



PUBLIC NOTICE

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

BUILDING STRONG®

**APPLICATION FOR PERMIT
Xebec Easy Street Industrial Development Project**

Public Notice/Application No.: SPL-2018-00722-AJS

Project: Xebec Realty Commercial Development

Comment Period: January 2, 2019 through February 1, 2019

Project Manager: Antal Szijj; (805) 585-2147; Antal.J.Szijj@usace.army.mil

Applicant

Jay Soni
Xebec Realty Partners, LLC
3010 Old Ranch Parkway, Suite 470
Seal Beach, California 90740

Contact

Brian Mayerle
FirstCapon Solutions
2240 Plaza Drive, Suite 210
Rocklin, California 95765

Location

An approximately 36-acre parcel located approximately 0.3 mile south of SR-118, immediately northeast of Easy Street, immediately east of Chain Drive, and approximately 0.15 mile northwest of Shasta Way within the city of Simi Valley, Ventura County, CA (at: 34.279515°N latitude, - 118.7919°W longitude). See Exhibits 1 and 2, attached.

Activity

To permanently impact approximately 7.28 acres of seasonal wetlands, 0.11 acres of jurisdictional swales, and 0.14 acres of jurisdictional drainages in order to construct an industrial development and associated infrastructure on approximately 36.16 acres (Exhibit 3). For more information see Additional Project Information section below.

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:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Antal Szijj
60 South California Street, Suite 201
Ventura, CA 93001-2598

Alternatively, comments can be sent electronically to: Antal.J.Szjij@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 latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- 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 does not appear to be required at this time.

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 industrial development. 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 an industrial development in the vicinity of the City of Simi Valley.

Additional Project Information

Baseline information- The site primarily consists of open disturbed land with portions of undisturbed marsh in the southern portion of the site. The site is largely surrounded by commercial and light industrial development with a steep grade to the train tracks and Cochran Street to the north, and four culverts originating from surface water outfalls that converge to daylight on the north portion of the site. The site exhibits relatively shallow groundwater (between 1 to 10 feet in depth based on recent geotechnical surveys). Surface water on other portions of the site are visible year-round. The majority of the site is disturbed by regular mowing/discing for fire suppression, with sections at various stages of regrowth of weedy non-native species. The southern portion of the site supports a relatively undisturbed freshwater marsh of approximately 2.2 acres in size, surrounded by a disturbed seasonal wetland. Overall the site supports 8.91 acres of disturbed seasonal wetland, 2.18 acres of freshwater marsh and 0.18 acre of non-wetland waters comprised of small intermittent to ephemeral drainage features originating from culverts along the northern boundary of the site (see Exhibit 4, Jurisdictional delineation impacts). Approximately 0.12 acre of additional drainage swales which do not exhibit an ordinary high water mark are also present.

Project description- The proposed project includes discharges of fill material into 7.28 acres of seasonal wetlands and 0.14 acre of non-wetland waters associated with the development of the site for commercial and industrial uses. The development would provide approximately 527,000 square feet of manufacturing uses with associated office space and require approximately 11,745 cubic yards of imported fill.

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: Complete avoidance of wetlands and waters of the U.S. at the project has not been proposed. The applicant would be required to evaluate a complete avoidance alternative as part of the alternatives analysis.

Minimization: As proposed the project would avoid approximately 3.85 acres of freshwater marsh and seasonal wetland in the southern portion of the site as well as approximately 0.04 acre of non-wetland waters along a drainage feature at the western edge of the parcel.

Compensation: The applicant has proposed to preserve and enhance the freshwater marsh/seasonal wetland in the avoided portion of the project site. Additional mitigation, such as purchase of mitigation bank or in-lieu fee credits 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.

