PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT
The Pinnacle at Serrano Highlands

Public Notice/Application No.: SPL-2012-00663
Project: The Pinnacle at Serrano Highlands Housing Development Project
Comment Period: July 22, 2013 through Aug 21, 2013
Project Manager: Corice Farrar; 213-452-3296; Corice.J.Farrar@usace.army.mil

Applicant
Gary Emsiek
Madison Investors, LP
24310 Moulton Parkway, Suite O-552
Laguna Hills, California 92637

Contact
Blake Selna
LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, California 92614

Location
The proposed project is located in within the city of Lake Forest, California (at: 33.660115146994, -117.68548138039).

Activity
To discharge fill material into 0.11 acre of non-wetland waters of the United States in association with the Serrano Highlands Housing Development Project, Lake Forest, Orange County, California (see attached drawings). For more information, see page 3 of this notice.

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 will 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 of 1972 (33 U.S.C. 1344). Comments should be mailed to the following contact:

CORICE J. FARRAR
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

Alternatively, comments can be sent electronically to Corice.J.Farrar@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.

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 after review of the comments received on this Public Notice.

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- A cultural resources assessment was conducted in 2008 by LSA Associates, Inc. The assessment included a records search, field survey, and report, all of which were completed in July 2008. The purpose of the assessment was to determine the presence of cultural resources within the proposed project area.

The records search conducted at the South Central Coastal Information Center (SCCIC) indicated that the entire project area had been previously surveyed twice and that no cultural resources are documented within the project area. The field survey did not identify any cultural resources; however, ground visibility at the time of the survey was poor over much of the project area. As such, the possibility exists that previously unidentified cultural material may be present within the project area. Therefore, it is recommended that construction grading of the project area be monitored by a qualified archaeologist in order to identify any previously undocumented cultural materials.

The Corps will determine whether the proposed activity would have any effect on historic properties listed on, or determined eligible for listing in the National Register. The Corps shall initiate consultation with the State Historic Preservation Officer (SHPO) to determine the adequacy of the inventory and the Corps evaluation of any cultural resources that may be located within the project's APE. If the Corps determines there may be an effect within our scope, the Corps shall also consult with the appropriate Native American Tribes regarding the proposed impacts of the project. Mitigation measures may also be incorporated as part of project implementation to reduce potential impacts to cultural resources, if deemed appropriate.

Endangered Species- Preliminary determinations indicate that the proposed activity may affect a federally listed threatened species, the coastal California gnatcatcher (*Polioptila californica californica)*. The project is located within a portion of the Central/Coastal Orange County Natural Communities Conservation Plan/Habitat Conservation Plan where take of Coastal Sage Scrub habitat

is authorized with payment of the specified mitigation fee to the Nature Reserve of Orange County. The Corps will initiate a consultation under Section 7 of the Endangered Species Act.

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). 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 a low-density residential development of approximately 85 single-family homes to serve the southern/central Orange County area, including the city of Lake Forest.

Additional Project Information

Baseline information- The roughly rectangular-shaped project site covers approximately 24.6 acres with the vegetative cover heavily dominated by upland scrub types (coastal sage scrub [CSS] and associated subtypes) with ribbons of mulefat scrub. The site is dissected by trails/roads (disturbed or barren). The project area also shows evidence of use as a paintball field. Several well structures/pump stations and a terrace drain are present and a chain-link fence surrounds much of the site. Elevation of the proposed project site is approximately 540 feet above sea level. The entire project site is drained by an unnamed ephemeral drainage flowing near the eastern edge of Peachwood and a manmade concrete lined v-ditch located near the center of the proposed project site. The drainages totaling 0.11 acre of waters of the United States on the site are tributary to Serrano Creek through storm drains located near the site's southern edge. The site is located within the jurisdictions of the Central/Coastal Orange County Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). It is subject to the Corps' permitting and mitigation framework of the described in the Corps' Special Area Management Plan (SAMP) for the San Diego Creek Watershed (February 2008; rev. 2009).

