



US Army Corps  
of Engineers

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

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 27083N

DATE: May 5, 2003

RESPONSE REQUIRED BY: June 10, 2003

PERMIT MANAGER Robert Perrera

PHONE: 415-977-8454

E-mail: Robert.perrera@spd02.usace.army.mil

1. **INTRODUCTION:** Lanza Vineyards, Inc., 4756 Suisun Valley Road, Fairfield, California 94533, [Contact: Mr. Ron Lanza, 707.864.0730] has applied for an after-the-fact Department of the Army Permit for the fill and realignment of 830 linear feet of seasonal creek; placement of a box culvert; placement of rock-slope protection; and placement of cement to stabilize a Solano Irrigation District (SID) pipeline in the realigned seasonal creek. The project is located at 4899 Suisun Valley Road in the town of Fairfield, Solano County, California (APN: 0153-100-030). This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **SITE DESCRIPTION:** The study area consists of 51.88 acres of planted vineyards and 1,320 linear feet of an unnamed seasonal creek. The topography of the study area is relatively flat and has been under intensive agricultural production for at least 50 years. The unnamed seasonal creek collects water that flows from the vineyard and neighboring hills located to the north of the project site and carries the water through a series of culverts to Ledgewood Creek. The seasonal creek channel carries water during rain events and is normally dry during the summer months. The portion of the seasonal creek that was filled ran parallel to Suisun Valley Road. (Encl. 1, page 2).

3. **PROJECT DESCRIPTION:** As shown in the attached drawings (Encl. 1, page 2 and 3), the applicant filled 830 linear feet (0.048 acres) of a 1,320 foot portion of seasonal creek and realigned it approximately 50 to 150 feet from its original location. The remaining 490 linear foot portion was excavated using a bucket

excavator that was positioned on the creek bank. All spoils generated from the excavation were deposited in upland areas within the project site.

Within the realigned and excavated portion of the seasonal creek, rock-slope protection (rip-rap) was installed in the southern, northeastern, and northwestern most bends (Encl. 1, page 3). The rock-slope protection resulted in the fill of 0.009 acres of the realigned and excavated portion of the seasonal creek. In addition, a layer of concrete was poured to cap an existing SID pipeline that is routed perpendicularly to the realigned ditch. The cap consisted of a 5-inch layer of concrete poured 45 inches laterally from the pipe, over a length of 17 linear feet, resulting in the fill of 0.001 acres of the realigned seasonal creek (Encl. 1, page 4).

Pending the approval of the after-the-fact Department of the Army permit, the applicant will install a box culvert structure in the realigned portion of the seasonal creek to accommodate a driveway to the winery. The box culvert will consist of twin 42 foot boxes that are each 4 feet by 6 feet in dimension resulting in the fill of 0.012 acres of the realigned seasonal creek (Encl. 1, page 5).

4. **ENDANGERED SPECIES ACT OF 1973:** To determine the occurrence of special-status species in the vicinity of the realigned seasonal creek, the applicant reviewed the California Department of Fish and Game's Natural Diversity Data Base and the California Native Plant Society's *Inventory of Rare and Endangered Vascular Plants of California*. The habitat requirements of all special status species reported in the vicinity of the project site were cross referenced against the habitat

provided by the realigned seasonal creek and vineyards. No special status plants or animals are known to occur on site, and due to the lack of appropriate nesting and foraging habitat in the seasonal creek and vineyards, it is unlikely that special status species within the surrounding area would occur on the project site.

**5. ON-SITE MITIGATION:** Jurisdictional waters of the United States on the Lanza Vineyard site consist of 1,320 linear feet (0.072 acres) of an unnamed seasonal creek that is a tributary to Ledgewood Creek. The total acreage of USACE jurisdictional waters that was filled, and is proposed to be filled, equals 0.070 acres. This includes 0.048 acres for the 830 linear foot portion of the seasonal creek that was filled and realigned, 0.009 acres of rip-rap used to stabilize bends in the newly realigned seasonal creek, 0.001 acres for the SID concrete cap, and 0.012 acres for the proposed twin box culverts.

To mitigate for the temporal loss of 0.048 acres and the permanent loss of 0.022 acres of jurisdictional waters, the applicant proposed that the newly realigned portion of the seasonal creek is wider than the original portion that was filled and provides 0.17 acres of additional seasonal creek habitat. This is a 1:3.5 replacement ratio, which the applicant proposes should be a sufficient mitigation ratio to replace the functions and values of the impacted seasonal creek. In addition, the applicant proposes to implement a native California planting plan along the banks of the realigned and excavated portions of the seasonal creek. The selected plants are riparian species that are also drought tolerant. The plantings will be protected with plastic screens, drip irrigation will be installed, and a maintenance and monitoring plan will be implemented annually for 3 years.

**6. PURPOSE AND NEED:** The purpose of the project is to construct a left-hand turn lane and bridge for the access driveway to a new winery facility 0.75-miles north of the existing Wooden Valley Winery. The existing Wooden Valley Winery has inadequate space to accommodate the growing demand for production of Wooden Valley wines and inadequate space for parking and visitor use.

The expansion project includes a building that will have

three main areas: a production and storage facility, a tasting and banquet room for special events, and increased parking capacity. The production and storage facility will increase the current storage and crushing capacity and will provide adequate space for handling, processing and transporting of grapes and wine products. The tasting room, banquet room, and parking area will accommodate the current demand of visitor use. The new facility is expected to create new jobs and provide additional revenues for Solano County.

**7. 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. No Corps permit will be granted until the applicant obtains the required certification or waiver.

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. [Contact: Mr. Stephen Berger 510.622.2345]

**8. ENVIRONMENTAL ASSESSMENT:** 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 (42 U.S.C. 4321-4347), the Council on Environmental Quality's Regulations at 40 CFR Part 1500-1508, and USACE Regulations at 33 CFR Part 325. The final NEPA analysis will 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.

**9. COMPLIANCE WITH THE 404(B) 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 not dependent on location in or proximity to waters of the United States to achieve the basic project purpose of providing access to the new Winery. This conclusion raised the (rebuttable) presumption of the availability of a practicable alternative to the project that would result in less adverse impacts to the aquatic ecosystem, while not causing other major adverse environmental consequences. The applicant has submitted an analysis for project alternatives to be reviewed for compliance with the Guidelines.

**10. 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 requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors that may be relevant to the decision process include 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.

**11. CONSIDERATION OF COMMENTS:** The USACE 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. All comments received by the USACE will be considered in the decision on whether to issue, modify, condition, or

deny a Department of the Army permit for the project. 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 addressed in a final Environmental Assessment or Environmental Impact Statement.

**12. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and Public Notice Number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such a request shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to the applicant for resolution or rebuttal. Additional information may be obtained from the applicant or by contacting Mr. Robert Perrera of the Regulatory Branch at telephone 415.977.8454.