



US Army Corps
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SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Mark D'Avignon Phone: (415) 977-8507/E-mail: mdavignon@spd.usace.army.mil

1. **INTRODUCTION:** DUC Housing Partners, 14107 Winchester Blvd., Ste. H, Los Gatos, CA 95032 [Contact: John Zentner, Zentner and Zentner, 95 Linden Street, Ste. 6, Oakland, CA 94607, 510-622-8110] has applied for a Department of the Army permit to place fill into 0.53 acres of jurisdictional waters of the United States (intermittent drainages and seasonal wetlands) for the purpose of constructing a 217-lot single family residential subdivision. The proposed subdivision, Rancho Solano Oaks, is the third and last phase of the existing Rancho Solano community in the City of Fairfield, Solano County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROJECT DESCRIPTION:

a. **Project Site:** The project site is located along the west edges of the existing Rancho Solano development and golf course and east of existing vineyards in the City of Fairfield, Solano County, California, at Assessor's Parcel Number 151-110-060. Current access to the site is via an unnamed spur road that heads west into the center of the site from Rancho Solano Parkway. The site is the upper edge of a small watershed that eventually drains to Ledgewood Creek. It is currently used as rangeland. The immediately surrounding lands consist of residential uses, vineyard and open space.

The 291-acre site consists of two almost separate areas of land with the intervening area occupied by the Rancho Solano golf course. It includes relatively steep hills dissected by four, western-trending valleys. The northernmost drainage flows very briefly after rain events, but contains two

reaches of intermittent drainage with water present beyond the wet season. The remaining three drainages are drier (water present only during or shortly after storms) although golf course runoff flows down the drainage in the narrow center of the site. These drainages were partially filled several decades ago and have eroded steadily into the fill and underlying soils to the present day. Downstream of the site, these drainages have been channelized or culverted through farm fields and vineyards.

The majority of the site is grassland and oak woodland on rolling hills and ridge-tops. The drier drainages are dominated by bare ground or non-native annual grassland while native and non-native wetland plants dominate the intermittent drainages. Five small seasonal wetlands occur as either terraces above the drainages or isolated basins, and are dominated by a mix of native and non-native plant species.

b. **Project Description:** As shown on the attached drawings, DUC Housing Partners proposes to construct a residential subdivision consisting of 217 homes on 60 acres of the 291-acre project site. The project would preserve 231 acres of oak woodlands and associated grasslands, and the southernmost valley, about 80% of the site. The lots would range in size from 6,000 to 8,000 square feet. Access to the subdivision would be from the existing Rancho Solano Parkway. Pebble Beach Circle, also an existing street, would be extended to form an internal loop road system.

All utilities would be extended from Rancho Solano parkway. The project includes stormwater quality treatment measures including treatment of the home

roof drainage by surface swales and two stormwater quality treatment basins sized to meet Regional Water Quality Control Board recommendations.

c. **Purpose and Need:** The applicant states that the purpose of the project is to develop a 217-lot single-family residential subdivision as the third and last phase of the existing Rancho Solano development. The applicant also states that the project is necessary because of the demand for homes in the region. This demand is a result of significant population growth and employment opportunities in and around Fairfield and adjoining areas.

d. **Aquatic Resources:** Waters of the United States on the project site total 1.37 acres. The five small seasonal wetlands total 0.09 acres while the intermittent drainages total 0.55 acres. A stockpond in the southern corner of the site totals 0.73 acres. The project will result in the fill of 0.47 acres of the intermittent tributaries (approximately 5,889 lineal feet) and 0.06 acres of the seasonal wetlands. The project will preserve 0.84 acres, just over 60% of the jurisdictional waters on the project site.

The four on-site drainages are heavily eroded dry most of the time, with the exception of two small reaches in the northern tributary that do receive groundwater recharge. The drainages are generally deep (4 to 15 feet), narrowly incised, and actively eroding. Fill was placed in three of the valleys through which these drainages run several decades ago and the drainages are eroding through the fill and the underlying substrate. The drainages are typically bare but vegetated areas are dominated by non-native annual grasses. Three willows and a non-native poplar occur in the northern drainage in the wetter reaches.

