



US Army Corps  
of Engineers.

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 25513N DATE: February 11, 2002,  
RESPONSE REQUIRED BY: March 11, 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. Marv DeAngelis of DeAngelis Construction, 3210-D Coffey Lane, Santa Rosa, CA 95403 [Contact: Laurence P. Stromberg, Ph.D., Wetlands Consultant, 415-721-0700], has applied for a Department of the Army permit to place fill into 1.00 acres of jurisdictional waters of the United States (seasonal wetlands) for the purpose of constructing Marv's Meadows North, a residential subdivision development project. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

## 2. PROPOSED PROJECT:

a. Project Site – The site of the proposed project is located at 2900 Dutton Meadows Drive, in the southwest part of the City of Santa Rosa, Sonoma County, California, bounded by Dutton Meadow Drive on the west and Colgan Creek Flood Control Channel on the east. The site is approximately 4.9 acres and is currently zoned "PC", planned community.

The site appears to have been subject to long-term rural residential use. A prune orchard was once planted on the property but has been abandoned. Few trees remain. Mowing and discing are conducted regularly but solely to control fuels. Fill appears to have been imported and spread in the western portion of the site to raise the grade very slightly and provide a dry, level building area for the residences and other buildings and the parking

area. As a result, shallow water accumulates upslope of the fill. The date of the fill is unknown.

The property site slopes very gradually and uniformly east to the west, with the total difference in elevation approximately five feet. No natural drainage features remain on site. Instead, overland flow from most of the site flows west to a ditch, along the south property line. This ditch intersects another drainage ditch, which runs along Dutton Meadows Drive at the front of the property.

At the east end of the property, a small culvert provides a hydrologic connection with the Colgan Creek Flood Control Channel. The culvert is elevated such that water can flow onto the site from the flood control channel when the water level is high, but no off-site flow through the culvert is possible.

The site supports a mosaic of abandoned orchard trees, non-native annual grassland, and seasonal wetland habitat. Two seasonal wetlands are present, one at the west end and one in the southeastern quarter of the site.

b. Project Description – The proposed project is a residential subdivision. Forty units will be constructed on the site, a 50-50 mix of moderate-income housing and affordable housing. The homes will be one- and two-story dwellings ranging in area from 1,200 square feet to 1,750 square feet. The median or average size will be 1,475 square feet.

Access will be from Dutton Meadows and the internal road system access will be coordinated with the internal road system for the adjacent subdivision, Marv's Meadows. The City also wants to have access along the flood control channel so the internal access system will include a road along the channel.

c. 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 resides 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. Marv's Meadow North is one of the projects included in the list.

d. Mitigation – The loss of jurisdictional wetland habitat to construct the proposed project would total 1.00 acres. The applicant proposes to mitigate for the loss of this habitat by purchasing credits at the ratios established as a result of the programmatic consultation completed between the U. S. Fish and Wildlife Service and the Corps of Engineers entitled "Programmatic Formal Consultation for U. S. Army Corps of Engineers 404 Permitted Projects that May Affect Four Endangered Plant Species on the Santa Rosa Plain, California" dated July 17, 1998. Mitigation combines the acquisition of credits from a bank in which existing habitat known to support plant species listed as endangered by the federal government has been preserved, with the acquisition of credits from a bank at which seasonal wetland habitat has been restored or constructed.

Based on the special-status plant surveys conducted to date, the project is not expected to directly affect any species listed as threatened or endangered by the state or federal government. Mitigation would, therefore, be accomplished by the acquisition of one acre's credit from a preservation bank and one acre's credit from a restoration/construction bank. The credits will be

acquired from the Southwest Santa Rosa Wetlands Mitigation Bank, owned by Wetland Mitigation Partners L.L.C. and operated by Ilan Silberstein. Proof of full payment will be provided to the Corps of Engineers prior to the discharge of fill into the on-site wetlands. A copy of the agreement between DeAngelis Construction and Wetland Mitigation Partners L.L.C. has been submitted with the permit application.

### 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 State water quality certification before the Corps permit can be issued. The applicant shall provide to the Corps evidence that a valid request for State water quality certification has been submitted to the North Coast Regional Water Quality Control Board (RWQCB). No Corps permit will be issued until the applicant obtains the required certification and submits evidence to the Corps.

Those parties concerned with any water quality issues associated with the proposed 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:**

Two 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 (*Blenosperma 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 and the methods used were consistent with guidelines established by the California Department of Fish and Game 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 state or 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. The site supports several residences and associated sheds, barns, and other outbuildings along Dutton Meadow Drive but none have been designated as historic structures.

Standard construction-related measures would be taken should buried or concealed cultural resources be exposed during construction. All contractors and subcontractors will be informed in writing of the potential for unearthing culturally significant resources. If artifacts are found during construction, work in that area will cease until an

archaeologist can investigate the artifacts and assess their archaeological value.

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 the project 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-dependent. The applicant, however, has submitted an analysis of alternatives to the proposed project and it will be reviewed for compliance with the Guidelines. The applicant states that there are no practicable alternatives to the proposed project. The analysis of alternatives is available for review in our office.

**6. PUBLIC INTEREST EVALUATION:** The decision 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. Evaluation of the probable impacts 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 may reasonably be expected to accrue from the proposal, must be balanced against its reasonable foreseeable detriments. The decision 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 use 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, water

quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

changes of a minor nature which are made in the final permit will be provided on request.

**7. CONSIDERATION OF COMMENTS:** The Corps is soliciting comments from the public; federal, state, and other agencies and officials; Indian tribes; and other interested parties to consider and evaluate the impacts of the proposed project. Any comments received by the Corps of Engineers will be considered 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; to assess general environmental effects; and effects on the public interest factors listed above. Comments are used in preparation of and Environmental Assessment and/or an Environmental Impact Report 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 and the number and 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 addressed to Regulatory Branch, Attn: Philip Shannin. It is 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 them. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Mr. Philip Shannin of our office at telephone number 415-977-8445, or sending email to the following address: [pshannin@spd.usace.army.mil](mailto:pshannin@spd.usace.army.mil). Details on any