



US Army Corps  
of Engineers

# PUBLIC NOTICE

NUMBER: 24144S

DATE: JANUARY 7, 2000

RESPONSE REQUIRED BY: FEBRUARY 7, 2000

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

PERMIT MANAGER: Angie Wulfow

PHONE: 415-977-8452 awulfow@smtp.spd.usace.army.mil

**1. INTRODUCTION:** The Larwin Company, through their agent, Rincon Consultants Inc., 790 East Santa Clara Street, Ventura, CA 93001 (contact Duane Vander Pluym, 805-641-1000), has applied for a Department of the Army permit for after-the-fact authorization to retain fill placed into 1.3 acres of wetlands and other waters of the United States. The fill material was placed during grading for the Rancho Larios Subdivision, in the City of San Juan Bautista, San Benito County, California. To complete work at the project site the applicant is proposing to place 2,464 cy of additional fill in 0.3 acre of wetlands and waters of the United States. Total project fill is 1.6 acres.

**2. PROJECT DESCRIPTION:** The 702-acre Rancho Larios Subdivision is located approximately 1.5 miles west of the City of San Juan Bautista in San Benito County. The main entrance to the subdivision is located at the intersection of Highway 156 and Rocks Road. The property is located on the U.S.G.S. San Juan Bautista 7.5-minute quadrangle. There are no section numbers shown on the USGS quadrangle, however the project site is within Township 12 south and Range 3 east. Assessor's parcel numbers (APNs) for the project site are 12-14-1,7,16 and 18 and 12-15-1 and 2.

The applicant has constructed a subdivision with new roads, a sewer system, an onsite wastewater treatment system, a new water supply system, and residential homes. When completed there would be 140 single-family homesites on 64 acres. A recreational facility, parking areas, equestrian and ancillary maintenance buildings are planned on approximately 9.5 acres. The remainder of the site

consists of a 15 acre park, 20 acres of roads, and open space. The proposed new fill would occur in four areas of the project. One fill area is needed for the construction of a road crossing over an unnamed drainage. This crossing would provide access to the Phase 2 development area with 15 homesites. The fill area is shown as Area K on sheet 7 (see also sheet 12). This crossing would fill 0.02 acre of waters of the U.S..

The second proposed fill area occurs at the entrance to the project site. The applicant is proposing to widen the connection of U.S. Highway 156 and Rocks Road. The widening and realignment would include approximately 2,244 cy of earthen material placed in a seasonal wetland to level it for the purpose of constructing a road (see sheets 7 and 15). Total new fill of jurisdictional waters for the second area would be 0.28 acre.

The third area of proposed fill would occur at the site of the existing fill placed for construction of a detention basin (see Figure 14). In discussions with the County it was determined that the slopes of the dike are too steep and pose a safety hazard. The slopes need to be changed from a 3:1 ratio to a 5:1 ratio. This would result in the placement of approximately 0.02 acre of new fill at the base of the dike.

The fourth area of proposed fill is located in the unnamed creek upstream of the proposed road crossing. The fill is needed for the construction of a diversion structure to move water into the detention basin and mitigation area. The fill area is shown as Area L on sheet 7 (see also sheet 13). This proposed work would fill 0.002 acre of waters

of the U.S..

The applicant had completed the majority of jurisdictional fill on the project site before notifying the Corps of the work. To construct a second entrance to the project the applicant filled 0.52 acre of wetlands. This fill is shown as Area B on sheet 7, along Via Vaquero Norte (see also sheet 8). Grading for three residential lots resulted in 0.44 acre of fill in wetlands growing in and around a stock pond. This fill is shown as Area C on sheet 7 (see also sheet 9). The next 5 areas of fill are all within one unnamed drainage. The fill was placed for construction of a road crossing (Area D), construction of the road Avenida Del Piero and a waste water treatment plant (Area E), and continued construction of Avenida Del Piero (Areas F, G, and H). Total fill placed in this area of wetlands and waters of the U.S. was 0.14 acre. For an overview of the location of this fill see sheet 7. Fill placed at Areas D and E are shown on sheet 10. Areas F, G and H are shown on sheet 11.

The Corps first visited the project site on February 25, 1999, to confirm the consultant's delineation. At that time, the lower detention basin had not been constructed. The delineation showed the area where the basin was later built to be wetlands. During a second visit to the project site on September 14, 1999, the lower detention basin was observed to be completely built. The applicant placed 0.20 acre of fill in wetlands for construction of the lower detention basin (see sheets 7 and 14).

The applicant has stated that they were not aware that there were wetlands on the project site. A quick check of records at the Corps of Engineers Los Angeles District Regulatory Branch showed that the Larwin Company has applied for and received several Corps permits for fill and work in Corps jurisdiction. The Corps Los Angeles District issued a permit to the Larwin Company on October 8, 1998, for a project in the City of Santa Clarita. Another record shows an individual permit was issued for the Condo 3 Residential Development. Records show the Los Angeles District denied the applicant's request for a permit for work in the City of Castaic in 1995. The applicant later built the

project without Section 401 water quality certification. On April 19, 1999, 401 certification was received and the Corps issued an after-the-fact nationwide authorization.

To mitigate for the completed and proposed fill of 1.6 acres of wetlands and waters of the U.S. the applicant is proposing to create 3.0 acres of wetlands/waters.

**3. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has received a waiver of waste discharge requirements and water quality certification for this project, dated August 31, 1999, from the California Regional Water Quality Control Board, Central Coast Region. Changes to the scope of the project since that date may make it necessary for the applicant to reapply to the Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after receipt of the valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act. Those parties concerned with any water quality problems that may be associated with this project should write to the Executive Officer, Regional Water Quality Control Board, 81 Higuera Street, #200 San Luis Obispo, CA 93401-5414 by the close of the comment period of this public notice.

The applicant will also need to enter into a California Dept. of Fish and Game (CDFG) Section 1603 Streambed Alteration Agreement for project impacts to intermittent streams and drainages.

