



SMMC

Item 9(b)

9-23-13

PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR PERMIT Hidden Creek Residential Development

Public Notice/Application No.: SPL-2013-00425-AOA

Project: Hidden Creek Residential Development Project

Comment Period: August 26, 2013 – September 25, 2013

Project Manager: Aaron O. Allen; 805-585-2148; Aaron.O.Allen@usace.army.mil

Applicant

Forestar Real Estate Group, Inc.
Attn: John Polito
960 Westlake Blvd., Suite 202
Westlake Village, California 91361

Contact

Glenn Lukos Associates
Attn: Martin Rasnick
29 Orchard
Lake Forest, California 92630
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Location

The Project site is located in the northern portion of the San Fernando Valley in the foothills of the Santa Susana Mountains. The Project site is located in the northwestern portion of Los Angeles County northwest of the Porter Ranch Community (at Latitude 34.302932° and Longitude -118.592131° within Sections 31 and 32, Township 3 North, and Range 16 West). The site is bounded by the Santa Susana Mountains to the north, the Porter Ranch community to the east, undeveloped land and Browns Canyon Creek to the south, and the Simi Hills and Browns Canyon Road to the west (see Exhibit 1, Regional Map, and Exhibit 2, Vicinity/Location Map).

Activity

The project applicant proposes to permanently impact 0.53 acre and temporarily impact 0.12 acre of waters of the U.S. for the construction of flood control facilities and roads associated with developing approximately 160 acres of the 285-acre site in the northwestern portion of Los Angeles County, immediately to the west of the community of Porter Ranch. The build-out of the proposed Project would include residential lots, a public park, open space, replacement of an equestrian facility with trails, and an access road with other circulation improvements.

Residential Lots

The proposed project design would result in the development of approximately one-half of the Project site (158 acres), with a total of 188 single-family residential lots, including 163 single-family residential and 25 equestrian residential lots. The 25 equestrian residential lots would be located immediately adjacent to the equestrian facility.

Public Park and Open Space

Implementation of the proposed Project would include the construction of a public park on approximately 15.5 acres in the northeastern portion of the site. Park amenities could include, but would not be limited to, softball fields, basketball courts, a children's playground, and walking trails and paths. The proposed Project would develop approximately half of the site, while the remaining 127 acres would be avoided as open space. The envelope of open space surrounding the Project would buffer the proposed residential development from the existing community of Porter Ranch to the east and south and would be adjacent to other open space areas, including the Michael Antonovich Parkland, which lies just beyond the northern and western boundaries of the Project site. The open space portion of the Project would be offered for dedication in fee and/or through a conservation easement to the City, another government agency acceptable to the City, or a suitable private for-profit or non-profit organization, to ensure it is maintained permanently as natural open space. As discussed above, hiking and equestrian trails connecting to the existing trail network in the Santa Susana Mountains would be located within this open space area.

Equestrian Facility and Trails

As part of the proposed Project, the applicant would construct a new equestrian facility to replace the existing equestrian facility located in the southern portion of the site. The proposed equestrian facility would be located on approximately 15.8 acres in the southern portion of the site. Access to the equestrian facility would be provided via Browns Canyon Road to the south. Equestrian trails would be provided throughout the site. One equestrian trail along the western edge of the site would continue connections to trails to the north and west of the site and provide linkages from existing communities to parklands beyond the site.

Access and Circulation

Primary access to the Project site is proposed via a new roadway extending from the current northern terminus of Mason Avenue and connecting to the northeastern corner of the Project site, near the proposed park. The road would traverse through an easement to be granted to the City by the Southern California Gas Company, the owner of the property located between the Project site and Porter Ranch. The right-of-way for the roadway would be approximately 50 feet wide. Browns Canyon Road, located south of the Project site,

would provide secondary emergency access to the site and the surrounding area. To facilitate the use of Browns Canyon Road for secondary emergency access, the roadway would be widened in fourteen locations south of the project site. A staging area that could accommodate trailers and vehicles would be located near the equestrian facility and would double as a staging area for fire trucks. For more information see page 5 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 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 (22 U.S.C. 1344). Comments should be mailed to:

**U.S. Army Corps of Engineers
ATTENTION: Regulatory Branch (SPL-2013-00425-AOA)
2151 Alessandro Drive, Suite 110
Ventura, California 93001**

Alternatively, comments can be sent electronically to: Aaron.O.Allen@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. The applicant will be applying to secure Section 401 Water Quality Certification with the Los Angeles Regional Water Quality Control Board.