Project Description- The Applicant proposes to construct a subdivision within a planned community on approximately 24.6 acres and would include 85 single-family homes, neighborhood parks, open space, and associated infrastructure such as roads and utilities in the City of Lake Forest, County of Orange, California. To accommodate the proposed improvements to the site, the existing alignment of the unnamed ephemeral drainage across the project site and manmade concrete lined v-ditch would be filled, resulting in approximately 0.11 acre (approximately 1,670 linear feet) of permanent impacts to jurisdictional waters.

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 Applicant has not proposed avoidance of any aquatic resources on the site. The Applicant's preliminary analysis of a full avoidance alternative is provided below.

Minimization: Aquatic ecosystems on the project site include 0.11 acre (approximately 1,670 linear feet) of non-wetland waters of the U.S. and 0.38 acre of California Department of Fish and Wildlife jurisdictional waters. The Applicant's Preferred Alternative would directly impact all 0.11 acre (approximately 1,670 linear feet) of these non-wetland waters. No minimization for direct losses of waters is proposed. Minimization of indirect effects of the proposed action on the aquatic environment would involve the use of best management practices (BMPs) during construction (e.g., straw rolls, silt fence, sandbags, and hydromulch). The specific BMPs will be prescribed in the Storm Water Pollution Prevention Plan (SWPPP) that will be prepared and submitted to the County of Orange for approval. Permanent BMPs integrated into the design of the proposed project include an enlarged storm drain located in "F" street that would function to retain and control water flow and the installation of 9 on-site wetland BMP boxes to filter the water prior to it leaving the site. The City of Lake Forest approved the Water Quality Management Plan (WQMP) prepared for the project. The WQMP provides technical analysis of the hydrology of the post-construction conditions and the water quality protection measures needed for compliance with the City of Lake Forest Urban Runoff Management Program and the Municipal Storm Water Permit.

Compensation: The Applicant has proposed compensatory mitigation for impacts to 0.11 acre of ephemeral drainage through permittee-responsible off-site mitigation. Specifically, the Applicant proposes re-establishment of an ephemeral drainage and enhancement of existing, degraded mulefat scrub, and CSS habitats at a ratio of 1:1. The Corps will evaluate the proposal for its conformance with the SAMP mitigation policies. Moreover, the Corps' will follow its mitigation ratio-setting procedures in determining whether the proposal is sufficient to offset any unavoidable impacts to waters of the United States.

Preliminary Alternatives Analysis - The applicant submitted a preliminary alternatives analysis for the Corps' consideration in response to the requirement to demonstrate compliance with section 404(b)(1) of the Clean Water Act, i.e., the "404(b)(1) Guidelines". The Corps has not yet evaluated the preliminary analysis of alternatives for compliance, but is providing the following excerpts from the submittal for review and comment:

- No Federal Action/Full Avoidance Alternative - The applicant examined the practicability of a project design that fully avoids direct impacts to all jurisdictional waters of the U.S. proposed to be impacted under the Applicant's Preferred Alternative . Jurisdictional aquatic resources (*i.e.,* an unnamed ephemeral streambed and manmade concrete lined v-ditch) would be avoided by limiting development in the central portion of the project site. An approximately 205-foot bridge would span the drainage and connect proposed development on the west and east. Under this alternative, 39 lots would be eliminated, resulting in a 46-lot development. The Applicant contends that this alternative is impracticable from a cost standpoint. To avoid jurisdictional waters, the development footprint would be reduced from 85 to 46 units, a 46 percent reduction in the number of units. The reduction in the number of units would translate to a substantial monetary loss. The reduction in the number of residential units renders the Full Avoidance Alternative impracticable, as the costs to develop the project site would exceed expected returns.

- On-site Alternatives: No on-site alternatives to the full avoidance or proposed project have been provided as part of the Applicant's preliminary alternatives analysis. The Corps will include other on-site alternative(s) in its analysis.