**4. ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of

Engineers' Regulations, 33 CFR 230 and 325. Unless otherwise stated, the Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Substrate - Minor adverse impacts to wetland substrates occurred from grading and fill activities throughout the project site. Where wetland substrate was buried under fill, the impacts were long term. However, there are areas of the project that have begun to naturally restore themselves. In these areas elevations remain low enough to still have hydrology and support hydrophytic plants. Restored areas also include sites that were disturbed mainly by the tracks of heavy equipment.

Drainage Patterns - The applicant has made and is proposing to make minor to moderate changes to drainage patterns on the project site. Additional runoff will be generated from the increase in impervious surface area associated with development. The largest volume of runoff will be directed to the lower detention basin. This basin is designed to store 100-year storm water runoff. This detention basin, when it is in use, will discharge a higher volume of water, over a longer period of time, than under current conditions. A second detention basin would be constructed in the general area of the road crossing and weir to be built along the unnamed drainage. Water from the unnamed creek would be diverted into this basin. The basin would also serve as a mitigation area. The overall impact to Drainage Patterns will be long term and neutral.

Flood Control - See Drainage Patterns

Erosion/Sedimentation Rate - Minor erosion of graded areas was observed in areas D, E, F, G, and H. This erosion did not appear to have adversely impacted nearby wetlands or waters of the U.S.. Future construction in Corps jurisdiction may result in short-term minor increases in erosion.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Wetlands (Special Aquatic Site) - A jurisdictional delineation was completed and verified by the Corps for the 700 acre project site and the highway widening. Total wetlands on the project site are 21.21 acres. The linear feet of drainage impacted by the project is 500 feet. This does not include 149 linear feet of wetlands impacted by the project at Area D. Previous fill and construction operations made it difficult to determine if the site was an area of swale or had a bed and bank.

The completed work has resulted in the loss of 1.3 acres of wetlands and waters of the U.S.. The proposed work would fill an additional 0.3 acre. Total impacts to wetlands and waters of the U.S. will be 1.6 acres. Five impacted areas have already regrown wetland vegetation and are considered restored. Restored Areas E, F, and G are within the realigned channel next to the Avenida Del Piero. Restored Area H is a seep in the area of Avenida Del Piero. The fifth area is a portion of the stock pond at Area C. Areas of the realigned creek, particularly Area G, have a restored channel bottom, but the creek banks have not regrown a willow canopy similar to those observed upstream in unimpacted zones. The total of restored areas is 0.2 acre.

To mitigate for the loss of 1.6 acres of wetlands and waters of the U.S. the applicant is proposing to construct a 3 acre seasonal wetland in uplands located within the project area. Wetland Area A will be created by grading down a 0.4 acre area near a seep. Wetland Area B will be created by directing high flows from the adjacent creek into a 1 acre bermed area. Wetland Area C is a 1.7 acre area constructed similar to Area B. Both Areas B and C will contain pools varying between 28 to 36

inches in depth. These pools will provide potential breeding habitat for the California red legged frog (CRLF).

The disturbed area of the relocated creek channel, Areas F and G, will be planted with willows, California bay laurel, and oaks. Riparian enhancement will also occur in other project areas where there is degraded riparian habitat.

The applicant is now designing the 3 acre seasonal wetland site to also function as a detention basin during flood events. The mitigation areas would have an easement recorded over the property. Easement rights for maintenance of drainage improvements and the proposed mitigation area are to be granted to the County Services Area.

The long term success of the mitigation will depend on hydrology and the impacts of any maintenance activities in the detention basin.

Endangered Species - California red-legged frogs (CRLF) have been observed in the stock pond at Area C. Portions of the pond were filled during grading for 3 residential lots. The project site most likely provides breeding, foraging, and sheltering habitat for California red-legged frogs. The project has already had some degree of effect on the CRLF. The Corps has initiated formal Section 7 consultation with the U.S. Fish and Wildlife Service, Ventura Office regarding this species.

#### b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

##### Historic-Cultural Characteristics and Anticipated Changes

A Corps of Engineers' archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with City, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are

identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

#### c. SUMMARY OF INDIRECT IMPACTS

While this application and Public Notice cover only construction of the residential areas, it appears that the open space areas surrounding the homes have been sold separately to a third party. This party may construct a golf course in the future. It is unknown if construction of the golf course would have occurred absent the residential development. The presence of the development may indirectly result in construction of the golf course. Later construction of the course could effect water quality, wetlands, endangered species, and drainage patterns.

#### d. SUMMARY OF CUMULATIVE IMPACTS

Total jurisdictional area on the project site, including the Rocks Road widening project is 21.21 acres. The loss of 1.6 acres of wetlands and waters of the U.S. is a minor adverse cumulative impact when viewed as part of the total project wetlands. Cumulative impacts to wildlife that interact with both uplands and wetlands are moderate adverse cumulative impacts. As uplands are developed the remaining wetland habitats are often fragmented. Movement between wetlands is disrupted by the urban landscape.

