



US Army Corps
of Engineers.

SAN FRANCISCO DISTRICT

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Regulatory Branch

333 Market Street

San Francisco, CA 94105-2197

PERMIT MANAGER: John Knudsen Phone: 415-977-8437/E-mail: jknudsen@spd.usace.army.mil

1. **INTRODUCTION:** Mission Valley Properties, 5000 Hopyard Road, Suite 170, Pleasanton, California, 94588, [Contact: Laurence Stromberg, Ph.D., 415-721-0700], has applied for a Department of the Army permit to place fill into 1.123 acres of jurisdictional waters of the United States (seasonal wetlands and drainage ditches) for the purpose of constructing the Toscana residential housing project. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROPOSED PROJECT:

a. **Project Site** – The Toscana residential housing project site is located in southwestern Santa Rosa, Sonoma County, California at Assessor Parcel Numbers 035-181-007, 035-201-006,-011, -012, -014, -016, -029, -030, -037, -038, -040, -041, -045, -046, -047, and 035-211-01. The site consists of several parcels totaling approximately 60-acres in size. The parcels are located between Ludwig and Pyle Avenues on the eastern side of South Wright Road (Figures 1 and 2). The site is zoned rural residential with landowners (or tenants) living on each parcel. Lawns and ornamental vegetation surround the residences on the parcels. Various outbuildings, corrals, pens, and fenced pastures are found on the site. The lands surrounding the site are also rural residential or agricultural. The parcels are utilized to produce oats, pasture horses, or graze sheep.

The site supports a non-native annual grassland-seasonal wetland mosaic and slopes gradually to the south-southwest toward the Laguna de Santa Rosa. The original wetlands on the site have been disturbed or are artificial because of land leveling, ditch excavation, and past agricultural practices. Trees and other ornamental vegetation have been

planted on the parcels.

b. **Project Description** – The proposed Toscana project would construct a low-density residential community with detached single-family dwellings (Figure 6). Project drawings, shown in Figures 7 through 12, present a more detailed view of the project subunits and the impact their construction would have on wetland features found on the site. The number, size and shape of the lots shown on the project drawings reflect a variety of configurations that would satisfy the City of Santa Rosa's requirements for house and garage setbacks from sidewalks, rear yard depths, and the type of vehicular access to be provided. The smallest lots would range in size from 3,100 to 4,850 square feet. The largest lots would exceed 7,000 square feet in size.

Storm water runoff from the development would be discharged into the Roseland Flood Control Channel. A storm water drain would be constructed in a 25-foot wide easement corridor across the Roberts property south of Ludwig Avenue at Assessors Parcel Number 035-241-24 (Figure 4).

c. **Purpose and Need** – The purpose of the Toscana project is to construct market-rate housing units and related community facilities consistent with the City of Santa Rosa's General Plan. Construction of the project would also generate a profit for the parcel owners and project developers. The City of Santa Rosa has designated its "Southwest Area" as a region for low-density residential development. These lands are intended to meet a portion of the projected housing needs of Santa Rosa through the year 2010. Approximately 60 percent of the remaining potential residential development opportunities in Santa Rosa are found in the "Southwest Area."

d. **Mitigation** – The loss of jurisdictional wetland habitat to construct the Toscana project would total 1.123 acres. The applicant proposes to mitigate for the loss of this habitat by purchasing credits at the ratios established as a result of the programmatic consultation completed between the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers titled “Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects that May Affect Four Endangered Plant Species on the Santa Rosa Plain, California” dated July 17, 1998. Because the project would impact colonies of Sebastopol meadowfoam (*Limnanthes vinculans*), an endangered plant species, the applicant would purchase preservation credits equivalent to 2.246 acres. Restoration/construction credits equivalent to 1.123 acres would also be purchased. The credits would be purchased at the Southwest Santa Rosa Wetlands Mitigation Bank.

3. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant shall provide the Corps with evidence that a valid request for State water quality certification has been submitted to the North Coast Regional Water Quality Control Board (RWQCB). No Corps permit will be granted until the applicant obtains the required certification.

Those parties concerned with any water quality issues associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, by the close of the comment period of this public notice.

4. PRELIMINARY ENVIRONMENTAL ASSESSMENT: The Corps has assessed the environmental impacts of the action proposed in subject permit application in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to the Council on Environmental Quality’s Regulations 40 CFR 1500-1508, and Corps of Engineers Regulations, 33 CFR 230 and 325. Unless otherwise stated, the Preliminary Environmental Assessment presented herein describes only the impacts (direct,

indirect and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. Supporting data used in the preparation of this Preliminary Environmental Assessment are on file at the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California, 94105.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) Physical/Chemical Characteristics And Anticipated Changes

Substrate: Jurisdictional waters of the United States totaling 1.123 acres on the Toscana project site and the Roberts parcel south of Ludwig Avenue would be permanently filled to construct the project. Approximately 900 cubic yards of clean material from both on- and off-site sources would be used to fill these waters. An additional unknown number of cubic yards of clean gravel material will be imported for roadways and to line trenches excavated for on-site utilities. All materials would be compacted as necessary to support building pads and paved surfaces.

