



SAN FRANCISCO DISTRICT

US Army Corps
of Engineers.

PUBLIC NOTICE

NUMBER: 22841N

DATE: January 21, 2000

RESPONSE REQUIRED BY: February 20, 2000

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Brian Wirtz TELEPHONE: (415) 977-8438 Email: Bwirtz@spd.usace.army.mil

1. Introduction: Sears Point Raceway, through their agent Charlie Patterson (1806 Ivanhoe, Lafayette, CA 94549, 925-938-5263), has applied to the U.S. Army Corps of Engineers (USACE) for a permit to permanently fill 10.65 acres of wetland, ponds, and other waters of the United States to modernize and upgrade the Sears Point Raceway south of Sonoma, Sonoma County, California (Figures 1 & 2). 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 modernize and upgrade the raceway. The vast majority of the work will be conducted within the existing footprint of the current facility's footprint. Following are specific activities associated with the project:

- The existing shop facilities are quite old and need upgrading to be able to address modern racing needs and increasingly complex onsite operations. Approximately 0.21 acre of intermittent channel and 0.31 acre of seasonal wetland will be filled by these activities.

- Portions of the racetrack will be modified to have adequate 'runoff' space (i.e. relatively level areas for spinouts or overshooting particular turns) in certain locations.

- Basic spectator amenities which are expected with any kind of large-scale racing event will be provided, including construction of new fixed grandstands for viewing. The fixed grandstands will be shielded from view from Highway 121 by creation of a large earthen berm. These activities, coupled with the increase in track runoff space, will require filling 2.37 acres of wetland, 0.07 acre of seasonal channel and 7.45 acre of open water (man-made ponds).

- A conversion from portable toilets to state-of-the-art facilities and an upgrading of the waste treatment facility to handle the increased waste generated by the new restroom facilities will be part of the project.

- Traffic flow will be upgraded in the area by increasing onsite queuing, which will reduce congestion on local roads. In addition, an additional access point will be

guaranteed to the west from the Lakeville Highway, spreading out congestion, and a pedestrian walkway will be constructed over Highway 121 from a temporary parking area to the east of the raceway. Approximately 0.04 acre of seasonal channel and 0.14 acre of seasonal wetland fill will be filled by these activities.

Purpose and Need: The applicant states that the purpose of this project is to upgrade and modernize the existing Sears Point Raceway facilities in order to maintain a viable racing operation (as well as the numerous ancillary businesses that support it). The original raceway facilities were constructed in the early 1960's and have never been upgraded. Following are specific needs for the project:

- Increasing racer safety by creating adequate 'runoff' space in certain turns;
- Modernizing shop facilities to accommodate current racing needs;
- Improving visitor amenities, including spectator viewing areas and toilet facilities; and
- Improving traffic flow to alleviate highway congestion during large spectator events.

Proposed Mitigation: The applicant proposes to mitigate the loss of 7.45 acre of open water (man-made ponds), 0.32 acre of intermittent and ephemeral channel, and 2.82 acres of wetlands onsite. Specifically, the applicant proposes creation and preservation of 20.09 acres of wetlands, channels, and ponds in an area which will have a permanent conservation easement to protect the resources in perpetuity (See Figures 8 through 11). The applicant has avoided over 93% of the project area's jurisdictional areas during the planning process.

The proposed mitigation would create: 3.2 acres of shallow (seasonally) ponded habitats suitable for the establishment of native and naturalized wetland vegetation; 7.0 acres of new, more persistently ponded habitat; management of the mitigation area for endangered species; planting of approximately 5,000 feet of eroded ravines and newly created pond shorelines with native riparian species, and; reduction and/or elimination of grazing in significant

portions of the overall project area.

The mitigation will result in habitats which are very similar to those lost, but will include a slightly greater diversity of habitats and species, from seasonal saturation and shallow ponding of differing depths, to medium-depth ponds with extensive emergent vegetation.

The complete mitigation plan is available for review at our office.

3. State Approvals: State water quality certification or waiver is a prerequisite for the issuance of a USACE 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 (33 U.S.C. 1341). The applicant is preparing a State water quality certification for submittal to the Bay Area Regional Water Quality Control Board (State). No USACE permit will be granted until the applicant obtains the required certification or waiver. A waiver should be explicit or it may be presumed if the State fails or refuses to act on a valid request for certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is reasonable for the State to act. Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 2101 Webster Street, Suite 500, Oakland, California 94612, by the close of the comment period.

The project is not subject to the jurisdictional purview of the San Francisco Bay Conservation and Development Commission or the California Coastal Commission.

4. Environmental Effects: The USACE has assessed the environmental effects of the action proposed 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 Regulations at 33 CFR 230 and 325. Unless otherwise stated, this preliminary assessment of environmental effects describes only the direct, indirect, and cumulative effects which would result from regulated activities within the jurisdiction of the USACE.

The Preliminary Environmental Assessment resulted in the following findings:

Effects on the Physical Environment:

a. Substrate: The proposed project would result in the

placement of fill in 10.65 acres subject to USACE jurisdiction. Of that acreage, 0.38 acre of intermittent and ephemeral channel and 7.45 acres of open water (man-made pond) will be filled.

The intermittent channels are incised and unstable, with high sediment loads. Patches of riparian vegetation (small pockets of willows in creek beds) are scattered along the channels, but are sparse.

The two ponds proposed to be filled are located in the northern portion of the project area (see Figure 4). The largest of the two ponds will be fully filled. This pond provides habitat for waterfowl. The wetland fringe around the ponds (0.5 acre) is dominated by mint, annual bluegrass, ryegrass, and dock.

The smaller pond will only partially be filled, and every effort was made to avoid fill in this pond, because of a small population of breeding California Red-legged frog, a federally-listed endangered species (See **Section g. Endangered Species, in Effects to the Biological Environment**, below).

The seasonal wetlands which will be filled are dominated by rushes, sedges, velvet grass, and ryegrass. In small isolated areas, cattails and bulrushes are also found.

Short-term effects on the channel substrate are determined to be negative in nature, but with proper mitigation (described above), this impact will be lessened.

No negative long-term effects have been identified, assuming that proposed mitigation is successfully completed.

b. Erosion and Sedimentation: Earth movement during construction of the project will increase potential erosion. Overall project effects on erosion and sedimentation are expected to be adverse, short-term in nature, and minor to moderate in magnitude. The potential for these effects will occur until the project is complete and vegetation is established on disturbed areas.

c. Water Quality: Water quality may be impacted from the filling activity. Effects may include increased sedimentation and would be short-term in nature, minor in magnitude, and will occur until revegetation is complete.

d. Air Quality: Based on the size of the proposed project and limited to an evaluation of air quality effects

only within USACE jurisdictional areas, the total direct and non-direct project emissions would not exceed the de minimis threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the State Air Quality Implementation Plan (SIP) for California. The project effects on air quality would be short-term in nature and minor in magnitude.

e. Noise Conditions: Construction activities related to the project would involve the use of heavy equipment and would increase activity in these areas. Adverse effects from noise due to construction activities would be short-term in nature, and minor in magnitude.

Operation of a racing facility is at times inherently noisy. Because the raceway has been in existence for several decades, and the proposal would not substantially change the level of activity in the area, noise is considered a minor issue. Sonoma County is requiring that the proposed grandstand seating be constructed behind an earthen berm in order to further reduce the visual impact of the seating area from Highway 121. This will also help to contain noise.

Overall, a minor increase in ambient noise levels is expected in the area at times over existing conditions, but this increase is expected to be minor in magnitude.

