679/CA-SBR-11679H (Historic Farm/Ranch Property)
- 36-27084/CA-SBR-17099H (Historic Habitation Remains)
- 36-27085/CA-SBR-17100H (Water Cistern and Pipe)
- P1072-38H (Perdew Ditch)
- P1072-74H (Water Reservoir)

L&L initially conducted a Phase I pedestrian survey in September and October of 2014. A site visit was completed in March 2017 to document existing conditions in the Project area and to collect data to prepare Department of Parks and Recreation 523 Forms. Additional survey efforts were performed in July 2017 to address offsite impact areas. During the survey and site visit, no prehistoric resources were detected, three historic resources were relocated (36-11678/CA-SBR-11678H, 36-27084/CA-

SBR-17099H, and 36-27085/CA-SBR-17100H), and one new historic resource was identified (Monarch Hills-1/MH-1). One site of an unknown age, one historic resource, and two pending resources could not be relocated and were presumed destroyed (36-4296/CA-SBR-4296, 36-11679/CA-SBR-11679H, P1072-74H, and P1072-38H).

Of the historic resources outlined above, only the new historic resource recorded by L&L (36-31276/CA-SBR-31276H [Monarch Hills-1/MH-1]) was recommended as eligible for inclusion in the California Register of Historical Resources (CRHR) under Criteria 1 and 3 and significant pursuant to the California Environmental Quality Act. The resource consists of four concentrations of Eucalyptus trees that once functioned as windrows. They represent the agricultural history and success of the northern portion of Fontana and a significant pattern of land use between 1890 and 1940. This resource was also recommended eligible as a historical resource per Section 5-355 of the City of Fontana Municipal Code.

Endangered Species- Focused surveys were conducted on the project site in 2006, 2007, 2014 (for sensitive plants and coastal California gnatcatcher) and 2016 (for San Bernardino kangaroo rat). No federally listed threatened or endangered plant or animal species were found present. The survey results are documented in the Biological Technical Report prepared for the Project site (dated May 17, 2016 and revised June 8, 2017) and are summarized below.

Plants

Focused surveys for special-status plants were conducted on the Project site in 2014, and no federally-listed plant species were observed.

Wildlife

GLA conducted focused surveys within the Project site for the coastal California gnatcatcher (*Poliioptila californica californica*) [CAGN] in 2014. CAGN were not detected during focused surveys.

The southwestern portion of the Project site contains scrub/wash habitat with limited potential to support the federally listed endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*) [SBKR]. A mammal trapping study within potentially suitable habitat was conducted in 2016, and the SBKR was confirmed to be absent from the Project site. Additionally, a small portion of the proposed offsite impact area (approximately 0.34 acre) is located within designated critical habitat for SBKR, although this portion of the Project does not contain the primary constituent elements for SBKR and exhibits no potential to support SBKR as confirmed during the focused surveys (2016).

The majority of the Project site is located within the North Fontana Conservation Program Area (formerly referred to as the North Fontana Interim MSHCP Policy Area). The North Fontana Conservation Program is not an approved Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) but is a local conservation program approved by the City of Fontana. Under the North Fontana Conservation Program, an applicant for development is required to conduct focused surveys (if suitable habitat is present) for small mammals, including the San Bernardino kangaroo rat and Los Angeles pocket mouse, and/or conduct focused surveys for the coastal California gnatcatcher, and to pay a mitigation fee to offset impacts to Riversidean alluvial fan sage scrub (RAFSS) and/or Riversidean sage scrub (RSS) habitats. With the payment of the mitigation fees, the Project would be compliant with the North Fontana Conservation Program.

The Corps will make a determination of effect to CAGN and SBKR in relation to our federal action and consult with the U.S. Fish and Wildlife Service as appropriate based on a review of the relevant reports and comments received on this public notice.

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- Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

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 construct single-family residential housing units (with associated infrastructure and recreational amenities) on approximately 140 acres within the City of Fontana or adjacent areas including from San Bernardino County line (western boundary) to the I-15 Freeway (eastern boundary) and from the San Bernardino National Forest (northern boundary), to State Highway 210 (southern boundary).

Additional Project Information

Baseline information- The topography on the property ranges from relatively flat or gentle sloping in the south to rugged in the northern portion, supporting elevations ranging from 1,710 to 2,640 feet above Mean Sea Level. The Project site, including off-site impact areas, encompasses approximately 137 acres of land.