#### e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has, however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

**5. ALTERNATIVES ANALYSIS:** Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the

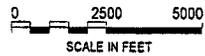
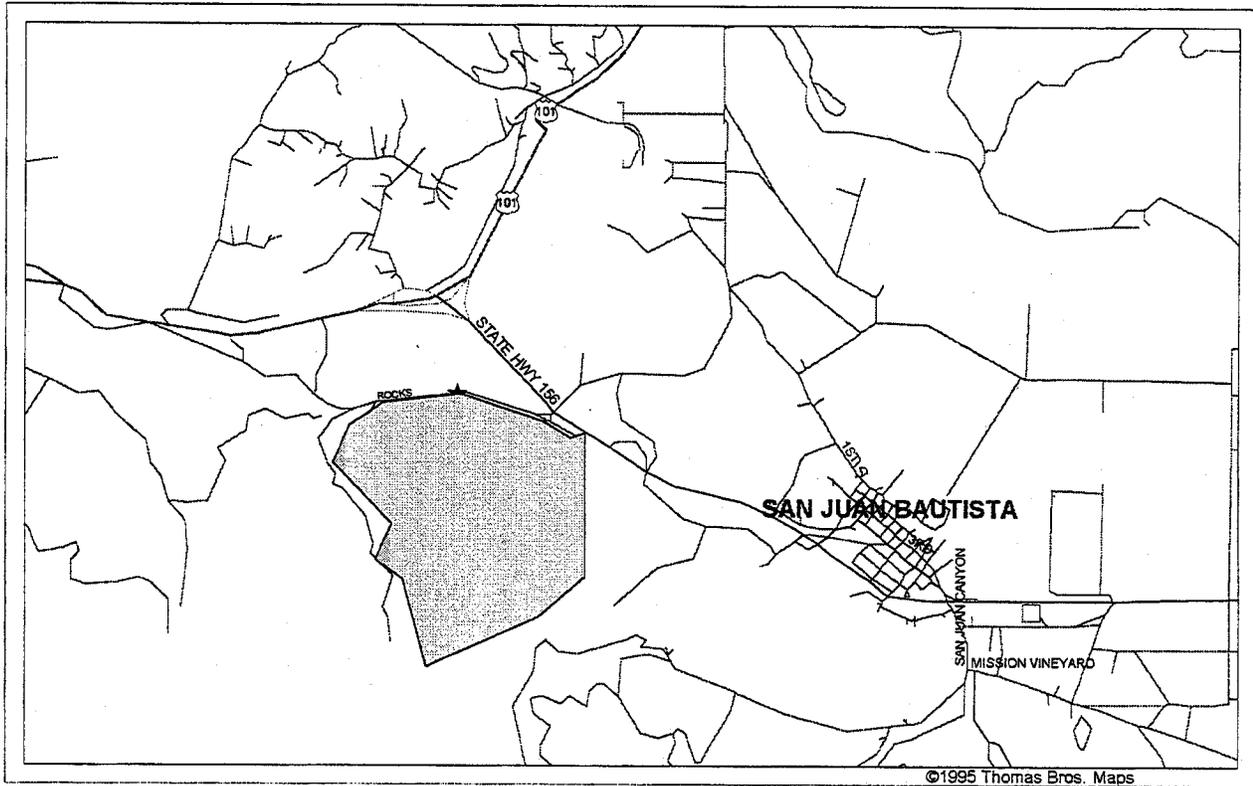
Environmental Protection Agency under Section 404(b) of the Clean Water Act(33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. The applicant is preparing an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The Analysis of Alternatives will be available for review in our office.

**6. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**7. CONSIDERATION OF COMMENTS:** 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.

**8. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to Attention: Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Angie Wulfow of our office at telephone 415-977-8452 or Email: awulfow@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.



**Regional Location**

**Figure A**

# Rancho Larios Wetland Delineation Map

Jurisdictional Areas in Square Feet, Rancho Larios Subdivision

Type	Square Feet
Unvegetated Waters (Streams with Bed and Bank)	76,620
Vegetated Waters (wetlands) (Streams with Bed and Bank)	6,990
Drainage Swales and Seeps (wetlands) (No defined bed or bank)	8,980
Seasonal Wetlands (including a stock pond)	819,030
Drainage Swale/Ditch and Seasonal Wetland Rocks Road Widening Project	12,162
<b>GRAND TOTAL</b>	<b>923,782*</b>

\* Total equals 21.2 acres (approximately)

## **LEGEND**

----- Unvegetated Waters/Riparian Woodland

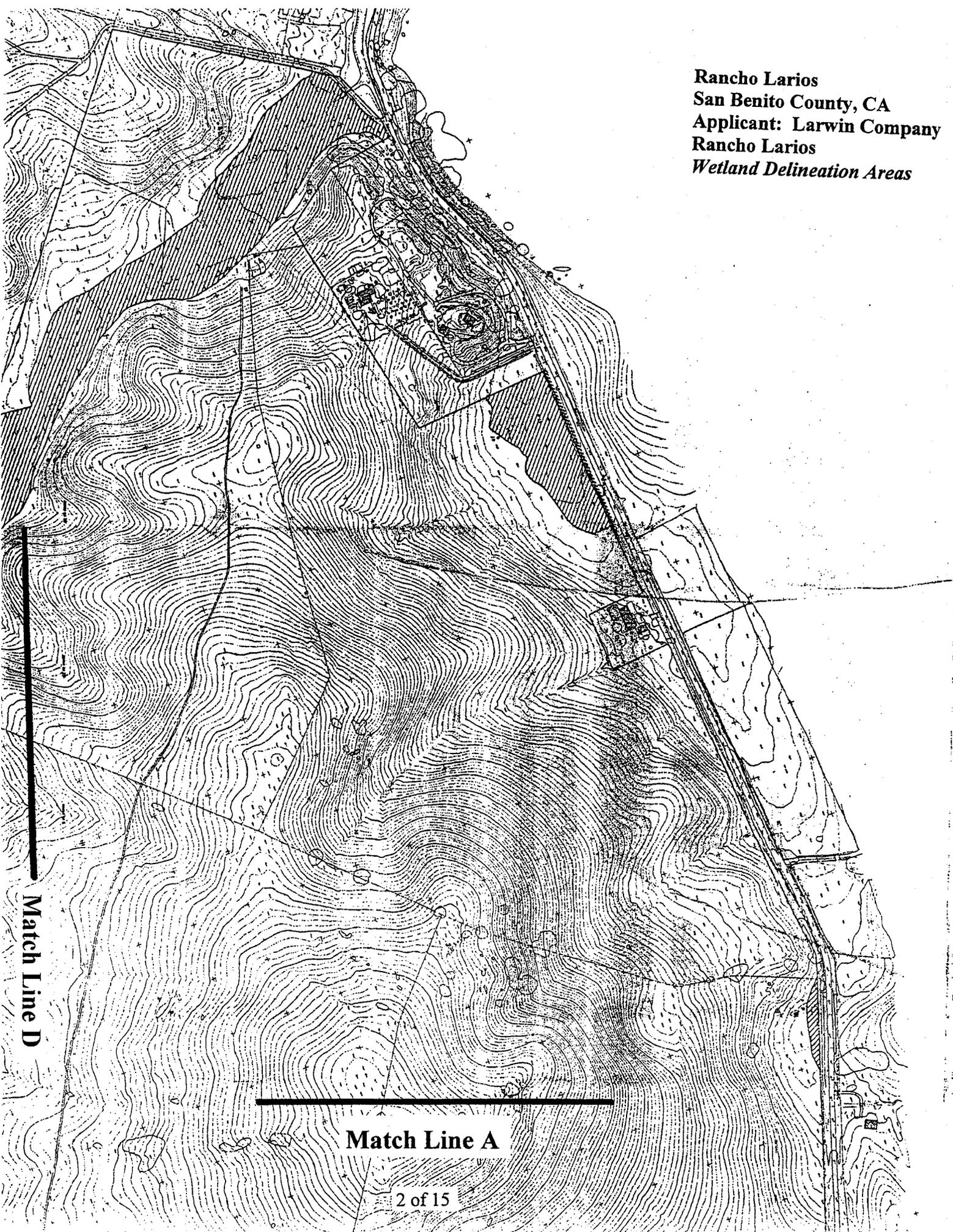
————— Vegetated Waters (wetlands)

