



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 25304N      DATE: May 15, 2002  
RESPONSE REQUIRED BY: June 14, 2002

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

PROJECT MANAGER: Jennifer Hayworth TELEPHONE: (415) 977-8438 Email: Jennifer.d.hayworth@usace.army.mil

**1. INTRODUCTION:** Sugarloaf Farming Corporation, dba Peter Michael Winery, 124000 Ida Clayton Road, Calistoga, California, through their agent Jones & Stokes (Contact: Serge Stanich at 916-503-6681), has applied to the U.S. Army Corps of Engineers (USACE) for a permit to place fill material into approximately 0.93 acre of jurisdictional waters of the United States (0.89 acre of seep/spring wetland and 0.04 acre of intermittent stream) and to place fill, for the purpose of bank stabilization, along both banks of a 400-foot segment of stream to facilitate the construction of a new vineyard. The proposed project is located on a 391-acre site at 27600 Seaview Road, Cazadero, Sonoma County, California (Figures 1 and 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 proposes to construct a 56.4-acre vineyard distributed in four vineyard units (Figures 3A-D). Additional supporting components include a 3.6-acre 20 acre-foot (af) water reservoir, approximately 2.1 acres of previously harvested area to be rehabilitated as forest land, a caretaker's residence and barn, and construction of 1.7 miles of permanent access roads (0.6 mile of new construction, 1.1 miles of reconstruction); forest and farm road construction is exempt from Section 404 permit requirements (33 CFR 323.4). The vineyard and accompanying components would occupy approximately 62.3 acres on the site. 56.4 acres of mixed conifer/hardwood forest and annual grassland will be cleared to create the four vineyard units with the following acreage (Figures 3A-D): unit A, 21.8 acres (including the 2.1-acre rehabilitation area); unit B, 27.5 acres (unit B will include the 20 af irrigation water supply reservoir); unit C, 11.8 acres; and Unit D, 1.0 acre.

A stormwater collection system of drop inlets will be installed within each vineyard unit to collect and divert diffuse surface flow to the proposed reservoir. An irrigation water delivery system will branch out from the proposed reservoir to all four units; waterlines will be

placed underground and in roadbeds. The irrigation system will terminate in each unit with drip lines to vine rows.

To facilitate vineyard construction, the applicant proposes to permanently dewater and fill 0.89 acre of groundwater seep/spring wetlands. Prior to filling, the wetlands will be drained using a subterranean tile system that will redirect groundwater into corrugated underground pipes and connect to existing onsite streams. The applicant proposes to permanently realign and convert 1,033 feet of stream to underground piped flow within vineyard units A, B, and C (Figure 3A-D). Conversion will occur at the headwater of the streams. Pipes will be placed a minimum 3 feet below ground surface. Fill will include placement of 1,033 feet of 8-inch HDPE pipe, bed material (drain rock), native material backfill, and drop inlets (Figure 4). The affected area would total 1,839 ft<sup>2</sup> or 0.04 acre. Discharge of fill will occur to conduct toe-slope stabilization of both banks of 400 feet of intermittent stream. This stream segment currently contributes sediment to local watercourses during large (> 5 year) storm events. Fill will consist of native material, rock revetment, stumps, and other large woody debris.

To compensate for the loss of wetlands and streams, 0.6 acre of onsite streams will be restored with bank stabilization measures (Figure 5), reconstruction of washed out earth fill road crossings within the stream, and removal of fill resulting from sloughing banks. The applicant also proposes to establish 1.5 acres (surface area) of open water habitat with construction of the irrigation water supply reservoir and 0.2 acre of seasonal freshwater marsh habitat (wetland) on the margins of the reservoir.

**3. SITE DESCRIPTION:** The proposed vineyard site is located in unincorporated northwestern Sonoma County, approximately 2.5 miles northeast of the Fort Ross State Historic Park headquarters (Figures 1 and 2). The main access to the property on which the vineyard would be established is from Seaview Road, 0.7 mile north of its