The northern portion of the project site abuts the foothills of the San Gabriel Mountains and consists of previously undeveloped land comprised of various native vegetation communities including coastal sage scrub and chaparral, as well as a few riparian areas supporting sycamores, willows and cottonwoods. The southern portion of the site consists primarily of disturbed land, comprised of non-native vegetation communities such as non-native grassland, ruderal vegetation, ornamental trees, and previously developed areas. Adjoining land uses include open space to the north, residential development to the west, rural residential to the east, and the Interstate 15 freeway to the south. The majority of the project site is located within the North Fontana Conservation Program Area (formerly referred to as the North Fontana Interim MSHCP Policy Area).

A regularly maintained drainage feature, the Hawker-Crawford Channel, bisects the southern portion of the site. The Hawker-Crawford channel is generally unvegetated but does support several isolated patches of non-native vegetation.

Project description- The Project consists of a proposed residential community and associated infrastructure improvements on approximately 136.4 acres of land located at the northeast corner of Lytle Creek Road and Duncan Canyon Road. The project includes a map amendment to the General Plan Land Use Designations and Zone Districts, a Municipal Code Text Amendment and a Tentative Tract Map (Tract No. 20010).

The proposed residential community would be comprised of five, privately gated residential neighborhoods, two private parks, private recreation building and pool, trails and water quality basins. The proposed Project includes a total of 489 dwelling units of varying densities within each community. The site is currently undeveloped and located within the City of Fontana's High Fire Severity Zone. Development of the project would require offsite grading, drainage improvements and

fuel modification along the northern property boundary within land owned by Southern California Edison. Relocation of existing right-of-way would be required from both the City (for Lytle Creek Road) and the San Bernardino County Flood Control District (SBCFCD) (for Hawker-Crawford Channel). The Project proposes realignment of approximately 3,500 linear feet of the existing Hawker-Crawford Channel. The current channel is a San Bernardino County Flood Control facility comprised of an earthen channel that traverses the site from northeast to southwest. The channel is proposed to be realigned and lined with concrete within the project boundary, relocating the channel to the eastern edge of the community and adjacent to Interstate 15.

Offsite drainage from the north would be captured and conveyed through a separate storm drain system, which would connect directly to the new Hawker-Crawford Channel. Two debris basins are proposed at the northern edge of the developed portion of the site to de-bulk offsite flows. Onsite drainage would be captured and conveyed through a separate system of catch basins and underground storm drains that would route storm water through water quality and/or detention facilities prior to discharging to Hawker Crawford Channel. One open water quality basin is proposed in the southwest corner of the site and would cover approximately 1.9 acres.

The Project proposes realignment of approximately 3,500 linear feet of existing Lytle Creek Road (2-lane). The current road alignment generally follows the eastern edge of the proposed Project from north to south and intersects at Duncan Canyon Road (4-lane). Lytle Creek Road is proposed to be widened to 4 lanes and realigned to run through the Project and connect to existing Coyote Canyon Road (4-lane) right-of-way at the western property boundary. The realignment and widening would be consistent with the City's General Plan Circulation Element and designation of Secondary Highway.

Proposed Mitigation— The proposed mitigation may be modified 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: Complete avoidance of waters of the U.S. is not proposed under the applicant's preferred alternative.

Minimization: The preferred alternative would avoid 0.40 acre of waters of the U.S., including 8,010 linear feet of streambed.

Compensation: As mitigation for permanent impacts to 1.68 acres of non-wetland Waters of the U.S., the Applicant is proposing to purchase credits from a Corps-approved mitigation bank/in-lieu fee program at a 2:1 mitigation-to-impact ratio, for a total of 3.36 acres of mitigation credits. The Corps has not made any determination regarding the type or amount of mitigation that would be required if the proposed action is authorized.

Proposed Special Conditions

Special conditions providing for the avoidance, minimization and mitigation for impacts to waters of the United States, would likely be incorporated into any Corps permit authorization, if issued. No specific conditions are proposed at this time.