Coastal Zone Management- This Project is located outside of the coastal zone and will

not affect coastal zone resources.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. W & S Consultants, Inc. (WS) prepared an archaeological resources report for the Project site in 2006. WS concluded that no archaeological resources were present on site. Additionally, the site does not support historical resources. Based on the above information, the Corps has made a preliminary determination that the proposed project would have no effect to cultural resources pursuant to Section 106 of the Historic Preservation Act.

Endangered Species- Impact Sciences conducted a biological survey of the Project site in 2006 and the results of the survey indicate that no federally listed plant species are present in the project area. Impact sciences also conducted focused surveys for the red-legged frog and the coastal California gnatcatcher, neither of which was identified on site. Suitable habitat for the least Bell's vireo and southwestern willow flycatcher are also present within Brown's Canyon Creek; however, surveys for this species have not yet been completed. GLA anticipates that focused surveys for each of these species will be completed in summer 2013. The proposed Project is located within critical habitat for the gnatcatcher and 66.65 acres of land within the impact footprint support primary constituent elements for the gnatcatcher. A total of 55.37 acres of gnatcatcher critical habitat is proposed for permanent disturbance and 11.28 acres is proposed for temporary disturbance.

The Corps has determined the project may affect a federally listed endangered species, the coastal California gnatcatcher (*Polioptila californica californica*), known to utilize habitat in the vicinity of the proposed project. The Corps has also determined the proposed project may affect designated critical habitat for the above species. Based on the above determinations, the Corps will initiate formal consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service.

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 in to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is housing, which 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 low-density residential development on approximately 150 acres of developable land that can accommodate an equestrian facility in the western San Fernando Valley.

Project Description

The proposed activity (purpose) for which a permit is required consists of the construction and operation of a single-family residential housing development and equestrian center. An additional component of the proposed Project is to enhance/improve fire protection services through the extension/improvement to water provision facilities and Fire Department access. The Project would also complement and enhance the equestrian orientation of the community through the provision of 25 equestrian lots and a facility for training and boarding horses, and ample recreational opportunities within an equestrian facility.

Project Impacts

The Project, as proposed, will result in the temporary disturbance to 0.12-acre of Corps jurisdiction associated with remedial grading, of which 0.09 acre consists of jurisdictional wetlands. A total of 289 linear feet of streambed will be temporarily disturbed.

The Project, as proposed, will result in the unavoidable permanent disturbance to 0.53-acre of Corps jurisdiction, of which, 0.05 acre consists of jurisdictional wetlands. A total of 6,748 linear feet of streambed will be permanently disturbed. A map depicting Corps jurisdiction is attached as Exhibit 3 and a map depicting the proposed Project impacts is attached as Exhibit 4.

Additional Project Information

Existing Condition

The Project site consists of approximately 285 acres and currently contains two ranches: one for cattle and one for horses, and several experimental dwelling units. The Hidden Creeks Ranch has also been occasionally used as a location for the filming of television and movie productions and contains some sets built for filming on the southern end of the ranch. The Hidden Creeks Ranch, one of two ranches on the property, primarily consists of open space and grazing land for cattle. Two small cabins, a barn, and other structures are also present on the ranch. The Mountain Meadow Ranch, the second of the two ranches on the Project site, boards approximately 80 horses. This 12-acre ranch consists of a ranch house, stables, corals, a barn, and tack sheds. Elevations within the Hidden Creeks Estates property range from approximately 2,145 feet above mean sea level in the northernmost extent of the property to 1,350 feet in the southernmost, at the confluence of the Browns Canyon Creek and Mormon Canyon Creek. Topography on the site ranges

from rolling hills with slopes of 5 percent or less to steep hillsides and highly eroded streambanks with maximum slopes in excess of 60 percent.

