



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT Poway Mine Project, Vulcan Materials Company

Public Notice/Application No.: SPL-2008-01241-PJB

Project: Poway Mine Project – Vulcan Materials Company

Comment Period: January 7, 2013 through February 7, 2013

Project Manager: Peggy Bartels, 760-602-4832, peggy.j.bartels@usace.army.mil

Applicant

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Contact

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Location

Vulcan Materials Company's (Vulcan) Poway Mine Site is located along the southern boundary of the City of Poway in San Diego County, CA. (Figure 1). The 166-acre mine site is bounded by Kirkham Way and the South Poway Industrial Park to the north and Beeler Canyon Road to the south. The address for the project site is 13501 Kirkham Way, Poway, CA 92064 (Figure 2).

Activity

The Applicant is seeking the necessary regulatory approvals under a Programmatic Standard Individual Permit with tiered Letter of Permission (PSIP/LOP) for Phases 1 and 3 of the proposed project's mining and extraction processes. Vulcan proposes to: 1) widen and restore Beeler Creek (Drainage 1) floodplain located on Vulcan's mine site as required by the City to pass the Federal Emergency Management Administration (FEMA)-adopted 1,400 cubic feet per second (cfs) 100-year storm peak flows during Phase 1; and 2) impact two unnamed ephemeral tributaries (Drainages 2 and 3; Attachment 1) during Phases 1 and 3 of mining activities. Up to 0.134 acre of unvegetated ephemeral stream bed and up to 0.019 acre freshwater marsh would be permanently impacted by the proposed mining project. Up to 0.253 of temporary impacts to unvegetated ephemeral stream bed and freshwater marsh would occur. (For more information, refer to the Tables 1 and 2 and the following pages).

Interested parties are hereby notified that 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 support 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.

Comments should be mailed to:

LOS ANGELES DISTRICT, ARMY CORPS OF ENGINEERS
Regulatory Division
Attention: Peggy Bartels
Carlsbad Field Office
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011

Alternatively, comments can be sent electronically to: Peggy.J.Bartels@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 that 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 that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency; this project is not located on Tribal lands.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that 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.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity would not adversely affect essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

Cultural Resources- As part of the section 404 process, the Corps is required to evaluate all cultural and historic resources within the Corps' scope of analysis in the project area. The Corps will consult with the California State Historic Preservation Officer (SHPO) and the California Native American Heritage Commission as required under Section 106 of the National Historic Preservation Act.

Endangered Species- Formal consultation under Section 7 of the Endangered Species Act of 1973, as amended, was initiated by the Corps on May 7, 2009 for the federally listed endangered Quino checkerspot butterfly (*Euphydryas editha quino*) and the federally threatened coastal California gnatcatcher (*Polioptila californica californica*). Section 7 consultation for the project was completed on November 9, 2009 and a no jeopardy/no adverse modification determination was made by the U.S. Fish and Wildlife Service. However, under the Biological Opinion (FWS-SDG-09B305-09F0892), updated survey information is required to be submitted by the applicant to the Corps prior to beginning the mining operations and depending upon the outcome of the surveys, re-initiation of consultation may be 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 conduct mining operations and extractions. 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 conduct mining operations and extractions within the San Diego Watershed, within San Diego County, California.

Additional Project Information

Baseline information- The Vulcan Mine Site encompasses approximately 166-acres. There are three streams and two wetlands located within the Vulcan Mine Site, including Beeler Creek (Drainage 1) and its wetland (Wetland 1), which are located along the southern boundary of the project site, Drainage 2, which is located along the western boundary of the project and Drainage 3 and its wetland (Wetland 2), which is located on the eastern end of the project site (Table 1). Collectively, the project contains 1.01 acres (43,862 square feet) or 9,325 linear feet of waters of the US, including wetlands (Attachment 2; Table 1). Of the 1.01 acres of water resources located on the project site, 0.72-acre is unvegetated ephemeral drainage, and 0.29-acre is freshwater emergent wetland. Currently, onsite upland vegetation is composed of a mix of native, ruderal, and ornamental plants.

Table 1. Corps jurisdiction on the Vulcan Mine Site

Location	Stream Identification	Square Feet	Acre	Linear Feet	Average Width
Beeler Creek	Drainage 1	20,771	0.48	4,471	4.6
Beeler Creek Wetland	Wetland 1	12,142	0.28	N/A	N/A
Beeler Creek Tributary 2	Drainage 2	5,553	0.13	2,510	2.2
Beeler Creek Tributary 3	Drainage 3	4,830	0.11	2,344	2
Tributary 3 Wetland	Wetland 2	566	0.01	N/A	N/A
TOTAL		43,862	1.01	9,325	

Mining and extraction of sand and gravel at this site occurred up to about 1975. In 1991, the City of Poway issued a Conditional Use Permit/Reclamation Plan (CUP/RP 89-05) that authorized impacts up to 166 acres for mining activities and requires reclamation of native vegetation communities. Additionally, the applicant is required to ensure that Beeler Creek can safely pass the FEMA-adopted 1,400 cfs 100-year storm peak flows.

Project description- The proposed project is to conduct mining, extraction, and reclamation activities on a 166-acre project site. The proposed project would impact 127 acres for mining purposes. Approximately 28 acres of the site would not be mined. Of the 127 acres impacted, approximately 15 acres would be permanently converted into industrial building development (Attachment 3 – Light Industrial). Additionally, the applicant is required by the City to develop Beeler Creek such that it would carry FEMA-adopted 1,400 cfs 100-year storm peak flows. To accomplish this requirement, the applicant proposes to widen and restore the existing floodplain in portions of the Creek located within

the project boundaries (Attachment 4). The widening of Beeler Creek will create 5.76 acres of floodplain.