For additional information please call Emma Ross at (805) 585-2149 or via e-mail at emma.b.ross@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



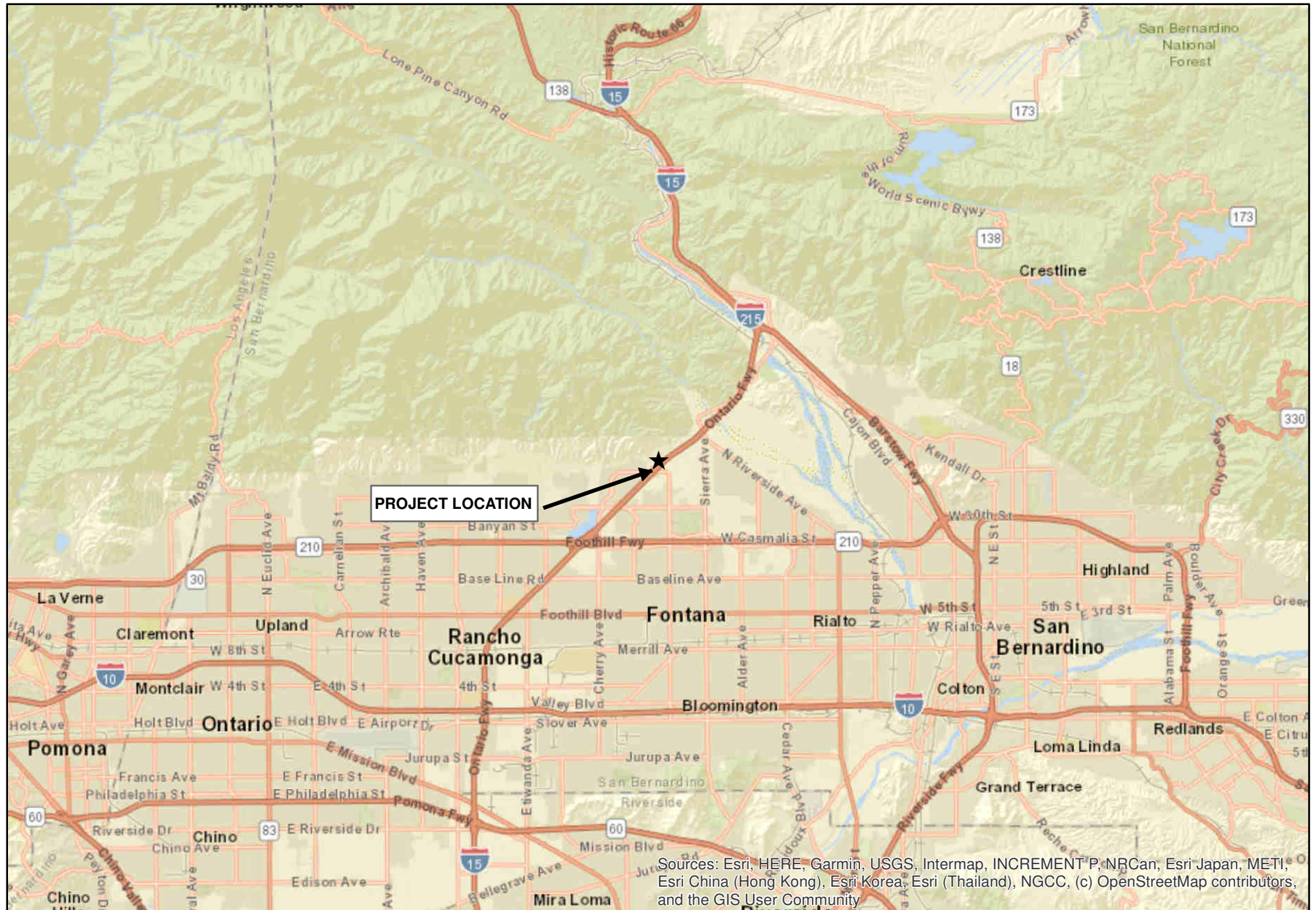
Regulatory Program Goals:

- 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.

