

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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

NUMBER: 29542N      DATE: April 21, 2006  
RESPONSE REQUIRED BY: May 22, 2006

PERMIT MANAGER: Bryan Matsumoto

PHONE: 415-977-8476

Email: Bryan.T.Matsumoto@usace.army.mil

1. **INTRODUCTION:** Mr. John Caletti, Shiloh Oaks Company LLC, P.O. Box K, Santa Rosa, California 95492, (415) 381-3162, has applied to the United States Army Corps of Engineers (Corps), through his agent Wetland Research Associates, Inc. (WRA) (Point of Contact: Mr. Douglas Spicher, 2169-G East Blvd., San Rafael, CA 94901, (415) 454-8868), for a Department of the Army Individual Permit to construct the Shiloh Oaks Company Federal Express Facility Project. The project would be located on an 8.5-acre site located at the end of Caletti Avenue, in the Town of Windsor, Sonoma County, California (APN 059-271-087) (Enclosure 1). The project purposes are to receive, sort, and ship packages and letters worldwide, and to deliver local express packages and letters. The project would cause the permanent loss of 0.49 acre of jurisdictional wetlands and impact approximately 800 linear feet of stream channel. The duration of authorization, should it be accepted, would be for five years from the date of the permit issuance. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

## 2. PROPOSED PROJECT:

**Project Site:** As stated above, the project is located at the end of Caletti Avenue in the Town of Windsor, Sonoma County, California (APN 059-271-087). The site is bordered to the west by railroad tracks, on the north by a light industrial subdivision, to east by a vacant parcel, and to the south by the Sonoma County Day School.

Currently the site is vacant, however, in the recent past portions of the site were actively farmed for hay production, and prior to that the site was farmed for several decades.

The project site generally drains to the west/northwest, and receives water from direct precipitation and surrounding parcels. There is a jurisdictional stream channel and jurisdictional wetlands on the project site (Enclosure 2). The stream channel bisects the parcel and is a tributary to Pool Creek to the west. The stream drains from east to west, receiving water from the project site, U.S. Highway 101, and lands to the east of it. Jurisdictional wetlands, on the project site, drain into the stream channel, and are seasonal in nature. Vegetation, within wetland areas, consists of California coyote-thistle (*Eryngium aristulatum*), Mediterranean barley (*Hordeum hystrix*), annual hairgrass (*Deschampsia danthonioides*), Italian rye grass (*Lolium perenne*), semaphore grass (*Pleuropogon californicus*), curly dock (*Rumex crispus*), and maroon spot downingia (*Downingia concolor*). A habitat quality evaluation is being completed for the project site, and it is anticipated that the site will be categorized as "low quality" habitat.

**Project Description:** As shown on the attached drawings, the applicant plans to construct a large office/warehouse building, associated utilities, streets, and parking for large tractor trailer trucks, smaller local delivery trucks, and employee and customer vehicles (Figure 3). To accommodate all

aspects of the project, all wetlands on site would be filled and the stream would be realigned and widened, as shown on the differences between Figure 2 and Figure 3.

**Purpose and Need:** The basic project purpose is to construct a shipping and receiving facility. The overall project purpose is to construct a high efficiency shipping and receiving center for Federal Express to serve the North San Francisco Bay region with easy and reliable access to ground transportation (U.S. Highway 101) radiating from Windsor, California, the center of the service area.

The applicant states that there is an increased need within the North San Francisco Bay region for shipping and receiving facilities.

**Impacts:** The project would result in the permanent loss of 0.49 acre of jurisdictional wetlands and would impact approximately 800 linear feet of stream channel. Impacts to the stream include grading and filling for widening and realignment activities.

**Mitigation:** The applicant has proposed to create 0.75 acre of wetland habitat at an offsite location to the northeast of the project site (Figures 4 - 6). In addition, the Corps will require the applicant to purchase endangered plant preservation credits (at a ratio of 2 acres of plant preservation for every 1 acre of wetland filled) at a U.S. Fish and Wildlife Service (USFWS) approved mitigation bank. To mitigate for stream impacts, the applicant has proposed a riparian planting plan that would stretch the entire length of the stream channel within the project site (Figure 7).

