



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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DATE: April 20, 2004

RESPONSE REQUIRED BY: May 20, 2004

Regulatory Branch  
333 Market Street

San Francisco, CA 94105-2197

PERMIT MANAGER: John Knudsen Phone: 415-977-8437/E-mail: jknudsen@spd.usace.army.mil

**1. INTRODUCTION:** Mr. Ken Martin, Pine Creek Properties, P. O. Box 11218, Santa Rosa, California, 95406 (Contact: Mr. Charles Patterson, 925-938-5263) has applied for a Department of the Army permit to place fill into 0.95 acres of jurisdictional seasonal wetlands for the purpose of constructing the Martin/Hearn residential housing subdivision in the City of Santa Rosa, Sonoma County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

## 2. PROPOSED PROJECT:

**a. Project Site:** The proposed Martin/Hearn residential subdivision site is located in southwestern Santa Rosa, California at Assessor Parcel Numbers 134-022-007 and 134-022-014 (Figures 1 and 2). The parcels total 11.2 acre in area and are located near the terminus of W. Hearn Avenue. The site is bordered by Yuba Drive to the south and residential housing to the north and east. Paved streets, landscaped yards, curbs, gutters, and buried storm drains are found in the residential neighborhoods. The abandoned Santa Rosa Air Center is located immediately to the west. In recent years, the parcels have been utilized for hay production and livestock pasture and are disced yearly for weed abatement and fire hazard reduction. The site is almost level with a slight slope to the west. Vegetation on the site is dominated by non-native grasses and weedy plants. No trees or woody shrubs are present.

**b. Project Description:** The proposed Martin/Hearn subdivision project would construct a typical urban residential development of 73 residential single-family housing units (Figure 3).

**c. Purpose and Need:** The purpose of the subdivision

project is to implement an incremental portion of the City of Santa Rosa's urban residential housing plan. The need to provide such housing is presented in the city's "General Plan." Moderately priced single family housing is in demand in Santa Rosa and this project would contribute to addressing the housing issue.

**d. Mitigation** – Seasonal wetlands currently found on the project site (Figure 4) total 0.95 acres. Plant species found, among others, in these wetlands include rye grass (*Lolium* sp), downingia (*Downingia concolor*), Sebastopol meadowfoam (*Limnanthes vinculans*), popcorn flower (*Plagiobothrys bracteatus*), smooth goldfields (*Lasthenia glaberrima*), and semaphore grass (*Pleuropogon californicus*). To compensate for the loss of the 0.95 acres of seasonal wetlands on the site to be filled to construct the residential subdivision, the applicant proposes to construct 0.95 acres of new seasonal wetlands (a 1:1 replacement ratio) at the nearby Northpoint Village mitigation site (Figure 5) owned by the applicant. The applicant will purchase wetland preservation credits and California tiger salamander mitigation credits at mitigation banks located on the Santa Rosa Plain.

**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 before a Corps permit may be issued. The applicant shall provide the Corps with evidence that a valid request for State water quality certification has been submitted to the Regional Water Quality Control Board (RWQCB). No Corps permit will be granted until the applicant obtains the required certification.

Those parties concerned with any water quality issues associated with this project should write to the Executive Officer, North Coast Regional Water Quality

Control Board, 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 public 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 Regulations at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 230 and 235. 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 and will provide the rationale for issuing or denying a Department of the Army permit for the project.

**Endangered Species Act of 1973 (ESA):** The federally listed endangered plant, Sebastopol meadowfoam (*Limnanthes vinculans*), has been observed in the wetlands on the proposed project site during plant surveys conducted during the past ten years. The endangered California tiger salamander (*Ambystoma californiense*) is known to exist on the abandoned Santa Rosa Air Center immediately to the west. Surveys for the salamander have not been conducted on the project site. Although breeding habitat for the salamander is not present, the site could potentially provide suitable aestivation habitat.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State, and Federal agencies, no historic or cultural resources are known to occur on site or in the project vicinity. Standard construction-related measures to preserve such resources would be employed if buried artifacts or other archaeological resources were exposed during excavation and grading operations. If unrecorded historic or cultural resources were

discovered during construction, such operations would be suspended until the USACE concluded Section 106 consultation with the State Historic Preservation Officer to take into account any construction-related impacts to these resources.

**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) 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 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. 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 reasonably may be expected to accrue from the proposal must be balanced against its reasonable 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 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.

**7. CONSIDERATION OF COMMENTS:** The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this proposed project. Any comments received by the Corps 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 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 addressed to Regulatory Branch, Attn: John Knudsen. 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 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 John Knudsen of our office at telephone number 415-977-8437 or by e-mail at [jknudsen@spd.usace.army.mil](mailto:jknudsen@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.