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

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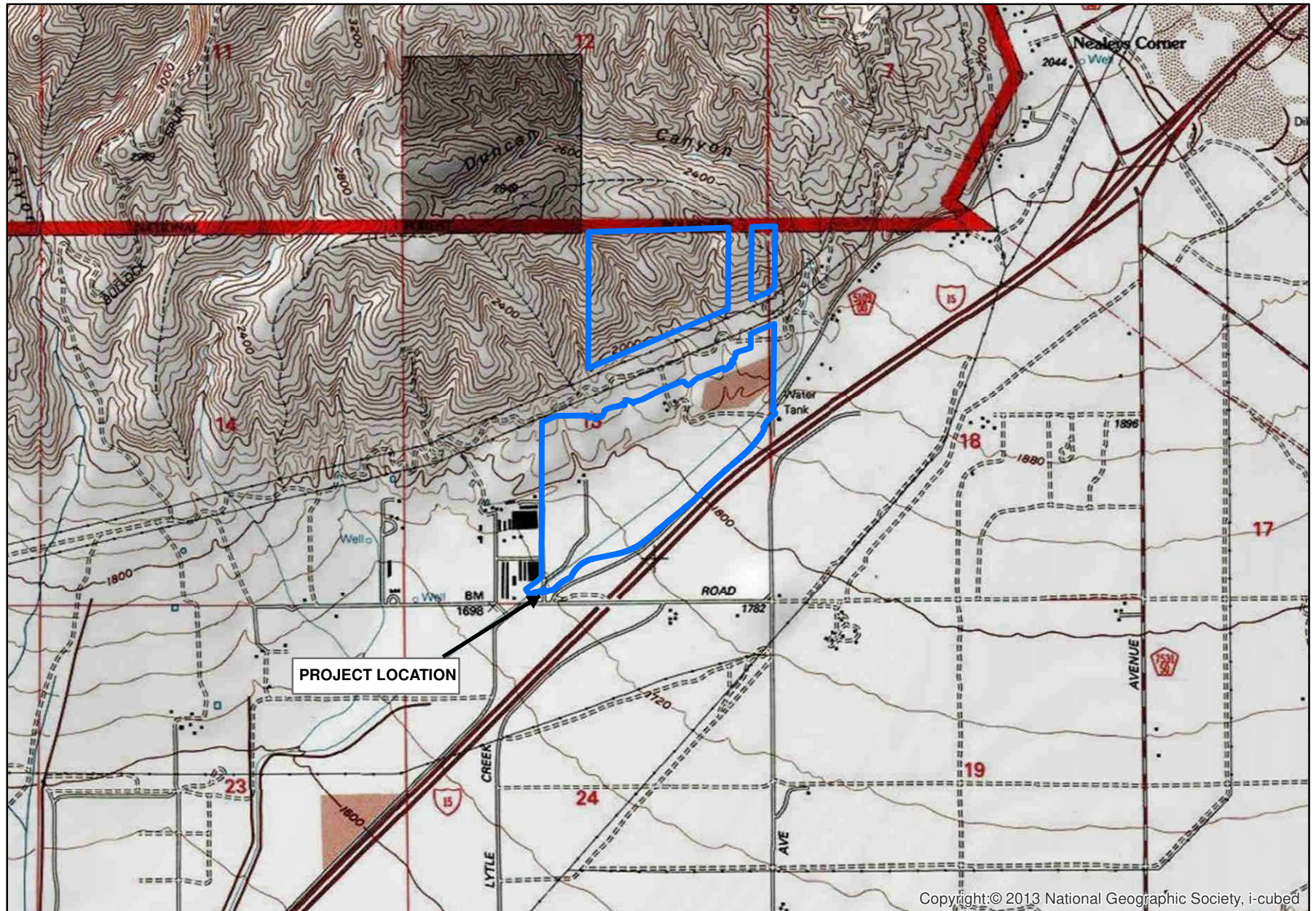


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Regional Map

Exhibit 1

Adapted from USGS Devore, CA quadrangle



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MONARCH HILLS

Vicinity Map

GLENN LUKOS ASSOCIATES

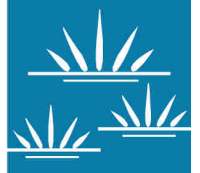


Exhibit 2

Project Summary

Total Site Area: 136.4 Acres - Gross (75.44 Acres - Net)

- (45.35 AC) 10,000 SF Lots
- (10.87 AC) 5,000 SF Lots
- (11.15 AC) Cluster SFD
- (8.07 AC) Townhomes

Total Homes: 489 Homes

- (154) 10,000 SF Lots
- (79) 5,000 SF Lots
- (127) Cluster SFD
- (129) Townhomes