intersection of Myers Grade Road and Fort Ross Road (Myers Grade Road becomes Seaview Road at this intersection). The proposed vineyard and support components would cover a portion (62.3 acres) of the applicant's 391-acre parcel (APN 109-360-08). The parcel is located on steep sloping hills (most between 30 – 45%) which grade from the crest of Myer's Grade Road to the South Fork of the Gualala River. Within the project area (62.3 acres), the slopes are east to southeast facing and range from 0 to almost 50%, though most slopes are between 10 and 20%. The project area is surrounded by open space (including other portions of the applicant's property), ranching and farming, and rural residential development. Elevation ranges from 900 feet to 1,400 feet above mean sea level. Currently, the site is unused. Almost thirty-five (34.6) acres of the 62.3-acre project area are forested with mixed-conifer/hardwood forest dominated by tanoak (*Lithocarpus densiflorus*), Douglas-fir (*Pseudotsuga menziesii*), California bay (*Umbellularia californica*), and Oregon oak (*Quercus garryana*). This forested area has historically been logged. The remaining 25.7 acres of the project area are dominated by non-native annual grassland, which has historically been used for grazing.

Groundwater seep/spring wetlands and intermittent streams occur in both forest and grassland habitat, though seep/spring wetlands are more common in areas dominated by annual grassland; these annual grassland areas also tend to coincide with the gentler slopes. Typically, the wetlands are seasonally saturated, non-depressional seep systems characterized by rush species (*Juncus sp.*), velvet grass (*Holcus lanatus*), pennyroyal (*Mentha pulegium*), hyssop loosestrife (*Lythrum hyssopifolia*), and Italian ryegrass (*Lolium multiflorum*). The streams are intermittent tributaries to the South Fork of the Gualala River. Stream water source is generated by both runoff and groundwater discharge. The streams are generally characterized by steep gradients and lack of extensive riparian vegetation that includes bigleaf maple (*Acer macrophyllum*), elk clover (*Aralia californica*), chain fern (*Woodwardia fimbriata*), rushes (*Juncus sp.*), horsetail (*Equisetum sp.*), and thimbleberry (*Rubus parviflora*).

**4. PURPOSE AND NEED:** The project purpose is to establish a vineyard and support facilities in the Seaview vicinity for the growing of high-quality Pinot Noir and Chardonnay grapes to compete in the market niche for which it produces wine and to realize a return on the investment. The Seaview vineyard, located in the coastal region of Sonoma County, would provide prime conditions

for the production of such grapes with its cool climate, generally well-drained soils, aspect, and hillside slopes to provide maximum light exposure and temperature regulation.

**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 Department of the Army 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, Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period.

Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to furnish a certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be issued until the appropriate State agency has concurred with the certification statement or has waived its right to do so.

The project does not occur in the coastal zone, and a preliminary review by the USACE indicates that the project would not likely affect coastal zone resources. This review, however, remains subject to a final determination by the California Coastal Commission.

**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):** Within the project site, there is the potential occurrence for federally endangered and threatened species that include California red-legged frog (*Rana aurora draytoni*), bald eagle (*Haliaeetus leucocephalus*), northern spotted owl (*Strix occidentalis caurina*), and marbled murrelet (*Brachyramphus marmoratus*). The project is within the critical habitat range for northern California coast steelhead trout (*Oncorhynchus mykiss*) and coho salmon (*Oncorhynchus kisutch*). Showy Indian clover (*Trifolium amoenum*) and Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*) are two federally endangered plant species known to occur in Sonoma County.

Bald eagles are not expected to be affected by the project as suitable foraging habitat is absent and nesting habitat is limited. In addition, bald eagles winter in Sonoma County and the project will be scheduled for a non-winter period (May 1-October 15). Reconnaissance surveys were conducted for northern spotted owl (early summer 1999 and 2000) and marbled murrelet. No spotted owls or marbled murrelets were found on the property during the surveys. Additional yearly surveys for spotted owls will continue until the project begins. The project is outside the designated range of California red-legged frog, but additional information and surveys may be required to determine the presence/absence of this species

Field surveys for the endangered plant species were conducted in 1999 and June 2001 during the blooming periods. No such plants were observed within the project boundaries during the surveys.

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 Species Act.

**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.

**National Historic Preservation Act of 1966 (NHPA):** A cultural resources inventory and subsequent archaeological investigations conducted on the property revealed one site that appears to meet eligibility for listing in the National Register of Historic Places, as it may contribute important regional prehistory information. The construction and implementation of the project will avoid this site and no adverse impacts are expected. A Section 106 consultation with the State Historic Preservation Officer will be initiated by USACE.

**7. 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.

**8. PUBLIC INTEREST EVALUTION:** The decision on whether to issue a Department of the Army 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.

**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 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.

**10. 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 Ms. Jennifer Hayworth of the Regulatory Branch at telephone 415-977-8438.