### 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. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 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 U.S. 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.

Due to a storm drain system located under the railroad tracks to the west of the site, fish are unable to migrate further upstream. In addition, the regular maintenance, lack of riparian vegetation, and small size of the channel provides no breeding, rearing, or foraging habitat. A search of the California Natural Diversity Database (CNDDDB) found no sightings of salmonid fish species within this stream channel.

Species and critical habitat currently identified as potentially impacted by the proposed project include; Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields (*Lasthenia burkei*), Sebastopol meadowfoam (*Limnanthes vincularis*), and many-flowered navarretia (*Navarretia leucocephala* ssp. *Plieantha*). A search of the CNDDDB found a sighting of Burke's goldfields on the project site in 1989.

If the applicant is unable to mitigate

according to the *Programmatic Formal Consultation for the U.S. Army Corps of Engineers 404 Permitted Projects that May Affect Four Endangered Plant Species on the Santa Rosa Plain (File Number 22342N)* (BO), the Corps will initiate formal consultation with the USFWS.

**Magnuson-Stevens Fisheries Conservation and Management Act:** The 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. Due to the absence of EFH on the project site, no consultation for EFH will be completed.

**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 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 issue 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 dependent. The applicant has not submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines.

**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 archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

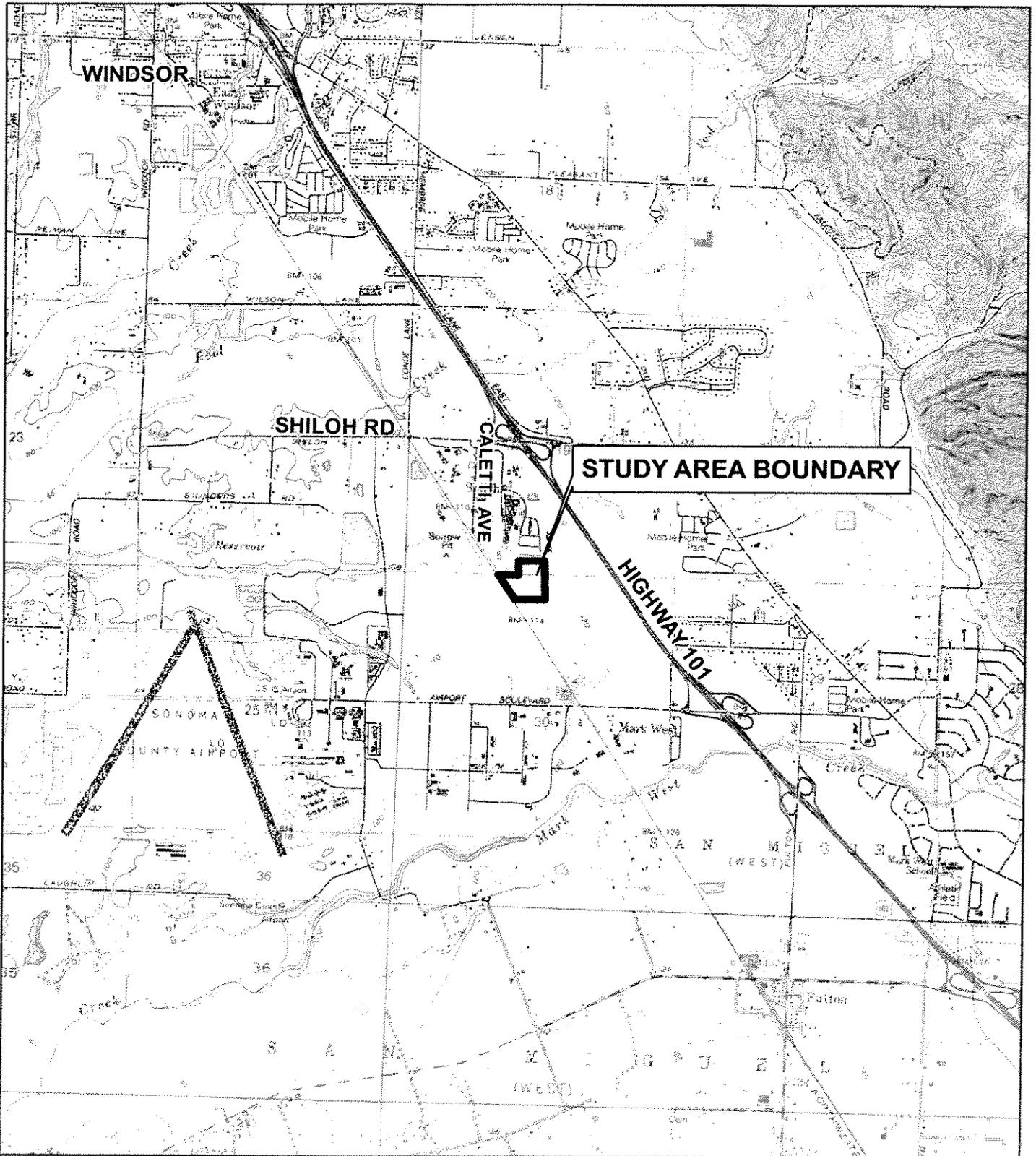
**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important 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, historic 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.