Aquifer/Ground Water Recharge: The soils and subsurface hardpan on the Toscana project site are relatively impermeable to water and serve to hydrologically isolate the surface soils from the regional groundwater table. Construction of the project would have minimal effect on ground water recharge.

Drainage Patterns: Prior to rural development, regional drainage patterns were generally from the northeast to the southwest or north to south, with a series of swales meandering across the site conducting water to creeks to the southwest. Today, drainage patterns have been interrupted and modified by decades of agricultural and rural residential land use. As development proceeded, parcels were leveled, wet areas were filled, and roads constructed. These activities, and construction of the now abandoned Santa Rosa Air Center to the east and northeast, disrupted site drainage. Excavated ditches on the site now carry storm water along fence lines and across the parcels

to Ludwig Avenue and South Wright Road.

Flood Control Function of Impacted Wetlands: The seasonal wetlands on the Toscana project site are small and shallow and have no significant storm water storage capacity or flood desynchronization function. The project site is not in the floodplain of nearby creeks. The effect of the project on flood control function is considered to be long term, adverse, and minor.

Water Supply (Natural): No effect.

Water Quality: Best management practices for the prevention of erosion and the control of loose soil and sediment would be employed during construction to ensure that the movement of unwanted material into off-site waters of the United States does not occur. The effect of the project on water quality is considered to be short term, adverse, and minor.

(2) Biological Characteristics And Anticipated Changes

Wetlands (Special Aquatic Site):

Seasonal Wetlands (Special Aquatic Site): Jurisdictional waters of the United States on the Toscana site consist of seasonal wetlands, including relict vernal pools, and drainage ditches (Figure 3). The total area of habitat that would be filled to construct the project totals 1.123 acres (including 0.069 acre within the drainage easement on the Roberts property). The seasonal wetlands on the Roberts property that would be impacted to construct the storm water drain are shown in Figure 4.

Vernal pools still extant are shallower topographically than those present historically on the site. Dominant plant species found during plant surveys included ryegrass (*Lolium* spp), popcorn flower (*Plagiobothrys stipitatus*), toad rush (*Juncus bufonius*), purple loosestrife (*Lythrum hyssopifolium*), and smooth goldfields (*Lasthenia glaberrima*). Subdominant plant species included mediterranean barley (*Hordeum marinum ssp gussoneanum*), brome fescue (*Vulpia bromoides*), and curly dock (*Rumex crispus*).

Seasonal wetlands on the site are shallow and occur in microtopographical depressions. Ponding occurs only in the deepest areas (0.3 to 0.5 feet deep). Some appear to have formed in areas that were once upland habitat. Dominant plant species found in the seasonal wetlands include ryegrass (*Lolium* spp) and mediterranean barley (*Hordeum marinum ssp gussoneanum*). Subdominant plant species found include rabbit-foot grass (*Polypogon monspeliensis*), semaphore grass (*Pleuropogon californicus*), and pennyroyal (*Mentha pulegium*).

Ditches on the site were constructed to drain pastures and are, in most instances, only a few feet deep and wide. A larger ditch that traverses the eastern corner of the site provides aquatic habitat for many months each year during the wet season.

Special Status Animal and Plant Species:

Animal Species: The applicant states that surveys for invertebrate or amphibian animal species have not been conducted recently on the Toscana project site. Listed invertebrate species are not known to occur on the Santa Rosa Plain. The California tiger salamander (*Ambystoma tigrinum californiense*), a category-one candidate for listing by the U.S. Fish and Wildlife Service, was observed in 1993 in deeper vernal pools on nearby parcels not included in the Toscana project.

Plant Species: Surveys for special status plant species were first conducted on the site in 1992. Additional surveys were conducted in the years of 1994, 1995, and 1998. Several colonies of Sebastopol meadowfoam (*Limnanthes vinculans*) were found on the Toscana site. The locations where Sebastopol meadowfoam colonies have been observed are shown in Figure 5. The colonies are identified as LV1 through LV5 on the drawing. Populations of plants observed on the site has varied from approximately 5000 plants in 1992 to approximately 400 in 1998. Other endangered plant species found on the Santa Rosa Plain were not found during the above surveys. Construction of the project would impact three of the five colonies of Sebastopol meadowfoam on the site (LV1, LV2, and LV5 in Figure 5).

Because of the historical and presumed continuing

presence of Sebastopol meadowfoam on the site, the Corps of Engineers will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act concerning the possible adverse impacts that project construction would have on the endangered plant species.