- Off-Site (OS) Alternatives:
    - <u>OS Alternative Site 1 (Shea/Baker Ranch):</u> *General Plan Designation:* Open Space (OS), Low Density Residential (LDR), Low-Medium Density Residential (L-MDR), Medium Density Residential (MDR), Mixed Use (MU) *Acreage:* 387 acres. Alternative Site 1 is located south of SR-241 and north of Commercentre Drive and is bordered on the east by Bake Parkway and on the west by the City of Irvine city limits. Approximately 331 acres of this alternative site are designated as open space, mixed use, low-medium density residential and medium density residential, which would be incompatible with the Overall Project Purpose. However, 56 acres of the 387-acre site are designated for low-density residential use and could accommodate the Proposed Project. According to the City of Lake Forest website, OS Alternative Site 1 was approved for development in May 2012, a grading permit has been issued for the first phase of development, and the project is currently underway. Therefore, Alternative 1 was rejected because it is not available for development of the Proposed Project.
    - <u>OS Alternative Site 2 (Portola Center):</u> *General Plan Designation:* Open Space (OS), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MU), Public Facilities (PF), Community Park/Open Space (CP/OS); *Acreage:* 243 acres. OS Alternative Site 2 is located northwest, northeast, and south of the Glenn Ranch Road/Saddleback Ranch Road intersection. Approximately 138 acres of this alternative site are designated as open space, mixed use, medium density residential, public facilities, and community park/open space, which would be incompatible with the Overall Project Purpose. However, 107 acres of the 243-acre site are designated for low density residential and could accommodate the project purpose. According to the City of Lake Forest website, Alternative Site 2 has been in development since 2008 and is currently undergoing plan review. Therefore, Alternative 2 was rejected because it is not available for development of the Proposed Project.
    - <u>OS Alternative Site 3 (Serrano Summit)</u>: *General Plan Designation:* Medium Density Residential, *Acreage:* Approximately 82 acres. OS Alternative Site 3 is located south of the current end of Biscayne Bay Drive and Indian Ocean Drive, west of Serrano Creek, and north of the Serrano Highlands neighborhood. OS Alternative Site 3 is designated for Medium Density Residential Development, which is intended for development of 15 to 25 dwelling units per net acre. The density (approximately 3.24 dwelling units per acre) intended under the Proposed Project would not be consistent with the guiding policies established for the MDR designation as outlined in the General Plan. Further, according to the City of Lake Forest website, OS Alternative Site 3 was approved by the City Council in February 2012. Therefore, Alternative 3 was rejected due to incompatible land use designation and because it is not available
    - <u>OS Alternative Site 4 (Baker Ranch):</u> *General Plan Designation:* Mixed Use; *Acreage:* Approximately 50 acres. OS Alternative Site 4 is located northwest of the El Toro Road and Portola Parkway intersection and south of SR-241. According to the OSA PEIR, the mix of land uses intended for this site include: 475 residential units at a density between 10 and 15 dwelling units per acre, a 4-acre neighborhood park, and 150,000 square feet of commercial development. The density (approximately 3.24 dwelling units per acre) intended under the Proposed Project would not be consistent with the guiding policies established for the Mixed Use designation as outlined in the General Plan. The land use designation for this parcel does not allow for residential development. Therefore, Alternative 4 was rejected due to incompatible land use designation.

- OS Alternative Site 5 (Whisler Ridge): *General Plan Designation:* Low Density Residential; *Acreage:* Approximately 13 acres Alternative Site 5 is located at the northwest corner of the intersection of Regency Lane and Osterman Road. Although the land use designation for this alternative site is compatible with the Proposed Project, at 13 acres, Alternative Site 5 is of insufficient size to accommodate the Proposed Project. Further, according to the City of Lake Forest website, OS Alternative Site 5 is currently under construction. Therefore, OS Alternative 5 was rejected for parcel size and because it is not available.
- OS Alternative Site 6 (Nakae Nursery): *General Plan Designation:* Business Park with land use overlay); *Acreage: a*pproximately 45 acres. OS Alternative Site 6 is located immediately south of Rancho Parkway and east of Bake Parkway. OS Alternative 6 is designated as Business Park by the City of Lake Forest General Plan. The Business Park designation is intended to provide opportunities for a mixture of commercial, office, and light industrial uses. This alternative is not practicable from a land use standpoint because residential development is not allowed on land designated under the General Plan for Business Park. Therefore, OS Alternative 6 was rejected from further consideration.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects. Any missing information would be added to retained conditions before finalized:

