



US Army Corps
of Engineers.

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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

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1. **INTRODUCTION:** Vintage Enterprises, P.O. Box 1344, Sonoma, California, through its agent Golden Bear Biostudies (Marco Waaland; 707-573-1770), has applied to the U.S. Army Corps of Engineers (USACE) for a permit to place fill material into approximately 1.6 acres of wetlands and other waters of the United States to facilitate construction of the Wine Country Warehouses Project. The warehousing project is located on a 35.4-acre site located at 21760 Eighth Street, approximately three miles south of the Town of Sonoma, in Sonoma County, California. This individual permit 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 Vintage Enterprises proposes to construct a 550,000 square-foot warehouse complex, consisting of four single-story, butler-type metal warehouse buildings, loading docks, parking and vehicular circulation, landscaping, and appurtenant utility systems, including, sewer, storm-drainage, water, gas and electric, and telephone lines. The warehouse buildings would range from 46,000 to 234,000 square-feet in size. Access to the site would be from Eighth Street via two driveway entrances. The warehouse facilities would occupy approximately 30 acres of the site and require extensive excavation and removal of soils unsuitable for construction purposes, grading and compaction of remaining subsoils, and placement of new base material for pavement and building pads. These construction activities would require the importation of 5,000 cubic yards (cys) of fill material to establish final ground elevations and result in the discharge of approximately 500 cys of fill material into 1.6 acres of wetlands and other waters of the United States located in the western and mid portions of the site. To compensate for the loss of wetland habitat, approximately 1.3 acres of wetlands would be created on a 5.5-acre preserve area located in the eastern portion of the site (Sheet 5 of 5), and mitigation credits corresponding to 1.3 acres of wetland habitat would be purchased from the Burdell Mitigation Bank.

3. **SITE DESCRIPTION:** The 35-acre site consists of fallow, undeveloped land with relatively level topography and elevations ranging from 24 to 34 feet above mean sea level. Vegetation is predominated by non-native brush, herbs, and scattered trees that have become established after periodic land clearing and dumping of fill and rubble. The eastern portion of the site was excavated periodically to obtain borrow material for

road construction. Adjacent land uses include vineyards, vacant lots, warehousing, and the Sonoma Skypark Airport.

Two drainage swales traverse the eastern and western portions of the site and continue in a southerly direction to Schell Creek that ultimately discharges into Steamboat Slough and San Pablo Bay. These drainages are not fully continuous to the Bay due to the absence of a bed and bank, and the presence of sheet flow and various drainage structures along specific downstream reaches. These drainage features are the principal jurisdictional features on the site and constitute riparian scrub (1.83 acres), freshwater marsh (1.65 acres), and non-vegetated open waters (0.2 acre). The riparian scrub is comprised of mature trees of red willow (*Salix laevegata*), arroyo willow (*Salix lasiolepis*), and narrow-leaf willow (*Salix exigua*). Freshwater marsh is characterized by the presence of cattail (*Typhus angustifolia*), creeping spike-rush (*Eleocharis macrostachya*), sedge (*Carex sp.*), umbrella sedge (*Cyperus eregrostis*), meadow barely (*Hordeum brachyantherum*), and other common wetland species. In addition, seasonal wetlands (0.2 acre) occur as two depressional features vegetated by rabbits-foot grass (*Polygonum monspeliensis*), curly dock (*Rumex crispus*), Italian ryegrass (*Lolium multiflorum*), pennyroyal (*Mentha pulegium*), Harding grass (*Phalaris aquatica*), loosestrife (*Lythrum hyssopifolium*), and other species.

The western drainage swale and seasonal wetlands on site would be displaced by pavement and buildings associated with the project; these wetland features provide relatively minimal runoff storage capacity due to their limited size and depth. Storm runoff associated with project construction would be attenuated and treated through a combination of grass swales and subterranean retention basins prior to discharge into the two drainage swales at the southern boundary of the site.

4. **ON-SITE MITIGATION:** Within the 5.5-acre preserve area, portions of the non-jurisdictional grassland habitat would be converted into 1.3 acres of created wetland habitat by excavating and sculpting the land to establish a series of swales and depressions subject to increased saturation or ponding. These created wetland features would establish 0.66 acre of riparian scrub habitat, 0.4 acre of freshwater marsh, and 0.24 acre of open water habitat. The swales and depressions would be over-excavated to allow for the placement of topsoil and

inoculum salvaged from the wetlands to be displaced by project construction. In addition, viable rootstock and tubers of freshwater marsh plants and willow cuttings would be collected from the displaced wetlands and transplanted to the preserve area. The existing 2.28 acres of wetland habitat within the preserve area would not be affected by construction of the created wetland features. Annual maintenance and monitoring of the created wetlands would be performed for a minimum 5-year period or until specific performance criteria were attained. The preserve area would be protected in perpetuity via a conservation easement to be held by the California Department of Fish and Game.

5. PURPOSE AND NEED: The proposed warehousing project would provide state-of-the-art storage facilities to house wine produced in the Sonoma Valley area. The project would, in part, satisfy a demand for new wine storage facilities as a result of increasing vineyard acreage and wine production in the region, provide needed jobs in the Sonoma Valley area, and generate income for the landowners. The facilities would house tanks, barrels, and cases of wine until their subsequent sales and distribution to wholesale and retail establishments throughout the San Francisco Bay area and other regions. The project is generally consistent with existing zoning ordinances and land use goals presented in the General Plan for the County of Sonoma.

6. STATE APPROVALS: State water quality certification or 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 (33 U.S.C. 1341). The applicant is hereby notified that, unless the USACE is provided a valid request for water quality certification by the Regional Water Quality Control Board (RWQCB) within 30 days of the date of this Public Notice, the District Engineer may consider the permit application to be withdrawn. No permit will be issued until the applicant obtains the required certification or waiver. A waiver will be explicit, or it may be presumed if the RWQCB fails or refuses to act on a valid request for certification within 60 days after 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.

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

7. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the public 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 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 Act of 1973 (ESA): No federally-listed threatened or endangered species are known to occur on site or in the project vicinity. Focused surveys did not reveal the presence of sensitive plant species, threatened California red-legged frogs (*Rana aurora draytonii*), or threatened Central California Coast steelhead (*Oncorhynchus mykiss*). The project site does not occur within designated critical for red-legged frogs or steelhead, since the drainages are discontinuous and inaccessible to salmonids and lack constituent habitat elements necessary for spawning and rearing.

Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA): The project site does not occur within designated essential fish habitat for the Pacific Salmon Fishery, since the drainages are discontinuous and inaccessible to salmonids and lack constituent habitat elements necessary for spawning and rearing.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State, and Federal agencies, no historic or cultural resources are known to occur on site or in the project vicinity. Standard construction-related measures to preserve such resources would be employed if buried artifacts or other archaeological resources were exposed during excavation and grading operations. If unrecorded historic or cultural resources were discovered during construction, such operations would be suspended until the USACE concluded Section 106 consultation with the State Historic Preservation Officer to take into account any construction-related impacts to these resources.

8. COMPLIANCE WITH THE 404(b)(1) GUIDELINES: Projects resulting in dredged or fill material discharges 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 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 submitted an analysis of project alternatives to be reviewed for compliance with the Guidelines.

9. PUBLIC INTEREST EVALUATION: The decision on whether to issue a 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.

10. 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 impacts of the project. All comments received by the 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 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.

11. 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 permit 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. Additional information may be obtained from the applicant or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.