Effects to the Biological Environment:

a. Wetlands (Special Aquatic Site): Approximately 2.82 acres of seasonal wetlands will be filled by the proposed activity. The majority of the wetlands to be filled are of marginal quality and are impacted as this area is used for parking for large events at the raceway. These wetlands are dominated by seasonal grasses, and provide minimal habitat for wildlife.

The applicant proposes to mitigate for this loss by creating 3.2 acre of seasonally ponded wetland in the mitigation area, which will be protected by a conservation easement.

The project will avoid 3.51 acres (or 73%) of the project area's total seasonal wetlands. Also avoided will be a 0.75 acre vernal pool in the primary mitigation area and 6.51 acres of perennial hillside seeps. It should be noted that the wetlands which will be avoided have superior resource values than the wetlands to be filled.

Adverse effects to wetlands are short-term and minor in magnitude. Because of the marginal nature of the wetlands

to be filled and the expected quality and protection of the wetlands to be created, long-term effects to wetland resources as a result of the project are determined to be beneficial in nature, and minor in magnitude.

b. Riparian Vegetation: The project will avoid 1.77 acres (63% of the project area's total) of willow thickets and similar woody riparian vegetation in creek beds and ravines. The main area of riparian growth that will be lost (approximately 1.02 acre) is the fringe of willows around the larger man-made pond.

The project will replace this riparian vegetation with approximately 1.5 acres of new willow thicket and related riparian habitats. This will be made as plantings around the periphery of MP3 (mitigation pond 3- see Figure 9) and along approximately 1800 feet of bare eroded channel banks in the primary mitigation area.

Short-term impacts to riparian vegetation is negative in nature, but minor in magnitude, and will occur until mitigation is successful. Overall effects to riparian vegetation as a result of this project are beneficial in nature, but minor in magnitude.

c. Endangered Species: The project is within the range of the federally-endangered California red legged frog (*Rana aurora draytonii*), and a small breeding population has been found in one of the ponds proposed to be filled.

Details of monitoring of frog habitats, movement routes, predator control, remedial actions and long-term management are discussed in the Red-legged Frog Baseline Report and Mitigation Plan, which was included with the application. Formal consultation with the U.S. Fish and Wildlife Service regarding the project's impacts to the frog has commenced. As a result of the consultation, the applicant will need to mitigate for the disturbance to frog habitat. This will occur in conjunction with the proposed wetland mitigation described above.

Should new information demonstrate other endangered species are present on the project site, USACE will consult with U.S. Fish and Wildlife Service as required by Section 7 of the Endangered Species Act.

Effects To The Social And Economic Environment:

a. Aesthetic Quality: The area proposed for this project is currently operated as a racing facility. This proposal would continue the existing use, and expand the footprint

slightly. A new proposed grandstand area would be shielded from Highway 121 by a large earthen berm. The proposed pedestrian walkway over Highway 121 would be the most obvious new feature visible by anyone driving by the raceway on any of the existing highways in the area.

Adverse effects to aesthetic quality as a result of this project are long-term in nature, and minor in magnitude.

b. Recreational Opportunities: The primary purpose of the raceway is to generate spectator viewing of motor vehicle racing. This project has been designed to enhance the experience for spectators, as well as improve the safety for racers and modernize facilities. Effects to recreation are considered beneficial and long-term in nature, and moderate in magnitude.

c. Public Health and Safety: Under peak attendance conditions, all surrounding highways can become very heavily congested, creating problems not only for the raceway in accommodating the fans in a timely manner, but more importantly, in creating horrendous traffic jams for all regional residents who wish to use these roads. The master plan will help to alleviate these concerns by allowing for greater queuing onsite and by providing a permanent access point to the west from the Lakeville Highway (see figure 2).

A field east of Highway 121 is used for parking for large events at the raceway and pedestrians have to walk across the open highway, a hazardous undertaking. This proposal will include the construction of a pedestrian walkway over Highway 121, alleviating this safety issue.

d. Economics and Employment: Construction activities will provide for a minor, short-term increase in employment, which will cease upon project completion. Implementation of the proposal will allow the raceway to continue to operate at increased levels.

Effects to the Historic and Cultural Environment:

a. Archaeological Resources: The presence of historic or cultural resources within the project area was evaluated by the applicant. No cultural resources were found within areas subject to jurisdiction by the USACE. If cultural resources listed or eligible for listing on the National Register of Historic Places are identified during construction activities, the USACE will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

Summary of Cumulative Effects:

Cumulative impact is defined at 40 CFR 1508.7 as, in part, "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions."

Proposed activities would result in a slight increase in the size of the 'footprint' of the racing facility, and a slight increase in traffic may be expected on the roads resulting from increased patronage of the facility. Measures identified above will be taken to not only mitigate for these slight increases, but to alleviate existing problems.

The nature and level of activity in the area will be essentially the same. The surrounding land use is predominantly agricultural in nature, with grazing and vineyards being the dominant activities in the area. No other related or similar actions are proposed or known to exist in the area.

The proposed action would not result in a net loss of acreage of waters of the United States, because of the proposed mitigation, and no cumulative effects have been identified. This analysis presumes successful implementation of the mitigation plan, with full mitigation acreage created.

Conclusions and Recommendations:

Based on an analysis of the above identified effects, 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. Alternatives Analysis: Projects involving fill discharged 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 that there is a practicable alternative to the project which would

have less adverse effect to the aquatic ecosystem.

As operation of this motor vehicle racing facility is not considered to be water dependent, the applicant must provide documentation that the project, as proposed is the least environmentally damaging, practicable alternative.

The applicant has submitted an analysis of alternatives for the project to facilitate a compliance determination of the guidelines. A range of off-site alternatives were considered, as well as alternatives which would meet the purpose of the project with no or minimal effects of the jurisdictional waters of the United States.