The proposed project would permanently impact 0.153-acre and temporarily impact 0.253 acre of waters of the U.S., including wetlands within Drainages 1, 2 and 3 (Attachment 1; Table 2).

Table 2. Impacts to Corps jurisdiction on the Vulcan Mine Site

Location	Phase	Permanent Impacts Section 404 Stream bed (Acre)	Permanent Impacts Section 404 Wetlands (Acre)	Temporary Impacts Section 404 Stream bed (Acre)	Temporary Impacts Section 404 Wetlands (Acre)	Permanent Linear Feet	Temporary Linear Feet
Beeler Creek (Drainage 1) (excavation of creek and restoration activities)	1			0.25			1,658
Beeler Creek Drainage 1 Wetland (excavation of wetlands and restoration activities)	1				0.003		
Beeler Creek Drainage (Drainage 1) (construction of drop structure)	1	0.014				90	
Beeler Creek Wetland (Wetland 1) (construction of drop structure)	1		0.009			N/A	
Beeler Creek Tributary 2 (Drainage 2) (fill in streambed)	1	0.022				191	
Beeler Creek Tributary 3 (Drainage 3) (fill in streambed)	1	0.009				386	
Beeler Creek Tributary (Drainage 3) (excavation of streambed)	3	0.089				1,877	
Beeler Creek Drainage 3 (Wetland 2) (excavation of wetland)	1		0.01			N/A	
TOTAL		0.134	0.019	0.25	0.003	2,544	1658

Mining and extraction will occur in four phases and will progress from west to east across the site (Attachment 2). Impacts to Corps jurisdiction aquatic resources will occur during Phases 1 and 3. There will be no impacts to water resources during Phase 2 (Years 6-10) or Phase 4 (Years 16-20) of mining.

Phase 1 (Years 1-5): Beeler Creek floodplain expansion and restoration will occur in Phase 1 and temporarily impact up to 0.253 acre and 1,658 linear feet of waters of the U.S., including wetlands (Table 2). Up to 0.023 acre and 90 linear feet of permanent impacts will occur as a result of placement of the drop structure in Beeler Creek for the expansion and restoration portion of Phase 1 (Table 2). A single concrete grade control structure will be installed at the downstream end of the restored floodplain and permanently impact 0.009 acre of freshwater marsh. The proposed grade control structure is approximately 9.3 feet in height and 130 feet in length, including upstream and downstream energy dissipaters. Upstream, the energy dissipater will be constructed of grouted rip-rap that will be buried below the channel bed. Downstream, the energy dissipater will consist of ungrouted rip-rap placed in the channel bed (Attachment 5). The grade control structure is proposed to reduce water velocity below the 6 feet per second (fps) threshold for the peak 100-year storm event

and to prevent headward erosion of the restored floodplain. In addition, the grade control structure will double as an emergency crossing from the project site to Beeler Canyon as required by the City of Poway in CUP/PG 89-05. The top of the drop structure is approximately 12-feet wide in order to accommodate the emergency crossing.

The native riparian community will be replanted along the base of the channel slopes, (approximately 0.59 acre) and the channel bottom (approximately 3.50 acres) will be seeded with native riparian species. The mix of planting and seeding will recreate high quality southern willow scrub community. The remaining 1.33 acres of the newly created channel slopes will be planted with native upland species. These species will consist of Diegan sage scrub plant species, including typical coastal sage species found on the site and species included in the City of Poway's approved Habitat Restoration Plan. (Attachment 6)

After the Beeler Creek floodplain is widened and restored during Phase 1 to create the FEMA-adopted 1,400 cfs 100-year storm peak flows, Phase 1 mining and extraction will activities begin. During mining and extraction, permanent impacts to Drainage 2 (0.022 acre of streambed and 191 linear feet) and Drainage 3 (0.009 acre of streambed and 386 linear feet; and 0.01 acre of wetland 2) will occur (Table 2).

Phase 3 (Years 11-15): Mining and extraction activities in this phase will permanently impact approximately 0.089 acre of streambed and 1,877 linear feet of Drainage 3. Impacts will be caused by placing 139 CY of fill in Drainage 3. The applicant will divert Drainage 3 and recreate a minimum of 1,110 LF of the drainage at the end of mining. Recreation of Drainage 3 will reconnect Drainage 3 to Beeler Creek.

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 applicant's proposed mitigation as applied to the proposed project is summarized below:

Avoidance: Collectively, the project contains 1.01 acres (43,862 square feet) and 9,325 LF of waters of the U.S., including wetlands. The original approved project design (CUP/RP 89-05, 1991) proposed to impact most of these water resources and completely channelize Beeler Creek across the entire project site. The 1991 proposed channel design included nine grade control structures.

In 2004, Vulcan redesigned the project and reduced the area of mining from 166 acres to 127 acres in order to avoid more than half of the potential impacts to water resources located on the project site (from 1.01 acre and 9,325 linear feet to 0.601 acres and 5,123 LF to be avoided).

In 2011, in response to agency comments and as required by the CUP/RP 89-05, Vulcan proposed a revised design for the Beeler Creek restoration project that would create a larger 100-year floodplain, and increase its size from 0.48 acre to 5.76 acres to ensure that the 100-year storm event could be safely conveyed across the property.

