



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
333 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2197

FEB 05 2007

Regulatory Branch

SUBJECT: File Number 400217S

Ms. Franlinda Khuon  
Cielo Grande Ranch, LLC  
18640 Sutter Blvd, Suite 100  
Morgan Hill, CA 95307

Dear Ms. Khuon:

This letter is written in response to your submittal of November 8, 2006 requesting confirmation of the extent of Corps of Engineers jurisdiction at the Cielo Grande Ranch Property, located in southeastern Monterey County, just northeast of the City of Gonzales, California. The approximately 771-acre property is bordered to the north and south by agricultural fields, to the west by Iverson Road, and to the east by Fanoe Road and residential housing (36°31'57"; -121°26'17").

Enclosed is a map showing the extent and location of Corps of Engineers jurisdiction. We have based this jurisdictional delineation on the current conditions on the site as verified during a site visit performed by our staff on January 5, 2007. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. However, if there has been a change in circumstances that affects the extent of Corps jurisdiction, a revision may be completed before that date. In addition, this jurisdictional delineation may be revised if the San Francisco District receives regulatory guidance pursuant to the U.S. Supreme Court decision, Rapanos v. United States, 126 U.S. 2208 (2006).

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed activity appears to be within our jurisdiction and a permit may be required for your project. Application for Corps authorization should be made to this office using the application form in the enclosed pamphlet. To avoid delays it is essential that you enter the file number at the top of this letter into Item No. 1 of the application. The application must include plans showing the location, extent and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your project, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a Public Notice for a period of 30 days.

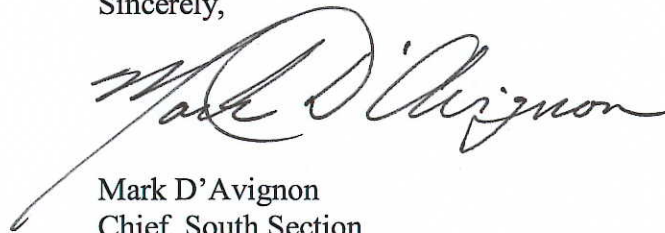
Since an Individual Permit may be required to authorize your project, it may be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives as outlined in the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines. A copy of the Guidelines is enclosed to aid you in preparation of this alternative analysis. You are advised to refrain from starting your proposed activity until we complete our review of your application and issue you the required authorization. Commencement of work before you receive our notification will be interpreted as a violation of our regulations.

If project impacts are determined to be minimal, you may be able to gain authorization for your project under our Nationwide Permits and Regional General Permits that have already been issued to authorize certain activities provided specified conditions are met. Your completed application will enable us to confirm that your activity is already authorized. You are advised to refrain from starting your proposed activity until we make a determination that the project is covered by an existing permit. Commencement of work before you receive our notification will be interpreted as a violation of our regulations.

You are advised that the Corps has established an Administrative Appeal Process, as described in 33 C.F.R. Part 331 (65 Fed. Reg. 16,486; March 28, 2000), and outlined in the enclosed flowchart and "Notification of Administrative Appeal Options, Process, and Request for Appeal" form (NAO-RFA). If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to the District Engineer for reconsideration or submit a completed NAO-RFA form to the Division Engineer to initiate the appeal process. You will relinquish all rights to appeal, unless the Corps receives new information or a completed NAO-RFA form within sixty (60) days of the date of the NAO-RFA.

Should you have any questions regarding this matter, please call or email Tyson Eckerle of our Regulatory Branch at 415-977-8462 or [Tyson.S.Eckerle@usace.army.mil](mailto:Tyson.S.Eckerle@usace.army.mil). Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter.

Sincerely,



Mark D'Avignon  
Chief, South Section

Enclosures

Copy Furnished (with copy of delineation map)

CA RWQCB, San Luis Obispo, CA

Melissa Denena, Live Oak Associates, 6830 Via Del Oro, Suite 205, San Jose, CA 95119

Copy Furnished (w/o enclosures)

CA SWRCB, Sacramento, CA





Approximate Project Boundary

Unverified Jurisdictional Johnson Creek




Approximate Project Boundary

Approximate Project Boundary

Approximate Project Boundary

Unverified Jurisdictional Drainage

**LEGEND**

-  Non-wetland Irrigation Ditch  
(3,224 Sq. Ft. / 0.07 acres)
-  Wetland Irrigation Ditch  
(375 Sq. Ft. / 0.009 acres)
-  Culverts  
(60 Sq. Ft. / 0.001 acres)



Sources:  
Aerial Photographs courtesy of USGS TerraServer



Corps of Engineers Extent of Jurisdiction:  
Fransinda Khuon  
Cielo Grande Ranch  
Monterey County, CA

Note: Section 404 Clean Water Act and Section 10 Rivers and Harbors Act. Jurisdiction only verified within the designated study area boundary.

File Number: 4002175

Date: February 2, 2007

*156 4/107*



Live Oak Associates, Inc.

Cielo Grande Ranch W.D.  
Potential Waters of the U.S.

Date	1/19/07	Project #	570-03	Figure #	5
------	---------	-----------	--------	----------	---