



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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

NUMBER: 21226N

DATE: August 13, 2004

RESPONSE REQUIRED BY: September 13, 2004

PROJECT MANAGER: Philip Shannin TELEPHONE: (415) 977-8445 Email: pshannin@spd.usace.army.mil

1. INTRODUCTION: Mr. Kent Byers, Vice President of Land Acquisition, Christopherson Homes, Inc., 1315 Airport Boulevard, Santa Rosa, CA 95403 [Contact: Mr. Charlie Patterson, 925-938-5263] has applied for a Department of Army permit, to place fill into 0.60-acres of Waters the United States, for the purpose of constructing a residential subdivision known as the Dauenhauer residential subdivision. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

(Figure 3). These wetlands include 0.15 acre of herbaceous hillside seep, 0.09 acre of sedge meadow, and 0.2 acre of willow thicket.

Most of the site is designated planned community (PC), according to the Santa Rosa Southeast Area Plan. In accordance with our regulations, the site was delineated using the Corps Wetland Delineation Manual (Corps, 1987). The Corps verified the applicant's delineation, prepared by Charles Patterson, on 6 March 2001.

The Dauenhauer project site is comprised of four (4) parcels, totaling approximately 91 acres, of which 35.4-acres are proposed for residential development. The remaining 55.6 acres contain hills with steep side slopes, making them unsuitable for development. The only impact to these sloped areas will be the construction of a watertank and access road for fire control purposes. The site occurs within the City of Santa Rosa (Figure 1). The Dauenhauer site is bound on the south by the proposed Linwood residential subdivision, on the north by Aston Ave and the Sonoma County Fairgrounds, on the east by the Gordon Ranch residential subdivision, and on the west by the existing residential subdivisions (Figure 2).

The wetlands on site do not pond long enough to provide suitable habitat for aquatic invertebrates or amphibian breeding. Botanical surveys conducted in 1993, 1994, 1999 and 2001 document the absence of any sensitive plant species. Since vernal pools are absent at the site, none of the region's more common sensitive native pool species are present. The eroded grassy channels are dominated by semaphore grass (*Pleuropogon californicus*), perennial ryegrass (*Lolium perenne*) and dense sedge (*Carex densa*). The seep habitat is completely dominated by arroyo willow (*Salix lasiolepis*).

The non-wetland grassland cover has been completely converted to non-native annual herbs and forbs dominated by wild oats (*Avena spp*), bromes (*Bromus mollis*, *B. rigidus*), Italian ryegrass (*Lolium multiflorum*) and wild barleys (*Hordeum spp.*).

2. PROPOSED PROJECT:

Project Site: The Dauenhauer project site has been in active agricultural use since the 1960's. Land uses included open pasture for cattle grazing and rural residences with agricultural outbuildings. The project site contains approximately 0.60-acre of jurisdictional waters of the United States, comprised of 0.16 acre (1500 linear feet) of eroded seasonal drainages and 0.44 acre of seasonal wetlands

2. Project Description: The proposed project would provide a full range of housing types including 138 detached single family units and one multi-family apartment lot (Figure 4). Additional infrastructure will be constructed, including an

~~extension of Farmer's Lane and a water tank with associated access road.~~

The Dauenhauer residential subdivision will address storm water quality management and detention, through utilization of oil/water separators (i.e. Bay Savers, Vortex units, etc.), construction of a detention basin and vegetated swales (bioswales) [Figure 5]. Approximately 0.30 acre of "braided channel" will be constructed, along the outlet of the storm detention basin. The storm detention basin and braided channel function as permanent, structural best management practices (BMPs) and reduce pollutant runoff from storm water flows. All low-flow storm events will be routed through these water quality facilities, before discharging to a storm sewer system at Aston Avenue.

Purpose and Need: The applicant states that the proposed residential land use is consistent with current zoning of the project site and will assist the City of Santa Rosa to meet their State housing requirements. The basic purpose of the project is to provide residential housing, within the City of Santa Rosa. The applicant further states that the project has been designed to meet local and regional land use needs, providing recreational areas and housing, available to families of various socioeconomic backgrounds.

