



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200000534

Date: November 18, 2003

Comments Due: December 8, 2003

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 retain and discharge dredged or fill material into waters of the United States for the Turn of the Century East project (project).

APPLICANT: Tom Lumbrazo, Turn of the Century L.L.C., 173 Court Street, Woodland, California 95695

LOCATION: The project site is located in central Yolo County, California, approximately three miles from downtown Woodland, south of Farmer's Central Ditch and west of Road 102 in Section 3, Township 9 North, Range 2 East, on the U.S.G.S Grays Bend 7.5' quadrangle.

PROJECT DESCRIPTION: The purpose of the proposed project is residential development. The applicant proposes to construct a medium density residential subdivision, a greenbelt, roadways and other infrastructure on an approximately 80-acres site as shown on the attached drawings. The applicant would retain fill in approximately 12.24 acres of waters of the United States, including wetlands, and 0.93-acre of isolated wetlands on the project site. The project site was mass graded and the wetlands on the site were filled in June 2003. Based on the information available at that time, it appeared these wetlands were isolated and not subject to regulation by the Corps. Subsequent information, including delineations and analysis of drainage on two adjacent parcels of land, demonstrated these wetlands were tributary, or adjacent to tributaries, to waters of the United States and as such subject to regulation under section 404 of the Clean Water act.

AREA DESCRIPTION: The project site consists of three parcels that have been primarily in agricultural use, typically consisting of actively farmed row crops with intermittent fallow periods. Two of the parcels are currently relatively barren, with patches of ruderal vegetation. As of September 2003, hay and safflower crops on these parcels had recently been harvested and the land was relatively barren except for patches of ruderal vegetation and recently cut safflower. Other land uses located nearby include residential development, agriculture, and public facilities.

ADDITIONAL INFORMATION:

Endangered Species. Based on the available information, including the City of Woodland's Draft Environmental Impact Report (EIR) for the Turn of the Century Specific Plan (EIP Associates, 1999), the project would have no effect on federally-listed threatened or endangered species.

Cultural Resources: Based on the available information, including the EIR, no cultural resources are within the area of potential effect for this project. Site specific surveys of the project site were subsequently conducted by the applicant on February 10 and 11, and on March 11 and 13, 2003. These surveys revealed no evidence of significant historic or prehistoric presence (Derr, 2003).

The District Engineer has made these determinations based on information provided by the applicant and on the other available information.

Interested parties are invited to submit written comments on or before **December 8, 2003**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. 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.

This public notice may also be obtained through our web-site at <http://www.spk.usace.army.mil/cespk-co/regulatory>. If additional information is required, please contact the applicant's agent, Ellen Berryman of Foothill Associates, at (916) 435-1202, or William Guthrie, at the letterhead address, telephone (916) 557-5269 or e-mail william.h.guthrie@usace.army.mil.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Attachments 3 Drawings