



US Army Corps
of Engineers.

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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RESPONSE REQUIRED BY: JANUARY 5, 2002

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: JANE HICKS TELEPHONE: (415) 977-8439 Email: jhicks@spd.usace.army.mil

1. INTRODUCTION: Ryder Companies, 1425 Treat Blvd, Walnut Creek, California 94596, through its agent LSA Associates, Inc. (510-236-6810) has applied to the U.S. Army Corps of Engineers (USACE) for a permit to place fill material into approximately 0.71 acres of jurisdictional wetlands to facilitate construction of the Traditions Residential Development. The residential development would be constructed on a 19-acre infill parcel located at 360 Corona Road, just south of Sonoma Mountain Parkway and east of Corona Road in the City of Petaluma, Sonoma County, California (Figures 1 and 2). 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 illustrated in the attached figures, Ryder Companies proposes to construct 80 units of medium-density, detached housing with interior roadways, utility infrastructure, and landscaping. These facilities would occupy approximately 15 acres of the entire 19-acre parcel and necessitate the discharge of approximately 290 cubic yards of fill material into seasonal wetlands in order to create topographic and substrate conditions suitable for residential structures and streets. The applicant has tentatively incorporated a public into the proposed project.

The applicant states that the overall purpose of the project is to construct an infill, mid-size, moderate-cost residential project to serve the housing needs of the City of Petaluma. The project has been designed to meet the goals of the City of Petaluma as reflected in the Petaluma General Plan and Ely-Corona Specific Plan.

The project would impact 0.71 acres of seasonal wetlands. The wetlands occur on the site as scattered, topographic depressions or swales. Dominant vegetation within the wetlands includes Italian ryegrass (*Lolium multiflorum*), Mediterranean barley (*Hordeum marinum*), curly dock (*Rumex crispus*), and bristly ox-tongue (*Picris echioides*). The property is separated by Corona Creek, an open flood control channel that runs northeast-southwest. The bed of the channel supports continuous stands of emergent wetland vegetation that will not be impacted by the project. A road crossing across Corona Creek would be installed to provide access to the single-family homes. Two 24-inch concrete pipe storm water outfalls with rip-rap would be installed along the southern bank of the creek and a 100-foot wide buffer centerline of creek for each band) would be established. No fill is proposed in the channel other than approximately 2,400 square feet associated with the road crossing and stormdrain outfalls.

The majority of runoff from the site currently flows into the existing stormwater drain system in the southern corner of the site. This location will be the main drainage point for runoff following project completion. A concrete outlet to a grassy swale will be installed, and will be tied to the existing stormdrain system to convey surface water off-site. Approximately one-third of the site runoff will continue to flow to the creek, via the two installed stormwater outfalls. The proposed project includes a stormwater management system designed to detain and control surface flow, and minimized peak discharges. The system is designed in accordance with Sonoma County Water Agency guidelines and

stormwater discharges will be within the design flow capacity of Corona Creek.

The project site has been used for livestock grazing since 1946. Since the project site is relatively flat (Figure 3), the overall change in topography will be minimal with the post-construction increase in elevation ranging from one to three feet across the site. Fill will consist of both onsite and imported soil material.

3. CORPS OF ENGINEERS' JURISDICTION:

The Corps exerts jurisdiction over 0.71 acres of wetlands and 0.62 acres of stream channel on the site (Figure 4). The 0.71 acres of seasonal wetlands would be filled by the proposed project (Figure 5). No fill is proposed in the channel other than approximately 2,400 square feet associated with a road crossing Corona Creek and two stormdrain outfalls. Seasonal wetlands occur on the site as scattered, topographic depressions or swales. These shallow features normally do not remain ponded or saturated for long periods of time following rainfall. Most of the wet areas at the site are dominated by facultative vegetation. Dominant vegetation within the wetlands includes Italian rye-grass (*Lolium multiflorum*), Mediterranean barley (*Hordeum marinum*), curly dock (*Rumex crispus*), and bristly ox-tongue (*Picre chioidesis*).