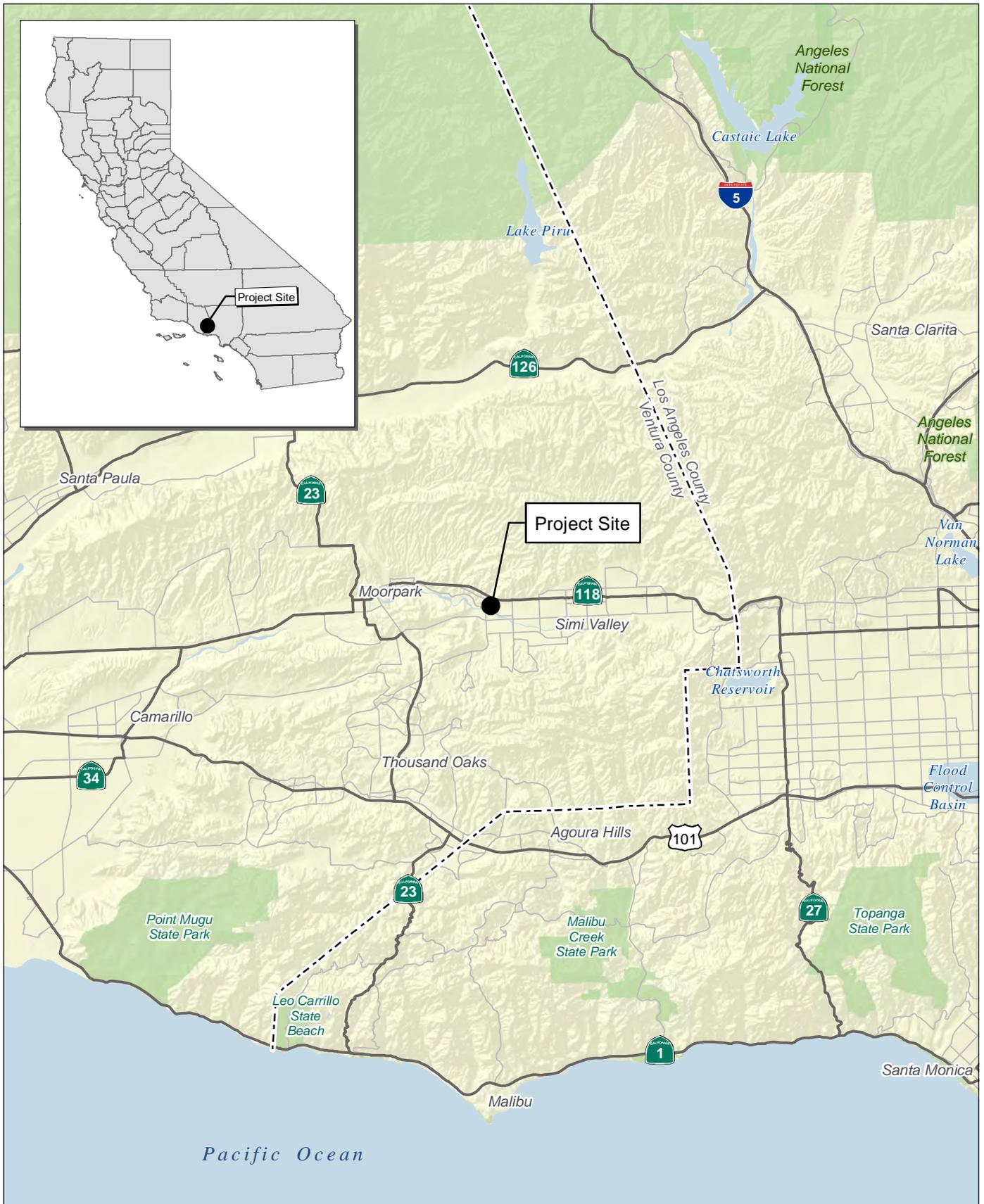
For additional information please call Antal Szijj of my staff at (805) 585-2147 or via e-mail at Antal.J.Sziji@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