Additionally in 2011, in response to agency comments, impacts to waters of the U.S., including wetlands were further reduced from 0.601 acre and 5,231 linear feet to 0.153-acre of waters of the U.S., including wetlands and 2,544 linear feet.

Minimization: In 2011, Vulcan minimized project impacts by proposing to install a single grade control structure rather than two grade control structures for the Beeler Creek floodplain expansion and restoration.

Compensatory Mitigation: The applicant proposes mitigation to offset permanent impacts associated with the mining activities. Mitigation is proposed at a 1:1 ratio for all permanent impacts to ephemeral streams to equal 0.134 acre of mitigation. For all permanent impacts to wetlands, mitigation is proposed at a 2:1 ratio to equal 0.038 acre. Linear foot mitigation is being evaluated by the applicant. The Corps has not completed its obligation to comply with the Standard Operating Procedure for Determination of Mitigation Ratios for the project.

Proposed Special Conditions

No conditions are proposed at this time.

For additional information please contact Peggy Bartels at 760-602-4832 or via e-mail at peggy.j.bartels@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



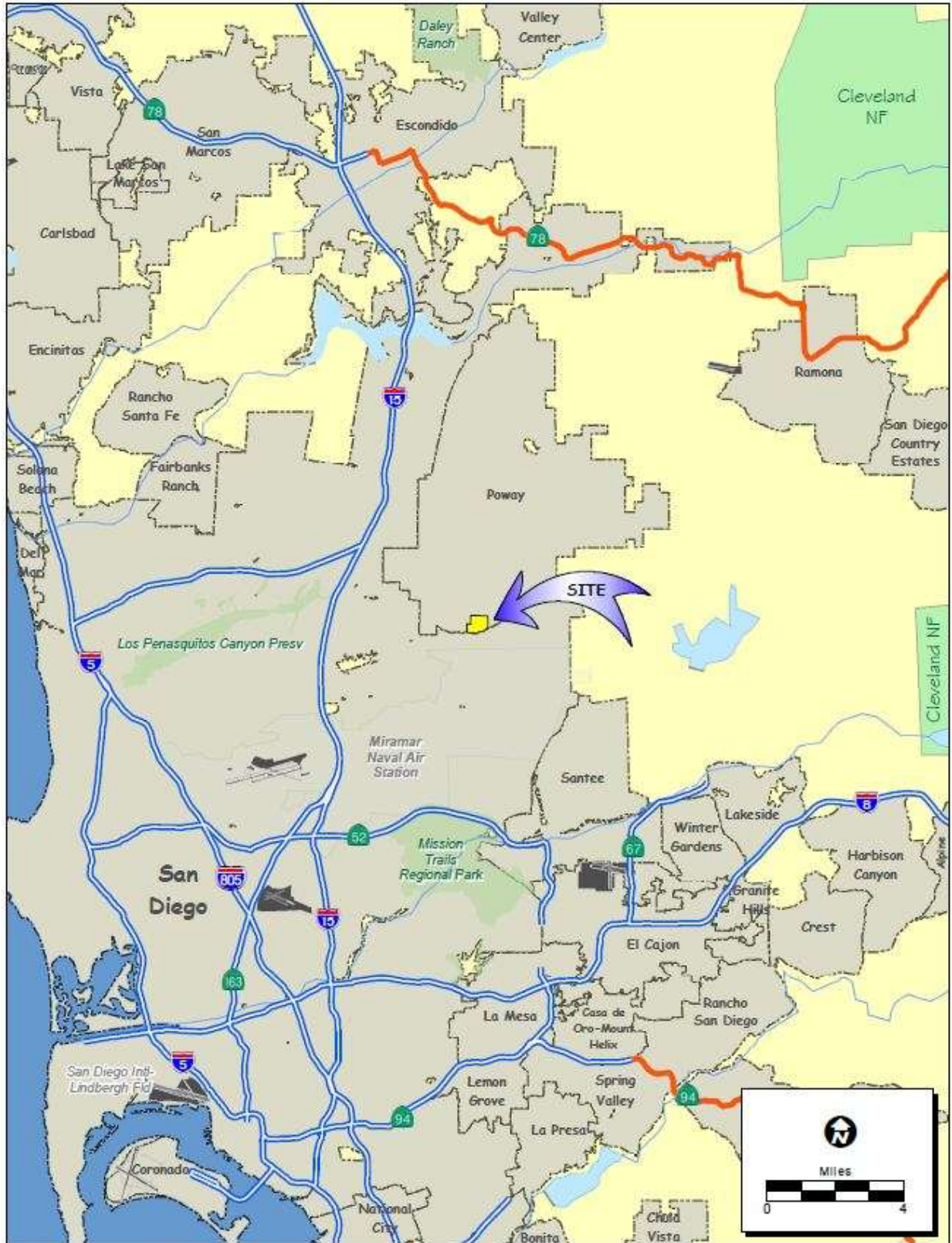
Regulatory Program Goals:

- 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.

