



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 21147N DATE: April 24, 2002

RESPONSE REQUIRED BY: May 24, 2002

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PROJECT MANAGER: Philip Shannin Phone: (415) 977-8445/E-mail: pshannin@spd.usace.army.mil

1. INTRODUCTION: Mr. Charlie Traboulsi of TDG Engineers, 3289 Regional Parkway, Santa Rosa, CA 95403 [Contact: Charles A. Patterson, Wetlands Consultant, 415-721-0700], has applied for a Department of the Army permit to place fill into 0.62 acre of jurisdictional seasonal wetlands, as verified by the Corps of Engineers. The project is located at 3011 Dutton Meadow Drive, Santa Rosa, Sonoma County, California (APN 043-12-107). This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROJECT DESCRIPTION: As shown in the attached drawings, the applicant plans to construct the Colgan Village subdivision, at the corner of Bellevue Avenue and Dutton Meadow Drive (Figures 1 and 2) in southwest Santa Rosa. The 5.3 acre subdivision will contain 54 residential lots (Figure 5). This site is part of the development area designated by Santa Rosa in their Southwest Area Plan.

a. Project Site: This site is almost level with a very slight slope to the west and contains several very shallow, seasonally saturated wetlands, set within a largely non-native annual grassland (Figure 4). These wetlands are hydrologically connected to a ditch along the western edge of the property, which conveys water down to the Colgan Creek Flood Control Channel. Several years of spring botanical surveys, performed in accordance with United States Fish and Wildlife protocols, have revealed that this site does not appear to support state or federally listed endangered plant species. However, some of the

wetlands do contain plant species, , often associated with vernal pools, such as the common downingia (*Downingia concolor*), popcornflowers (*Plagiobothrys spp*), and Lobb's aquatic buttercup (*Ranunculus lobii*).

The site has been grazed by livestock for many years and has been used for rural residential and agricultural purposes in the past. Minor historic fill has taken place on both the western and eastern edges of the properties, which is estimated to have occurred at least ten years ago. The site has also been extensively disced as part of the ongoing agricultural operation.

b. Purpose and Need: The City of Santa Rosa has designated the Southwest Area for residential development. This land use is intended to meet a portion of the projected housing needs of the City through 2010. Approximately 60 percent of the remaining residential development opportunities (potential) in the City of Santa Rosa reside in the Southwest Area. The City identified projects in the Southwest Area Plan that would have to be developed, for the City to meet its housing needs, while adhering to its Growth Management Ordinance. This site is one of the projects included in the list.

c. Mitigation – Mitigation for the loss of the 0.62 acre wetlands is proposed at the ratios established in the programmatic consultation recently completed between the U. S. Fish and Wildlife Service and the U. S. Army Corps of Engineers. Mitigation combines preservation at a ratio of 1:1 with

restoration and/or construction at a ratio of 1:1 or 1.5:1, the latter if the mitigation wetlands have not been observed over at least one winter to show adequate hydrologic function. Both preservation and restoration/construction mitigation will also take place in the same zone as the project impacts.

The applicant has stated that they intend to purchase the 0.62 acre wetland construction credits and .62 acre of preservation credits at the Hale Mitigation Bank, which is currently pending Corps final approval.

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 or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

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

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the comment period,

the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE Regulation Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts, that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the 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.

Endangered Species: California freshwater shrimp (*Syncaris pacifica*) may occur on the Santa Rosa plain in sandy and gravelly reaches of streams, typically inhabiting pools found below undercut banks and exposed tree roots. No creek habitat occurs on the project site and, therefore, no suitable habitat is present for this species.

Five years of surveys have been conducted for all endangered plant species that could possibly be on the project site. These species are the Sonoma sunshine (*Blechnosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*), and Burke's goldfields (*Lasthenia burkei*). The surveys were conducted within the "window" during which virtually all target species were either in flower or readily identifiable. The methods used were consistent with United States Fish and Wildlife Service protocols and California Department of Fish and Game guidelines, for assessing the effects of proposed development projects on rare and endangered plants and plant communities. No species listed as threatened or endangered by the federal government were observed in the surveys conducted to date.

Historic and Cultural Characteristics:

Archaeological resource surveys were conducted in support of the EIR prepared by the City of Santa Rosa for the Southwest Area, of which the project site is a part. No evidence of prehistoric, archaeological, or cultural resources was observed.

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

5. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) 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/wetland dependent. However, the applicant 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 on the public interest. Evaluation of the probable impacts, which 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 reasonably 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 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: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received 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 the 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 sent to the

Regulatory Branch. It is Corps policy to forward any such comments, which 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 Philip Shannin of our office at telephone 415-977-8445 or E-mail: pshannin@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.