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
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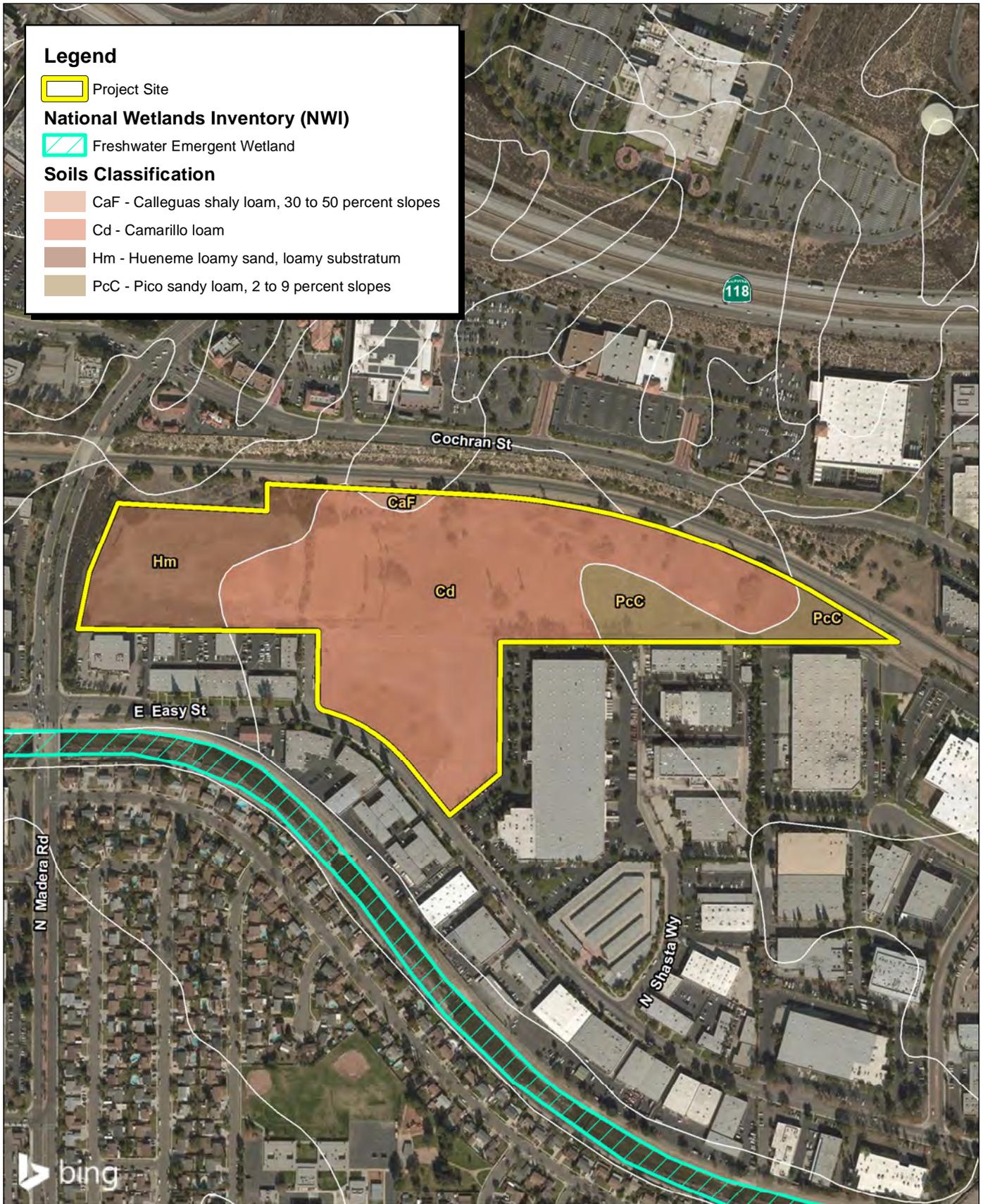