1. The Permittee shall mitigate for [permanent/temporary] impacts to ___ acre(s) of waters of the U. S., through [rehabilitation/re-establishment/establishment/ OR enhancement] of ___ acre(s) of waters of the U.S. as described in the final, approved mitigation plan: "[Plan name]" (dated _____, and prepared by _____). The Permittee shall complete site preparation and planting and initiate monitoring as described in the final, approved mitigation plan [concurrently with impacts to waters of the U.S./within ___ days of discharging any fill material in waters of the U.S.]. According to the final, approved mitigation plan, responsible parties would be as follows: a) Implementation: _____ b) Performance: _____; c) Long-term management: _____. The Permittee retains ultimate legal responsibility for meeting the requirements of the final, approved mitigation plan. Detailed mitigation objectives, performance standards, and monitoring requirements are described in the above final, approved mitigation plan. Any requirements for financial assurances and/or long-term management provisions are also described in the above final, approved mitigation plan, as well as in special condition __ below. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition X will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from the U.S. Army Corps of Engineers Regulatory Division.

   MONITORING: You shall submit monitoring reports for all compensatory mitigation sites as described in the final, approved mitigation plan by October 1 [of each year following the construction of mitigation. To assure compensatory mitigation success, you shall monitor the mitigation area(s) for at least five (5) consecutive growing seasons after construction or until the Corps determines the final performance standards are met Monitoring shall be for a minimum of 5 years unless the Corps agrees earlier that success has been reached and maintained for a sufficient time period, or, if success is not demonstrated to the Corps satisfaction after the 5th year of monitoring, additional monitoring may be required by the Corps as determined at that time. The monitoring period shall commence upon completion of the construction of the mitigation site(s). Additionally, you shall

demonstrate continued success of the compensatory mitigation site(s), without human intervention, for at least two consecutive years during which interim and/or final performance standards are met. The compensatory mitigation project will not be deemed successful until this criterion has been met.

GIS DATA: Within 60 days following permit issuance for Standard Individual Permits or within 60 days following written Corps approval of the mitigation plan for General Permits, you shall provide to this office GIS data (polygons only) depicting the boundaries of all compensatory mitigation sites, as authorized in the above, final mitigation plan. All GIS data and associated metadata shall be provided on a digital medium (CD or DVD) or via file transfer protocol (FTP), preferably using the Environmental Systems Research Institute (ESRI) shapefile format. GIS data for mitigation sites shall conform to the Mitigation_SPD.xlsx data table, as specified in the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated August 6, 2012 (http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf), and shall include a text file of metadata, including datum, projection, and mapper contact information. Within 60 days following completion of compensatory mitigation construction activities, if any deviations have occurred, you shall submit as-built GIS data (polygons only) accompanied by a narrative description listing and explaining each deviation.

2. Prior to initiation of work in waters of the U.S., the Permittee shall record a Conservation Easement (CE), in a form approved by the Corps Regulatory Division, which shall run with the land, obligating the Permittee, its successors and assigns to protect and maintain the ___-acre(s) mitigation area (as shown in attached Figure ___) as natural open space in perpetuity. The CE must include a 3rd party easement holder qualified to hold easements pursuant to California Civil Code section 815.3 and Government Code section 65965. The Permittee must provide monies in the form of an endowment (endowment amount to be determined by Property Analysis Record or similar methodology) for the purposes of fulfilling the third party easement holder's responsibilities under the CE. The CE shall preclude establishment of fuel modification zones, paved public trails, drainage facilities, walls, maintenance access roads and/or future easements, except as provided in the Project Description (described herein). Further, to the extent practicable, any such facilities outside the CE shall be sited to minimize indirect impacts on the avoided, created, restored, and enhanced wetland and non-wetland waters of the U.S. The Permittee shall receive written approval (by letter or e-mail) from the Corps Regulatory Division of this CE prior to it being executed and recorded. A recorded copy of the CE shall be furnished to the Corps Regulatory Division prior to initiation of work in waters of the U.S.

