



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF:

September 23, 1994

Office of the Chief
Regulatory Branch

City of Costa Mesa
Parks and Parkways
Attn: Mr. David J. Alkema
P.O. Box 1200
Costa Mesa, California 92628-1200

Dear Mr. Alkema:

Reference is made to your letter of September 20, 1994 (No. 94-1550-BH) in which you inquired as to the findings of our examination of the depressions on the mesa at Fairview Park in the City of Costa Mesa, Orange County, California. Messrs. Bruce Henderson and Mark Sudol of my staff conducted a site visit on September 15, 1994. Mr. Henderson subsequently discussed his findings with you by telephone on September 19, 1994. He also discussed the conditions observed onsite with persons knowledgeable about vernal pools and the plants communities found therein, and with persons familiar with bird use of the pool areas in the park.

Although no water was currently ponding in any of the depressional areas, one area near the City's maintained edge still exhibited conditions of moist soil with a characteristic vegetative community. Other areas, obvious depressions although dry since Spring, also exhibited evidence of vernal pool plant community species. Discussions with other persons familiar with local bird species have indicated the site is used by migratory shorebirds and waterfowl, as well as herons, during periods of inundation.

Based on the information we have to date, we have determined that the vernal depressions on the mesa at Fairview Park constitute waters of the United States or an adjacent wetland. Therefore, the pools are subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit would

be required from our office for any activities that excavate or discharge dredged or fill material within the pools.

If you have any questions, please contact Bruce Henderson of my staff at (213) 894-0351.

Sincerely,

A handwritten signature in cursive script that reads "Mark Durham". The signature is written in black ink and is positioned to the right of the typed name.

Mark Durham
Chief, South Coast Section
Regulatory Branch