



US Army Corps
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San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE

PROJECT: Palo Alto Municipal Golf Course Reconfiguration Project

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COMMENTS DUE DATE: June 29, 2015

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1. **INTRODUCTION:** The City of Palo Alto (City) (POC: Joe Teresi, 650-329-2129), Public Works Engineering Services, 250 Hamilton Avenue, Palo Alto, CA 94301, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to discharge fill material into jurisdictional waters of the United States associated with the reconfiguration of the Palo Alto Municipal Golf Course. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*), and Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*).

2. **PROPOSED PROJECT:**

Project Site Location: The Palo Alto Municipal Golf Course Reconfiguration Project (Project) is located at 1875 Embarcadero Road, in the northern part of the City of Palo Alto, Santa Clara County, California (Figure 1). The site lies within the Santa Clara watershed basin, within the larger South San Francisco Bay Hydrologic Unit (HUC 18050004). The coordinates of the Project site are 37° 27' 10.77" N, -122° 06' 53.33" W.

Project Site Description: The Palo Alto Municipal Golf Course is a 170-acre, 18-hole Professional Golfers' Association (PGA) regulation course owned and operated by the City of Palo Alto Community Services Department. The course was originally constructed in 1956 by placing imported fill placed over historic tidal marsh. The golf course is located on dedicated parkland within the larger Palo Alto Baylands park and open space district (Figure 2). Land uses immediately surrounding the Project site include Palo Alto Airport to the east and an office park to the south. San Francisquito Creek borders the Project site

to the west and north. Just opposite San Francisquito Creek, to the northwest, is the Faber Tract, a National Wildlife Refuge that consists of tidal marsh, tidal channel, and tidal pan habitat. Single-family residences are located across San Francisquito Creek in the City of East Palo Alto.

Project Description: Palo Alto City is granting approximately 7.4 acres of the Palo Alto Municipal Golf Course to the San Francisquito Creek Joint Powers Authority (SFCJPA) to accommodate the widening of San Francisquito Creek as part of the SFCJPA's flood damage reduction and ecosystem restoration project. This reduction in acreage resulted in the need to reconfigure the golf course. As shown in the attached drawings, the applicant proposes to reconfigure the layout, topography, and landscaping of the Palo Alto Municipal Golf Course in order not only to accommodate the lost acreage, but also enhance the quality and playability of the course, enhance the habitat value of the facility, reduce water and pesticide usage on the course, and better integrate the golf course into its Baylands setting.

The existing Golf Course has an artificial, park-like design that is inconsistent with its natural Baylands setting. The course has large expanses of managed turf grass and non-native horticultural plants. The most prevalent trees on the course are blue gum eucalyptus (*Eucalyptus globulus*) and stone pine (*Pinus pinea*). The low-lying wetland areas scattered throughout the Golf Course are small and isolated and are in a degraded state that provides low habitat value.

The Golf Course Reconfiguration Project has been designed to reduce managed turf and related water usage, introduce native plants appropriate to the Baylands setting, increase topographic relief on the course, and enhance and

expand existing wetland areas.

Figures 3 – 7 show the Project components. Work within the Project boundary includes the following activities.

- Regrading of the golf course to create increased topographic relief through the importation and placement of approximately 365,000 cubic yards of soil.
- Construction of new golf holes (tees, fairways, bunkers, and greens) on a revised golf course layout.
- Replacement of the golf course irrigation system.
- Revegetation of the golf course with salt-tolerant, low-water-usage turf and native grasses, shrubs, and trees.
- Enhancement and expansion of existing on-site wetland areas.

Major Project elements include:

- Creation of a new Baylands-themed 18-hole, par 71 golf course with a total playing length of 6,655 yards.
- Transformation of 66 acres of managed turf grass to naturalized areas.
- Reduction in irrigated turf from 135 acres to 81 acres (with expected 30-35% reduction in irrigation water usage).
- Creation of new player development area/practice green and Youth Golf Area.
- Construction of a new restroom building adjacent to the 15th hole.
- Removal of 538 trees and planting of 300 new trees on the golf course, plus additional off-site mitigation for tree removals.

Construction of Project elements would likely occur over two years. Construction would begin in 2015 starting with demolition work and the regrading of the golf course. Work would progress with installation of the new irrigation system, fine grading, and planting of new turf grass and native plantings, with project completion expected by the end of 2016. Construction activities could take place between 8 a.m. and 6 p.m. on weekdays, and 9 a.m. and 5 p.m. on Saturdays, in accordance with the City of Palo Alto and City of East Palo Alto municipal codes.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to

determine whether the project is water dependent. The basic project purpose is the development of recreational property.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to enhance recreational opportunities and improve the ecological functions of the golf course to better suit its physical setting, with the following specific objectives:

- Provide a golf course that has enhanced wildlife habitat, improved wetland areas, reduced water and pesticide use, and reduced maintenance labor.
- Integrate the Golf Course into the Baylands theme.
- Offset the reduction in course area resulting from the contribution of existing Golf Course land to the adjacent SFCJPA flood reduction project.
- Provide consistent and safe playing conditions at the Golf Course.

Project Impacts: The Project would temporarily impact 0.29 acres of jurisdictional wetlands and permanently impact 1.13 acres jurisdictional wetlands. Approximately 3,894 cubic yards of fill material would be required.