The project site is located in two distinct watersheds: Mormon Canyon to the east and Browns Canyon Wash to the west. The eastern half of the project site contains the upper headwaters of three tributaries to Mormon Canyon, as well as three segments of the main stem of Mormon Canyon. The western half of the project site contains one tributary to Browns Canyon Wash and two segments of the mainstem of Browns Canyon Wash. Additionally, the project site contains the confluence of the two main streams where Mormon Canyon enters Browns Canyon Wash. The upstream reaches of both Mormon Canyon and Browns Canyon Wash are located off the project site to the northeast and northwest respectively.

Corps Jurisdictional Waters

Glenn Lukos Associates (GLA) conducted a jurisdictional delineation of the Project site in February 2013. Potential Corps jurisdiction associated with the on and off-site portions of the Project totals 2.56 acres, of which 0.32 acres consist of jurisdictional wetlands. A total of 20,770 linear feet of streambed is present (Exhibit 3).

Potential Corps jurisdiction within the Project Site includes two USGS blue-lined streams (Brown's Canyon Creek and Mormon Canyon Creek) and sections of associated tributaries. Potential Corps jurisdiction associated with Brown's Canyon Creek includes a system of drainage tributaries described herein as Drainage 1 and its two tributaries (Tributary 1A and 1B) and Drainage 2 and its tributary (Tributary 2A). Potential Corps jurisdiction associated with Mormon Canyon Creek includes a system of drainage tributaries described herein as Drainage 3, Drainage 4 and its two tributaries (Tributary 4A and 4B), Drainage 5 and its tributary (Tributary 5A), Drainage 6; and an off-site drainage feature, Drainage 7. In addition, potential Corps jurisdiction also includes a small adjacent wetland associated with the lower reach of Drainage 1, referred to as "Wetland Near Drainage 1".

In general, the drainages on-site are considered either ephemeral or intermittent streambeds, and each drainage exhibits an ordinary high water mark (OHWM) with several characteristics of stream flow, including destruction of terrestrial vegetation, terracing, debris wracking, and/or watermarks. As a result, the drainages exhibit the potential for regulation by the Corps pursuant to Section 404 of the CWA. Table One below outlines the total acreage and linear footage of Corps jurisdiction on-site and Table Two below outlines the total acreage and linear footage of Corps jurisdiction off-site.

Corps Jurisdiction

Potential Corps jurisdiction associated with the on and offsite portions of the Project totals 2.56 acres, of which, of which 0.32 acre consists of jurisdictional wetlands. A total of 20,770 linear feet of streambed is present.

Table 1. Potential Corps Jurisdiction On-Site

Drainage Feature	Corps Non-Wetland Waters (Acres)	Corps Jurisdictional Wetlands (Acres)	Total Corps Waters (Acres)	Total Linear Feet
Brown's Canyon Creek	0.34	0	0.34	1,471
Drainage 1	0.44	0	0.44	4,322
Tributary 1A	0.03	0	0.03	569
Tributary 1B	0.01	0	0.01	292
Drainage 2	0.07	0	0.07	1,034
Tributary 2A	<0.01	0	<0.01	112

Mormon Canyon Creek On and Offsite Areas	0.85	0	0.85	4,952
Drainage 3	0.12	0	0.12	1,784
Drainage 4 On and Offsite Areas	0.11	0	0.11	1,012
Tributary 4A	0.03	0	0.03	252
Tributary 4B	0.03	0	0.03	325
Drainage 5 On and Offsite Areas	0.09	0	0.09	1,836
Tributary 5A	0.05	0	0.05	1,175
Drainage 6 On and Offsite Areas	0.02	0	0.02	265
Drainage 7 Offsite	0.04	0	0.04	1,161