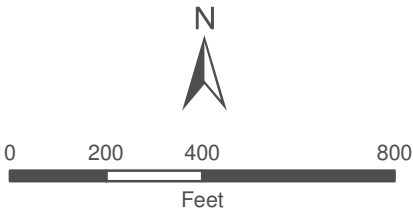
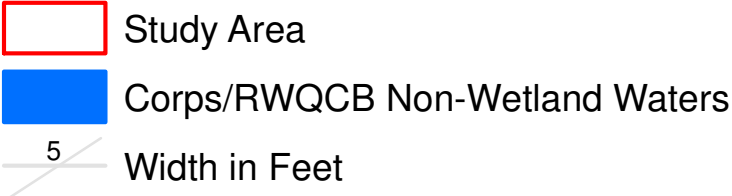
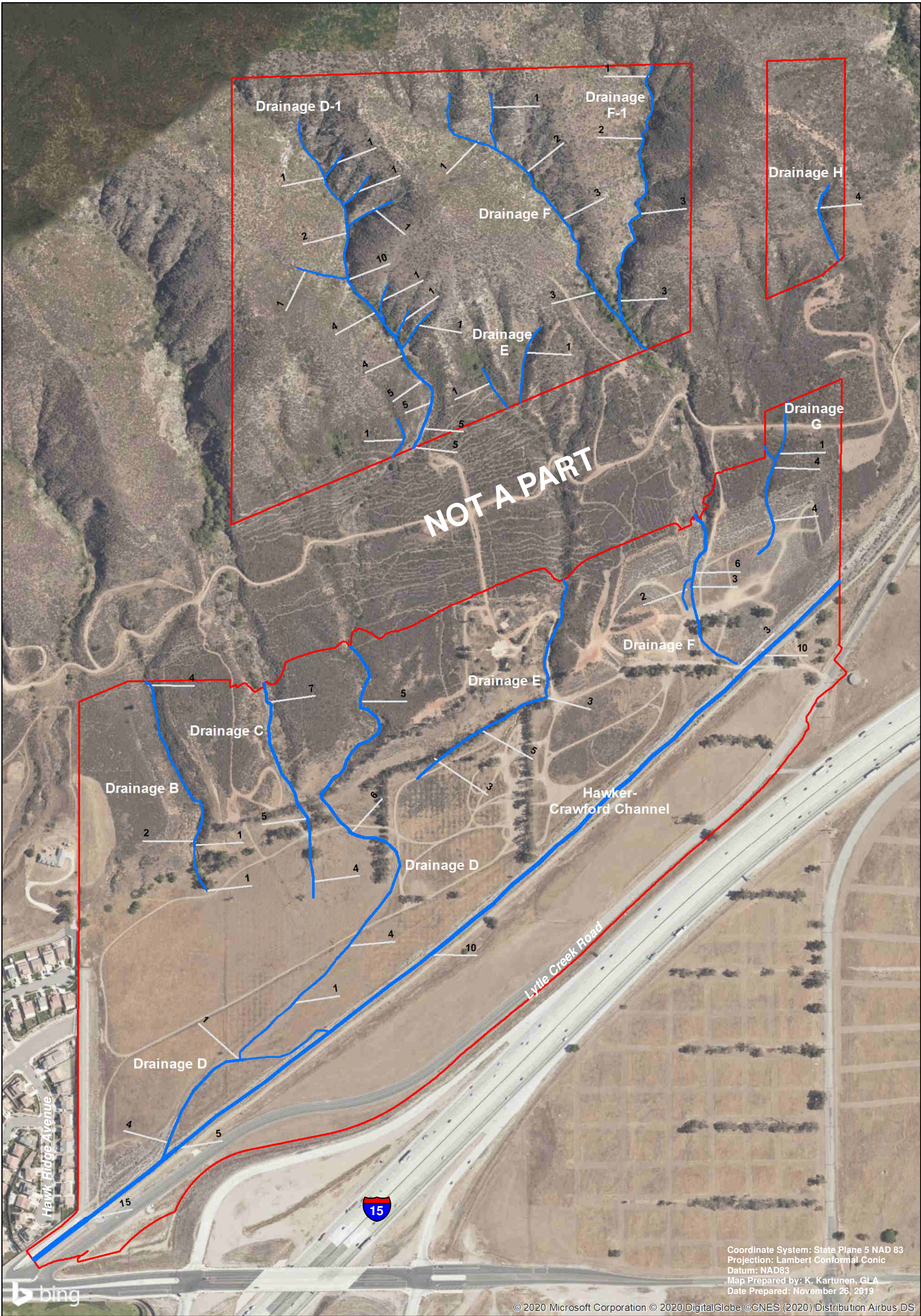
Density: 6.48 Homes per Acre (Net)