   GIS DATA: Within 60 days following recordation, you shall provide to this office GIS data (polygons only) depicting the CE boundaries, as authorized by the Corps. All GIS data and associated metadata shall be provided on a digital medium (CD or DVD) or via file transfer protocol (FTP), preferably using the Environmental Systems Research Institute (ESRI) shapefile format. GIS data for CE sites shall conform to the Mitigation_SPD.xlsx data table, as specified in the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated August 6, 2012 (http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf), and shall include a text file of metadata, including datum, projection, and mapper contact information.

3. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a complete set of final detailed grading/construction plans showing all work and structures in waters of the U.S. All plans shall be in compliance with the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated August 6, 2012 (http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf). All plan sheets shall be signed, dated, and submitted on paper no larger than 11x 17 inches. No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps Regulatory

Division approval of the final detailed grading/construction plans. The Permittee shall ensure that the project is built in accordance with the Corps-approved plans.

4. Prior to initiating construction in waters of the U.S., the Permittee shall post financial assurance ("financial assurance") in a form approved by the Corps Regulatory Division for the estimated cost of implementing the approved HMMP (including a 20% contingency to be added to the total costs). The purpose of this financial assurance is to guarantee the successful implementation, maintenance and monitoring of the wetland and non-wetland waters creation, restoration, and enhancement work. Our preferred form of financial assurance is a Performance Bond, in which case, you shall post a Performance Bond for 120% of the anticipated cost of the mitigation and monitoring associated with the project, as indicated above. In addition,
    A) The bonding company must appear on the Department of Treasury Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and Acceptable Reinsuring Companies. For a current list of Treasury-authorized companies, write or call the Surety Bond Branch, Financial Management Services, Department of the Treasury, Washington DC 20227; (202) 874-6850 or at the following website: http://www.fms.treas.gov/c570/c570.html.
    B) The performance bond shall be released only upon a determination by the Corps Regulatory Division that successful mitigation has been completed.
    C) Alternatively, the Corps Regulatory Division will accept an irrevocable letter of credit in the same amount in lieu of a Performance Bond. The terms of the irrevocable letter of credit are subject to Corps Regulatory Division approval.
    D) The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas shown on Figure X. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil, or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.

5. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas shown on Figure X. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements

6. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:
    A) Date(s) work within waters of the U.S. was initiated and completed;
    B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
    C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
    D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
    E) Signed Certification of Compliance (attached as part of this permit package).

7. Endangered Species Act: This Corps permit does not authorize you to take any threatened or endangered species, in particular the California coastal gnatcatcher or adversely modify its designated critical habitat. In order to take a listed species legally, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed FWSBO ([reference number]) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit.

8. Cultural Resources: Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

For additional information, please call Ms. Cori Farrar of my staff at 213-452-3296 or via e-mail at Corice.J.Farrar@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
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325
WWW.SPL.USACE.ARMY.MIL

FIGURE 1

LSA

LEGEND

Project Boundary

Fuel Modification Boundary

0 150 300
FEET

SOURCE: Bing Maps (c. 2008); ESRI (2008)