Wetland Near Drainage 1	0	0.32	0.32	208
Totals	1.67	0.32	2.56	20,770

Proposed Project Mitigation

As compensatory mitigation for the proposed permanent loss of 0.53 acre of Corps jurisdiction, of which 0.05 acre consists of jurisdictional wetlands, the applicant proposes to establish, rehabilitate, and/or re-establish 1.06 acres of Corps jurisdiction, which would support a minimum of 0.05 acre of jurisdictional wetlands, within the Project site. Alternatively, the applicant may propose to pay a one-time in-lieu fee to a Corps-approved mitigation bank and/or in-lieu fee program for the rehabilitation, re-establishment, or establishment of 1.06 acres of Corps jurisdiction within the Los Angeles River Watershed.

Preliminary Project Alternatives

The applicant will be submitting a draft alternatives analysis to the Corps; however the applicant's preliminary alternatives analysis information is summarized below, for consideration as part of the permit application. This is provided for the purpose of soliciting comments and does not represent the Corps' final determination of its adequacy.

Applicant's Purpose and Need

The Project consists of the construction and operation of a single-family residential housing development and equestrian center. An additional component of the proposed Project is to enhance/improve fire protection services through the extension/improvement to water provision facilities and Fire Department access. The proposed Project's would also complement and enhance the equestrian orientation of the community through the provision of a facility for training and boarding horses, and ample recreational opportunities within an equestrian facility which serves the surrounding community.

On-Site Alternatives

The applicant has considered a total of six on site alternatives. In addition to the No Federal Action Alternative (Alternative One), four additional on site alternatives (Alternatives

Two through Five) were designed to provide varying levels of development as well as the applicant's preferred alternative (Alternative Six).

Alternative 1) No Federal Action Alternative [Exhibit 5]

Alternative 1 would result in no impacts to Corps jurisdiction and would require the Applicant to construct seven span bridges over existing drainage features. Alternative 1 would require the relocation of Mason Avenue to an area outside of Corps jurisdiction which may not be approved by the City. This alternative would allow the construction of 121 single-family residential units and eliminate the large park in the northeastern portion of the Project site.

Alternative 2) Low Density Residential Development Alternative [Exhibit 6]

Under the Low-Density Residential Development Alternative (Alternative 2), a total of 33 single-family residential units would be constructed on approximately 140.26 acres of land within the project site. No public parks would be provided. The Project would remain within the County and access would be limited to an improved and widened Browns Canyon Road. Single-family residences would primarily be clustered on the previously disturbed and central plateau of the site with a minimum lot size of five acres.

Under Alternative 2, substantially less area would be disturbed and more existing drainage patterns would remain unaltered. However, under this project alternative, the extension of Mason Avenue would not be constructed. Instead, Browns Canyon Road would be widened to provide sole access to the project site, which would result in water resource impacts above and beyond those associated with the applicant's preferred alternative. The Low Density Residential Development Alternative would result in permanent impacts to 0.86 acres of Corps jurisdiction, of which 0.02 acre consists of jurisdictional wetlands, and 7,200 linear feet of streambed would be permanently disturbed.

Alternative 3) High Density Residential Development Alternative [Exhibit 7]

Under the High-Density Residential Development Alternative (Alternative 3), a total of 148 single-family residential units would be constructed on approximately 134.57 acres of land within the project site. Single-family residences would primarily be clustered on the previously disturbed and central plateau of the site with a majority of the lot sizes ranging between 1 and 2 acres; with a maximum lot size of 20 acres. The Project would remain within the County, and access to the site would be provided via the proposed Mason Avenue extension from the Porter Ranch community to the east. Widening improvements along Browns Canyon Road would facilitate secondary emergency access to and from the site, but no temporary or permanent impacts to Corps jurisdiction within Browns Canyon Creek would occur as part of this secondary emergency access. Alternative 3 would result in permanent impacts to 0.53 acre of Corps jurisdiction, of which 0.01 acre consists of jurisdictional wetlands, and 5,571 linear feet of streambed would be permanently disturbed. This alternative would also result in temporary impacts to 0.01 acre of Corps jurisdiction, none of which consists of jurisdictional wetlands, and 54 linear feet of streambed would be

temporarily disturbed.