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

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Carlsbad, California 92011
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Poway Mine Site – Vulcan Materials Company
Public Notice/Application No: SPL 2008.0124-PJB



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Figure 1. Regional Location - Poway Mine Facility

2006-199 Vulcan Poway



Poway Mine Site – Vulcan Materials Company
Public Notice/Application No: SPL 2008.0124-PJB

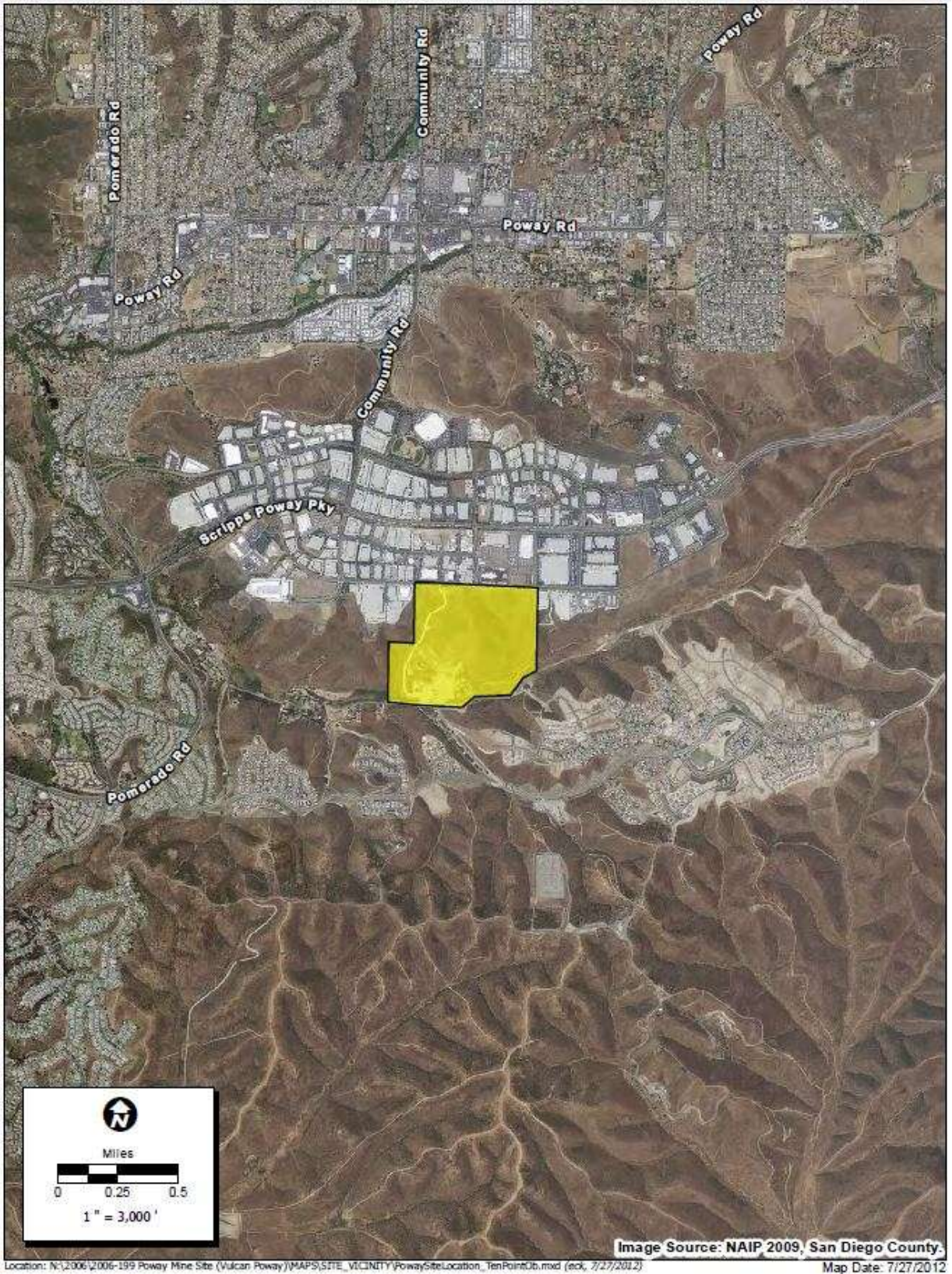
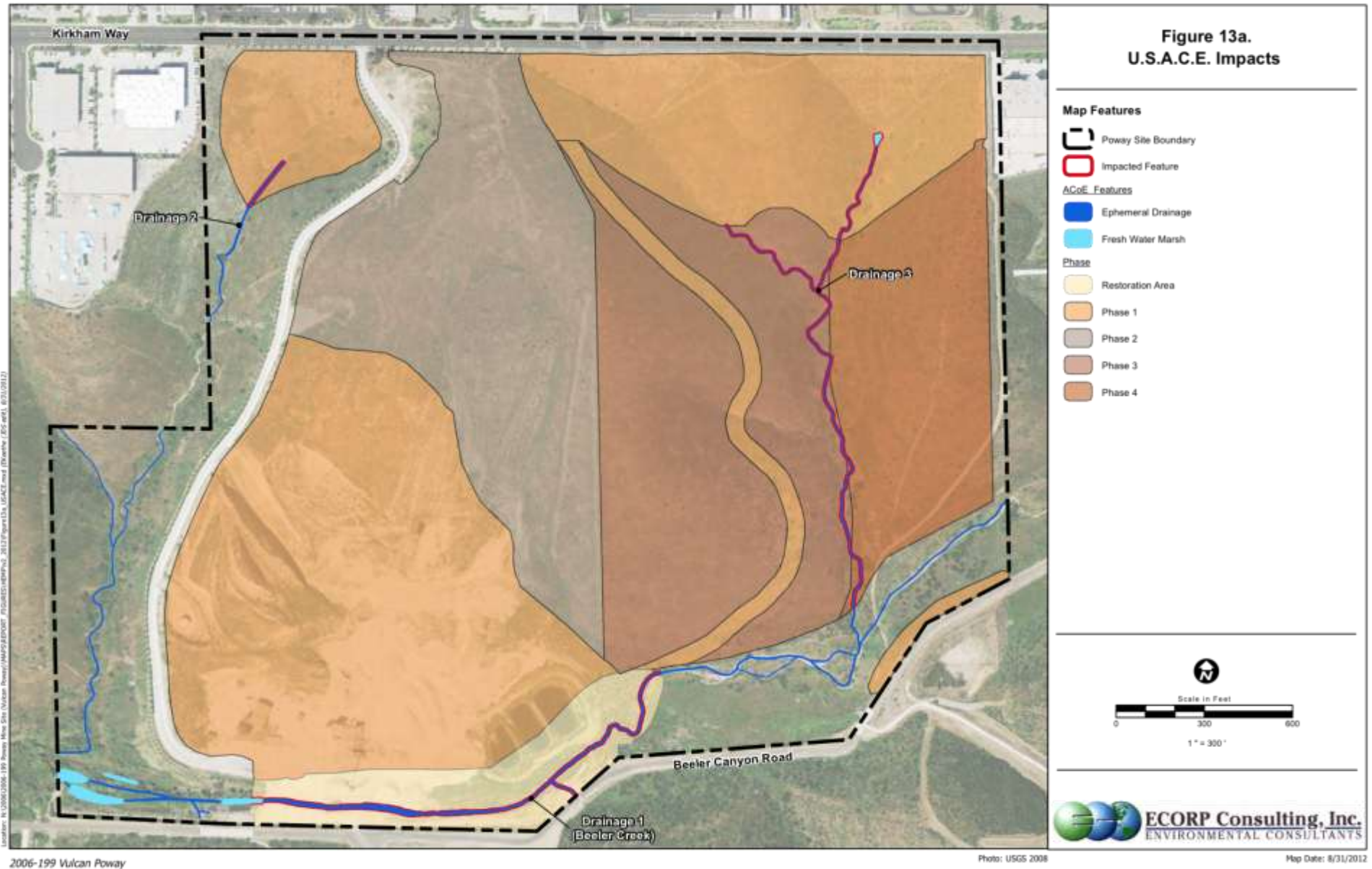
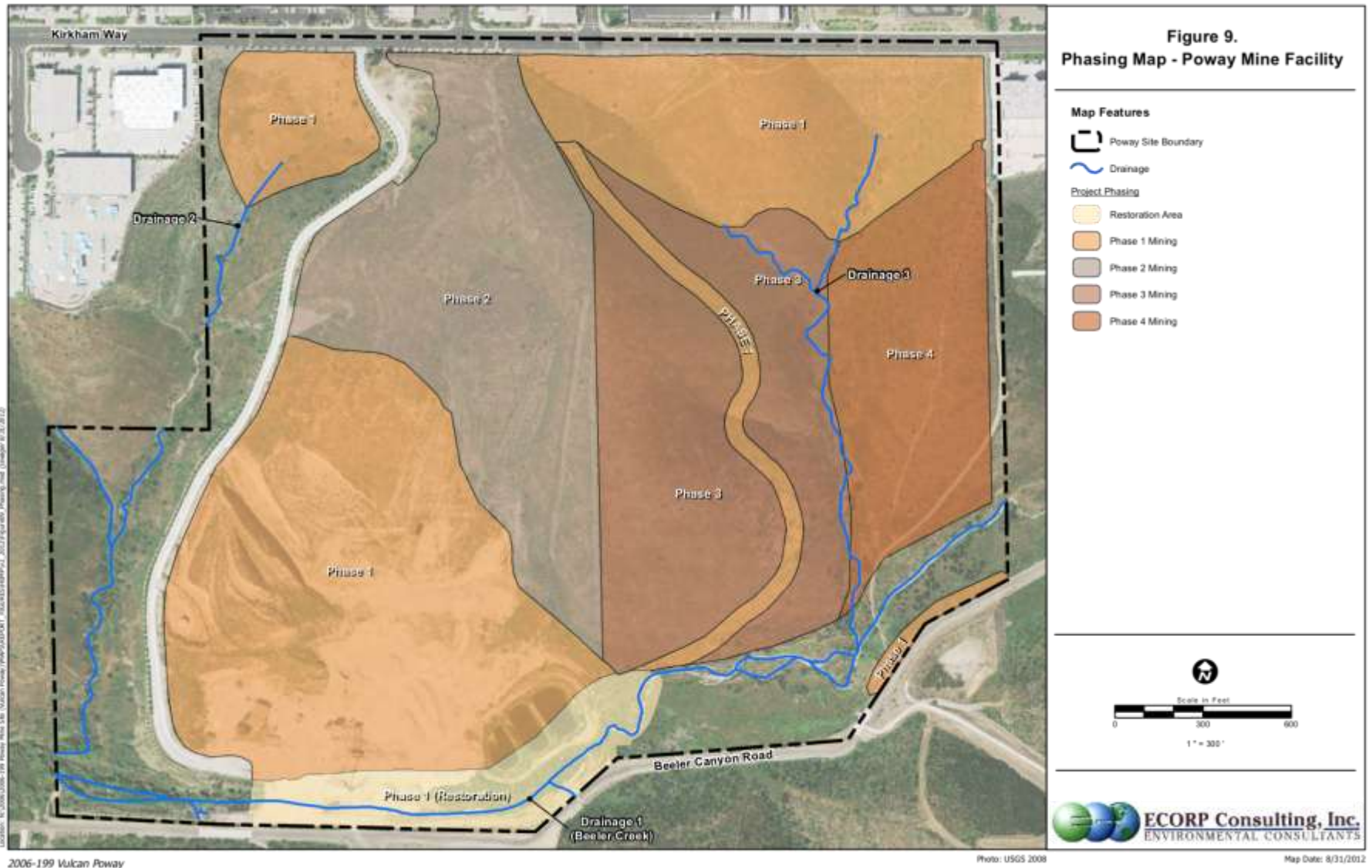


