

APPENDIX A

PUBLIC NOTICE



Public Notice

U.S. ARMY CORPS OF ENGINEERS

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Subject: Public Notice of Permit Application

Action ID: SPK-2006-00425

Comments Period: December 24, 2014 – January 23, 2015

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Tesoro Viejo Master Planned Community project, which would result in impacts to approximately 7.027 acres of waters of the United States, including wetlands, adjacent to the San Joaquin River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Ms. Goldie Lewis
Tesoro Viejo, Inc.
7020 N. Van Ness Blvd.
Fresno, California 93711

LOCATION: The approximately 1658.75-acre site is located near the San Joaquin River, in Section 23, Township 11 South, Range 20 East, Mount Diablo Meridian, Latitude 36.955048°, Longitude -119.746080°, Madera County, California, and can be seen on the CA-FRIANT USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a mixed-use development consisting of up to 5,190 dwelling units and approximately 3 million square feet for commercial, retail, office, public institutional, and light industrial uses. Based on the available information, the overall project purpose is to develop a large-scale, mixed-use development and associated infrastructure in southeastern Madera County. The applicant believes there is a need to provide additional housing and commercial space in southeastern Madera County. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 62.241 acres of potential waters of the United States within the project area, including approximately 9.497 acres of canals, 6.264 acres of non-wetland channels, 0.531 acre of the San Joaquin River, 0.188 acre of vernal pools, 10.708 acres of wetlands, and 35.053 acres of wetland channels. The site is characterized by annual grassland, grape vineyards, berry bush orchards, and tree orchards. The site also includes a portion of the San Joaquin River riparian corridor, as well as numerous

drainages and wetlands associated with the river and canals. Canals owned by the United States Bureau of Reclamation cross through the site, but they are not part of the property.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to compensate for direct impacts to potential waters of the U.S. through the establishment of waters of the U.S. within the open space preserve on-site.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley Region of the California Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information, potentially eligible cultural resources may be affected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production,

mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice SPK-2006-00425 must be submitted to the office listed below on or before January 23, 2015

Jason Deters, Project Manager
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922
Email: *Jason.Deters@usace.army.mil*

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Jason Deters, 916-557-7152, *Jason.Deters@usace.army.mil*.

Attachments: 2 drawings