Alternative 4) No Mason Avenue/Sesnon Boulevard Extension [Exhibit 8]

Under the No Mason Avenue/Sesnon Boulevard Extension Alternative (Alternative 4), a total of 188 single-family residential units would be constructed on approximately 138.02 acres of land within the project site. A total of 127 acres would be maintained as permanent open space. The Project would include the proposed equestrian and private recreational facilities, but would not include the extension of Mason Avenue. As an alternative, Sesnon Boulevard would be extended to the Project site from its existing terminus in Porter Ranch. As proposed in the preferred alternative, Browns Canyon Road would be improved in select locations to allow secondary access for emergency vehicles. The No Mason Avenue/Sesnon Boulevard Extension Alternative would result in permanent impacts to 0.87 acre of Corps jurisdiction, of which 0.01 acre consists of jurisdictional wetlands, and 7,312 linear feet of streambed would be permanently disturbed.

Alternative 5) Clustered 50% Reduction Alternative [Exhibit 9].

Under the Clustered 50% Reduction Alternative (Alternative 5), a total of 94 single-family residential units would be constructed on approximately 91.28 acres of land within the project site. The Project would include the proposed equestrian and recreational facilities, a park, and would include the extension of Mason Avenue as the primary access point for the Project. As proposed in the preferred alternative, Browns Canyon Road would be improved in select locations to allow secondary access for emergency vehicles, but improvements to Browns Canyon Road would not result in temporary or permanent impacts to Corps jurisdiction. Alternative 5 would result in permanent impacts to 0.77 acre of Corps jurisdiction, none of which consists of jurisdictional wetlands, and 5,932 linear feet of streambed would be permanently disturbed. This alternative would also result in temporary impacts to 0.08 acre of Corps jurisdiction, none of which consists of jurisdictional wetlands, and 1,070 linear feet of streambed would be temporarily disturbed.

Alternative 6) Applicant's Preferred Alternative [Exhibit 4]

The proposed project design would result in the subdivision of approximately one-half of the Project site, approximately 158 acres, into 188 single-family residential lots with 163 single-family residential and 25 equestrian residential lots. The 25 equestrian residential lots would be located immediately adjacent to the equestrian facility to serve as a transition zone from the equestrian facility and the non-equestrian residential lots. The remaining 127 acres of the site would be maintained as permanent open space. Residential lots would range in size from approximately 10,200 to 76,500 square feet, with an average lot size of approximately 17,500 square feet in size. The total Project gross density would be 1.82 dwelling units per acre. Residences would be either one or two stories, with a maximum proposed height of 36 feet above the finished grade of the building pad within the lot. The applicant's preferred alternative would also include a public park, equestrian facilities and trails, infrastructural improvements (the extension of Mason Avenue

and improvements to Browns Canyon Road to provide secondary access for emergency vehicles), and open space. The preferred alternative would result in permanent impacts to 0.53 acre of Corps jurisdiction, of which 0.05 acre consists of jurisdictional wetlands, and 6,748 linear feet of streambed would be permanently disturbed. The preferred alternative would also result in temporary impacts to 0.12-acre of Corps jurisdiction associated with remedial grading, of which 0.09 acre consists of jurisdictional wetlands, and 289 linear feet of streambed would be temporarily disturbed.

Off-Site Alternatives:

Due to a more site specific purpose and need within the City and its surrounding areas, the applicant is proposing to evaluate potential off site alternative sites within a ten-mile radius of the Project site.

Proposed Special Conditions

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

For additional information please call Aaron O. Allen of my staff at 805-585-2148 or via e-mail at Aaron.O.Allen@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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