



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200000204

Date: October 10, 2000

Comments Due: November 9, 2000

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to place fill material into waters of the United States, as shown in the attached drawings.

APPLICANT: Jake Stephens
Delta Breeze Vineyards, LLC
118 Fairview Circle
Litchfield Park, AZ 85340-0000

LOCATION: The proposed project site is located north of the City of Clearlake, in portions of Sections 2, 3, 10 & 11, Township 13 North, Range 7 West, in Lake County, California. This site is on the West side of State Highway 53 between State Highway 20 and Ogulin Canyon Road.

PURPOSE: Vineyard development.

PROJECT DESCRIPTION: The applicant proposes to develop a 350-acre vineyard on a 780-acre parcel of woodland, chaparral and grazing lands. Five earthen dams and reservoirs would be constructed to collect surface water during the winter months to be used for frost protection and irrigation. Four of the dams would be located on unnamed tributaries to the Burns Valley Creek and Clear Lake watersheds. In addition, six siltation basins would be constructed on smaller, intermittent drainages to collect and retain sediment entering the Burns Valley Creek watershed and eventually Clear Lake. The water supply in the reservoirs behind the dams would be supplemented with groundwater pumped from wells developed at the project site. The earthen dams would have overflow pipe spillways with rock-lined spillway outlets. The siltation basins would consist of small earth dams with overflow pipe spillway systems with rock-lined spillway outlets.

AREA DESCRIPTION: The 0.17-acre wetland area that would be directly impacted by the construction of the dams is characterized by emergent wetland species such as cattails, umbrella sedge, several species of rushes and scattered willows. The drainage channels that support emergent wetland vegetation may provide habitat for aquatic invertebrates, amphibians (e.g.,

Pacific tree frog), and resident and migratory birds. Seep 1 consists of two small depressional wetland areas formed in material slumping from the crown of the upslope area. These two areas apparently trap water, which slowly seeps into the downslope area and ultimately into tributary 2h of Drainage 2 (See sheet 14). These two small depressional areas are not associated with any natural defined drainage feature. Five drainages occur on the project site. These five drainages consist of two major drainages and their tributaries, and three smaller drainage features (See sheet 14). The watersheds for Drainages 1 and 2 are approximately 300 and 400 acres respectively. Most channels on the site are generally free of vegetation, having stabilized on bedrock. However, the two major drainages are generally ephemeral but include areas that are saturated for a sufficient duration to support fresh emergent wetlands. The other three drainages are purely ephemeral.

ADDITIONAL INFORMATION:

Relative Environmental Documents. The County of Lake, Community Development Department, Planning Division has prepared an Initial Study (00-16) for this project and determined that a mitigated negative declaration will be prepared for this project.

Dam Safety. The applicant has indicated that the four artificial barriers proposed to be constructed are less than 25 feet in height and have an impounding capacity of less than 50 acre-feet and are therefore not considered dams pursuant to California Water Code, Division 3, Dams and Reservoirs, Section 6002.

Mitigation. Delta Breeze is proposing to mitigate the proposed impacts to waters of the U.S., including wetlands, at Dam Site No. 4. A 0.476-acre seasonal wetland would be developed by excavating a shelf area at an elevation 0.5 feet below the annual high water elevation at the water's edge in the reservoir and sloping the excavation so that the bottom of the wetland area near the land side is three feet below annual high water elevation. The mitigation wetlands would be planted with a combination of trees (Cottonwoods and willows) and herbaceous wetland plants (Tules, rushes, etc.).

Water Quality Certification. Delta Breeze has stated that they will be filing for water quality certification from the Central Valley Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act.

Cultural Resources. The applicant has provided surveys for evaluation.

Endangered or Threatened Species. A biological assessment conducted on May 12, 2000 identified 11 California species of concern; white-tailed kite, golden eagle, Northern goshawk, merlin, prairie falcon, burrowing owl, log-eared owl, California horned lark, purple martin, California yellow warbler, pallid bat and 1 federally-delisted endangered species (Aug 25, 1999), the peregrine falcon, which may use the site. A botanical survey conducted on April 24, May 21, and June 14, 1998, concluded that no special status plant species are known or suspected of occurring within the project area, primarily due to a lack of suitable habitat. No information has been provided by the applicant for the Corps to evaluate the effects of this work on other federally-listed threatened or endangered species.

The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation. Interested parties are invited to submit written comments on or before **November 9, 2000**. Any person may request, in writing, within the comment period specified in 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.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will 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, flood plain values, land use, navigation, shoreline 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.

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.

If additional information is required, please contact the applicant's agent, Clifford Ruzicka, Ruzicka Associates, Consulting Engineers at (707) 263-6155, the applicant, Delta Breeze Vineyards, LLC, at (623) 935-6025, or Justin Cutler, at the letterhead address or telephone (916) 557-5258.

Michael J. Walsh
Colonel, Corps of Engineers
District Engineer

Attachments: 16 Drawings