



# PUBLIC NOTICE

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

## **APPLICATION FOR PERMIT Roripaugh Ranch Development**

**Public Notice/Application No.:** SPL-1999-015459-PJB

**Project:** Roripaugh Ranch Development

**Comment Period:** September 30, 2013 through October 30, 2013

**Project Manager:** Peggy Bartels, 760-602-4832, [peggy.j.bartels@usace.army.mil](mailto:peggy.j.bartels@usace.army.mil)

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### **Applicant**

Ken Kraemer  
Roripaugh Valley Restoration, LLC  
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949-706-5240

### **Contact**

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HELIX Environmental Planning, Inc.  
7578 El Cajon Blvd, Suite 200  
La Mesa, California 91941  
619-462-1515

### **Location**

The Roripaugh Ranch Development (project) is located in the City of Temecula, County of Riverside, California approximately 3.25 miles west of Interstate 15 and 1.3 miles south of State Route 79 (Figure 1), and is comprised of 805 acres of land. The project site is bounded by the proposed alignment of Murrieta Hot Springs Road and the existing Rancho Bella Vista development. The project site is located in portions of Township 8 South, Range 2 West, and Section 22 on the U.S. Geological Survey 7.5-minute Pechanga Quadrangle.

### **Activity**

Approximately 582 acres of the 805 acre project site were graded by a previous owner with a permit, [Standard Individual Permit (SIP); File number: SPL-1999-015459-RRS]. Under the original permit, previous project impacts to waters of the U.S. totaled 3.38 acres, including 0.5 acre of wetland waters of the U.S. (WUS; freshwater marsh), and 2.88 acres of non-wetland WUS. Although the site was graded, the proposed project was not completed. The applicant listed on this Public Notice has applied for a SIP to complete the proposed project.

The proposed project will mitigate for the original discharge of fill material (4.93 acres) and newly proposed discharge of fill of 0.43, totaling 5.36 acres of WUS, including 0.57 acre of wetland WUS and 4.79 acres of non-wetland WUS, in association with the construction of the proposed project. The entire 5.36 acres of impact are considered permanent.

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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  
5900 La Place Court, Suite 100  
Carlsbad, California 92008

Alternatively, comments can be sent electronically to: [Peggy.J.Bartels@usace.army.mil](mailto:Peggy.J.Bartels@usace.army.mil)

The mission of the U.S. Army Corps of Engineers (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 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 prior to permit issuance. The previous 401 certification expired when the 404 permit expired. This proposed 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.

**Essential Fish Habitat**- Preliminary determinations indicate the proposed activity would not adversely affect Essential Fish Habitat. Therefore, formal consultation with the National Oceanic Atmospheric Administration is not required at this time.

**Cultural Resources**- A cultural resource assessment of the project was originally prepared by consulting archaeologist Christopher Drover in 1989 (Drover 1989). In the original permit, the Corps received concurrence from the State Historical Preservation Officer pursuant to Section 106 of the National Historic Preservation Act, as amended for a no adverse effect. In 2013, an updated archaeological survey and cultural resource report (Applied Earthworks, 2013) were submitted, a pedestrian survey was conducted, and a records search was completed within one mile of the project site pursuant to Section 106 of the National Historic Preservation Act, as amended. The Corps is consulting with the State Historical Preservation Officer and the California Native American Heritage Commission pursuant to Section 106 of the National Historic Preservation Act, as amended.

**Endangered Species-** A biological survey and was conducted by Natural Resource Consultants in 1999. Three listed species were observed including Quino checkerspot butterfly (QCB; *Euphydryas editha quino*), coastal California gnatcatcher (CAGN; *Polioptila californica californica*), and Stephens' kangaroo rat (SKR; *Dipodomys stephensi*). The previous project received take authorization from the United States Fish and Wildlife Service (FWS) for the QCB, CAGN and SKR through Section 10(a)(1)(B) of the Federal Endangered Species Act (Permit No. TE030504-0). Additional take authorization for SKR was provided for the previous project in another Biological Opinion. There is no critical habitat within the boundary of the project site. The Corps will rely on the existing consultation and will not request additional consultation as no additional take is anticipated.

**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 housing. 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 construct a housing development within the City of Temecula, Riverside County, California.

### **Additional Project Information**

**Baseline information-** The proposed project site contains 0.94 acre of wetland WUS and 7.81 acres of non-wetland WUS occurring in 5 streams including Santa Gertrudis Creek, Long Valley Wash and three unnamed streams. There is also a small area supporting wetland WUS that currently exists on the project site, but it will be avoided. Vegetation communities found on site include non-native grassland, Riversidean sage scrub, emergent wetland and ephemeral drainage.