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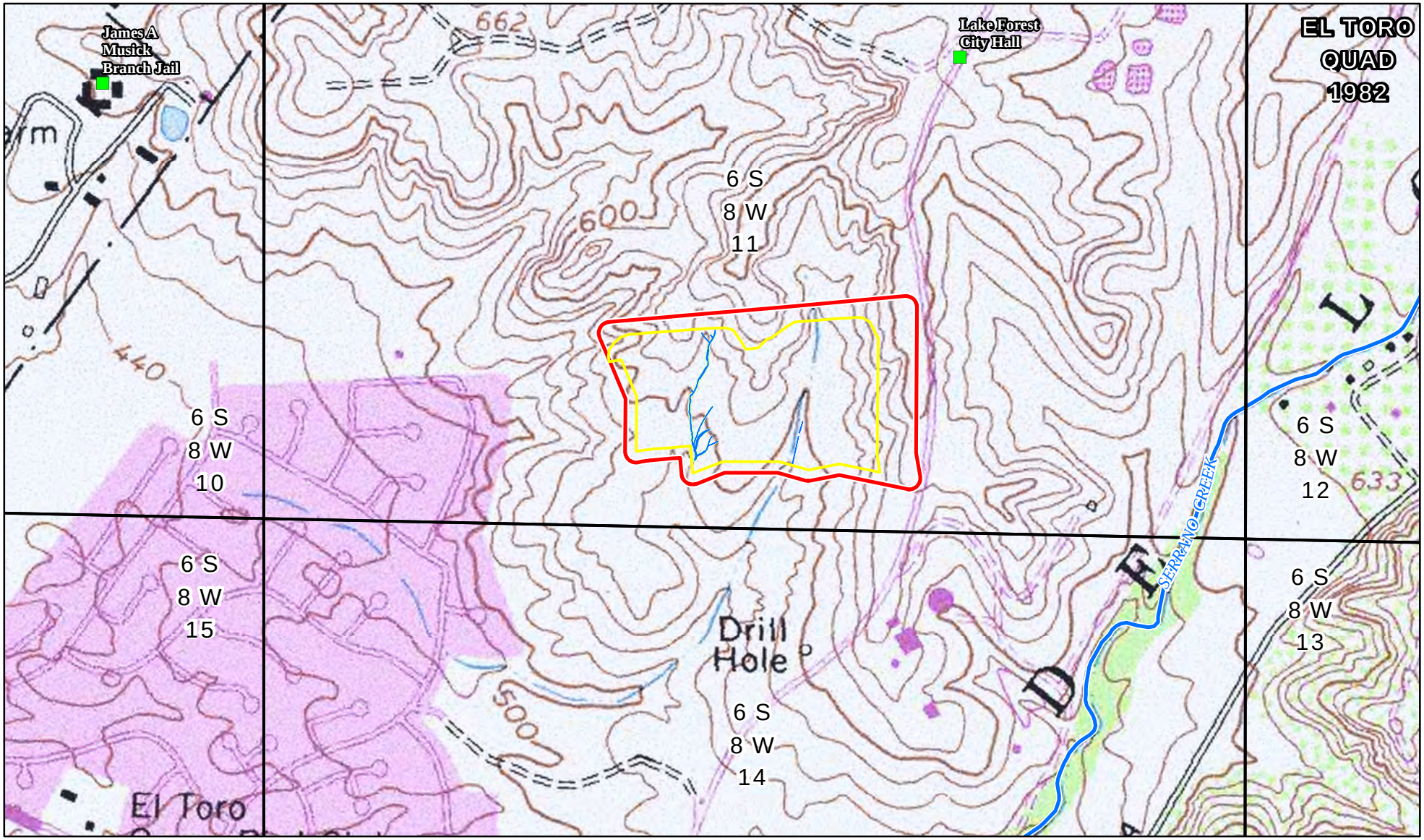
Serrano Highlands

Project Location Map



LSA

LEGEND

- Project Boundary
- Survey Limit
- Potential Corps Jurisdiction (0.11 acre)
- Potential CDFG Jurisdiction (0.38 acre)
- Identifiable Landmarks
- Serrano Creek
- Township Range Section

N

0 375 750
FEET

FIGURE 2

Serrano Highlands

Project Area

SOURCE: USGS 7.5' Quad - El Toro (1982), CA; LSA (2011)