8476 or E-mail:  
Bryan.T.Matsumoto@usace.army.mil. Details on  
any changes of a minor nature that are made in the  
final permit action will be provided upon request.

**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 Bryan Matsumoto of our office at telephone 415-977-



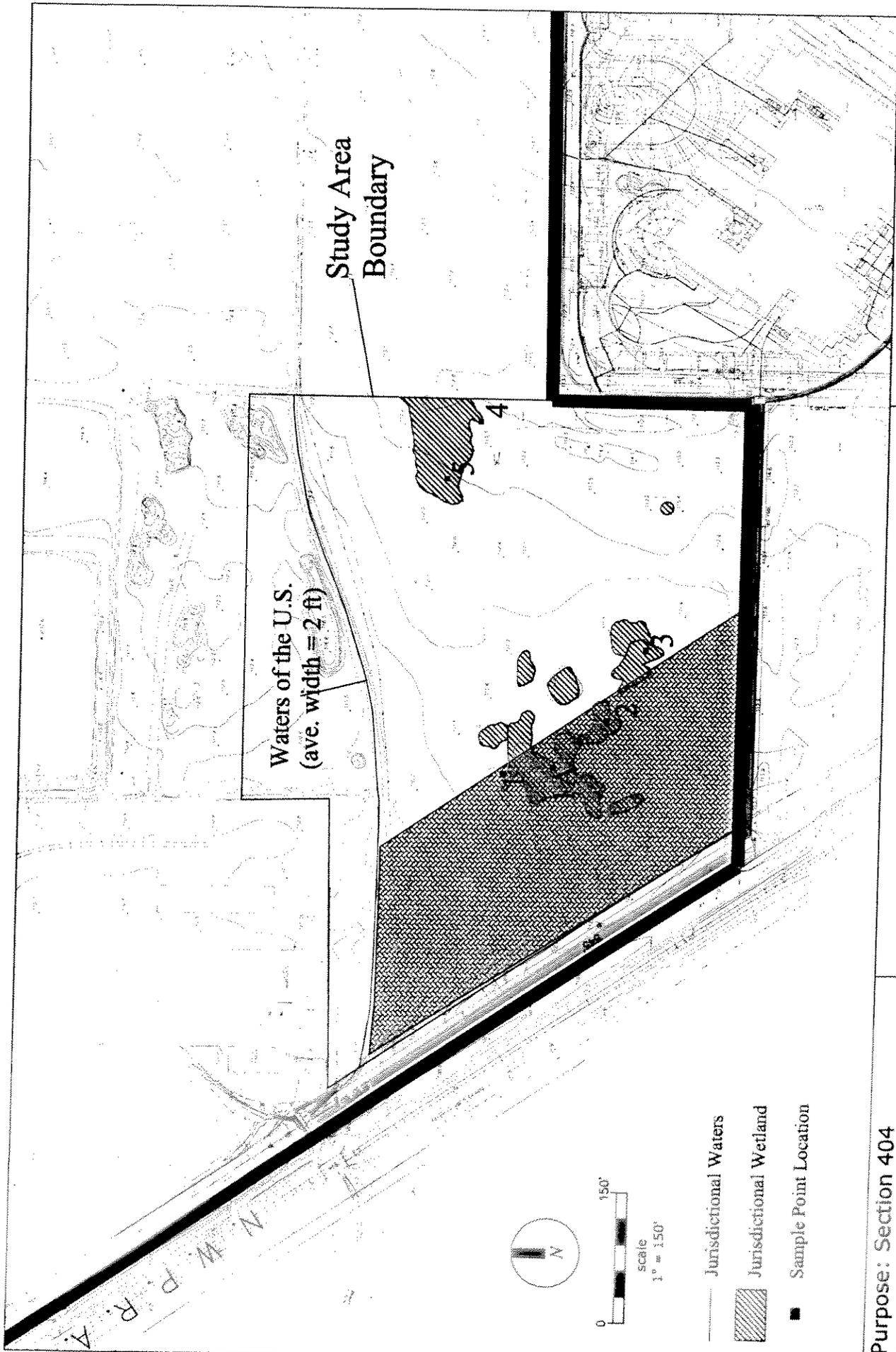
Regional Location Map

Shiloh Oaks Property  