**Project description-** The project proposes to construct approximately 2,058 units on 805 acres, including approximately 1,044 low and low medium density single family units and 1,014 medium density single family units (Sheet 2). The project also includes 15.4 acres (110,000 square feet) of commercial uses, a 12-acre elementary school site, a 20-acre middle school site, a 5.1-acre neighborhood park, a 19.7-acre community park with lighted athletic fields, 9.1 acres of private recreational facilities, 220.8 acres of biological habitat, 56.6 acres of flood control and landscaped slopes, and a 2-acre fire station site. The project has an approximate gross density of 2.56 units/acre and an approximate net residential density of 4.97 units/acre.

Roripaugh Ranch was originally permitted in early 2003 (SPL-1999-15459-RRS). The original project impacts totaled 3.38 acres of impacts to WUS, including 0.5 acre of wetland WUS, and 2.88 acres of non-wetland WUS. Additional impacts occurred as a result of the previous permittee's unauthorized grading outside of the original permit limits, which resulted in 1.01 acres of additional impacts (totaling 4.39 acres).

The current applicant is requesting impacts to the Santa Gertrudis Creek to allow for sediment transport downstream through already constructed culverts under Butterfield Stage Road. The applicant is also requesting to eliminate the use of Armorflex from the side-slopes of the streambed in Long Valley Wash, allowing for a low flow maintenance channel and the incorporation of riparian and upland buffer restoration. This will support a 100 year flow in the channel without flooding surrounding homes. An inline sedimentation basin in Long Wash is proposed to decrease sediment transport over time.

Armorflex is proposed to be eliminated along the side slopes for approximately 4,600 linear feet of the channel thus allowing for earthen slopes that will be fully vegetated with sage scrub species. Additionally, drop structures in Long Valley Wash will require maintenance for the removal of trash and vegetation surrounding the drop structure, and repositioning the riprap should it become displaced. Impacts in Santa Gertrudis Creek are associated with regrading and protection of side slopes.

Table 1. The total impacts that would occur under the impact footprint is 5.36 acres of jurisdictional area, including 0.57 acre of wetland WUS and 4.79 acres of non-wetland WUS (Sheet 2).

Stream ID*	Section 404 Waters and Wetlands of the U.S.	Acreage (acres)	Square Feet	Linear Feet	Permanent Impact Types
1	Non-wetland WUS	0.26	11,555	2,361	Fill Dirt
1.1	Non-wetland WUS	0.04	1,539	513	Fill Dirt
1.2	Non-wetland WUS	0.01	373	533	Fill Dirt
1.3	Non-wetland WUS	0.03	1,585	538	Fill Dirt
1.4	Non-wetland WUS	0.02	1,232	612	Fill Dirt
1.5	Non-wetland WUS	0.02	847	342	Fill Dirt
2	Non-wetland WUS	0.07	3,387	440	Fill Dirt
2.1	Non-wetland WUS	0.04	1,661	759	Fill Dirt
2.2	Non-wetland WUS	0.01	565	327	Fill Dirt
2.3	Non-wetland WUS	0.01	408	202	Fill Dirt
2.4	Non-wetland WUS	0.01	566	517	Fill Dirt
2.5	Non-wetland WUS	0.01	361	360	Fill Dirt
2.7	Non-wetland WUS	0.04	1,849	1052	Fill Dirt
2.8	Non-wetland WUS	0.04	1,732	865	Fill Dirt
3	WUS	0.99	43,239	1,046	Armorflex
3	Non-wetland WUS	0.38	16,689	995	Fill Dirt
3	WUS	0.84	36,625	1,013	Fill Dirt
3.1	Open Water	0.11	4,856	133	Fill Dirt
3.1	Wetland	0.26	11,108	129	Fill Dirt
3.1	Non-wetland WUS	0.11	4,570	822	Fill Dirt
3.5	Non-wetland WUS	0.01	261	260	Fill Dirt
4	Non-wetland WUS	0.04	1,855	298	Armorflex
4	Wetland	0.04	1,826	37	Drop Structure
4	Non-wetland WUS	0.30	12,920	1,015	Drop Structure

