



US Army Corps
of Engineers

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 27205S – Schaefer Ranch

DATE: December 22, 2002

RESPONSE REQUIRED BY: January 20, 2002

PERMIT MANAGER Molly Martindale

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1. INTRODUCTION: Mr. Rob Yohai, Schaefer Heights Associates, 155 Filbert Street, Suite 200, Oakland, California 94606, (510) 893-8186) has applied for a Department of the Army permit to fill 0.9 acre of wetlands and 6,730 linear feet of tributaries on the Schaefer Ranch property, located to the north of Highway 580, west of Highway 680 (and Brigadoon Way), in Dublin, Alameda County (Figures 1 & 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 drawing, the applicant plans to construct 328 single-family homes, and associated infrastructure, including limited commercial and office areas, water management facilities, and parkland, on a total of approximately 129 acres (Figure 2A). The remaining 371 acres of the project will be preserved as open space.

The overall project site comprises a total of 500 acres of mostly hilly terrain characterized by deep canyons and high ridges, including 3.0 acres of wetlands and 13,300 linear feet (1.4 acre) of tributaries (to San Lorenzo Creek, Dublin Creek, and Palomares Creek) (Figures 3A & 3B). Habitats on the site include oak bay woodland, central coast live oak riparian forest, non-native annual grassland, coastal scrub, and rock outcrops. In addition, California red-legged frogs (CRLF) have been

identified in several ponds on site (Figure 4).

The proposed project would result in fill of 0.9 acre of wetlands (including 0.4 acre of CRLF breeding habitat) and 6,370 linear feet (0.8 acre) of intermittent tributaries.

Onsite mitigation proposed for this project consists of 1.1 acre of seasonal wetlands, establishment of two new ponds (0.2 acre) and enhancement of an existing pond (0.4 acre increase) for CRLF (Figure 5A).

Offsite mitigation consists of the proposed purchase of 248.5 acres of conservation easement on the adjacent (to the northwest) Manual Machado Tract, including an estimated 13,725 linear feet of tributaries and 0.2 acre of existing wetlands) (Figure 5B). In addition, the applicant proposes creation of 0.6 acre of pond area (over three locations) (Figures 6-8) on the Machado property; and a total of 14,605 linear feet of channel rehabilitation (Figures 9-11) consisting of: stream stabilization by cattle exclusion and re-vegetation of 8,435 linear feet; stabilization through head-cut and nick-point repair of 4,320 linear feet; and stabilization through significant earthwork of 1,850 linear feet. [Therefore the proposed mitigation ratios are: 1:1 (creation) for seasonal wetlands and approximately 2.3:1 (restoration/enhancement) for tributaries.]

[NOTE: A similar project on the same site was

described in Corps Public Notice #23054S, published on September 11, 1998. The proposed 1998 project would have filled 3.5 acres of Corps jurisdiction, including 1.7 acres of wetlands and 6,700 linear feet (1.0 acre) of tributaries. Mitigation proposed for that project included construction of 5.5 acres of wetlands on site (divided among three locations), and acquisition/preservation of an undetermined amount of (unidentified) off-site land with appropriate habitat features, primarily to compensate for CRLF impacts.

The currently proposed project would fill 0.8 acre less wetland than the previously proposed project, and would fill approximately the same length of channel. However, the channel impacts have been moved from a more sensitive drainage, Marshall Canyon, into a less sensitive drainage, Kelly Canyon, in response to concerns raised by agencies regarding the resources in Marshall Canyon.]

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 San Francisco Bay 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, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this

Public Notice.

4. ENDANGERED SPECIES: The California red-legged frog (*Rana aurora draytonii*) has been found in all ponds on the Schaefer Ranch property. The Corps has initiated formal consultation with the U.S. Fish and Wildlife Service as required by Section 7 of the Endangered Species Act.

5. HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES: A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

6. 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 alternative for his project. The Analysis of Alternatives is available for review in our office.

7. 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.

8. 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.

9. 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 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 Molly Martindale of our office at telephone 415-977-8448 or E-mail: mmartindale@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.