
SAN FRANCISCO DISTRICT

PUBLIC NOTICE

US Army Corps
of Engineers

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

NUMBER: 27423N DATE: **May 16, 2003**
RESPONSE REQUIRED BY: **June 13, 2003**

PERMIT MANAGER Elizabeth Dyer

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1. INTRODUCTION: West Coast Home Builders, Inc (WCHB) of 4021 Port Chicago Highway, Concord Ca 94524 and Solano Irrigation District (SID) have jointly applied for a Department of the Army Permit for the proposed piping and filling of an open channel located in the City of Fairfield, Solano County, California. The proposed project is located on undeveloped property owned by SID within the City of Fairfield (Sheet 1-2). The piped segment would become part of the City of Fairfield's larger drain system. The site is bounded by the Putah South Canal to the north, SID's Water Quality Treatment Plant to the east, Manual Campos Parkway on the south, and the remainder of the property owned by SID to the west. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PURPOSE AND NEED: Project objectives are designed to: 1) divert urban runoff away from the Putah South Canal and the berms at the SID's Cement Hill Water Treatment Plant, 2) prevent erosion of the SID's irrigation ditch and the Putah South Canal banks, and 3) to protect the adjacent SID's drying pond and service road.

3. BACKGROUND: The open channel is a short segment in a complex drainage system, most of which has already been placed in underground storm drains (Sheet 3). In recent years, the channel has incised. It presently is undercutting a fill berm

separating the channel from an adjoining water-treatment (alum) pond, and has the potential to induce erosion of the southern bank of the Putah South Canal, and/or introduce sediment or contamination into the canal.

The open channel receives runoff from Drainage B in the Cement Hill Planning Area/ future Paradise Crest development of eastern Fairfield (Sheet 4). The channel extends 570 feet from the south end of a low-sided concrete overchute across the Putah South Canal downstream to the Manuel Campos Parkway, where it enters an existing storm drain system. Both banks have been developed largely in fill, and are being undercut in places; three short outcrops of deeply-weathered bedrock separated by sedimented silt-and-sand bed segments from the bed. The storm drain conveys runoff to Horseshoe Lake, about one-half mile downstream. A number of smaller drainages also drain to Horseshoe Lake. Following natural treatment in the lake, runoff flows southeastward to McCoy Basin, a regional detention reservoir, primarily through piped drainage but also including a half-mile natural channel system. After further settlement and treatment in the Basin, where it is diluted with runoff from an extensive catchment, the combined flows (including water from Drainage B) pass through a set of drains, ditches and sloughs to Suisun Bay.

4. PROJECT DESCRIPTION: As shown in the

attached drawings (Sheets 5-7), the proposed activity consists of converting 570 linear feet of an existing open channel to an underground drain/pipeline with a 48-inch diameter to provide for conveyance of urban drainage flows. Of the 570 feet, 540 linear feet is within SID property and the remaining 30 linear feet is within the Bureau of Reclamation's (Bureau) property. The pipeline will extend from a concrete overchute on the Bureau's Putah South Canal property to the City of Fairfield's existing underground drainage system located at the Manual Campos Parkway.

This proposed work will tie two existing underground storm drainage systems together. The upstream drainage system currently flows into an existing concrete box overchute that lies on top of the Putah South Canal, then into the subject ditch. Once in the ditch, the runoff flows 570 linear feet at which point the water enters an existing storm drain inlet structure within the Manual Campos Parkway.

5. SITE DESCRIPTION: The project site is at an elevation of approximately 100 feet NGVD at the base of the 891-foot Cement Hill, a local landmark which supported a cement plant from 1902 to 1928. The water treatment plant treats water imported to Fairfield through Putah South Canal, the northern boundary of the study area. Water is treated to community supply standard by SID and distributed throughout the region. The other end of the project site is 570 feet to the south, near the edge of Manuel Campos Parkway right of way. The future Paradise Crest development lies immediately to the north of the canal. The Paradise Crest development is one of a number of residential communities under planning or construction in this portion of Fairfield. Drainage from a portion of Paradise Crest will enter the lower part of Drainage B, most of which is slated to remain in a regional open space preserve.