/////// Drainage Swales (wetlands)

\\\\\\\\\\ Seasonal Wetlands

**Scale**  
1" = 400'

**Rancho Larios**  
**San Benito County, CA**  
**Applicant: Larwin Company**  
**Rancho Larios**  
*Wetland Delineation Areas*

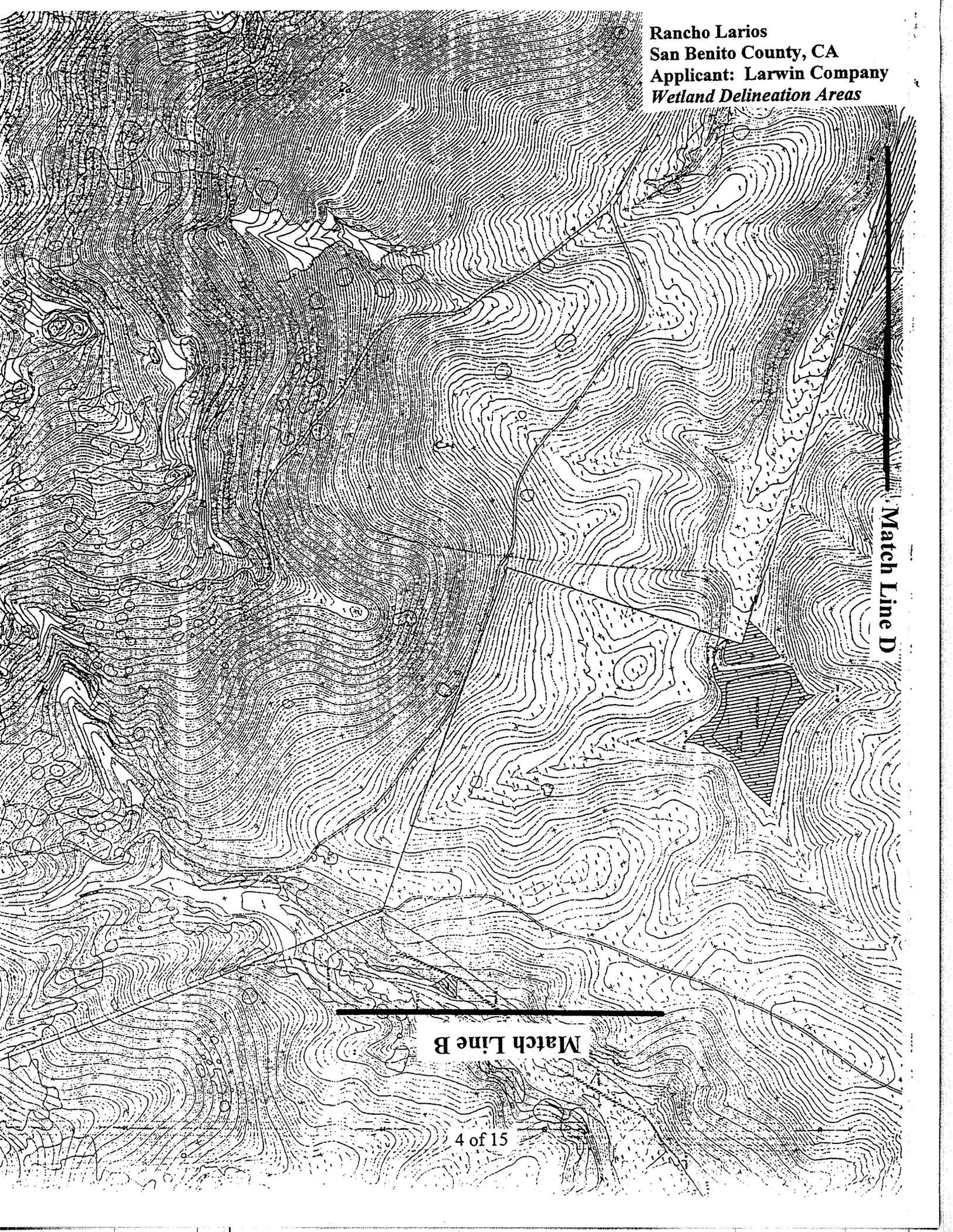


Match Line D

Match Line A



Rancho Larios  
San Benito County, CA  
Applicant: Larwin Company  
Wetland Delineation Areas