<b>Stream ID*</b>	<b>Section 404 Waters and Wetlands of the U.S.</b>	<b>Acreage (acres)</b>	<b>Square Feet</b>	<b>Linear Feet</b>	<b>Permanent Impact Types</b>
4	Non-wetland WUS	0.11	4,748	1,002	Excavation
4	Wetland	0.16	6,970	84	Fill Dirt
4	Non-wetland WUS	0.77	32,667	3,475	Fill Dirt
4.1	Non-wetland WUS	0.06	2,603	1,242	Fill Dirt
4.2	Non-wetland WUS	0.05	1,968	1,026	Fill Dirt
4.3	Non-wetland WUS	0.12	5,131	1,870	Fill Dirt
4.4	Non-wetland WUS	0.05	2,366	1,029	Fill Dirt
4.5	Non-wetland WUS	0.01	524	402	Fill Dirt
4.6	Non-wetland WUS	0.03	1,245	861	Fill Dirt
4.7	Non-wetland WUS	0.14	5,890	1,832	Fill Dirt
4.8	Non-wetland WUS	0.03	1,223	610	Fill Dirt
4.9	Non-wetland WUS	0.04	1,601	1,484	Fill Dirt
4.10	Non-wetland WUS	0.01	504	503	Fill Dirt
4.11	Non-wetland WUS	0.02	915	303	Fill Dirt
4.12	Non-wetland WUS	0.03	1,088	360	Fill Dirt
4.13	Non-wetland WUS	0.01	322	321	Fill Dirt
4.14	Non-wetland WUS	0.01	366	366	Fill Dirt
4.15	Non-wetland WUS	0.01	199	198	Fill Dirt
4.16	Non-wetland WUS	0.01	456	226	Fill Dirt
<b>TOTAL</b>		<b>5.36</b>	<b>232,395</b>	<b>32,363</b>	

Project Alternatives-The following alternatives will be analyzed in the 404(b)(1) analysis, including Alternative #2 analyzes effects of constructing the proposed project in a different location; Alternative #3 analyzes the effects of reducing impacts to Long Valley Wash; Alternative #4 analyzes the effects of avoiding impacts to Corps jurisdictional areas; and Alternative #5 analyzes the effects of not constructing the proposed project.

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 data in Table 1, the proposed mitigation sequence (avoidance/minimization/mitigation), as applied to the proposed project is summarized in the paragraphs below.

Avoidance/Minimization- The project avoids approximately 3.50 of 8.86 acres of WUS on the project site. Current proposed impacts are minimized. Impacts are primarily in Long Valley Wash associated with proposed restoration of the channel, and Santa Gertrudis Creek impacts associated with the re-grading, expansion of the channel and protection of side slopes.

Compensatory Mitigation- Impacts to 5.36 acres of Corps jurisdictional area are proposed to be mitigated at a 3:1 ratio, requiring a total of 16.08 acres of Corps mitigation.

The mitigation proposal includes the following components:

- Restoration of Long Valley Wash
- Restoration of a component of Santa Gertrudis Creek
- Enhancement of drainages on El Sol
- Purchase of Credits at the Skunk Hollow Mitigation Bank

Each compensatory mitigation component is discussed in more detail in the paragraphs below.

Long Valley Wash– Based on discussions with Riverside County Flood Control Water Conservation District (RCFCWCD), the conservation area has been expanded to a total of 2.5 acres. A conservation easement will be placed over all restoration areas, and Center for Natural Lands Management (CNLM) will have long-term management of the channel for biological functions. No channel maintenance by RCFCWCD would be allowed in the conservation easement area. Riprap drop structures would be maintained by RCFCWCD but are outside of the conservation easement area.

Santa Gertrudis Creek– The final design of the stream includes regrading of approximately 0.87 acre (Table 2). A conservation easement will be placed over the mitigation area, and would be under long-term management by the CNLM. No channel maintenance by RCFCWCD would be allowed in the conservation easement area.

El Sol– There are approximately 10,000 linear feet of El Sol stream and its tributaries are currently degraded by cattle grazing. The entire length of these streams would be fenced with rounded wire fencing to keep cattle out, yet allow for wildlife movement. The fence would be set back from the channel, at a distance to be determined by the Corps; the applicant is currently proposing 50 feet as the setback. Several places in the fencing would remain open to allow for cattle movement throughout the upland areas outside of the fencing. Funding will be provided by the applicant to the RCA for the maintenance of the fence.

Approximately 2.0 acres of enhancement are proposed as mitigation (Table 2). In addition, in some locations, restoration of the slopes and a culvert replacement may also be necessary to the return functions and values to the stream.

Soft drop structures (wood and plantings) will be placed at various locations in the stream to stabilize existing erosion, and willow and mule fat cuttings will be installed.