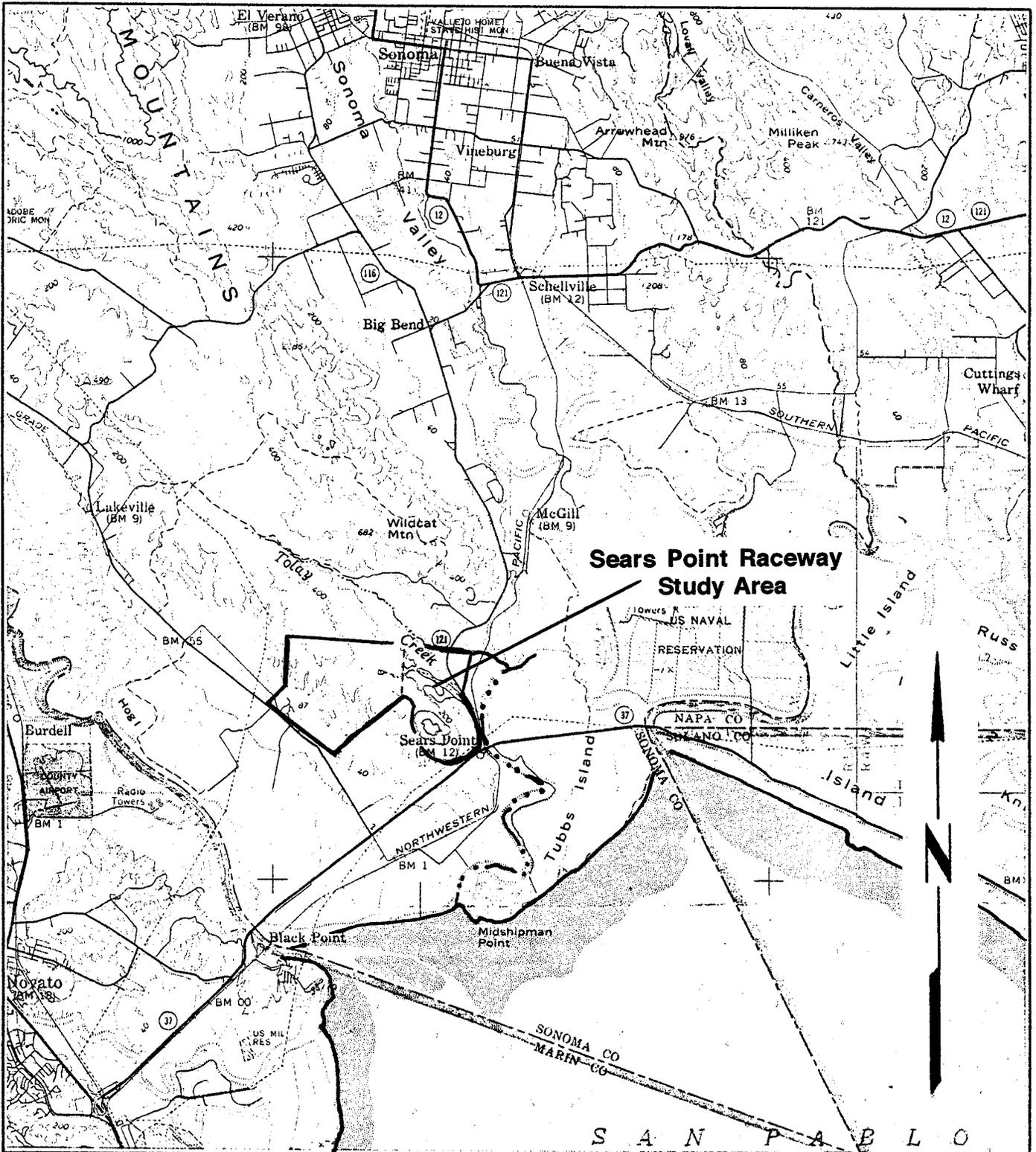
No off-site alternatives were identified through this process, and creation of a new racing facility from undeveloped land is not considered feasible by the applicant from an economic standpoint. Construction of a new facility on previously undeveloped land would have a greater negative impact on the environment.

6. Public Interest Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable effects, including cumulative effects, of the proposed activity and its intended use on the public interest. Evaluation of the probable effects which the proposed activity may have on the public interest requires a careful weighing of all those factors that 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 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. Those factors 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: The USACE 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 effects of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess effects on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. To make this decision, comments are used to assess effect on endangered species, historic properties, water quality, and the other environmental factors which are addressed in a final Environmental Assessment and/or an Environmental Effect 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.

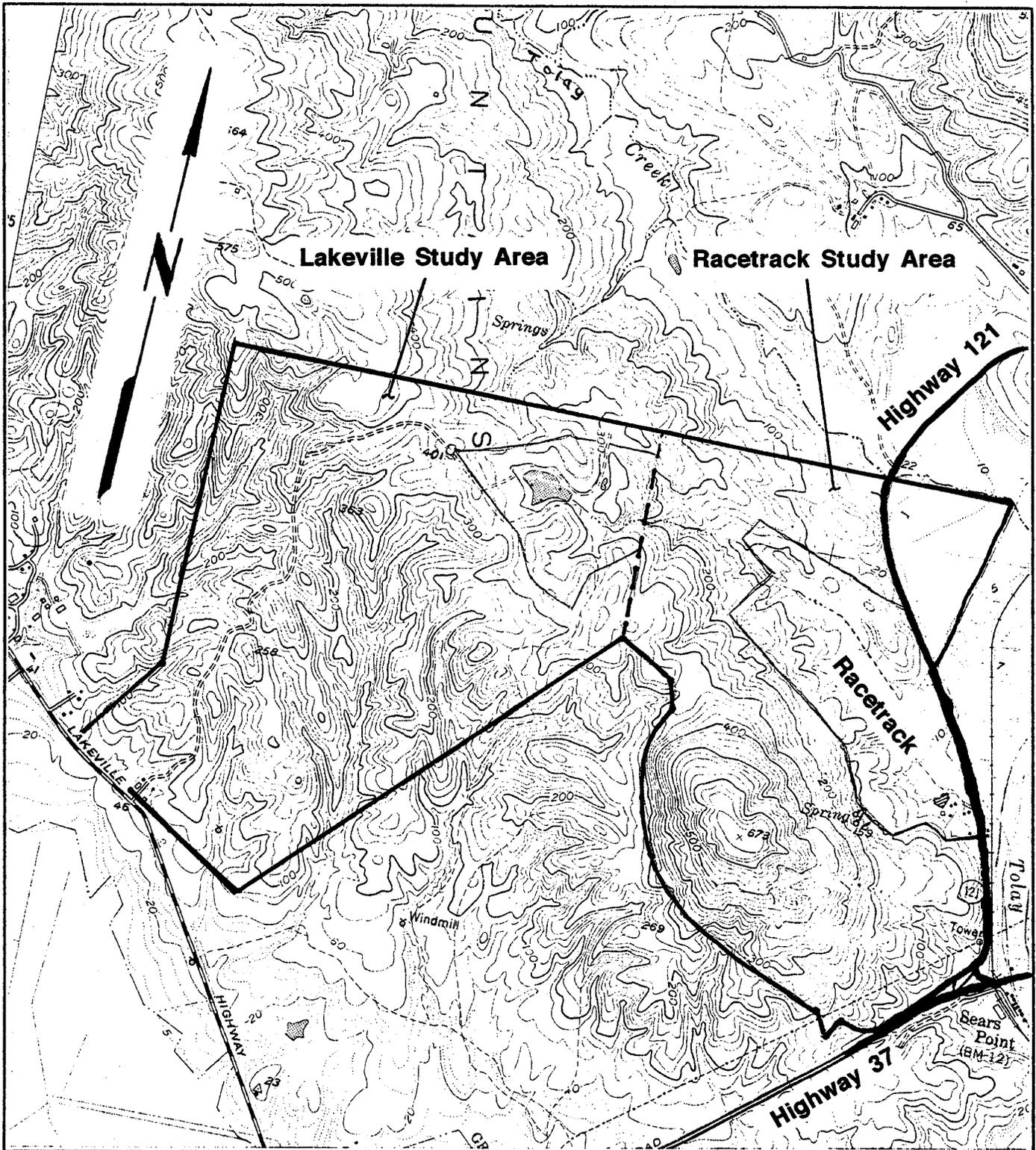
8. Submitting Comments: During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and public notice number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the application; such requests shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to the applicant for resolution or rebuttal. Details on any changes of a minor nature which are made in the final permit action will be provided on request. Other information may be obtained from the applicant or by contacting Mr. Brian Wirtz of our office at telephone 415-977-8438 or by email at Bwirtz@smtp.spd.usace.army.mil