Match Line D

Match Line B

Rancho Larios  
 San Benito County, CA  
 Applicant: Larwin Company  
 Wetland Delineation Areas

Match Line B

Match Line C

5 of 15

**LEGEND**

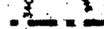
- Unimproved Wetland
- Improved Wetland
- Seasonal Flooded
- Seasonal Wetland
- Open Field

**MACKAY & SOMPS**  
 TOPOGRAPHIC EXHIBIT  
 RANCHO LARIOS PROJECT  
 SAN BENITO COUNTY, CALIFORNIA  
 U.S. ARMY CORPS OF ENGINEERS  
 POTENTIAL JURISDICTIONAL WETLANDS  
 AND WATERS OF THE UNITED STATES

# Rancho Larios

## Wetland Fill Areas

### LEGEND

 Unvegetated Waters/Riparian Woodland

 Vegetated Waters (wetlands)

 Drainage Swales (wetlands)

 Seasonal Wetlands

• 1 Data Point

 Area of Existing / Proposed Disturbance

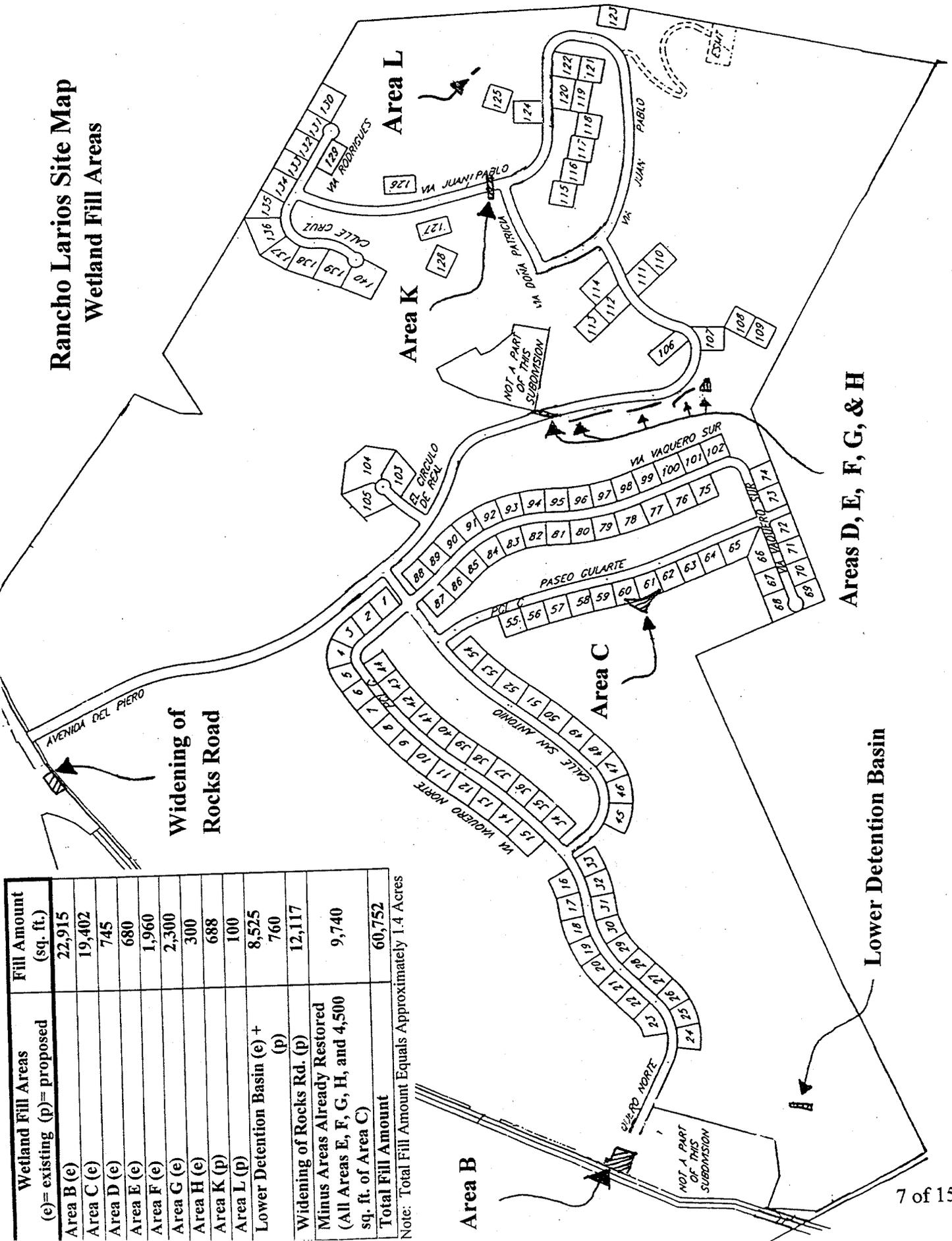
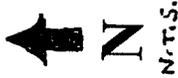
### Scale

1" = 100'

(Unless Otherwise Indicated on Sheet)

