



# Public Notice

US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Number: 200300760  
Date: May 16, 2007  
Comments Due: Jun 15, 2007

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the approximately 1,546-acre Lower Lagoon Valley Residential Housing project, which would result in permanent impacts to approximately 11.9 acres and temporary impacts to 1.0 acres of waters of the United States, including wetlands, in or adjacent to unnamed tributaries to Laguna Creek. 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 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Standard Pacific Corporation  
3825 Hopyard Road, Suite 195  
Pleasanton, California 94588  
925-847-8700  
Attention: Jack Jarrell

**LOCATION:** The project site is located in lower Lagoon Valley in southwest Vacaville in Townships 5 and 6 North, Ranges 1 and 2 West, Solano County, California, and can be seen on the Fairfield North and Elmira USGS Topographic Quadrangles.

**PROJECT DESCRIPTION:** The basic project purpose is housing. Based on the available information, the overall project purpose is to construct a large-scale, mixed-use project primarily consisting of residential development, a commercial-business complex, related infrastructure and which may include open space and recreational amenities, located in Solano County. The applicant states there is a need to construct additional residential housing in the Vacaville area and that the Lower Lagoon Valley Policy Plan requires any development in Lower Lagoon Valley to include a tournament-level golf course and open space. The attached drawings provide additional information and details for the proposed project. The drawings depict waters of the U.S., including wetlands, and impacts to these waters within the project area.

The project area is approximately 1546 acres. The applicant owns or controls approximately 861 acres. The applicant's property is composed of the 620-acre proposed project development site, which includes residential and commercial development, a town center, golf course facility and infrastructure, and 241 acres to be dedicated as open space, which includes a 70-acre parcel to be used for compensatory mitigation.

The remaining 684 acres of the 1546-acre project area are composed of other public and private property, a majority of which is either already dedicated open space or is proposed to be dedicated as open space. There are also additional project related impacts outside of the 620-acre area that may be affected by construction of project elements (such as road improvements, slide repairs, detention ponds, utility lines

and other infrastructure). (Note: in this public notice, the term project area corresponds to the area defined in the application materials as the study area.)

Construction of the proposed project would result in permanent impacts to 11.9 acres of waters of the U.S. Of this total, 1.5 acres are wetlands, 7.0 acres are streams, ditches and ponds, and 3.4 acres are the commercial nursery pond and ditch which have been used for many years to collect runoff from the existing nursery operation. Project construction would also result in temporary impacts to 1.0 acres of waters of the U.S., 0.57 acre of freshwater marsh associated with Lagoon Lake and 0.43 acre of streams and ditches. 10.3 acres of permanent and 0.2 acre of temporary impacts to waters are within the applicant-owned 861 acres of the project area and 1.6 acres of permanent and 0.8 acre of temporary impacts are in non-applicant owned property.

The applicant is proposing to construct a mixed-use residential development which includes 1,015 homes, including 75 residential units designated for moderate-income households and 100 units designated for senior citizens and 750,000 square feet of commercial and business park space, integrated around a tournament-level golf course, which would feature a community center and clubhouse to serve both the golf course and the larger community, providing recreational amenities such as swimming pools and a health club. The applicant's proposal is designed around a walkable community structure connected by open spaces, trails and pathways that are linked to a central green and a town center. The proposed golf course consists of an open, park-like corridor that winds through the community, providing water quality treatment, stormwater detention, and restored drainages along the valley floor, as required by the Lower Lagoon Valley Policy Plan. Other project elements include road improvements, slide repairs, utility lines, a detention pond, and a landscaped berm that will serve as a visual and noise buffer between I-80 and the project.