Windsor, California

Enclosure 1



Date: March 2005  
 Basemap: USGS Topo Quad  
 Map By: Gabe Olson  
 Filepath: I:\ACAD2000\10032\GIS\ArcMap\LocMap.mxd



LOCATION: Windsor, CA

COUNTY: Sonoma

APPLICATION BY: Shiloh Oaks Corp#29642N

Enclosure 2 DATE: December 2005

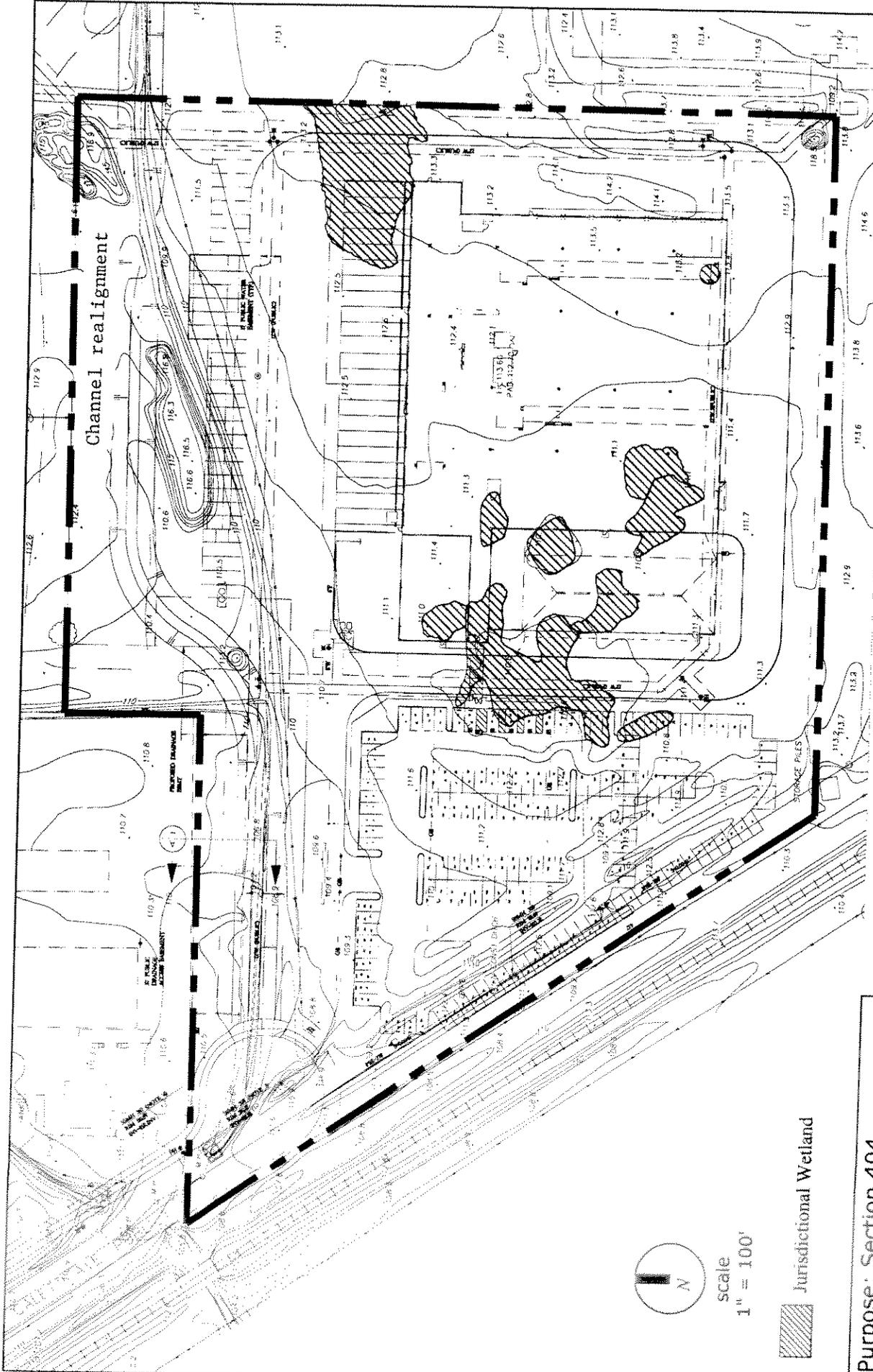
**Jurisdictional Wetlands**  
 Shiloh Oaks - Industrial Development

