



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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

NUMBER: 27186N DATE: April 22, 2004
RESPONSE REQUIRED BY: May 22, 2004

PERMIT MANAGER: Bryan Matsumoto

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1. INTRODUCTION: Davidon Homes (POC: Mr. Steve Abbs; 925-945-8000), 1600 South Main Street, Suite 150, Walnut Creek, California 94596, has applied to the U.S. Army Corps of Engineers (Corps), through their agent LSA Associates, Inc. (POC: Mr. Steve Foreman; 510-236-6810), for a Department of the Army individual permit to construct the Eastridge Hills Development project, an 81-lot residential subdivision on a 75-acre project site located approximately 1.6 miles north of the I-80 and I-680 interchange, above South Putah Canal in the City of Fairfield, Solano County, California (APNs 27-630-020, -60, -70, -80, and -90) (Figures 1 and 2). This project will result in impacts to approximately 0.19 acres of waters of the U.S. The duration of authorization, should it be accepted, would be for 5 years from the date of permit issuance. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Description: The applicant plans to develop 75-acres into an 81-lot residential development (Figure 3). Project construction, within Corps jurisdiction, includes the construction of a road crossing, over-chute, and storm drain systems.

The road crossing will be constructed in the northwestern portion of the project site, in the main drainage channel on the site, and will consist of

retaining walls on either side of the crossing, and the placement of fill approximately 9 feet high for a 50 foot by 25 foot (0.03 acres) section of jurisdictional wetlands. Its purpose is to accommodate traffic, an 18-inch storm drain line, and other underground utilities. Flows in the wetlands will be conveyed through twin 18-inch diameter culverts (Figure 4).

Over-chute construction (Figures 5 and 9) for the main channel will require the extension of an existing 36-inch storm drain line that currently flows below South Putah Canal for approximately 45 feet. Riprap will be placed at the opening for energy dissipation and bank stabilization. An overflow culvert will be constructed above the existing storm drain line and will be routed over the canal. Both pipes will discharge water into a newly constructed plunge pool and water will then be diverted underground in a 48-inch diameter pipeline, which will run approximately below the existing creek channel. There will be approximately 0.15 acres of waters of the U.S. impacted for this portion of the project.

The last section of the project to impact waters of the U.S. is another storm drain pipeline (Figures 6 and 7), which will intercept a small drainage channel to the east of the main channel. Extension of an existing 24-inch pipe that runs under the canal is proposed on the upstream (45 lineal feet) and downstream (270 lineal feet) ends of the pipeline. As a result, there will be approximately 0.016 acres of waters of the U.S. impacted.

Purpose and Need: The purpose of the project is to construct 81-lots for residential development in Solano County. The project will provide needed residential housing in the Fairfield and Suisun vicinity, and will also allow the applicants to develop an economically viable property.

Conceptual Mitigation Plan: The applicant has proposed to create seasonal wetlands on-site adjacent to the road crossing, and expand a willow riparian zone along the northern boundary of the newly created wetlands. In addition, riparian vegetation plantings for creek channel enhancement will be planted throughout the entire length of the main channel. The main channel that traverses the site will be preserved, along with a 25-foot buffer, in perpetuity through a conservation easement. Monitoring for the mitigation shall be conducted for a minimum of 5 years

3. **SITE DESCRIPTION:** The Eastridge Hills property is bordered by the South Putah Canal to the south, the existing Eastridge Subdivision to the west, and undeveloped land to the north. It encompasses 75 acres of rolling hills, containing oak woodland and non-native grassland communities, in southwestern Solano County. It was previously used as pastureland for cattle. Approximately 0.55 acres of jurisdictional waters of the U.S. were found on the project site, and are tributaries of Green Valley Creek, which eventually flows to Cordelia Slough then to Grizzly Bay. All waters experience intermittent flows.

4. **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 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.

5. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the public comment period, the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project.

Endangered Species Act of 1973 (ESA): The applicant's agent, LSA Associates, conducted a search, using the California Natural Diversity Data Base (CNDDDB), to determine potential for the

project site to support federally listed threatened or endangered species. Searches were initiated within a 5-mile radius of the project site. Five species were found to occur within the portion of Fairfield that the project site exists: endangered Contra Costa goldfields (*Lasthenia conjugens*), threatened California red-legged frog (*Rana aurora draytonii*), threatened Valley elderberry longhorn beetle (*Democerus californicus dimorphus*), threatened vernal pool fairy shrimp (*Branchinecta lynchi*), and endangered vernal pool tadpole shrimp (*Lepidurus packardii*). None of the above listed species are believed to inhabit the project site due to lack of suitable habitat.

The USACE has made a preliminary determination that the project will not affect listed species or critical habitat. However, if new information suggests that federally listed threatened or endangered species are within the project boundary, the USACE will initiate informal consultation with U.S. Fish and Wildlife Service/National Marine Fisheries Service, pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The consultation process must be concluded prior to the issuance of any Department of the Army Permit for the project.

Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA): The aforementioned Section 7 consultation process, should it be needed, will also address project-related impacts to essential fish habitat.

National Historic Preservation Act of 1966 (NHPA): 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.

6. COMPLIANCE WITH THE 404(b)(1) GUIDELINES: Projects resulting in dredged or fill material discharges into waters of the United States must comply with 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 pursuant to the Guidelines indicates the project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a practicable alternative to the project-related discharges into waters of the United States that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences. The applicant has submitted an analysis of project alternatives to be reviewed for compliance with the Guidelines.

7. 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 that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that 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 that 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.

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 Bryan Matsumoto of our office at telephone 415-977-8476 or E-mail: bryan.t.matsumoto@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.

8. 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.

9. 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 that 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