ALTERNATIVE 5 - PREFERRED ALTERNATIVE
MONARCH HILLS

FONTANA, CA





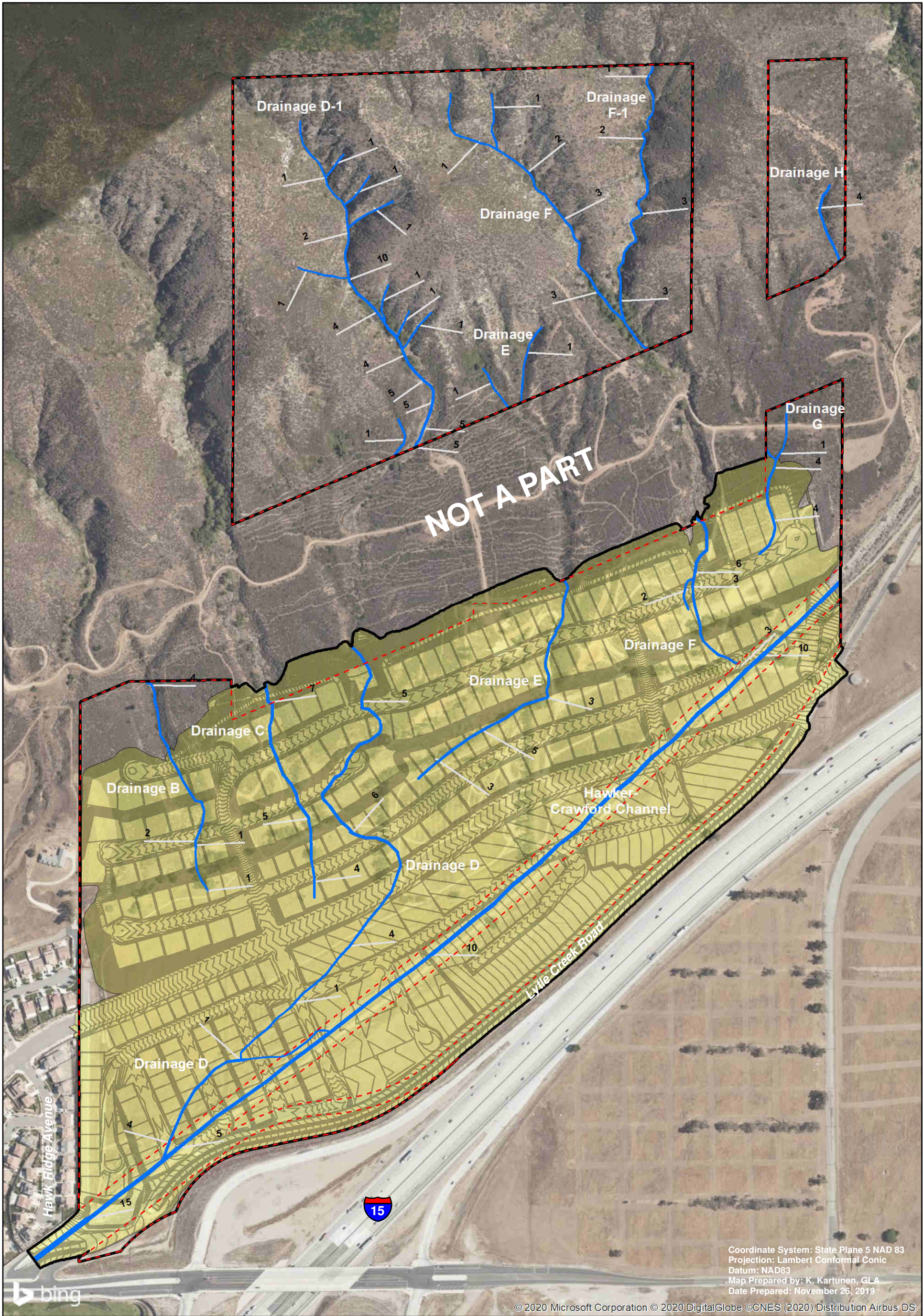
**MONARCH HILLS
RESIDENTIAL DEVELOPMENT PROJECT**

Corps Jurisdictional Delineation Map

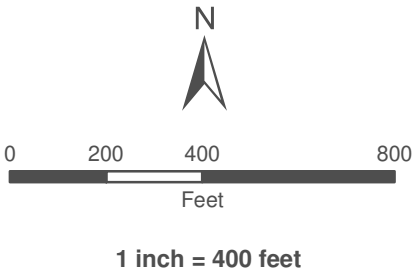
GLENN LUKOS ASSOCIATES

Exhibit 4





-  Study Area
-  Project Site
-  Development Footprint
-  Corps/RWQCB Non-Wetland Waters
-  Width in Feet



**MONARCH HILLS
RESIDENTIAL DEVELOPMENT PROJECT**

Corps Jurisdictional Delineation/Impact Map

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Exhibit 5