Shiloh Oaks Company, LLC  
 P. O. Box K  
 Santa Rosa, CA 95402  
 Contact: Mr. John Calais

**Purpose: Section 404  
 Jurisdictional Areas**



ENVIRONMENTAL CONSULTANTS  
 FILE PATH: 10032\DelimMap\_Site\_110405.dwg



LOCATION: Windsor, CA  
 COUNTY: Sonoma  
 APPLICATION BY: Shiloh Oaks Corp #29542N  
 Enclosure 3 DATE: December 2005

**Jurisdictional Wetlands**  
 Shiloh Oaks - Industrial Development

Shiloh Oaks Company, LLC  
 P. O. Box 100  
 Santa Rosa, CA 95402  
 Contact Mr. John Caletti

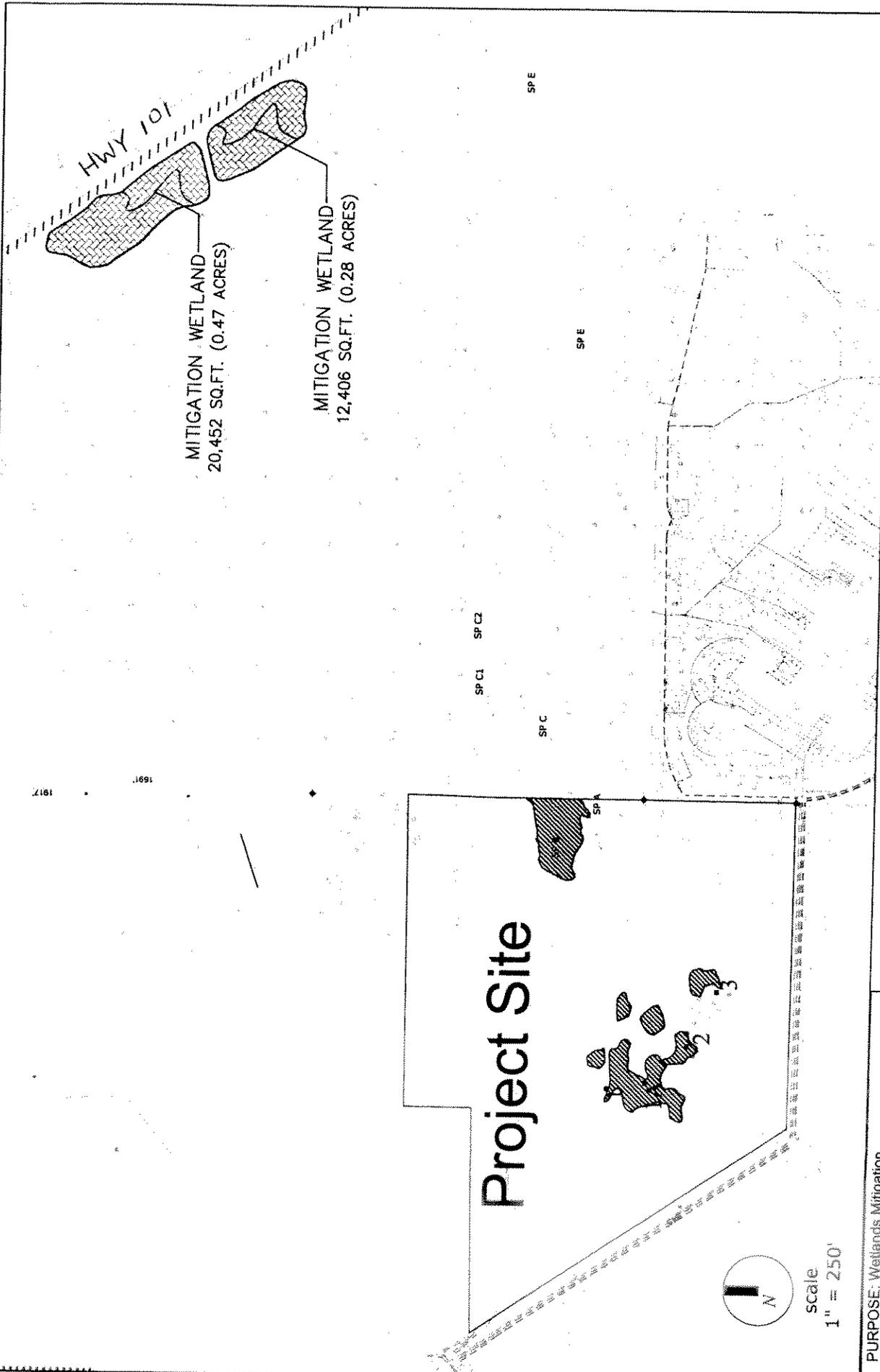
Purpose: Section 404  
 Jurisdictional Areas



ENVIRONMENTAL CONSULTANTS  
 FILE PATH: 10632\SITE\_MAP\_110405.dwg

scale  
 1" = 100'

Jurisdictional Wetland



Project Site

MITIGATION WETLAND  
20,452 SQ.FT. (0.47 ACRES)

MITIGATION WETLAND  
12,406 SQ.FT. (0.28 ACRES)

Hwy 101

PURPOSE: Wetlands Mitigation

-  Jurisdictional Wetlands
-  Mitigation Area



scale  
1" = 250'

Wetlands Mitigation Site  
Relative to Project Site  
Shiloh Oaks - Industrial Development

