



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 25717N      DATE: December 9, 2002  
RESPONSE REQUIRED BY: January 9, 2003

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

PERMIT MANAGER Philip A Shannin PHONE: 415-977-8445 pshannin@spd02.usace.army.mil

1. **INTRODUCTION:** Mr. Kevin Pohlon, Brookfield Homes Bay Area, Inc., 5960 Inglewood Drive, Suite 200, Pleasanton, California 94588 [Contact: Larry Stromberg, Ph.D., Wetlands Consultant, 415-721-0700] has applied for a Department of the Army permit to place fill into 1.36 acres of jurisdictional waters of the United States (seasonal wetlands) for the purpose of constructing the Dutton Meadows subdivision. An additional 0.32 acre of non-jurisdictional wetlands will be filled in as well. 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:

a. **Project Site:** The site of the proposed project comprises two parcels located on the Santa Rosa Plain, in the southwest part of the City of Santa Rosa, Sonoma County, California (Figure 1), located at 2853 and 2857 Dutton Meadow Drive, on the west side of Dutton Meadows, between Hearn and Bellevue (Figure 2). The two parcels (Assessor's Parcel Numbers [APN] 043-111-005 and 043-111-006) have a combined area of approximately 11.33 acres.

Both parcels historically supported prune orchards but have not been commercially used for fruit production for more than 20 years. The orchard has been abandoned, although several trees remain of the southern parcel. In addition, the site was used for livestock grazing, but is longer used for such. A

residence, barn, and several outbuildings are present, as well as several ornamental trees.

b. **Project Description:** The proposed project is a residential subdivision (Figure 4). Eighty-one (81) units will be constructed on the site, a 50-50 mix of moderate income housing and affordable housing. The density will be 7.17 units per acre. Lots will range in size from 3,784 to 8,290 square feet, with the homes lots ranging from 1,299 to 2,200 square feet.

Access to Dutton Meadows will be via Dutton Meadows Drive to the east, the extension of Burgess Drive to the west, and a connecting road, which will enter the site from the north and is required to coordinate the project internal road with systems in existing and proposed surrounding subdivisions.

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 sixty (60) percent of the remaining residential development opportunities in Santa Rosa reside in the Southwest Area. This subdivision is consistent with the City of Santa Rosa's General Plan and Southwest Area Plan, developed to manage the projected growth.

d. **Mitigation:** The loss of wetland habitat to construct the proposed project would total 1.68 acres (Figure 3). However, since 0.32 acres of these

wetlands are considered isolated, only 1.36 acres of these wetlands are jurisdictional (Figures 5 and 6). The wetlands on the site fit the profile for seasonal wetlands and very shallow vernal pools on Clear lake clay soils, with shallow inundation and potential ponding to a depth of 0.5 feet. The composition of the wetlands varies slightly between the northern and southern parcels. In the northern parcel, the dominant plants species is squawfoot (*Perideridia kelloggii*) and ryegrass (*Lolium perenne*). On the southern parcel, the dominant species are California semaphore grass (*Pleuropogon californicus*), meadow barley (*Hordeum brachyantherum*), and Mediterranean barley (*Hordeum marinum var. gussoneanum*). Subdominant species present on both parcels include popcorn flower (*Plagiobothris stipitatus var. stipatus*), spike rush (*Eleocharis macrostachya*), and brown-headed rush (*Juncus phaeocephalus*).

Mitigation for the loss of wetlands is proposed at the ratios established as a result of the programmatic consultation recently completed between the U.S. Fish and Wildlife Service and the U.S. Corps of Engineers. Mitigation combines preservation at a ratio of 1:1 with restoration and/or construction at a ratio of 1:5:1. The applicant proposes to purchase 1.5 acres of preservation credits and 2 acres of creation credits, both at the Hale Wetlands Mitigation Bank.

**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 a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer

determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this 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**

a. 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.

b. Endangered Species: The California tiger salamander (*Ambystoma tigrinum californiense*) has been observed in Southwest Santa Rosa in deeply ponded vernal pools and other depressional habitat south of State Highway 12. No surveys were conducted on the project site because the wetland ponding is too shallow to provide suitable breeding habitat. In 2000, all wetlands on site were dry by the third week of March. Suitable breeding habitat is typically wet through the May. The wetlands on the

site are ponded for insufficient duration to permit metamorphosis and maturation of tiger salamander larvae. Even a more normal distribution of rainfall would be unlikely to provide the necessary duration of ponding, given the wetlands are less than 0.5 feet deep.

The nearest California tiger salamander breeding habitat is located in a vernal pool on the south side of Southwest Community Park, approximately 1,250 feet west of the Dutton Meadow Drive. No studies have been conducted to determine whether or not California tiger salamanders aestivate (spend the summer in a state of torpor) on the project site, but studies conducted in the Community Park indicate that suitable estivation habitat occurs on properties on the west side of Dutton Meadow Drive.

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 (*Blechnosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vincularis*), 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. The methods used were consistent with United States Fish and Wildlife Service protocols and California Department of Fish and Game guidelines for assessing the effects of proposed development projects on rare and endangered plants and plant communities. No listed plant species were observed in these surveys.

c. Historic and Cultural Resources: 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 archeological resources were observed. The site supports several residences and associated sheds, barns and other out buildings along Dutton Meadow Drive and Hearn Avenue but none have been designated as historic structures. Standard construction related measures would be

taken should buried or concealed 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 archeologist can investigate the artifacts and assess their archeological 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.

**5. EVALUATION OF ALTERNATIVES:**

Evaluation of this activity's 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/wetland dependent. However, the applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The applicant states that there are no practicable alternatives for his project. The Analysis of Alternatives is available for review in our office.

**6. PUBLIC INTEREST EVALUATION:** The decision whether 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 on the public interest. Evaluation of the probable impacts, which 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 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 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 utilization 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, 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.

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 Philip Shannin of our office at telephone 415-977-8445 or E-mail: pshannin@spd.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided on request.

**7. CONSIDERATION OF COMMENTS:** The Corps of Engineers 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 this proposed activity. Any comments received will be considered by the Corps of Engineers 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, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact 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. SUBMISSION OF 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 so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments, which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of