Skunk Hollow Mitigation Bank– Remaining mitigation obligations will be met through purchase of credits from the Skunk Hollow Mitigation Bank. A total of 10.71 credits will be purchased from the Bank. Table 2 below summarizes the mitigation proposal.

Table 2. Summary of Roripaugh Ranch proposed mitigation.

MITIGATION	CREATION USACE	RESTORATION USACE	ENHANCEMENT USACE	BANK CREDITS	TOTAL USACE
Long Valley Wash	1.67	0.83	--	--	<b>2.50</b>
Santa Gertrudis Creek	0.50	0.37	--	--	<b>0.87</b>
El Sol	--	--	2.0	--	<b>2.0</b>
Barry Jones Wetland Bank	--	--	--	10.71	<b>10.71</b>
<b>TOTAL AVAILABLE MITIGATION</b>	<b>2.17</b>	<b>1.20</b>	<b>2.0</b>	<b>10.71</b>	<b>16.08</b>

**Proposed Special Conditions**

No conditions are proposed at this time.

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



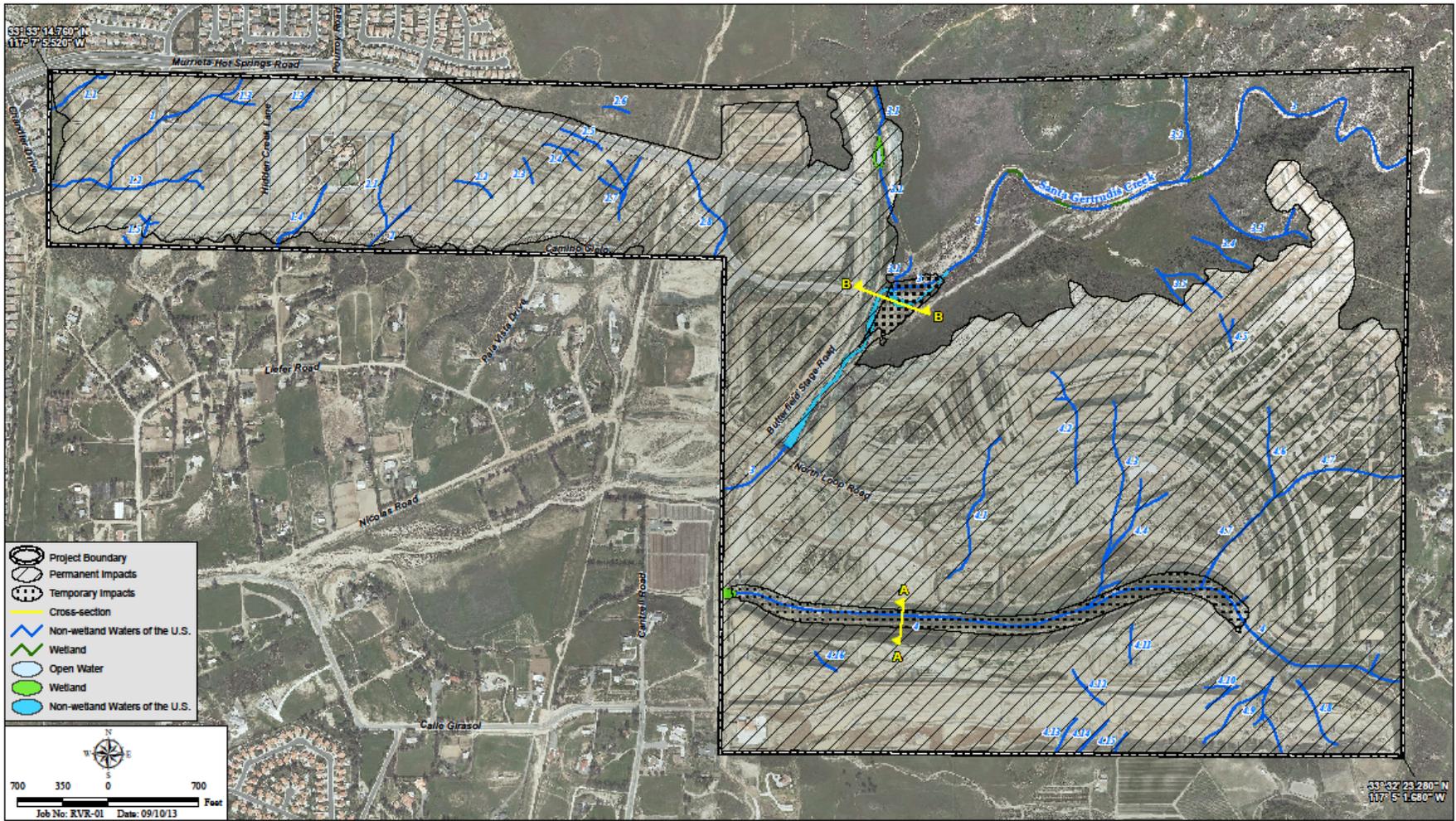
*Regulatory Program Goals:*

- 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**

Carlsbad Field Office  
 5900 Lo Place Court, Suite 100  
 Carlsbad, California 92008