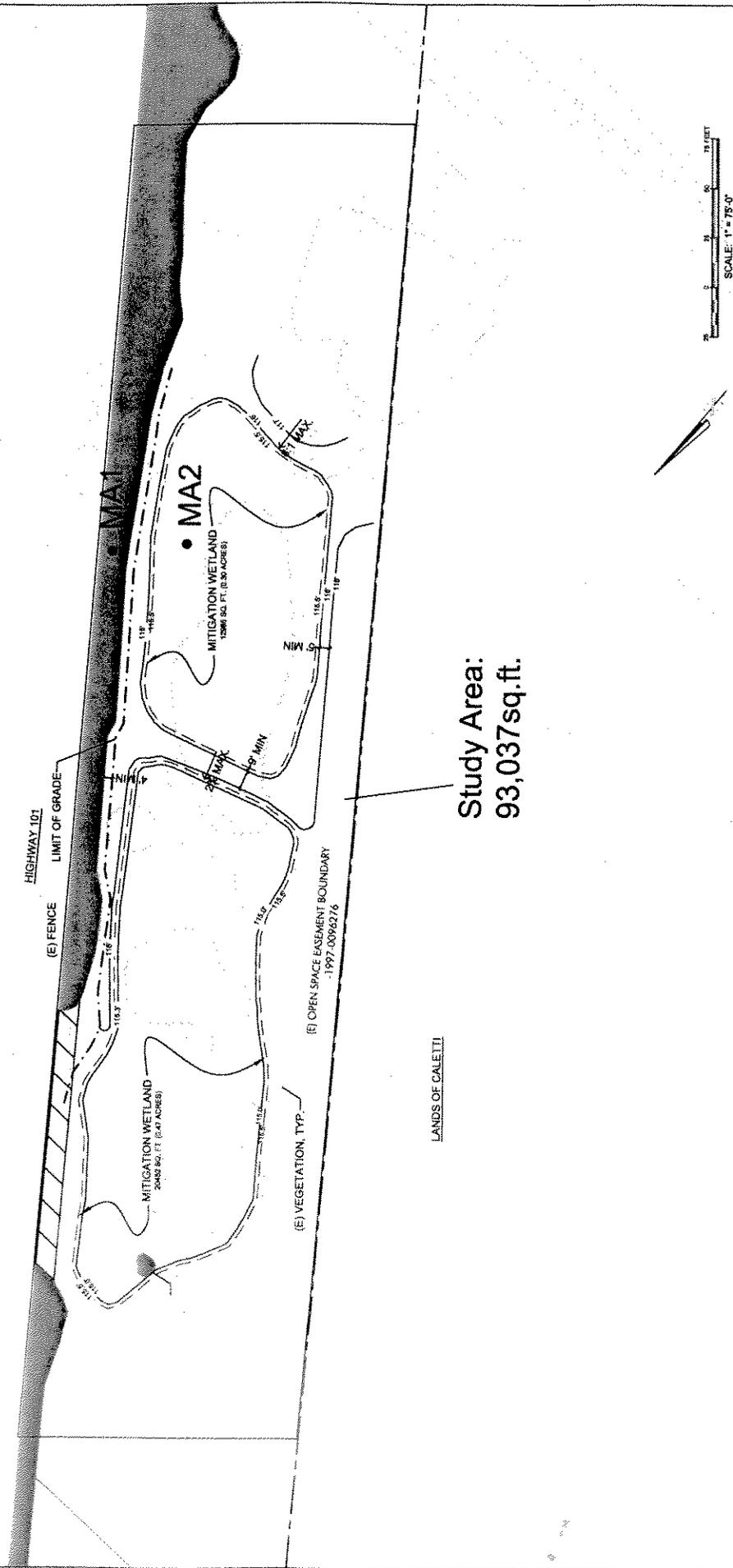
Shiloh Oaks Company, LLC  
P. O. Box K  
Santo Rosa, CA 95402  
Contact: Mr. John Caletti

LOCATION: Windsor, CA  
COUNTY: Sonoma

APPLICATION BY: Shiloh Oaks Corp# 29542N  
Enclosure 4 DATE: December 2005

Jurisdictional Wetlands

Sample Location



Study Area:  
93,037sq.ft.

**Purpose: Wetland Mitigation Area Jurisdictional Determination**



**Schematic Wetland Mitigation Grading Plan**  
Shiloh Oaks - Industrial Development

Shiloh Oaks Company, LLC  
P. O. Box K  
Santa Rosa, CA 95402  
Contact: Mr. John Caletti

LOCATION: Shiloh Oaks Property, Windsor, CA  
COUNTY: Sonoma      Enclosure 5  
APPLICATION BY: Shiloh Oaks Company, LLC Corp#29542N  
Date: March 2006      Filename: L:\Acad 2000 Files\10032\FedEx\_Site\_11-07-05.dwg

LANDS OF CALETTI

(E) OPEN SPACE EASEMENT

NO ACCESS AREA

HWY 101

MITIGATION WETLAND  
HERBACIOUS WETLAND PLANTS

(E) FENCE

EXISTING NON-NATIVE PINE TREES

EXISTING GRADE

PROPOSED GRADE

4:1 MAX SLOPE, TYP.