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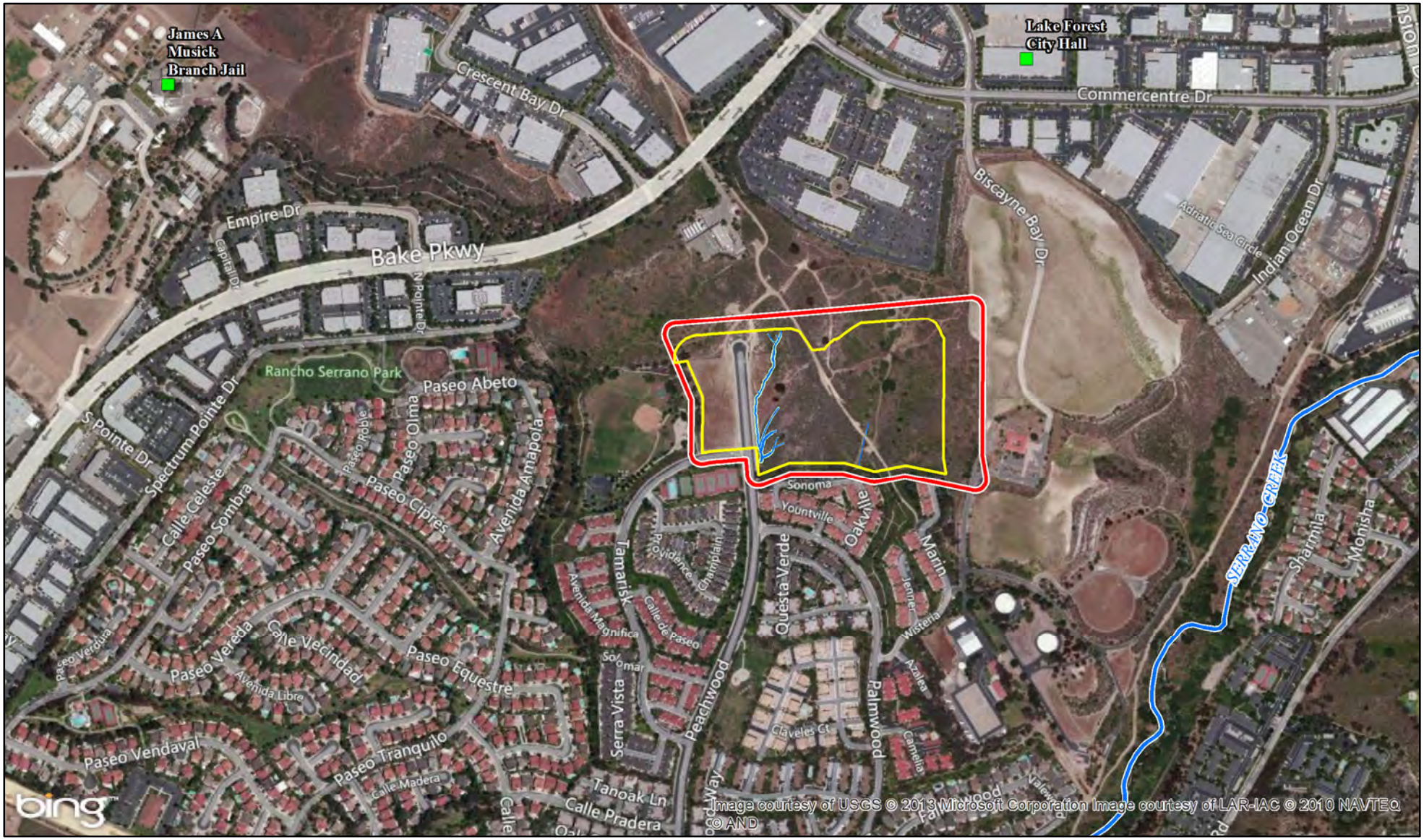

LSA

FIGURE 3

LEGEND

- Project Boundary
- Survey Limit
- Potential Corps Jurisdiction (0.11 acre)
- Potential CDFG Jurisdiction (0.38 acre)
- Identifiable Landmarks
- Serrano Creek

N

0 375 750
FEET

Serrano Highlands

Potential Jurisdictional Drainages

SOURCE: Bing (c. 2010); LSA (7/2011)

