



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

November 29, 2004

Regulatory Branch (200200475)

William Isaac  
Linkside Place, LLC  
2865 Coldwater Canyon Drive  
Beverly Hills, CA 90210

Dear Mr. Isaac:

We are responding to your consultant's request for an approved jurisdictional determination for the Linkside Estates site. This approximately 160-acre site is located near the Feather River in Section 21, Township 19 North, Range 3 East, MDB&M, Latitude 39° 29' 24.5", Longitude 121° 37' 58.1", east of the City of Oroville, Butte County, California.

Based on available information, we concur with the estimate of waters of the United States, as depicted on the Eco-Analysts, Wetland Delineation Map for Linkside Estates, revised November 8, 2004. Approximately 6.9 acres of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act since they are tributary to the Feather River or adjacent to tributaries of the Feather River. The Feather River is a tributary to the Sacramento River. The Sacramento River is a navigable water of the United States.

Figure 1 illustrates the drainage patterns off the Linkside project site based on aerial photo interpretation and the drainage information in Figure 2. Written reports regarding the drainage patterns in the area, including the the Drainage Analysis for Table Mountain Golf Course, prepared by BBA Engineering, dated April 30, 1998, and the Oroville Municipal Airport Wetland Mitigation Fifth-Year Monitoring Report, prepared by Jones & Stokes, dated February 1999, also indicate that waters on the Linkside Estates site are tributary to the Feather River.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. A *Notification of Administrative Appeal Options and Process and Request for Appeal* form is enclosed. If you wish to appeal this approved jurisdictional determination, please follow the procedures on the form. You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property. You may also consider providing copies to construction contractors and anyone acting on your behalf as your representative for this project.

In addition, during two site visits on October 11, 2004, and November 8, 2004, Andrea Jones of our office observed five mapped vernal pool features (W-1, W-2, W-3, LW-1, and W-97) and numerous other mapped features along the dirt road alignment and detention basins (W-44, W-34, W-44, W-52, etc) that did not have a 250 foot buffer from construction activities. The U.S. Fish and Wildlife Service has indicated in the past that construction activities within 250 feet of vernal pools would adversely affect any listed invertebrate and plant species within those pools.

The project as proposed, would result in the complete fill of the 6.9 acres of wetlands delineated and would require authorization by the Department of the Army through the individual permit process before starting work. The range of alternatives considered for a project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number 200200475 in any correspondence concerning this project. If you have any questions, please contact Andrea Jones at our Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email [Andrea.J.Jones@usace.army.mil](mailto:Andrea.J.Jones@usace.army.mil), or telephone 916-557-7745. You may also use our website: [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,

ORIGINAL SIGNED

Thomas J. Cavanaugh  
Chief, Sacramento Valley Office

Enclosures

Copy furnished without enclosures:

Albert Beck, Eco-Analysis, 3028 Esplanade, Suite A, Chico, California 95973  
Jason Brush, U.S. Environmental Protection Agency, Wetlands Regulatory Office, 75  
Hawthorne Street (WTR-8), San Francisco, California 94105

✓ Scott Zaitz, California Regional Water Quality Control Board, 415 Knollcrest Drive, Suite  
100, Redding, California 96002-0182  
U.S. Fish and Wildlife Service, Wetlands Branch, 2800 Cottage Way, Suite W2605,  
Sacramento, California 95825-3901

U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite  
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