The proposed project site consists of non-native annual grassland bisected by a north-south running

channel. The channel varies from 5 to 10 feet in width, with the widest portion at the southern end. The channel banks have been mowed. The southern portion of the project site has been filled. Upland vegetation is dominated by non-native annual grasses and forbs, including yellow starthistle (*Centaurea solstitialis*), perennial ryegrass (*Lolium multiflorum*), bindweed (*Convolvulus arvensis*), hoarseweed (*Conyza canadensis*) slender wild oats (*Avena fatua*) mustard (*Brassica* sp.), prickly lettuce (*Lactuca serriola*), bellardia (*Bellardia trixago*), curly dock (*Rumex crispus*) cocklebur (*Xanthium stumarium*), and bristly ox-tongue (*Picris echioides*). The channel does not contain any emergent vegetation.

The South Putah Canal flows east-west along the north boundary of the project site. It is a concrete channel surrounded by a 6-foot-tall cyclone fence. The canal does not support any vegetation.

6. CORPS OF ENGINEERS JURISDICTION: Sheets 8 and 9 illustrate the limits of the Corps' jurisdiction as depicted on the verified delineation. Sheet 8 shows both the ditch, which is the subject of this application (0.076 acre of Waters of the U.S.) and 0.043 acres of wetland swale downstream of the subject ditch that was previously filled for the Horseshoe Lake Estates project under the authority of Department of the Army Nationwide Permit Number 26 (File No. 234350N).

7. PROPOSED MITIGATION: Because the water of the United States proposed to be filled is a drainage ditch, the applicants have retained the services of a hydrologist to assess the functions and values of the ditch. Functions and values will be evaluated using a geomorphological classification, starting with the nature and history of this drainage feature.

The applicant has proposed to plant a variety of seasonal wetland vegetation off site for the project's

unavoidable impacts at the nearby Paradise Crest mitigation site (Sheets 10-11).

8. STATE APPROVALS

California Regional Water Quality Control Board (RWQCB): Under Section 401 of the Clean Water Act (33 U.S.C. 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicants have provided the Corps with evidence that they have submitted a valid request for State water quality certification to the RWQCB. No Corps permit will be granted until the applicants obtain the required certification. A water quality certification would be presumed authorized 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.

California Department of Fish and Game (CDFG): Under Section 1600 of the State of California Fish and Game Code, a streambed/lakebed alteration agreement is required if a project will divert, obstruct or change the natural flow or bed, channel or bank of any river, stream or lake. The applicants state that they have applied for a streambed alteration agreement concurrent with this application.

9. 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 91-90), the Council on Environmental Quality's Regulation at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 230 and 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: A biological survey of the project site was conducted on September 27, 2002 by Miriam Green Associates. The applicants state the site does not contain any suitable habitat for special-status plants that are known from the area. No special-status wildlife species were observed during the field survey and there is no supporting habitat for any of the species that are known from the general area. Because the site is small and bordered by residential development on one side, the Solano Irrigation District facilities on the other site and cyclone fencing along the Putah South Canal, it would

National Historic Preservation Act of 1966: The applicants state there are no known cultural resource sites within the project area. The likelihood of finding a previously unknown site is extremely low given the level of existing disturbance at the site and the nature of the proposed work.

10. 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 not 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

less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The applicant has submitted an analysis of project alternatives to be reviewed for compliance with the Guidelines.

11. 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 effects that 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 beneficial effects that may be reasonably 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, consideration of property ownership, and, in general, the needs and welfare of the people.

12. 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.

13. SUBMITTING COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicants' name, the number and 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: Lieutenant Colonel Michael McCormick, District Engineer, Attention: Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is Corps policy to forward any such comments which include objections to the applicants 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 applicants whose address is indicated in the first paragraph of this notice, or by contacting Elizabeth Dyer at telephone 415-977-8451, or electronic mail at: Elizabeth.Dyer@spd02.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.