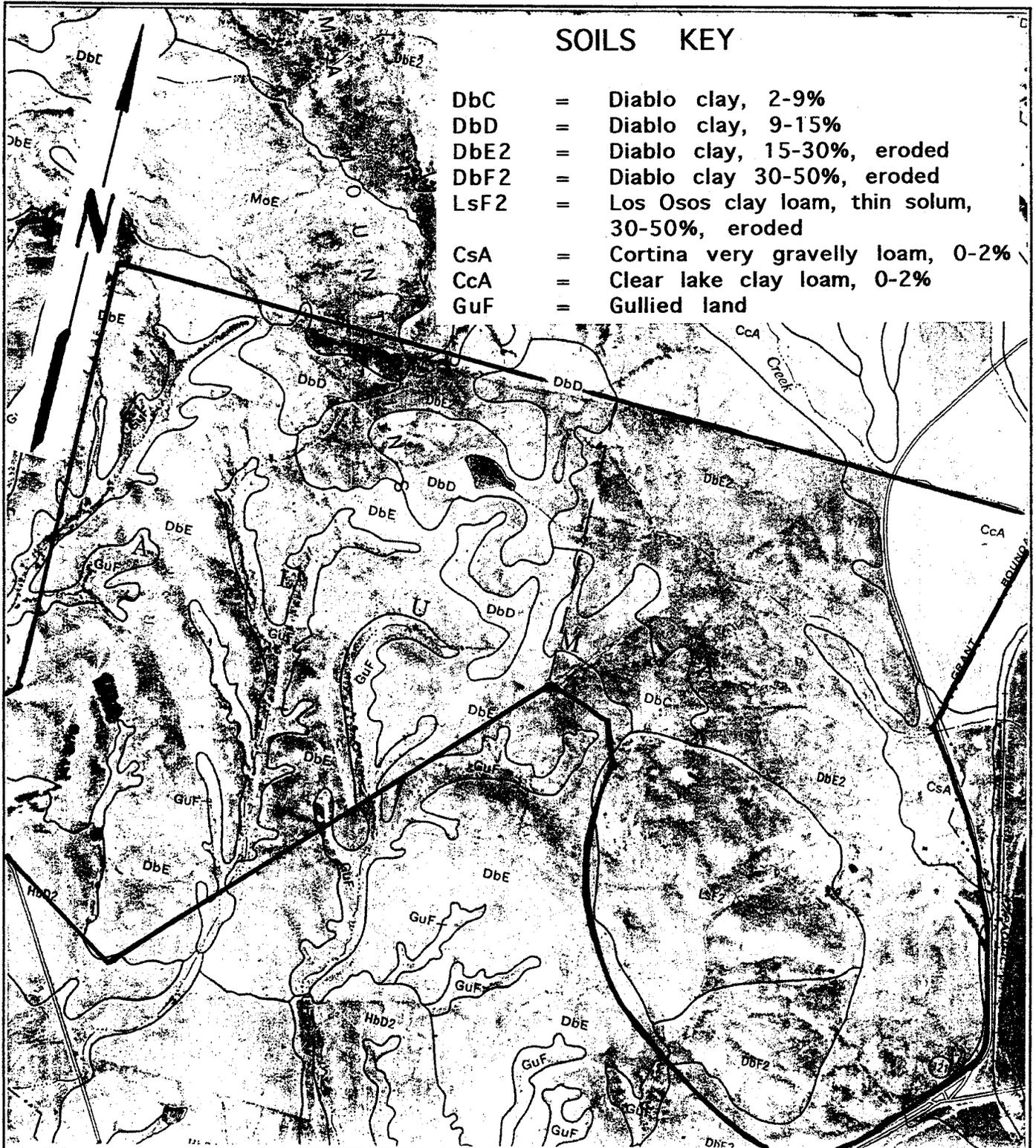
Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
Datum: NGVD
Adjacent landowners: available upon request

Regional Location Map
 Basemap: U.S.G.S. 1:125,000 topo map ('Bay Area' set, sheet 2 of 3)
 Scale: 1" = 2 miles
 Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

In: Isolated wetlands, ravines, & ponds tributary to Tolley Creek
 At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA
 Figure 1 of 11 3/12/99



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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization Datum: NGVD Adjacent landowners: available upon request | Project Setting | | In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA |
| | Basemap: U.S.G.S. 7.5' Sears Point quadrangle; Scale: 1 inch = 2000 feet Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476 | | |



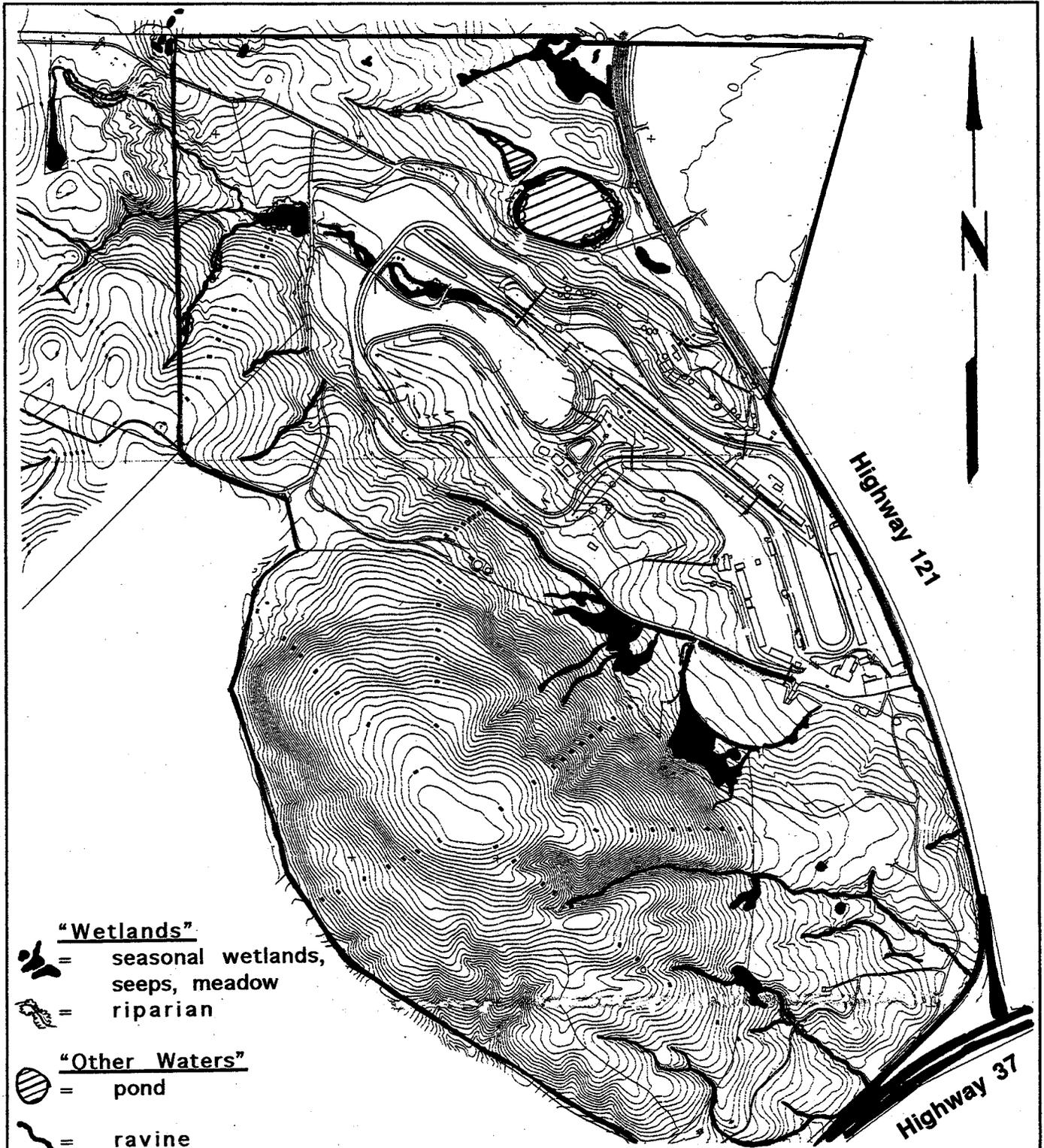
SOILS KEY

- DbC = Diablo clay, 2-9%
- DbD = Diablo clay, 9-15%
- DbE2 = Diablo clay, 15-30%, eroded
- DbF2 = Diablo clay 30-50%, eroded
- LsF2 = Los Osos clay loam, thin solum, 30-50%, eroded
- CsA = Cortina very gravelly loam, 0-2%
- CcA = Clear lake clay loam, 0-2%
- GuF = Gullied land

Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
 Adjacent landowners: available upon request

Site Shown On Soils Map
 Basemap: SCS Sonoma County Soil Survey (Millar et al, 1972), Sheet 121
 Scale: 1 inch = 1667 feet
 Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

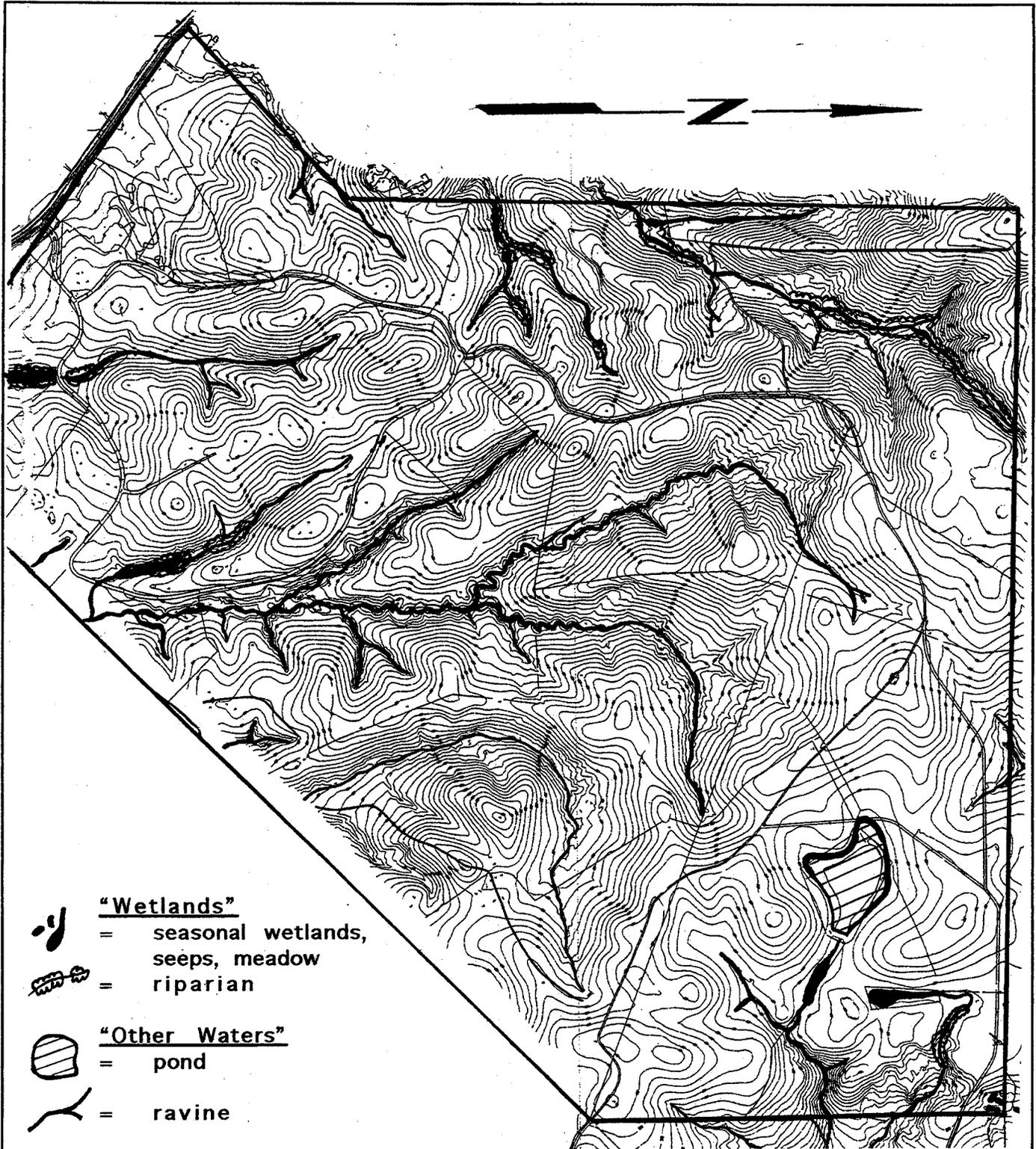
In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek
 At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA
 Figure 3 of 11 3/12/99



Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
 Adjacent landowners: available upon request

Wetlands and Other Waters of the U.S. - Racetrack Area
 Basemap by Stuber-Stroh Engineers, 1998
 Scale: 1 inch = approx. 1000 feet
 Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek
 At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA
 Figure 4 of 11 3/12/99



Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
 Adjacent landowners: available upon request

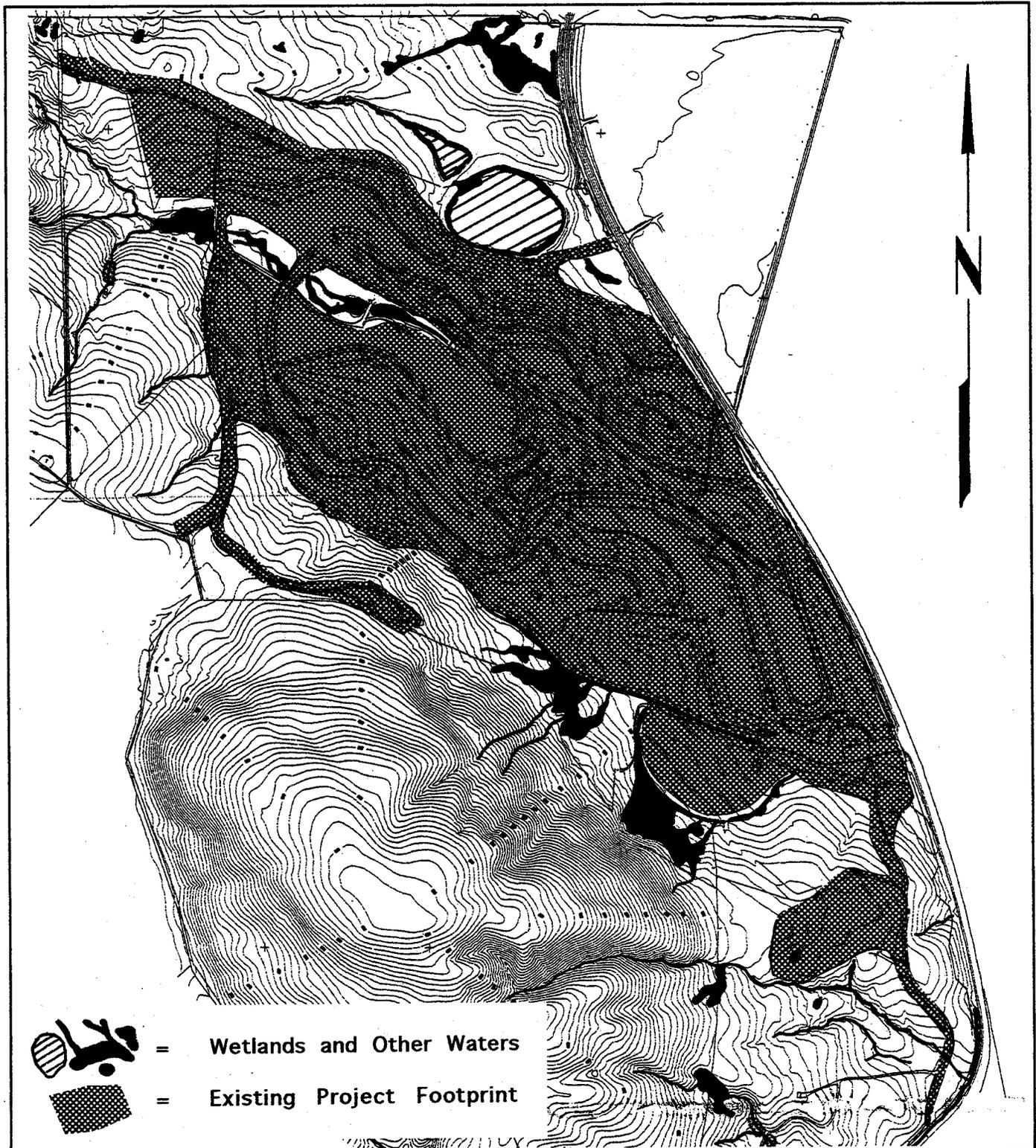
Wetlands and Other Waters of the U.S. - Lakeville Area