Habitat for Fish, Other Aquatic Organisms and Wildlife: The seasonal wetlands on the Toscana project site are dry during the summer season and are not inundated for periods long enough during the wet season to support aquatic vertebrate organisms. It is probable, however, that both the wetlands and the drainage ditches on the site support invertebrate organisms.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) Physical Characteristics And Anticipated Changes

Air Quality: Project construction will have minor, short-term impacts on air quality in the vicinity of the project site. Based on the relative minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions will not exceed the *de minimus* threshold levels of 40 CFR 93.153. Therefore, the proposed project will conform to the State Air Quality Implementation Plan (SIP) for the State of California.

Noise Conditions: Short-term, adverse impacts to ambient noise levels can be expected during project construction due to equipment operation. Long-term adverse impacts to ambient noise levels can be expected from increased traffic on roadways in and near the residential subdivision. Residents of the subdivision will also contribute to the increase in regional ambient noise levels.

(2) Socioeconomic Characteristics And Anticipated Changes

Aesthetic Quality: The immediate region where construction of the Toscana project would

occur is characterized by rural residential development and agricultural lands. The subdivision would be visually incompatible with the existing views along Ludwig Avenue and South Wright Road. The impact of project construction on regional aesthetic quality would be long term, adverse, and minor.

Agricultural Activity: Construction of the Toscana project would preclude future agricultural activities on the site.

Economics: The parcel owners and the homebuilders will benefit financially from construction of the Toscana project. Project development would also generate monetary benefits for the City of Santa Rosa and Sonoma County in the form of increased property tax and permit revenues.

Employment: Construction of the Toscana project would provide employment opportunities for the regional building industry during the construction phase of the project. Post-construction, the project would indirectly contribute to employment in the region by increasing the housing stock.

Energy: The Toscana project would not impact regional energy production. The subdivision will, however, increase regional energy consumption.

Mineral Resources: No effect.

Population/Growth Inducement The Toscana project would not result in unplanned development in the region. Regional growth considerations have been incorporated in the City of Santa Rosa General Plan. Construction of the housing units on the site will, however, result in a population increase in Sonoma County because of the increase in regional housing stock.

Public Health and Safety Issues: No public health or safety issues have been associated with construction of the Toscana project. The resulting increases in vehicular traffic on Ludwig Avenue and other roadways and streets in the region could generate automobile and bicycle safety concerns. The effect of the project on public safety issues is

considered long term, adverse, and moderate.

Recreational Fishing: No effect.

Recreational Opportunities: No effect.

Traffic/Transportation Issues: The additional population resulting from construction of the Toscana project would place additional burdens on the public transportation resources in Sonoma County. The effect of the project on traffic/transportation issues is considered long term, adverse, and moderate.

(3) **Historic-Cultural Characteristics and Anticipated Changes**

Historic-Cultural Characteristics: No historic or cultural resources are known to occur on the Toscana site. Standard construction-related measures to preserve cultural resources would be followed if buried materials are exposed during construction. All contractors and subcontractors will be informed in writing of the potential for unearthing culturally significant resources. If artifacts are found during construction, work in that area will cease until an archaeologist can investigate the artifacts and assess their archeological value.

If cultural resources listed, or eligible for listing, on the National Register of Historic Places are identified during construction activities, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

c. **SUMMARY OF INDIRECT IMPACTS**

Filling seasonal wetlands to construct the Toscana project would indirectly impact wetlands on properties immediately to the north and northeast. Hydrologic connections exist between the wetlands to be filled and the off-site wetlands.

d. **SUMMARY OF CUMULATIVE IMPACTS**

The loss of seasonal wetlands to construct the Toscana project would continue the pattern of wetland loss in the Santa Rosa region. Several construction projects have recently been authorized

which will result in regional wetland loss. The wetland fill required to construct the residential subdivision would, therefore, contribute to the long term adverse cumulative impacts to the aquatic ecosystem in Sonoma County, California.

e. **CONCLUSION AND RECOMMENDATIONS**

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has, however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

5. EVALUATION OF ALTERNATIVES: Evaluation of the project impacts includes application of 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 under the 404(b)(1) Guidelines indicates that the project is not water dependent. The applicant, however, has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The applicant states that there are no practicable alternatives for his project. The Analysis of Alternatives is available for review in our office.

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use. Evaluation of the probable impacts the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonable foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered

including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

jknudsen@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.

7. CONSIDERATION OF COMMENTS: The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this proposed project. Any comments received by the Corps will be considered by the Corps of Engineers 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.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be addressed to Regulatory Branch, Attn: John Knudsen. It is Corps policy to forward any such comments which may include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting John Knudsen of our office at telephone number 415-977-8437, or by email at