# Rancho Larios Site Map

## Wetland Fill Areas



**Widening of  
Rocks Road**

**Areas D, E, F, G, & H**

**Lower Detention Basin**

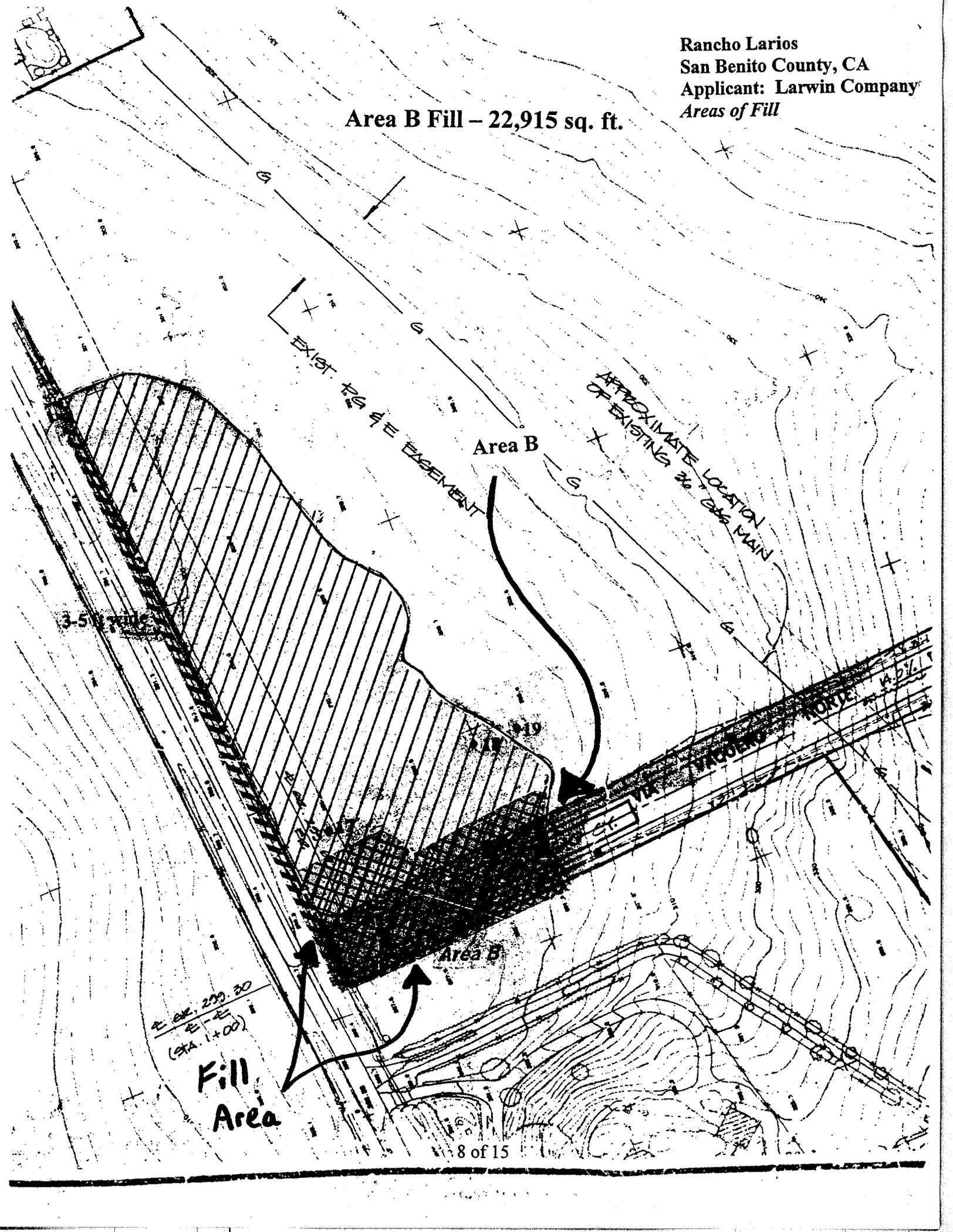
Wetland Fill Areas	Fill Amount (sq. ft.)
(e)= existing (p)= proposed	
Area B (e)	22,915
Area C (e)	19,402
Area D (e)	745
Area E (e)	680
Area F (e)	1,960
Area G (e)	2,300
Area H (e)	300
Area K (p)	688
Area L (p)	100
Lower Detention Basin (e) + (p)	8,525 760
Widening of Rocks Rd. (p)	12,117
Minus Areas Already Restored (All Areas E, F, G, H, and 4,500 sq. ft. of Area C)	9,740
<b>Total Fill Amount</b>	<b>60,752</b>

Note: Total Fill Amount Equals Approximately 1.4 Acres

Note: See Attachments for Detailed View of Specific Fill Areas

Rancho Larios  
San Benito County, CA  
Applicant: Larwin Company  
Areas of Fill

Area B Fill - 22,915 sq. ft.



$$\frac{2 \times 299.30}{2 - 2} = (STA. 1+00)$$

Fill Area

Rancho Larios  
San Benito County, CA  
Applicant: Larwin Company  
Areas of Fill

Area C Fill - 19,402 sq. ft.

Fill  
AREA

Area C

S PORTIONS  
PHASES  
MOVED AS OF 6/2/00.

IS PENDING AS  
55-102.

STOCK POND

High Water  
Line

ROCK RIVER  
SCALE

9 KL-MS LOG 1-51-72-91, 55-57, 70-54  
30 ST-SK LOG 88-91  
30 KL-MS LOG 34-41, 55-68, 75-84, 49-74, 92-102

Rancho Larios  
San Benito County, CA  
Applicant: Larwin Company  
Areas of Fill

113  
R409

Area D Fill - 745 sq. ft.  
Area E Fill - 680 sq. ft.