Basemap by Stuber-Stroh Engineers, 1998
 Scale: 1 inch = approx. 1000 feet

Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek

At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA

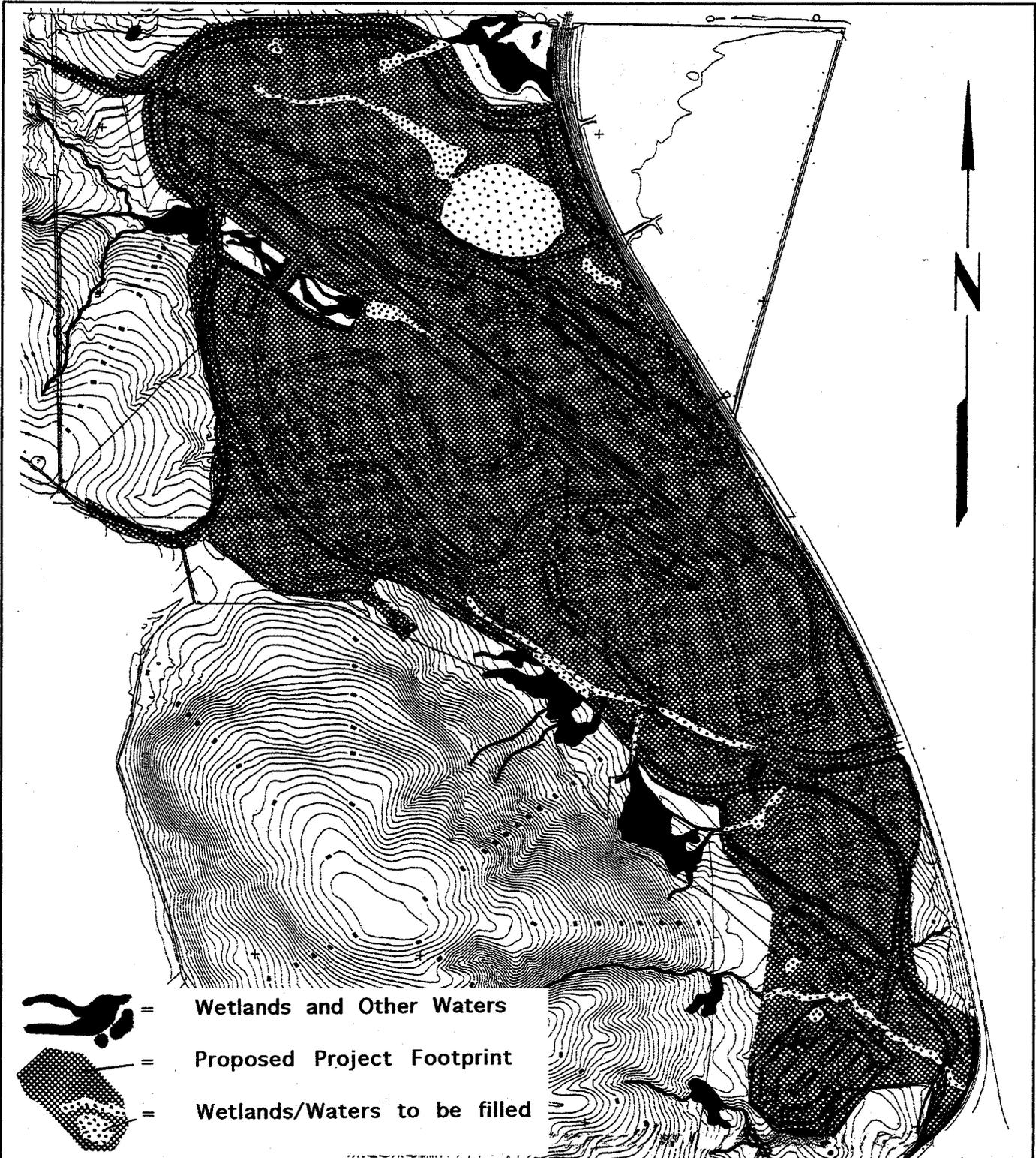


-  = Wetlands and Other Waters
-  = Existing Project Footprint

Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
 Adjacent landowners: available upon request

Existing Sears Point Raceway Facilities
 Basemap by Stuber-Stroh Engineers, 1998
 Scale: 1 inch = approx. 870 feet
 Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