A larger project was originally proposed for development at the project site. It was analyzed in the Lower Lagoon Valley Specific Plan Environmental Impact Report (EIR) (SCH No. 2003032063). On June 8, 2004, the Vacaville City Council certified the Final EIR for that larger project. The proposed project which is smaller than the earlier project proposal was analyzed further in an addendum to that Final EIR, which the City Council adopted on February 22, 2005. The City of Vacaville filed a Notice of Determination for the proposed project with the Governor's Office of Planning and Research on February 24, 2005.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 33.6 acres of jurisdictional waters within the project area consisting of 16.8 acres of streams and ditches (mostly intermittent or ephemeral), 8.6 acres of seasonal wetlands, 3.5 acres of emergent marsh, 0.7 acre of seeps, 0.6 acre of ponds, and a 3.4-acre nursery water-cycling pond and ditch. The proposed project avoids impacts to more than two thirds of this acreage. The proposed development site is currently occupied by fallow and active dryland farming and grazing activities and the 168-acre Hines Nurseries facility in the northeastern portion of the site. The Ranchotel hotel and horse facility are adjacent to the site. Most of the proposed development site is relatively flat, but it includes some hilly terrain along the southeastern, southern and western project boundaries. Vegetation on the development site consists primarily of non-native annual grassland, with smaller areas of oak woodland/savanna, coyote brush scrub, riparian woodland, an abandoned orchard, and scattered drainages and wetlands. Non-native grasslands are widespread on the flat open fields, as well as the ridges and hillsides. Three paved public roads are located on the development site: Lagoon Valley Road, Nelson Road, and Rivera Road; and Lagoon Valley Park, a heavily used regional park, borders the development site to the north.

**Alternatives.** The applicant has not provided information concerning project alternatives. The applicant has stated they are in the process of identifying alternatives to comply with Section 404(b)(1) of the Clean Water Act (CWA) and the National environmental Policy Act (NEPA). The applicant will need

to provide sufficient information to allow the Corps to determine the least environmentally damaging practicable alternative which meets the project purpose. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered, pursuant to Section 404(b)(1) of the CWA and related regulations. Other alternatives may develop during the review process for this permit application.

**Mitigation.** The Corps requires applicants to consider and use all reasonable and practicable measures to avoid and minimize impacts to aquatic resources. The applicant has submitted a Mitigation and Monitoring Plan. The applicant proposes to mitigate permanent impacts to 8.5 acres of waters of the United States (excluding the 3.4 acres of waters within the existing nursery site), with the creation of at least 11 acres of new seasonal wetlands, seasonal ponds and drainages, within the project area. This total includes 12,800 linear feet of created drainages and the enhancement of 13,500 linear feet of existing drainages in the project area. To mitigate for the fill of 3.4 acres of existing waters within the nursery site (a pond and ditch that have been used to collect runoff from the nursery), the applicant proposes to create at least 3.4 acres of stormwater management ponds and drainages in the golf course. All of the mitigation acreage would be included in dedicated open space areas within the project area.

Additionally, the applicant proposes to fund and preserve the long-term preservation and management of 881 acres of dedicated open space in Lower Lagoon Valley, adjacent to the project. (Note: the attached figures show only the 241 acres of open space proposed on the applicant's property.) The applicant states that because the 620-acre proposed development project constitutes nearly all of the development allowed in the valley under the Lower Lagoon Valley Policy Plan, the project effectively results in the permanent protection of approximately 1,500 acres of the 2,190 acres within the Policy Plan area. The applicant will contribute funds for restoration, enhancement and maintenance of the Lagoon Valley Park and Lake and contribute funds to the Solano Land Trust for the conservation of lands near the Lower Lagoon Valley.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification from the Regional Water Quality Control Board, as described under Section 401 of the Clean Water Act, is required for the project. The applicant has not yet applied for certification. The project also requires a California Department of Fish and Game Section 1602 Streambed Alteration Agreement. The applicant has not yet applied for this permit. The City of Vacaville is the lead agency for California Environmental Quality Act (CEQA) compliance. The City completed its CEQA review and filed a Notice of Determination for the proposed project with the Governor's Office of Planning and Research on February 24, 2005.

**HISTORIC PROPERTIES:** Based on the available information, including applicant's report, A Cultural Resources Study for the Lower Lagoon Valley Policy Plan Implementation Project, potentially eligible cultural resources may be affected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

**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 200300760, must be submitted to the office listed below on or before June 16, 2007:

Marc Fugler, Project Manager  
US Army Corps of Engineers, Sacramento District  
Delta Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922

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, Steve Granholm, LSA Associates, Inc., at 510-236-6810 or the Corps' project manager Marc Fugler, 916-557-5255, [Marc.A.Fugler@usace.army.mil](mailto:Marc.A.Fugler@usace.army.mil).

Attachments: 20 drawings