Riparian Enhancement/  
Restoration Area

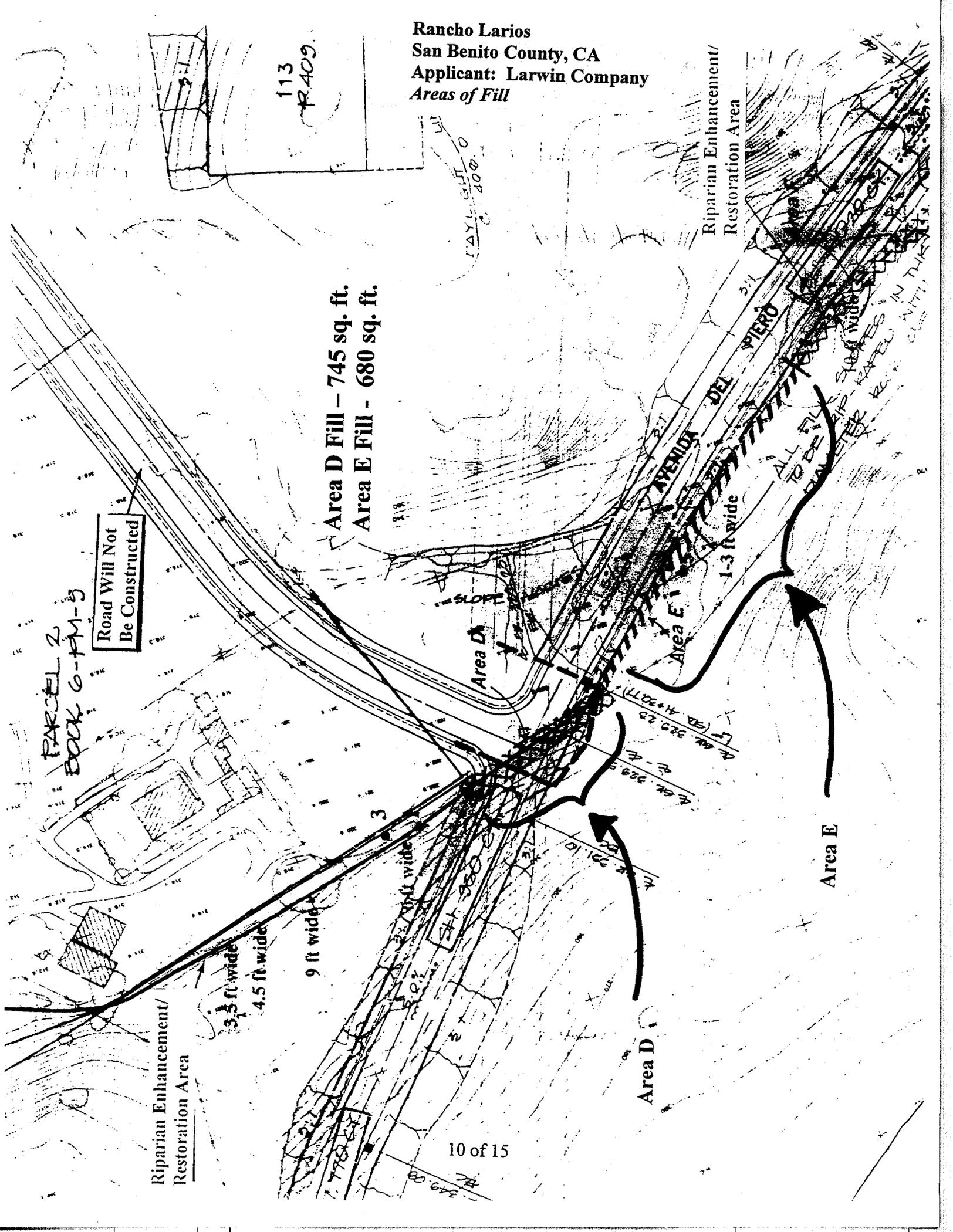
Riparian Enhancement/  
Restoration Area

Area E

Area D

Road Will Not  
Be Constructed

PARCEL 2  
BOOK 6-PM-3







Area L - 100 sq. ft.

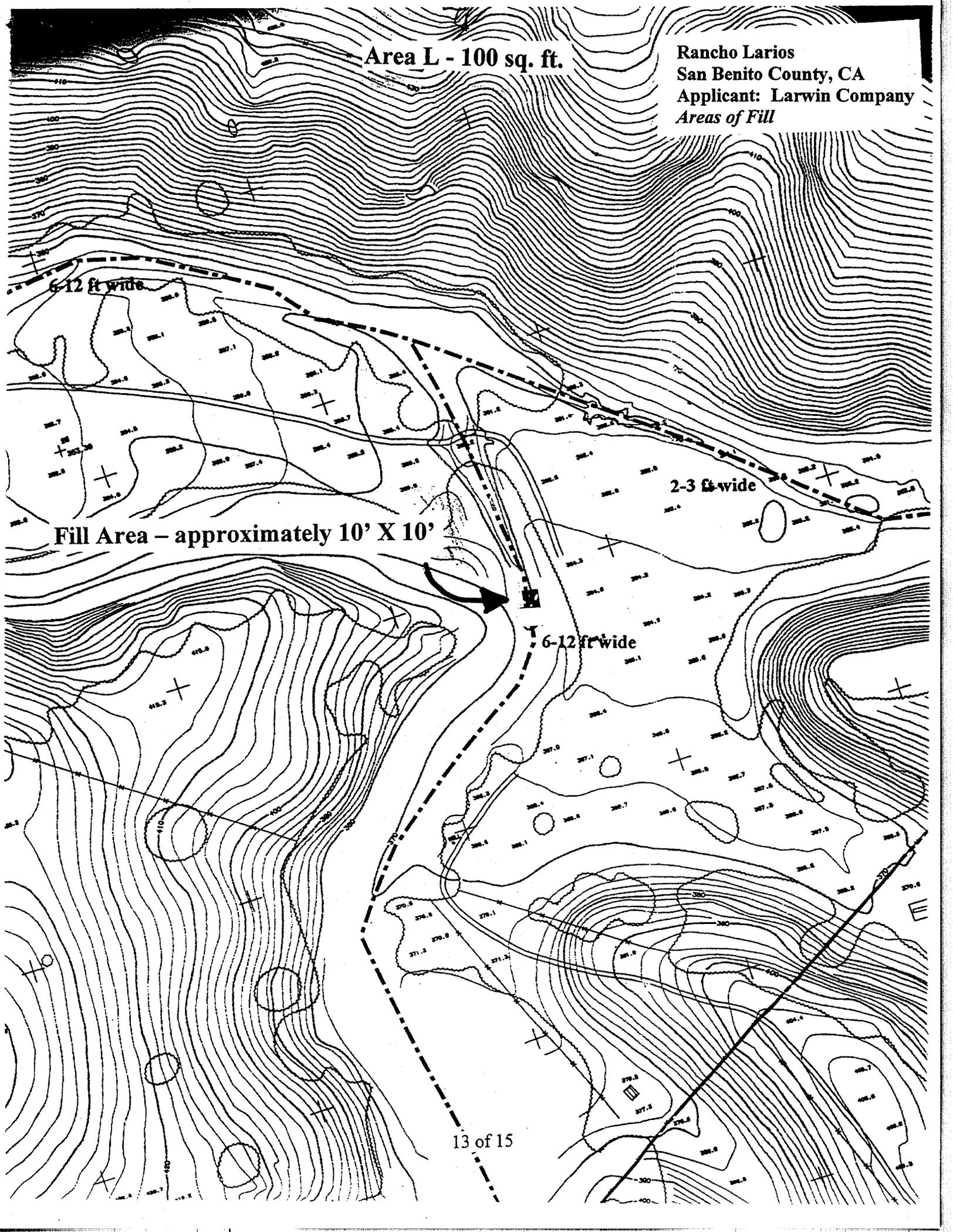
Rancho Larios  
San Benito County, CA  
Applicant: Larwin Company  
Areas of Fill