Source: Census 2000 Data, The CaSIL

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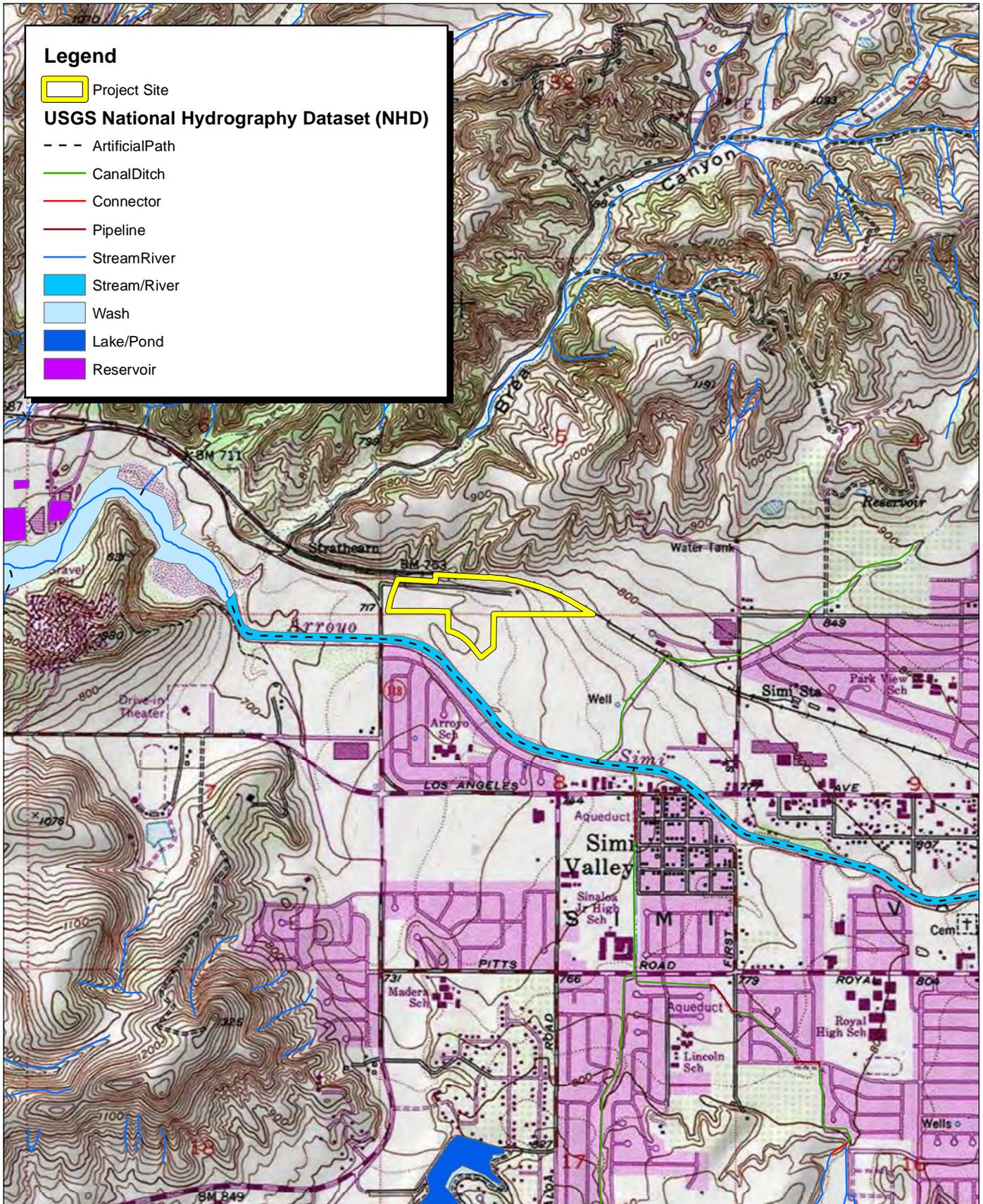