Figure 2. Site Location - Poway Facility
2006-199 Vulcan Poway

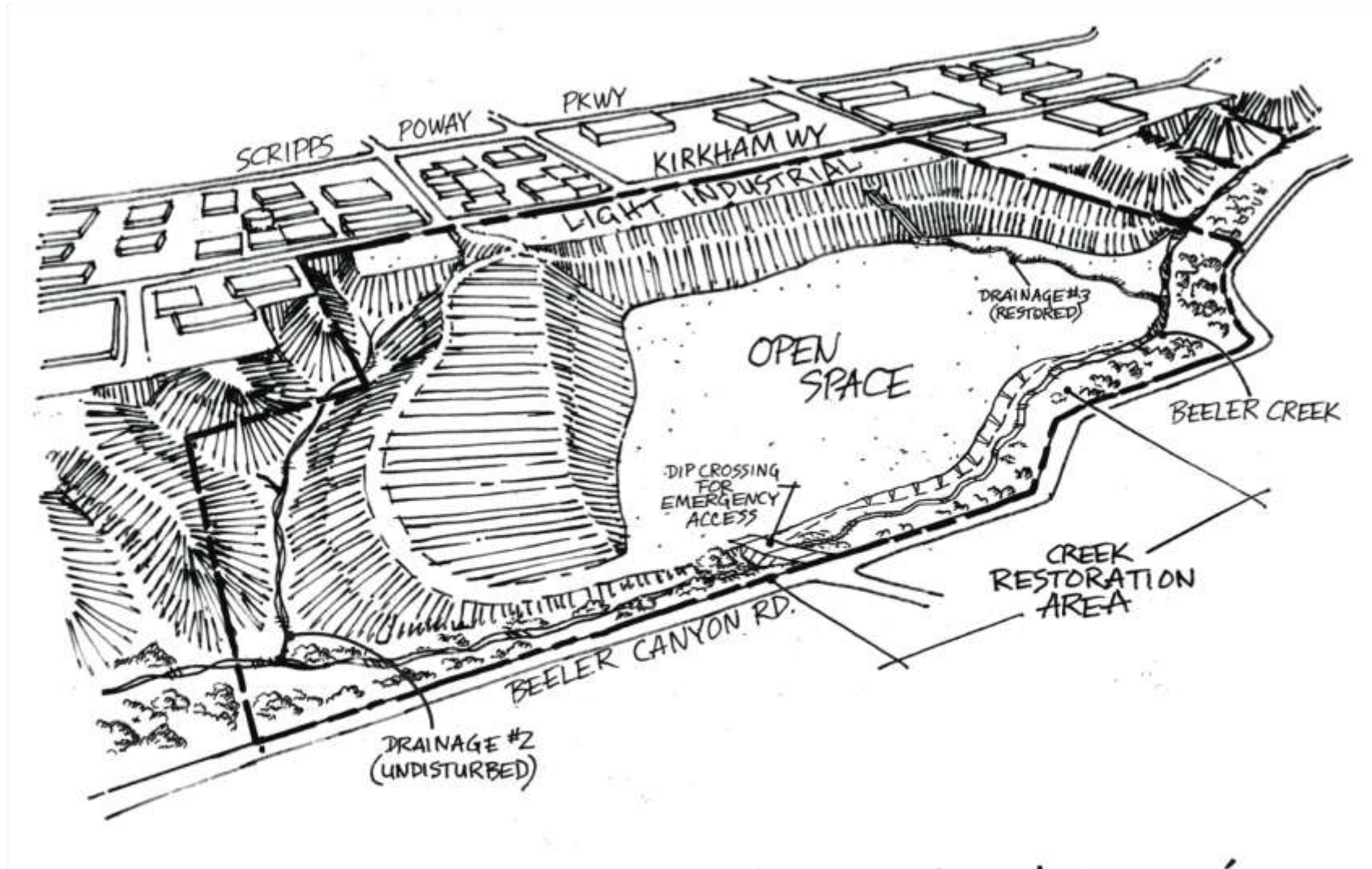
Attachment 1 - U.S.A.C.E Impacts



Attachment 2 - Phasing Map - Poway Mine Facility

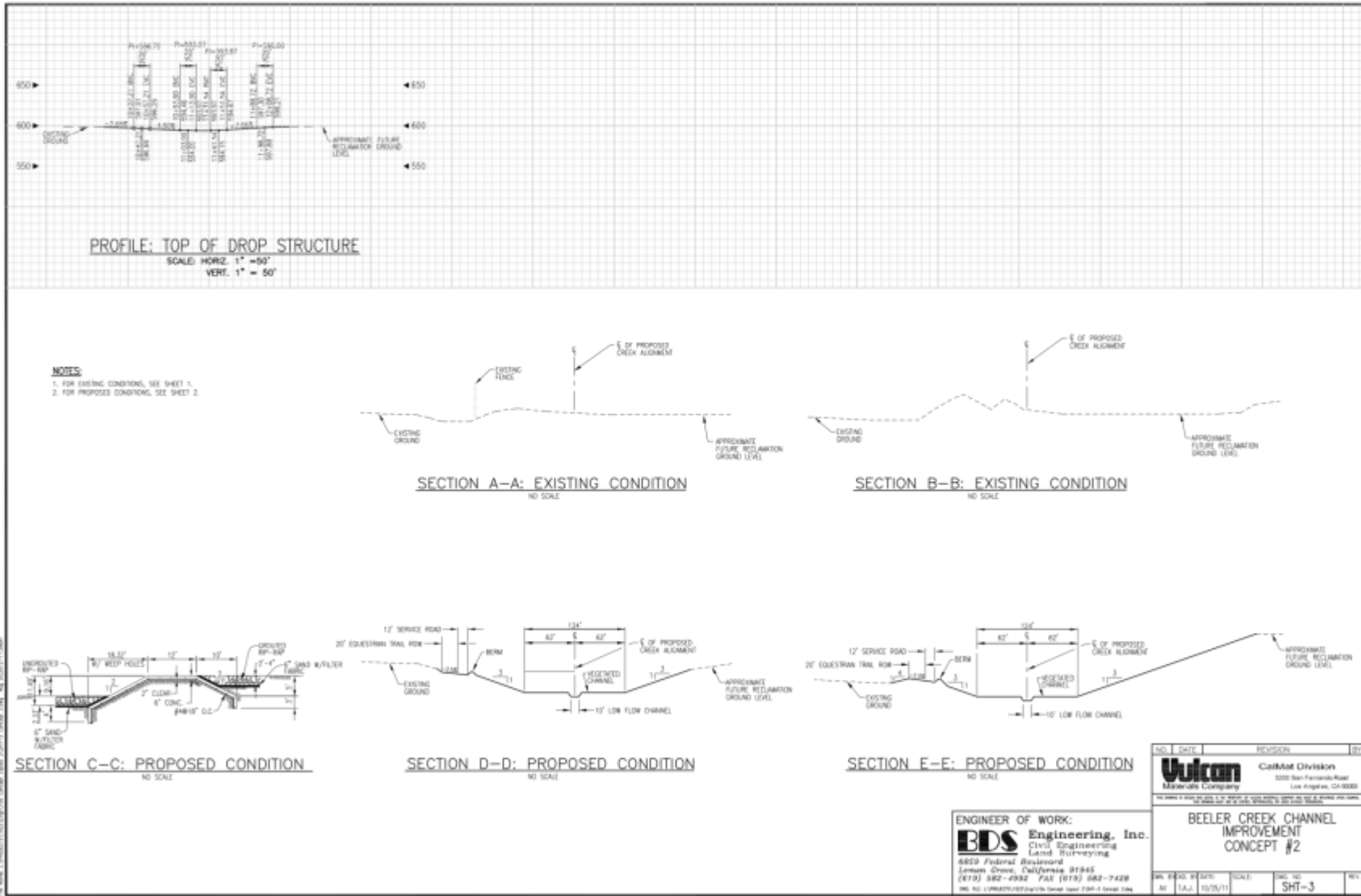


Attachment 3 - Conceptual Drawing Final Landform

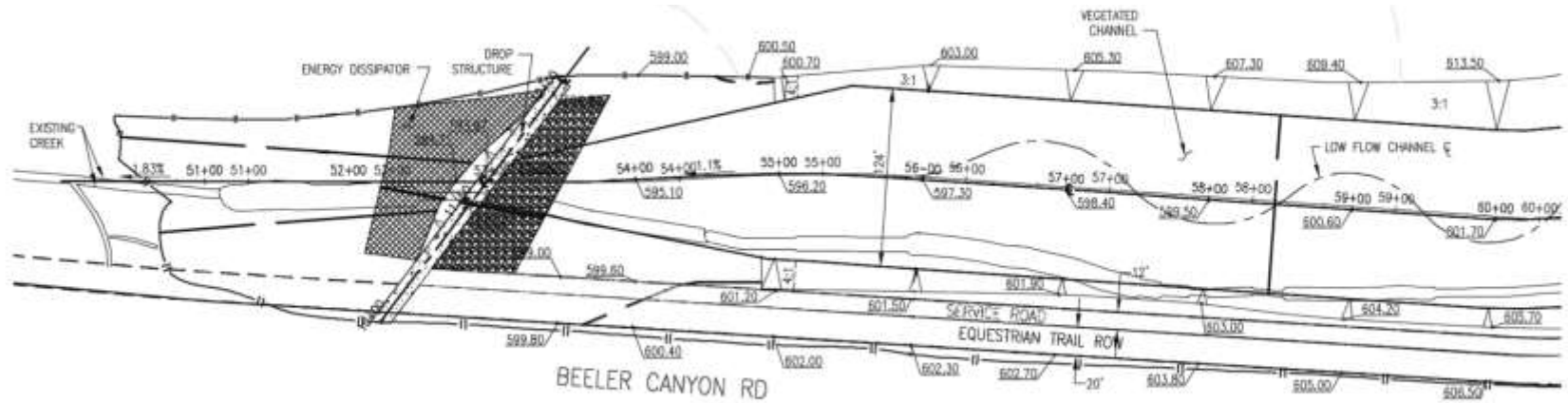


Conceptual Drawing