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SERRANO HIGHLANDS
TENTATIVE TRACT 15594
CROSS SECTION OF PROPOSED ACTIVITY

Figure 4

MAP DATE IDENTIFIER
DATE OF LATEST CHANGE TO THIS MAP
03/28/13 BY: JC
DATE OF THIS PLOT
03/28/13

SCALE: 1" = 60'

60 30 0 60 120

GRAPHIC SCALE: 1"=60'

PREPARED BY:

HUNSAKER & ASSOCIATES
IRVINE, INC.
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Three Hughes ▪ Irvine, CA 92618 ▪ PH: (949) 583-1010 ▪ FX: (949) 583-0759

SHT 1 OF 2

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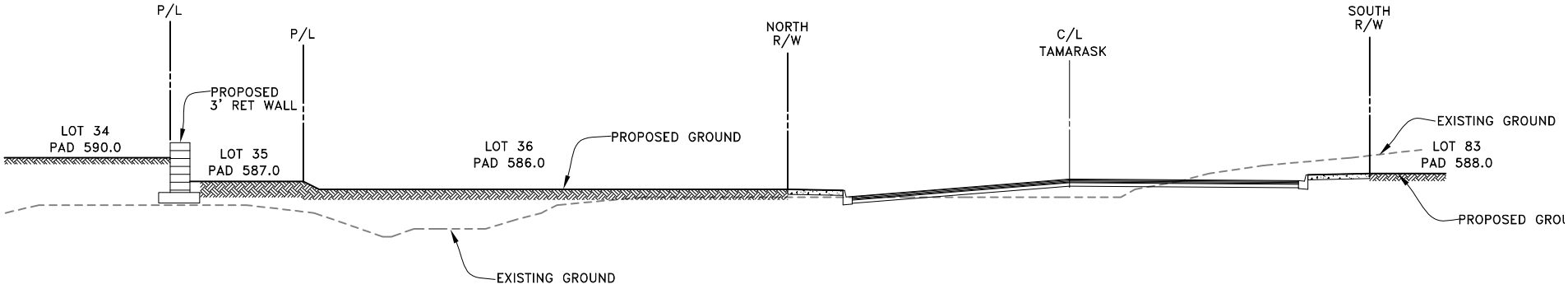
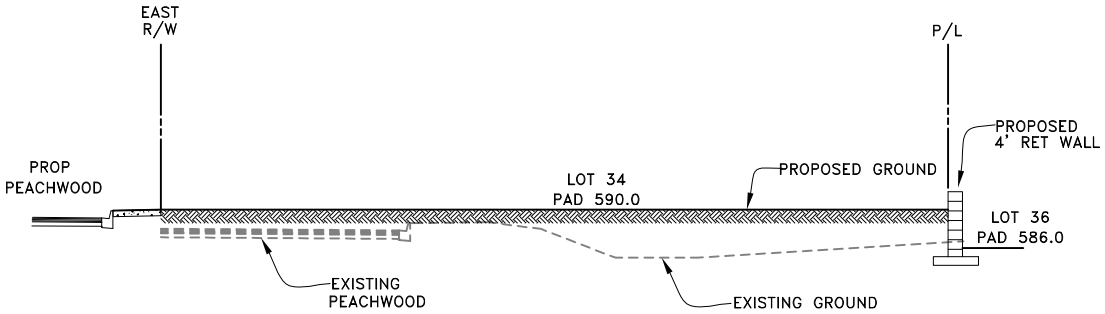
SERRANO HIGHLANDS
TENTATIVE TRACT 15594
CROSS SECTION OF PROPOSED ACTIVITY



SECTION "A-A"

SCALE
HORIZONTAL: 1"=20'
VERTICAL: 1"=4'



SECTION "B-B"

SCALE
HORIZONTAL: 1"=20'
VERTICAL: 1"=4'

Figure 5

MAP DATE IDENTIFIER
DATE OF LATEST CHANGE TO THIS MAP
03/28/13 BY: JC
DATE OF THIS PLOT
03/28/13

20 10 0 20 40

GRAPHIC SCALE: 1"=20'

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