Exhibit 1 Project Location



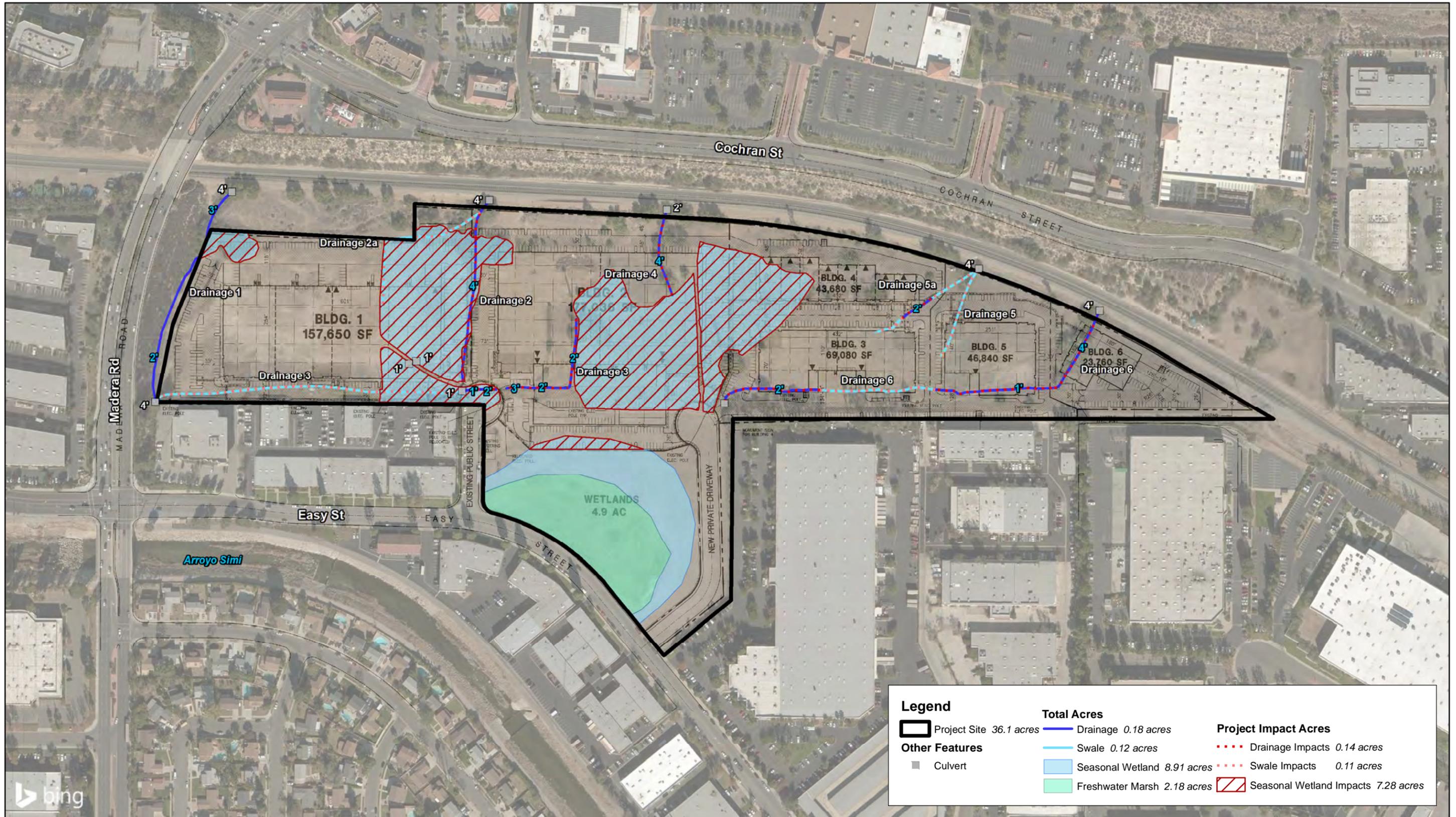
Source: Bing Aerial Imagery, CA NWI Data, Ventura Area USDA Soils Data.





Source: USGS Simi (1969) 7.5' Quadrangle / Rancho Simi Land Grant





Source: Bing Aerial Imagery



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Exhibit 4
Jurisdictional Delineation Impacts

XEBEC REALTY • MADERA ROAD AND EASY STREET, SIMI VALLEY
DELINEATION OF WETLANDS AND OTHER WATERS OF THE UNITED STATES