Five small seasonal wetlands occur in isolated depressions or on terraces adjacent to the drainages. The vegetation in these wetlands is dominated by weedy, non-native species; of the twelve species

recorded, only three are native. Common dominant vegetation in these wetlands includes: rabbitfoot grass (*Polygogon monspeliensis*); Italian ryegrass (*Lolium multiflorum*); Mediterranean barley (*Hordeum marinum*); and hyssop loosestrife (*Lythrum hyssopifolia*).

A stockpond is located in the southern corner of the site. This pond has a fringe of wetland vegetation around its edge, including lady's thumb (*Polygonum persicaria*) and knot grass (*Paspalum distichum*).

e. **Mitigation Plan:** The applicant's mitigation proposal consists of the preservation of 0.84 acres of jurisdictional area (about 60% of the site wetlands and drainages), preservation of 231 acres of oak woodland and associated grassland, the restoration of three on-site drainages in the central and southern portions of the site and the restoration of two eroded, drainages adjacent to the site.

The mitigation project will restore the eroded drainages by regrading the channels to create a more stable form and providing erosion control and native plantings. The restored drainages will each include a low-flow channel and adjacent terraces, with a series of low rock weirs (vortex weirs) in the channels to create pools and wetlands, provide bank and channel stability and promote the retention of flows. This design is intended to mimic natural conditions in the stable local systems, such as Union Avenue Creek to the east.

The low-flow channel will be planted with marsh species and riparian woodland trees, such as willows and cottonwoods, while the adjacent terraces will be planted with valley oaks and native forbs, such as creeping wild rye. Uplands adjacent to these drainages will be planted with oak woodland species, such as coast live oak and wild rose. These areas will then all be fenced to preserve them from grazing impacts. Approximately 1.72 acres of riparian, intermittent drainage, 0.24 acres of

seasonal wetland, and 2.4 acres of oak woodland will be restored to compensate for the loss of 0.53 acres of jurisdictional waters, slightly less than a 1:4 mitigation ratio.

f. **Special Status Species:** The applicant states that no special status species were observed on the project site during field investigations. Protocol level surveys for California red-legged frog (*Rana aurora draytonii*; RLF) were conducted by the applicant's biological consultant, Zentner and Zentner, on four days and evenings in August and September 1999. No RLF were observed or heard during these surveys and there are no known localities of RLF within five miles of the project site according to California Natural Diversity DataBase records and local sources. The applicant is awaiting a response from the U.S. Fish and Wildlife Service to submittal of the survey data.

The property appears to contain suitable habitat for the western burrowing owl (*Athene cunicularia*) (mounds of fill with some ground squirrel burrows), but no evidence of the owl or owl habitation was seen during field investigations in July 1999. Marginal habitat also exists for the foothill yellow-legged frog (*Rana boylei*), and for the San Joaquin pocket mouse (*Perognathus inornatus*), but none were observed during the July 1999 field investigations. Habitat exists in the northwest corner of the property for the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) in the form of a few isolated blue elderberry plants (*Sambucus mexicana*). None of these plants had any exit holes, and the site is at the edge of the beetle's habitat range. This site will not be disturbed by the development project so no effect is anticipated.

An unidentified species of yampah was observed in the northern and southern woodland portions of the property. However, the property is out of the habitat range for Gairdner's yampah (*Perideriadia*

gairdneri ssp. gairdneri), and this species requires different habitat than that found on the project site. This area is also outside the development envelope and no impact is anticipated.

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 provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality 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 the receipt of a 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 issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this public notice.

4. **EVALUATION OF ALTERNATIVES:**

Evaluation of the project 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 dependent. The applicant, however, will submit an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines.

5. **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.

6. 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.

7. 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 the 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 Mark D'Avignon of our office at telephone 415-977-8507 or at the following E-mail address: mdavignon@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.

