



SAN FRANCISCO DISTRICT

US Army Corps
of Engineers

NOTICE of PUBLIC HEARING

NUMBER: 22057S – Palos Colorados Project

DATE: April 23, 2004

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197 PERMIT MANAGER: Molly Martindale PHONE: 415-977-8448

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A Public Hearing will be conducted on an application to the Corps of Engineers for a permit to place fill into wetlands and waters of the United States for the proposed Palos Colorados residential development and golf course project in the City of Orinda, California on:

**Thursday, May 20, 2004
7:00 to 10:00 p.m.**

at the

**Miramonte High School Theater
750 Moraga Way
Orinda, California**

1. INTRODUCTION: On February 17, 2000, Mr. Merle Gilliland, Richland Development Company, 1535 North Main Street, Walnut Creek, California, 94596, applied for a Department of the Army permit to fill wetlands and waters of the United States to construct a housing development and golf course on property located between Moraga Road, St. Mary's Road, and Rheem Boulevard in Moraga, Contra Costa County, California. This Public Hearing is being held pursuant to Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and specifically in compliance with our regulations described in 33 CFR Part 327.

2. PUBLIC HEARING: On March 31, 2003, the Corps of Engineers published a Public Notice on this project and received a number of comments on the project, including several requests to hold a Public Hearing. The Corps decided that a Public Hearing would be appropriate due to the relatively large number of wetland and stream impact sites, to the presence of the federally threatened California red-legged frog, and to extensive public interest in the project.

Therefore, the Corps is sponsoring a Public Hearing on the evening of Thursday, May 20, in the Theater at

Miramonte High School at 750 Moraga Way in Orinda, Contra Costa County. (See attached maps for location details.) The Hearing will begin at 7:00 p.m. and end at approximately 10:00 p.m. The District Engineer and members of his Regulatory staff will be present at the Hearing. The purpose of the Hearing is to acquire information or evidence to be considered in evaluating this proposed permit action and to afford the public an opportunity to present their views, opinions, and information on the proposed project.

3. PROJECT DESCRIPTION: The proposed Palos Colorado project would consist of a master-planned residential development (123 “estate-sized” residential lots; associated street, road and utility infrastructure; parks; and open space lands) and an 18-hole public golf course with associated clubhouse and practice facilities. The 557-acre site contains approximately 5.76 acres of seasonal wetlands, 2.60 acres of ponds, and 20,835 linear feet (7.16 acres) of vegetated and unvegetated intermittent and ephemeral stream channels. The applicant plans to fill 1.06 acres of seasonal wetlands, 0.14 acre of ponds, and 7,740 linear feet (1.62 acres) of channel for the proposed project.

The primary drainage on site is known as Coyote Gulch. Coyote Gulch is the incised main channel on site and it is largely unvegetated due to scour caused by high velocity flows during winter rains. Coyote Gulch drains roughly north to south, and empties into Las Trampas Creek. Las Trampas Creek then wanders through communities to the north and eventually empties into Walnut Creek which empties into the Carquinez Strait.

The other streams on site vary in width from 2 to 6 feet and are often eroded and deeply incised, although some do have vegetated reaches. Some streams drain into Las Trampas Creek from the northern and eastern part of the site and others drain to the west into Laguna Creek, which flows into San Leandro Creek and San Leandro Reservoir.

The Federally threatened California red-legged frog (CRLF) (*Rana aurora draytonii*) has been found in all three ponds on site, and although the Federally threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*) has not been found in previous site surveys, the site is within the overall Critical Habitat for the species. The California tiger salamander, a Federal candidate species, has not been found in five series of surveys on the site, and the applicant believes the site is out of the present and historical range for this species.

4. PROPOSED MITIGATION: All mitigation would occur on-site).

Wetlands: Approximately 2.84 acres of wetlands creation are proposed, ranging in size from 0.01 acre to 0.25 acre, including 47 seasonal wetlands and five new ponds. Seasonal wetland creation will be focused on the slopes and terraces of the Las Trampas Creek watershed, but there will also be some in the Laguna Creek watershed.

In general, the wetlands will be formed by excavating a “scaloped” basin, creating a compacted clay berm on the “downstream” end, spreading a thin layer of soil from wetlands filled elsewhere on site, and seeding with native wetland species.

Stream Channels: The applicant proposes two types of channel mitigation. First, approximately 10,600 linear feet of new channel would be created within areas that are not currently jurisdictional. These channels would primarily be drainage paths to route rainwater around developed areas and into existing streams.

Secondly, the applicant proposes to improve existing stream habitat by seeding slopes with erosion-control mix, planting woody riparian species where appropriate, doing selective head-cut and nickpoint repairs, and implementing bank repairs where needed.

5. MEETING DETAILS:

Poster Session: There will be an opportunity for the proponents to display information on their project, including any changes made since the Public Notice was issued, from 6:00 to 7:00 p.m., just outside of the meeting room. Similarly, anyone else who wishes to present information on the project and its impacts has the same opportunity. We intend to allow the displays to remain up until the end of the Hearing. The Corps will not be providing any support to the Session, so “exhibitors” should ensure they bring all items necessary to support their display.

Procedures for Speakers: Attendance cards will be available at the entrance to the Theater from 6:30 p.m. until the Hearing adjourns. Attendees wishing to speak should mark the appropriate box on the attendance card. The completed cards will be stacked in the order received and speakers will be called in that order.

The number of speakers (with allowance for potential late arrivals) will determine the amount of time available to each speaker. It is expected that the maximum amount of time available will not be more than 5 minutes per speaker.

The project proponents will be given 15 minutes at the beginning of the Hearing in which to present their project and respond to comments made in response to the Public Notice. At the end of the Hearing they will also be afforded a limited opportunity to respond to comments made during the Hearing.

Due to the time constraints, speakers are requested, as much as possible, to avoid duplicating comments that have already been recorded during the Hearing.

Written Testimony: A court reporter will be recording the Hearing and all testimony will become part of the project record and will be reviewed during the decision-making process. Although actual speaking time will be limited, anyone can submit

written comments of any length at this Hearing and for up to ten days after the Hearing. Comments submitted after the Hearing should be send to Lt. Colonel Michael McCormick, District Engineer, Attention: Regulatory Branch, 8th Floor, U.S. Army Corps of Engineers, 333 Market Street, San Francisco, 94105-2197.