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**Proposed Project**

RORIPAUGH RANCH

Sheet 2

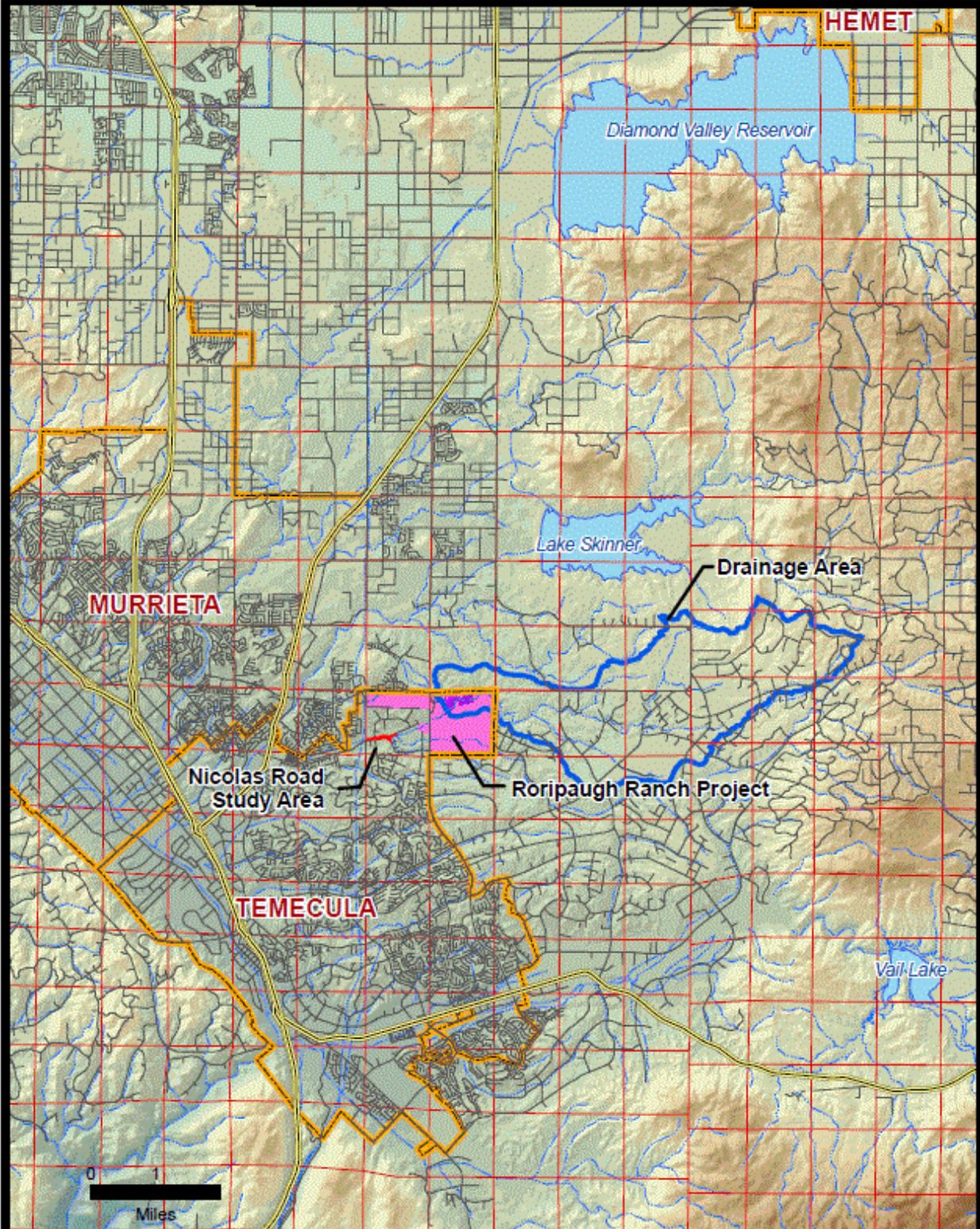


Figure 1: Regional Map