



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street

Sacramento, CA 95814-2922

Number: 200300621

Date: October 6, 2006

Comments Due: November 6, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Southtown Development, Vacaville project, which would result in impacts to approximately 2.65 acres of waters of the United States, including wetlands, in or adjacent to the Brazelton and Noonan Drains. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Western Pacific Housing, 1210 Central Avenue, Brentwood, California 94512, 925-240-2828, POC: Robert Selders

LOCATION: The approximately 330-acre project site is located in Vacaville in the vicinity of the Leisure Town Road and Vanden Road intersection, in Section 35, Township 6 North, Range 1 West, Solano County, California, and can be located on the Elmira USGS Topographic Quadrangle. The project is bounded to the north by the Dally Main Canal and New Alamo Creek, on the east by Leisure Town Road and the Southern Pacific railroad, on the south by agricultural fields and on the west by Nut Tree Road.

PROJECT DESCRIPTION: The applicant is proposing to construct a residential subdivision on 330 acres. Based on the available information, the overall project purpose is to construct a large-scale, mixed use residential community in the Vacaville-Fairfield area of Solano County. The applicant believes there is a need to construct new housing to meet the projected population growth in the Vacaville-Fairfield area. The attached drawings provide additional project details.

The applicant specifically proposes three activities in waters of the US. Fill 1.80 acres (5090 linear feet) of Brazelton Drain to convert it into a piped storm drain system. Fill and excavate 0.85 acre of seasonal wetlands in Noonan Drain to construct a detention pond. Temporarily impact 0.006 acre of New Alamo Creek to install a sewer pipe beneath the creek. The applicant has determined approximately 5800 cubic yards of clean fill dirt are required to fill Brazelton Drain and 700 cubic yards are needed at Noonan Drain. The Brazelton Drain captures municipal runoff from housing developments west of Nut Tree Road as well as the expected runoff from the proposed project.

The project involves development of 1410 housing units, 30,000 square feet of commercial development, 6.8 acres of self-storage, a fire station, a 17.6 acre detention pond and 14 acres of town center/community facility space. The first phase includes filling and piping Brazelton Drain and construction of the proposed 17.6 acre detention pond on the City's 22-acre property east of Vanden Road. A 15-inch sewer pipe crossing New Alamo Creek at the north project boundary is expected to occur at a later project phase.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 1.8 acres of perennial stream in Brazelton Drain and 0.85 acre of seasonal wetlands in the Noonan Drain feature within the project area. The site is characterized by approximately 300 acres of irrigated and non-irrigated hay fields. The smaller parcel on the east side of Leisure Town Road has essentially been fallow for many years since it was separated from the larger field when Leisure Town Road was extended to intersect Vanden Road. There are three farmsteads on the site, two on the east side of Vanden Road and one on the west side. Surrounding properties include residential developments to the north and west and agricultural fields to the east and south. Southern Pacific Railroad forms part of the eastern boundary, with a golf course just beyond that. The land slopes gently to the east-southeast. There are a few eucalyptus trees around the farmsteads and willows in the Brazelton Drain. The majority of the site supports grasses and forbs such as Italian rye, Mediterranean barley, soft chess, and clover.

Alternatives. The applicant has provided information concerning project alternatives. Additional information concerning project alternatives is available from the applicant or their agent, Steve Foreman, LSA Associates, 415-236-6810. The applicant analyzed 32 off-site alternatives and 3 on-site alternatives. The applicant believes all 32 off-site alternatives and the no fill and partial fill on-site alternatives are impracticable. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to purchase 3.5 acres of seasonal wetland/swale compensatory mitigation creation credits from a Corps-approved mitigation bank to compensate for impacts to 2.65 acres of waters.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board for the Central Valley Region is required for this project. The applicant has acquired certification for this project. The applicant received a technically conditioned certification on March 29, 2006.

HISTORIC PROPERTIES: Based on the available information (including applicant's report included in the Draft Environmental Impact Report), cultural resources are not within the project's area of potential effect.

ENDANGERED SPECIES: The applicant has stated the project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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 activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps 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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200300621, must be submitted to the office listed below on or before November 6, 2006:

Marc Fugler, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Marc.A.Fugler@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant's agent or the Corps' project manager Marc Fugler, Marc.A.Fugler@usace.army.mil.

Attachments: 7 drawings