Final Landform

Attachment 4 - Engineered Drawings

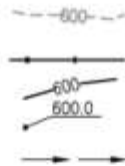


Attachment 5 - Emergency Access & Channel Crossing Detail

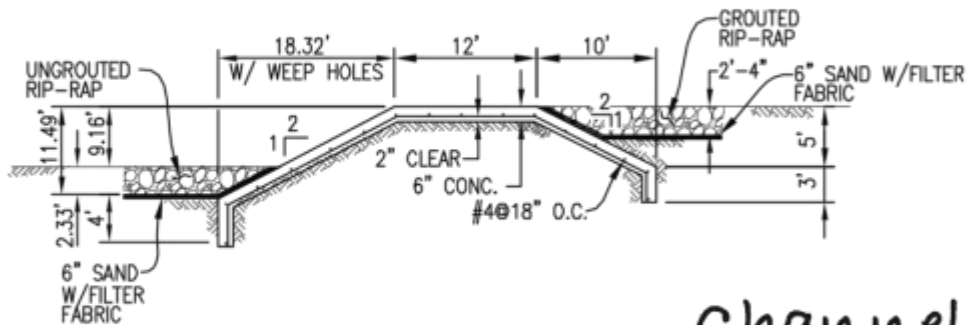
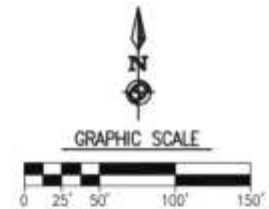
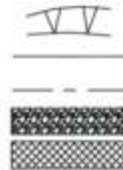


LEGEND

APPROXIMATE FUTURE RECLAMATION CONTOUR
 DAYLIGHT LINE
 NEW CONTOUR