6-12 ft wide

2-3 ft wide

Fill Area - approximately 10' X 10'

6-12 ft wide



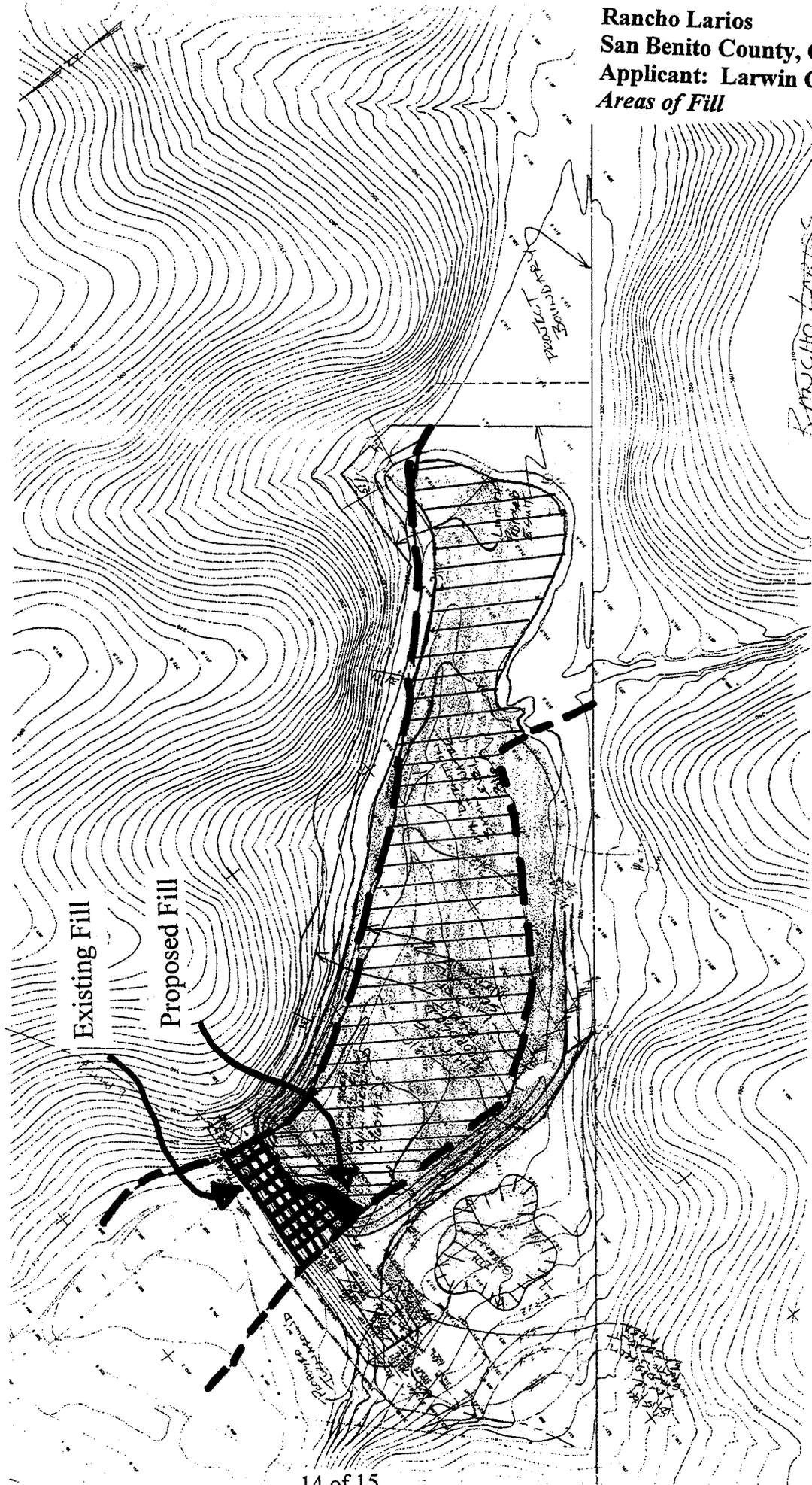
**Lower Detention Basin -**

Fill Area - 8,825 sq. ft. (e)  
 + 760 sq. ft. (p)

**Total 9,585 sq. ft.**



Wetland Area To Be Excavated to Grade for Additional  
 Storm Capacity (no fill proposed)



Rancho Larios  
 San Benito County, CA  
 Applicant: Larwin Company  
 Areas of Fill

*RANCHO LARIOS  
 WORK SHEET - BASIN 'B'  
 AS-GRADED BASIN TOPO 12/07/99*



### Rocks Road Widening/Realignment - 12,115 sq. ft.