Corona Creek is a flood control channel that bisects the site. Corona Creek experiences periods of high flows on a seasonal basis, but in general, is an intermittent shallow stream (less than 12 inches deep). Slow flowing to standing water is present, apparently the result of irrigation and other surface runoff from the surrounding urban area. The bed of the channel supports a continuous 20-foot wide linear strip of cattails (*Typha* sp.) and patches of water cress (*Rorippa nasturtium-aquaticum*). A few scattered willows (*Salix* sp.) along with a dense cover of non-native grasses and forbs such as willow-herb (*Epilobium ciliatum*), fennel (*Foeniculum vulgare*), and black mustard (*Brassica nigra*) occur along the banks.

The seasonal wetlands affected by the proposed

project are degraded due to past agricultural land uses and surrounding urban development. This degradation process has reduced the functions and values typically associated with these types of wetlands.

4. PROPOSED MITIGATION: The wetland loss would be mitigated by the applicant's purchase of 1.1 acres of created and enhanced seasonal wetlands at the Burdell Ranch Mitigation Bank in Novato, California (Figures 6 and 7). The proposed use of a conservation bank may be ecologically more desirable than an on-site mitigation approach, due to the degraded conditions and urbanized location of the project site's wetlands. Off-site mitigation will increase the potential for the establishment and long-term management of function values for wildlife. Additionally, the created and restored wetlands at the conservation bank will become part of a larger wetland ecosystem as the bank is contiguous with nearly 600 acres of California Department of Fish and Game land purchased for the purpose of wetland protection and enhancement.

5. 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 of 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 RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Control Board, San Francisco Bay Region, 1515

Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period.

6. 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): The project site is within the range of the California red-legged frog (*Rana aurora draytonii*) and steelhead trout (*Oncorhynchus mykiss*, Central California Coast ESU), both federally-listed threatened species. Approximately 18 rare, endangered, or otherwise sensitive plants that are primarily associated with seasonally wet habitats are also known to occur in the Petaluma region. These include fragrant fritillary (*Fritillaria liliacea*), North coast semaphore grass (*Pleuropogon hooverianus*) and Petaluma popcorn-flower (*Plagiobothrys mollis* var. *vestitus*).

A California red-legged frog habitat assessment and protocol-level surveys following U.S. Fish and Wildlife Service guidelines were conducted on the project site in October 2000. Red-legged frogs were not observed during the surveys, and based on the presence of aquatic predators (bullfrogs and crayfish) and lack of known occurrences nearby, it is highly unlikely that this species occurs at the site.

Corona Creek discharges to the Petaluma River but no suitable habitat for steelhead is present within or immediately upstream or downstream of the project boundaries. The water source within Corona Creek (a flood control drainage) is intermittent throughout much of the year, and is the result of runoff from the surrounding urban areas. The silty bottom supports a dense continuous cover of emergent vegetation (cattails) and there are no pooled areas suitable for spawning. Additionally, elevated temperatures occur within the shallow slow-flowing or standing water because of the lack of riparian vegetation along the channelized banks.

Field surveys for the potential sensitive plant species were conducted in April and May 2000 during the blooming periods. No such plants were observed within the project boundaries during the surveys, and they are not expected to occur based on conditions and level and frequency of disturbance at the site.

If any listed or proposed species for listing were identified either to or during project construction, the USACE would initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered.

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.

7. EVALUATION OF ALTERNATIVES:

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)(1) of the Clean Water Act (33 U.S.C. 1344(1)). The Corps' evaluation of the basic project purpose pursuant to the 404(b)(1) guidelines indicates that the basic project purpose (to provide housing) *is not* dependent on location in, or proximity to wetlands or other special aquatic sites. This conclusion raises the (rebuttable) presumption that there is a practicable alternative to the proposed project that would have less adverse effect to the aquatic ecosystem. The applicant has submitted an analysis of alternatives for the project. This alternatives analysis is currently under review for compliance with the Guidelines. In rebuttal to the Corps' presumption, the applicant's analysis of alternatives argues that there are no practicable, less environmentally damaging alternatives for the project. The applicant's analysis of alternatives (exclusive of any proprietary information) is available for review in our office.

8. 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 on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. 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. Public interest factors that 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.

9. 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. USACE will consider any comments received and will determine whether to issue, modify, condition or deny a permit for the project. 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. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

10. SUBMITTING 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 to reach this office within the comment period specified on page one of this notice. Comments should be addressed to Regulatory Branch, Attn: Jane Hicks. It is the 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 Jane Hicks of our office at telephone number 415-977-8439, or by email at jhicks@spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.