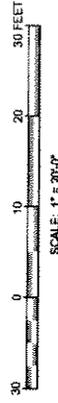
A

TOPSOIL

PREPARED WETLAND SUBGRADE

A'

(E) FENCE



Purpose: Wetland Mitigation



Schematic Wetland Mitigation Grading Section  
Shiloh Oaks - Industrial Development

Shiloh Oaks Company, LLC  
P. O. Box K  
Santa Rosa, CA 95402  
Contact: Mr. John Callett

LOCATION: Shiloh Oaks Property, Windsor, CA

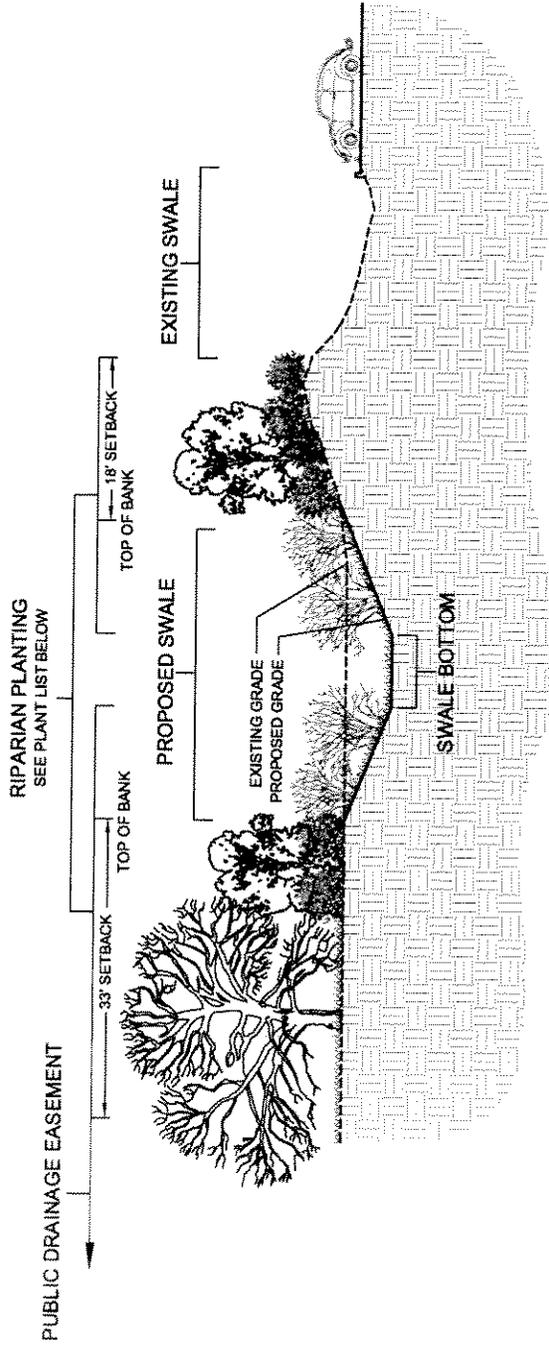
COUNTY: Sonoma

Enclosure 6

APPLICATION BY: Shiloh Oaks Company, LLC Corp# 29542N

Date: November 2005

Filename: L:\Acad 2000 Files\10032\FedEx\_Site\_11-07-05.dwg



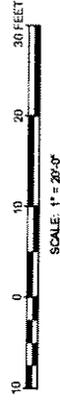
**PLANT LIST**

TREES: VALLEY OAK

SHRUBS: ARROYO WILLOW, COYOTE BUSH & TOYON

NATIVE GRASSES: MEADOW BARELY, CALIFORNIA BROME, CREEPING WILD-RYE, THREE WEEKS FESCUE & TUFTED HAIRGRASS

NOTE: NO TREES OR SHRUBS SHALL BE PLANTED IN THE BOTTOM OF THE PROPOSED SWALE.



Purpose: Riparian Planting



**Schematic Swale Grading & Planting Section**  
 Shiloh Oaks - Industrial Development

Shiloh Oaks Company, LLC  
 P. O. Box K  
 Santa Rosa, CA 95402  
 Contact: Mr. John Cahill

LOCATION: Shiloh Oaks Property, Windsor, CA

COUNTY: Sonoma Enclosure 7

APPLICATION BY: Shiloh Oaks Company, LLC Corp# 29542N

November 2005

Filename: L:\Acad 2000 Files\10032\Cross Section of Swale 11-04-05.dwg