Impact: Development of the proposed Dauenhauer residential subdivision project would result in the permanent filling of approximately 0.44 acre of jurisdictional wetlands and 0.16 acres (1500 linear feet) of other waters.

Proposed Mitigation: The applicant is proposing to mitigate project impacts to jurisdictional waters of the United States by 1) providing funds to the Laguna de Santa Rosa Foundation to implement a perennial freshwater marsh enhancement project and by 2) constructing 0.30-acres of a braided channel onsite. A berm-structure has been designed

~~at the inlet of the braided channel to ensure the entire mitigation area within the braided channel receives adequate hydrology. Onsite, 0.30 acre of wetlands will be created, in the form of a vegetated braided channel. Currently the onsite mitigation area contains a straight unvegetated channel, which the applicant intends to enhance by restoring a sinuous channel, improving hydrology, and planting native vegetation. Offsite, 0.70-acres of perennial fresh water marsh habitat will be constructed, through the payment of an in-lieu fee, to the Laguna de Santa Rosa Foundation.~~

The applicant has submitted a draft mitigation and monitoring plan, for the onsite project. The offsite enhancement project was previously authorized by the Corps, under permit 28128N, and will restore natural swale and hummock topography to a segment of the Laguna de Santa Rosa floodplain. Both mitigation plans are available for review at the Corps's office in San Francisco.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7

of the Endangered Species Act requires formal consultation with the United States Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS), if a Corps permitted project may adversely affect any federally listed threatened or endangered species or its designated critical habitat. Federally listed species are not reported to occur in the project area as the Dauenhauer site is situated outside the Santa Rosa Plain. Therefore, the project will not impact the any endangered plants associated with the Plain (Sonoma sunshine [*Blennosperma bakeri*], Sebastopol meadowfoam [*Limnanthes vinculans*], and Burke's goldfields [*Lasthenia burkei*]). The California freshwater shrimp (*Syncaris pacifica*), the California tiger salamander (*Ambystoma californiense*) and Central California Coast steelhead (*Oncorhynchus mykiss*) also will not be impacted by the proposed residential subdivision. The project site is outside the recognized range of the threatened California red-legged frog (*Rana aurora draytonii*).

No federally listed species of plants have been observed on the Dauenhauer project site during four years of surveys. The applicant has presented evidence that these species do not occur at the site.

Habitat for the California freshwater shrimp is absent at the site. Protocol surveys for the endangered California tiger salamander were conducted in winter 2002. The FWS has determined development of the proposed project will not result in a take of any individual of the California tiger salamander, and a "no effect" determination was granted for the project site.

The applicant's Biological Assessment and the City of Santa Rosa Southeast Area Plan can be reviewed at the Corps's San Francisco office.

Magnuson-Stevens Fisheries Conservation and Management Act:

NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. No specific EFH concerns associated with this proposal have been identified.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification 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 Andrew Jensen at the North Coast Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification 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.

b. Alternatives: Evaluation of this proposed activity's impact 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. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water or wetland

dependent. The applicant has submitted an Analysis of Alternatives, which is available for review at the Corps's office in San Francisco.

National Historic Preservation Act of 1966 (NHPA): The project site contains archeological site, CA-SON-1019. This site spans across both this site and the adjacent Gordon Ranch subdivision site. The portion of this site, on Gordon Ranch, was excavated, to study the materials within. The State Historic Preservation office concurred that SON-1019 did not qualify as a significant cultural resource. Archeological work done on the Dauenhauer portion of SON-1019 revealed that the cultural materials on both sites were essentially the same. Therefore, our Corps archeologist, Richard Stadford, concluded that this project would not affect archeological resources eligible for the National Register.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, 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 reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline 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.

5. 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 to determine whether to issue, 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 in the proposed activity.

6. 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 the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public 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 name and address are indicated in the first paragraph of this Public Notice or by contacting Philip Shannin of our office at 415-977-8445 or pshannin@spd.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided upon request.