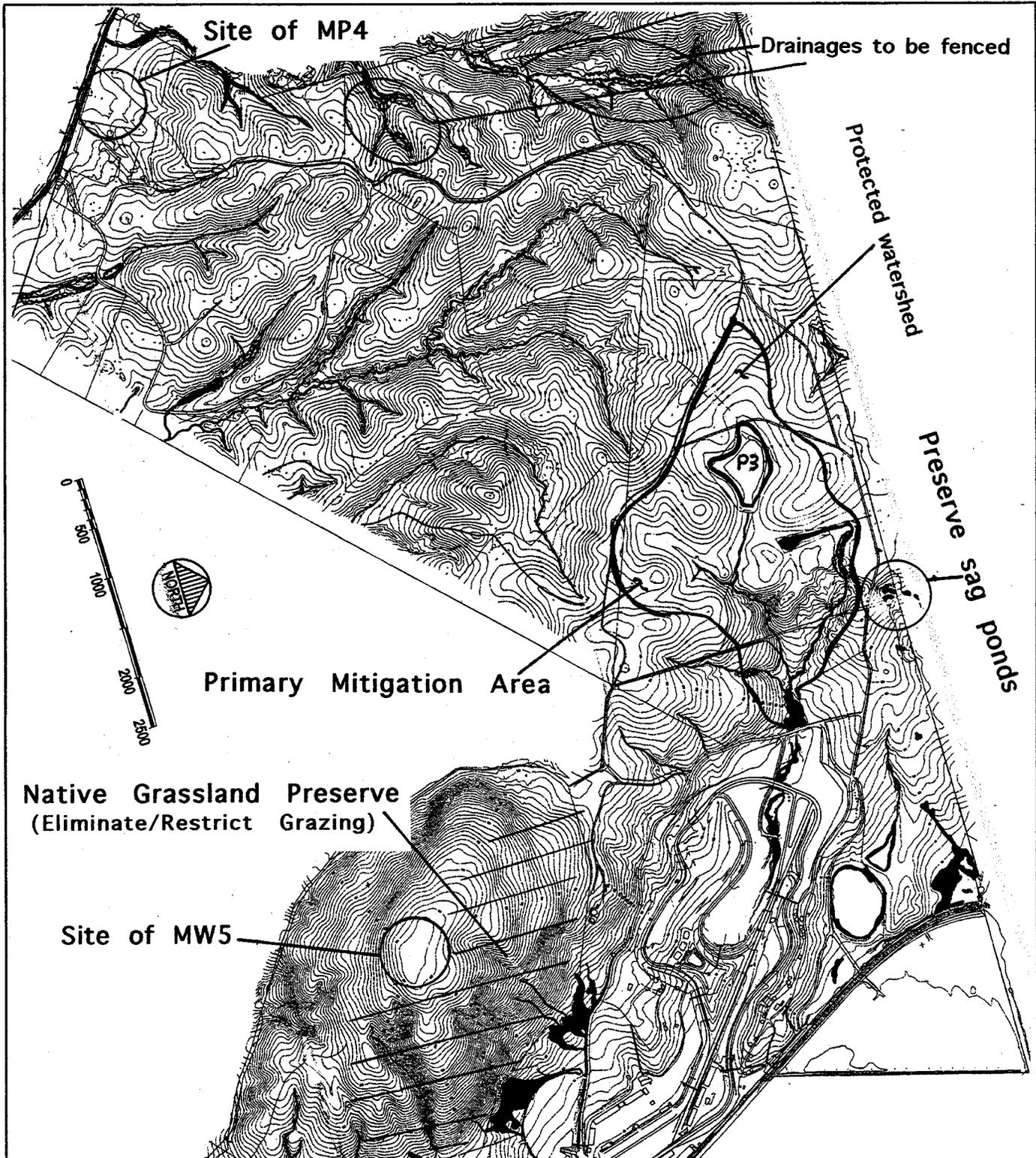
In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek
 At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA
 Figure 6 of 11 3/12/99



Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
 Adjacent landowners: available upon request

Proposed Project & Associated Impacts
 Basemap by Stuber-Stroh Engineers, 1998
 Scale: 1 inch = approx. 870 feet
 Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek
 At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA
 Figure 7 of 11 3/12/99

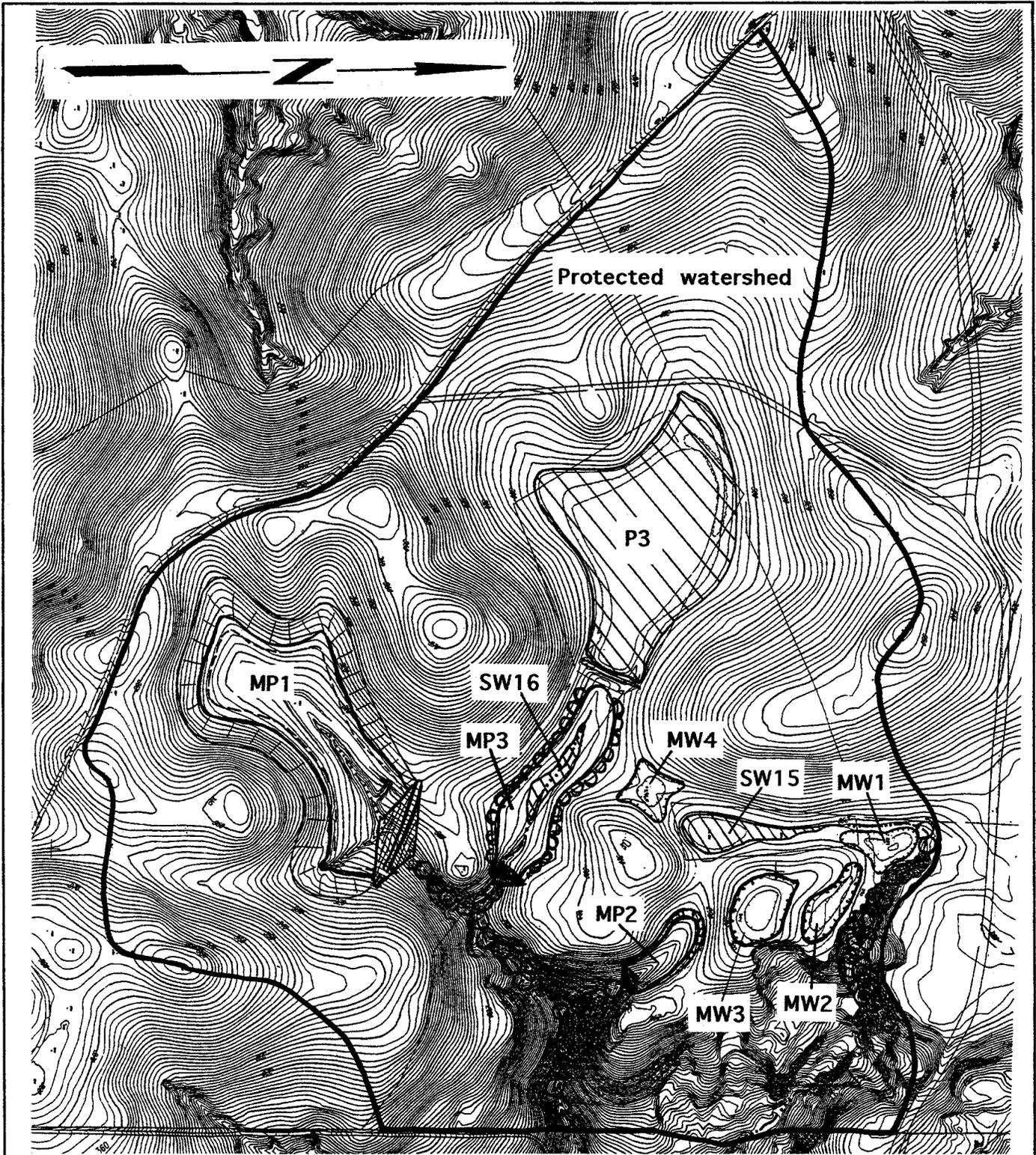


Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
 Adjacent landowners: available upon request

Conceptual Mitigation Plan

Basemap by Stuber-Stroh Engineers, 1998
 Scale: 1 inch = approx. 1400 feet
 Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek
 At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA



Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
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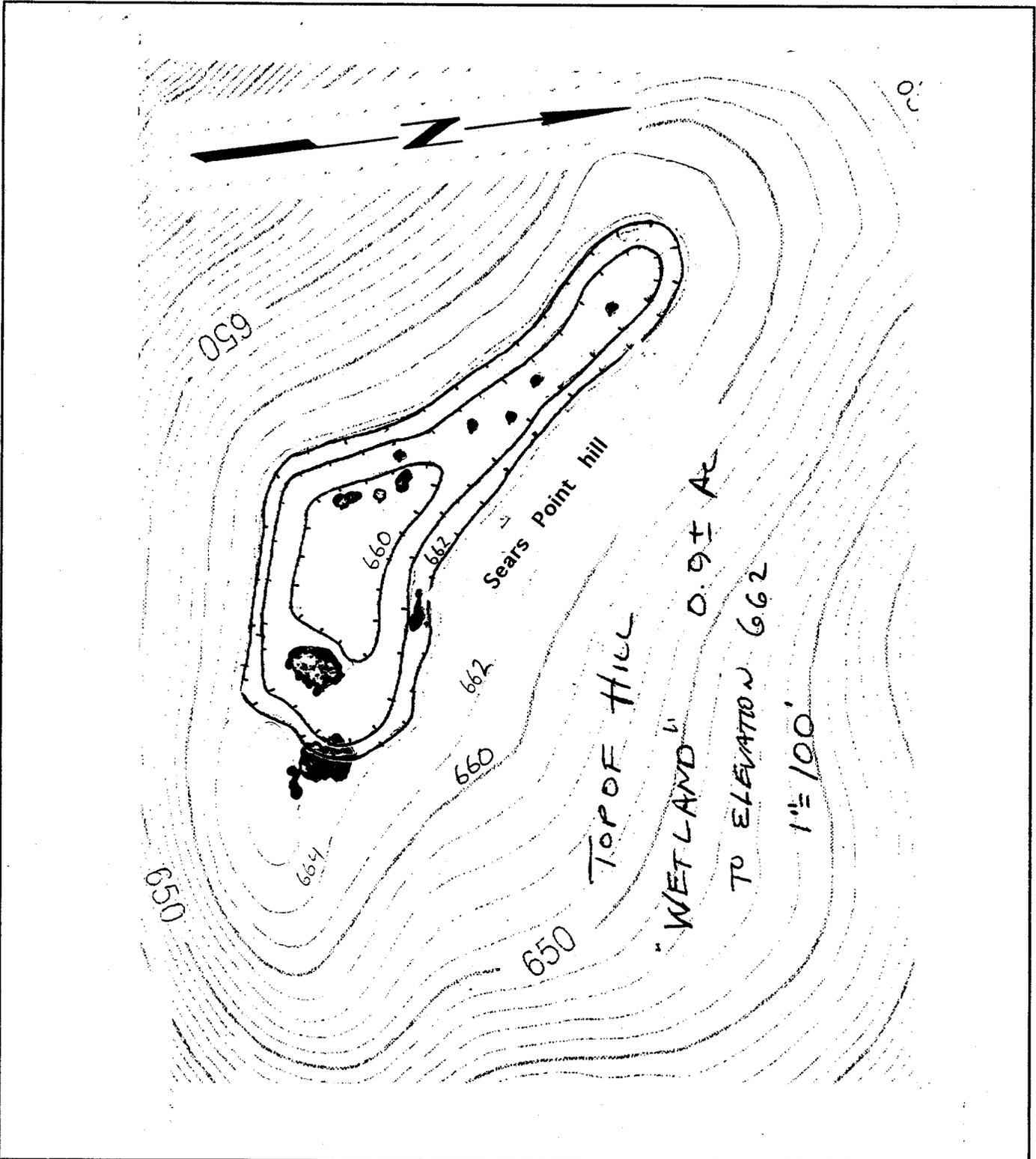
Primary Mitigation Area

Basemap by Stuber-Stroh Engineers, 1997
 Scale: 1 inch = approx. 400 feet

Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek

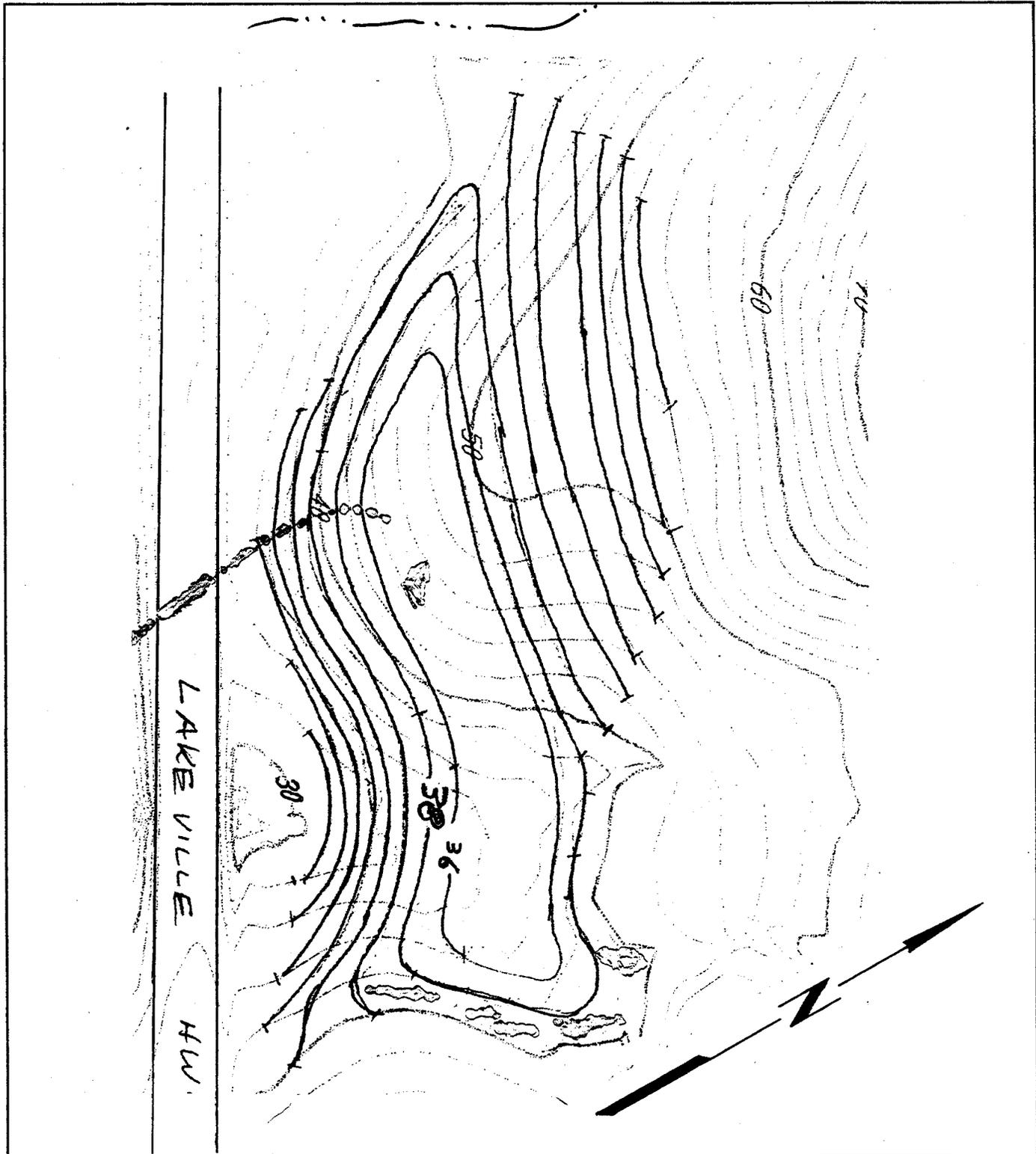
At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA



Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
 Adjacent landowners: available upon request

Detail of MW5
 Basemap by Stuber-Stroh Engineers, 1997
 Scale: 1 inch = approx. 100 feet
 Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek
 At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA
 Figure 10 of 11 3/12/99



Purpose: fill of 2.82 acres of isolated seasonal wetland & 7.83 acres of pond & ravines for racetrack modernization
 Datum: NGVD
 Adjacent landowners: available upon request

Detail of MP4

Basemap by Stuber-Stroh Engineers, 1997
 Scale: 1 inch = approx. 100 feet

Applicant: Sears Point Raceway, Highways 121 & 37, Sonoma, CA 95476

In: Isolated wetlands, ravines, & ponds tributary to Tolay Creek

At: Primary (724 acre) race track site, Sears Point Raceway, Sonoma Co., CA