Proposed Mitigation: The applicant has designed the current project with the input of federal and state regulatory and resource agencies to ensure maximum avoidance of sensitive resources. To further minimize impacts to sensitive resources, the applicant has incorporated an extensive list of minimization measures for general construction site housekeeping, water quality protection, and focused measures to protect wildlife resources, sensitive plant species, wetland and riparian vegetation, and trees. To offset unavoidable impacts to jurisdictional waters, the applicant proposes to provide compensatory mitigation for temporary and permanent impacts.

The applicant has provided a conceptual mitigation plan comprised of on-site, in-kind expansion and enhancement of existing wetlands within the Golf Course, resulting in the creation of a total of 8.94 acres of wetlands.

The applicant contends that successful implementation of the mitigation proposal would fully offset the permanent and temporary impacts to non-tidal brackish marsh wetlands associated with the proposed Project, and would enhance the habitat within the Palo Alto Municipal Golf Course.

The applicant will submit detailed habitat mitigation and monitoring plan to USACE for review and approval prior to issuance of a USACE permit for the project. The plan must be prepared in accordance with the requirements set forth in the 2008 Mitigation Rule (33 CFR Parts 325 and 332) and the most current version of the USACE San Francisco District's Mitigation and Monitoring Proposal Guidelines, and include, at a minimum, the items described at 33 CFR 332.4(c)2-14: objectives, site selection, site protection instrument, baseline information, determination of ratios, mitigation work plan, maintenance plan, performance standards, monitoring requirements, long-term management plan, adaptive management plan, financial assurances, and other information as deemed necessary by USACE.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant has submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. The applicant is hereby notified that, unless USACE is provided documentation indicating a complete application for water quality certification has been submitted to the California Regional Water Quality Control Board (RWQCB) within 30 days of this Public Notice date, the District Engineer may consider the Department of the Army permit application to be withdrawn. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so.

An area of approximately 5,000 square feet (approximately 500 feet by 10 feet) of the proposed Project work lies within the San Francisco Bay Conservation and Development Commission (BCDC) jurisdictional shoreline zone. Proposed Project work within this area consists of planting native grasses to serve as a natural buffer area between the Golf Course and the creek levee. The applicant contacted the BCDC to determine whether a Consistency Determination would be required for this work.

The BCDC responded by email dated May 6, 2014, that BCDC authorization is not required for planting within the BCDC's jurisdiction, but that following completion of the flood control project, the 5,000-square-foot area would be part of the BCDC's shoreline band jurisdiction, and any grading activities or the placement or removal of structures would require BCDC authorization.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111, by the close of the comment period.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of

an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to ensure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. The applicant has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and the *Biological Assessment for the Palo Alto Municipal Golf Course Reconfiguration Project* (BA), dated October 2013, to evaluate the potential presence or absence of such species and critical habitat in the Project area. Based on this review, USACE has made a preliminary determination that the following Federally-listed species and designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation:

- California red-legged frog (*Rana draytonii*) - threatened; project site is not within designated critical habitat;
- San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) – endangered; no critical habitat designation;
- Ridgway's rail (formerly known as the California clapper rail) (*Rallus longirostris obsoletus*) – endangered; no critical habitat designation;

- Salt marsh harvest mouse (*Reithrodontomys raviventris*) – endangered; no critical habitat designation;
- California seablite (*Suaeda californica*) – endangered; no critical habitat designation;
- Showy rancheria clover (*Trifolium amoenum*) – endangered; no critical habitat designation.

To address project related impacts to these species and designated critical habitat, USACE will initiate the appropriate level of consultation with USFWS, pursuant to Section 7(a) of the ESA. Any required consultations must be concluded prior to the issuance of a Department of the Army Permit for the project.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the NMFS on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE has made a *preliminary* determination that EFH is not present at the project location, and that consultation will not be required. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by NMFS. Any required MSFCMA consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRSA of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the

activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. The applicant has conducted a review of latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and the *Initial Cultural Resources Investigation, San Francisquito Creek Flood Damage Reduction and Ecosystem Restoration Project, Santa Clara and San Mateo Counties, California* (Cultural Resources Report), dated March 2011 and prepared by Far Western Anthropological Research Group, Inc. for the adjacent JPA flood reduction project, to determine the presence or absence of historic and archaeological resources within the permit area. The Cultural Resources Report for the adjacent flood reduction project, and the *Draft Environmental Impact Report for the Palo Alto Golf Course Reconfiguration Project and Baylands Athletic Center Expansion Project* (June 2013, State Clearinghouse #2013012053) indicate the Golf Course project has a moderate potential to contain buried prehistoric sites. The likelihood of encountering buried cultural resources during construction is reduced due to the fact that the project site was covered with a layer of artificial fill deposits during original development of the Golf Course in the 1950s. Based on this review, USACE has made a *preliminary* determination that historic or archaeological resources may be present in the permit area, and that such resources may be adversely affected by the project. To address project related impacts to historic or archaeological resources, USACE may determine that initiation of consultation with the State Historic

Preservation Officer or the Tribal Historic Preservation Officer, pursuant to Section 106 of the Act, is warranted. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and Native American Nations or tribal governments.

5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES: Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is not dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a practicable alternative to the project that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The applicant has been notified they will need to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

6. PUBLIC INTEREST EVALUATION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both

protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Lisa Mangione, San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/Missions/Regulatory>.