 NEW SPOT ELEVATION
 DIRECTION OF FLOW

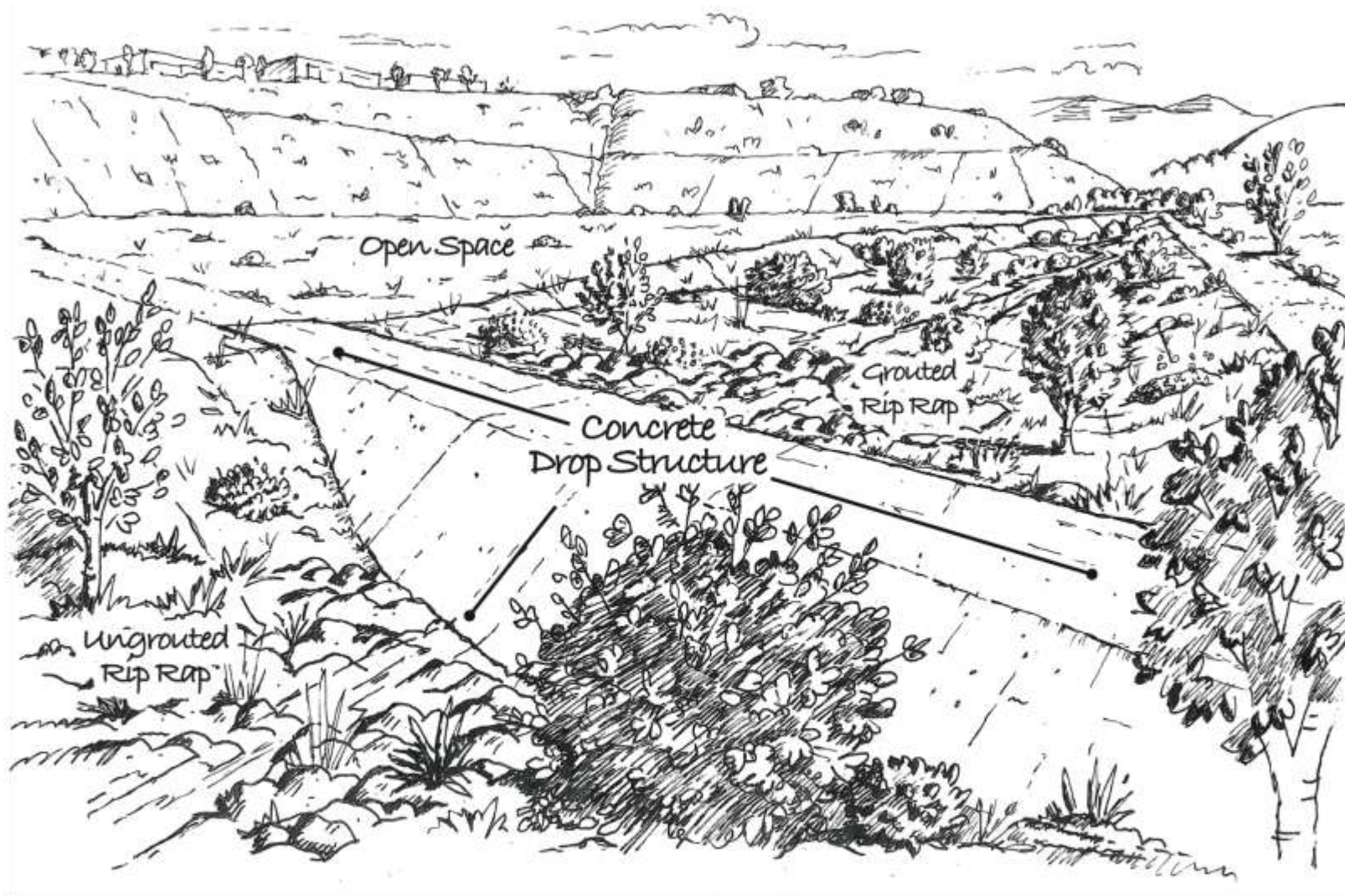


NEW SLOPES
 NEW CHANNEL
 LOW FLOW CHANNEL
 GROUDED RIP RAP
 UNGROUDED RIP RAP



Emergency Access
 Channel Crossing Structure
 DETAIL

Attachment 6 - Conceptual Rendering of Beeler Creek Restoration Project



Conceptual Emergency Access
Channel Crossing Structure