



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 30159S

DATE: 1 November 2007

RESPONSE REQUIRED BY: 1 December 2007

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

PROJECT MANAGER: Bob Smith Phone: (415) 977-8450/E-mail: robert.f.smith@usace.army.mil

1. **INTRODUCTION:** Keech Properties, LLC, 1060 Twin Dolphin Drive, Suite 500 Redwood City, CA 94539, through their agent Terry Huffman [Huffman-Broadway Group, Inc., 828 Mission Avenue, San Rafael, California 94901, (415)925.2000] has applied for a Department of the Army permit to discharge fill material into 4.52 acres of non-tidal wetlands and 1.20 acres of non-tidal basin subject to Corps jurisdiction, to construct a mixed-use residential development, a school and a new flood control levee on two adjacent sites in the Redwood Shores area of the City of Redwood City, San Mateo County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. **PROPOSED PROJECT:** The project is located on two contiguous parcels, totaling approximately 114.5 acres, adjacent to Belmont Slough and Shearwater Parkway in the Redwood Shores area of Redwood City, San Mateo County, California (See Figures 1-2). The project sites are bounded by Belmont Slough on the west, Bay Slough toward the northeast and residential development to the east and south. The project located on these two parcels consists of two development components referred to in local planning and CEQA review documents as the "Preserve at Redwood Shores", a 109-acre parcel and the "Indian Creek Project", a 5.5-acre parcel.

The Project would consist of multiple components including:

(1) Construction of a 400-450 student elementary school on 7.0 acres, and 131 town homes on 9.5 acres of the Preserve parcel;

(2) Construction of 27 town homes on 2.0 acres and construction of a public parking lot and neighborhood park on the remaining 3.5 acres within the 5.5-acre Indian Creek parcel;

(3) Construction of a new flood protection levee, and upland buffer habitat comprising approximately 6-acres, to replace the degraded existing levee which would separate the elementary school/ town home development and adjacent neighborhoods from the 92.5-acre preserve area. The levee would be built to a FEMA standard that would allow for the 92.5-acre preserve area to be restored to full tidal or controlled tidal wetlands in the future;

(4) Construction of a pedestrian trail along the new flood protection levee;

(5) Preservation (through deed-restriction) of 92.5-acres of the Preserve parcel that would allow for the restoration of full or controlled tidal and non-tidal wetland habitats as well as maintenance activities in order to expand or enhance habitat for the federally-listed salt marsh harvest mouse and California clapper rail;

(6) Dedication of the remaining 3.5-acre area within the Indian Creek parcel to the City of Redwood City as open space for the purpose of a neighborhood park, levee, and habitat preservation area consisting of a 0.94 acre lagoon and 0.08 acre of emergent wetlands.

Refer to Figure 5 and 6 for a cross-section of the proposed pedestrian trail and lagoon channel and Figure 7 for plan views of the two project components.

Approximately 85,000 cubic yards of clean fill material will be excavated and redeposited within the sites, resulting in the fill of approximately 4.52 acres of non-tidal wetlands and 1.20 acres of non-tidal open water. [3.04 acres of non-tidal historically navigable waters subject to Section 10 of the Rivers and Harbors Act of 1899, most of which are remnant sloughs, lie within the 4.52 acres of impacted wetlands] (Figures 8-9).

Historically the Preserve parcel (also known as “Area H”) and the Indian Creek parcel were hydrologically connected to Belmont Slough and influenced by the ebb and flow of the tide. During the early part of the 20th century, along with the surrounding Redwood Shores area, a levee system was installed and the enclosed areas were drained. As a result, the two parcels are no longer influenced by the natural ebb and flow of the tide. Historical land use on the sites included salt production and farming.

Approximately 5.89 acres of non-tidal open water ponds are found along, and immediately adjacent to, the flood control levees on the western and eastern portions of the site. The open water pond along the western boundary was a borrow site for levee-building material and the lagoon channel along the eastern boundary is a remnant of a former shipping channel. The open water pond along the western boundary floods during the rainy season but generally dries out during the summer months. The lagoon channel/historic shipping channel may stay partially ponded all year.

Approximately 17.98 acres of non-tidal wetlands occur within the site, which includes 5.96 acres created as mitigation for impacts related to a levee maintenance project conducted in 2000 by the City of Redwood City (Corps permit #19873S). Approximately 1.09 acres of tidal wetlands occur along the outside of the levee but within the parcel boundary.

A non-tidal basin dominates the southern half of the Indian Creek site, and an artificial, controlled-tidal lagoon dominates the northern half. The basin is approximately 1.20 acres, with a 0.40-acre non-tidal wetland fringe supporting many of the same species found on the Preserve parcel. The basin was originally constructed to bring a floating barge into the Redwood Shores residential development from Belmont Slough. Although it is no longer needed to transfer large equipment to the lagoon, it was never filled as originally planned 20 years ago. It fills up with stormwater each year and typically dries out each summer. It is not hydrologically connected to Belmont Slough or the adjacent controlled-tidal.

To mitigate for wetland impacts, the applicant would create wetlands at an acreage ratio of 1:1 within the remaining Preserve parcel. Wetland creation would involve the excavation and grading of depressional features that would collect direct precipitation during the winter months and dry out during the summer months. The surrounding open space would provide upland refuge habitat for the salt marsh harvest mouse.

The applicant also proposes to create a 70-foot-wide open water channel with a wetland fringe along the outboard side of the new flood control levee. Material generated from the excavation of this pond will be used during grading for building pads and infrastructure, and for the construction of the flood control levee. The open water pond and vegetative buffer would act as a physical and visual barrier between the development and the remaining Preserve open space. Additional wetlands would also be created along the outboard side of the open water pond.

The applicant will place an irrevocable deed restriction over the undeveloped 92.5-acre portion of the Preserve site which will restrict future land uses to those that would preserve existing tidal marshlands and allow for restoration of existing non-tidal wetland and upland habitats to expand or

enhance habitat for the federally-listed salt marsh harvest mouse and California clapper rail.

The deed restrictions would also allow for: (1) The maintenance or improvement of flood control levees to provide the structural mechanism needed to restore the 92.5-acre historic bayland area to full-tidal marshland; (2) The maintenance or improvement of public access facilities; (3) The fee title owner to finance future management and restoration activities through the sale of the rights to use the site to mitigate through the restoration of historic baylands (wetlands and open water habitat) for species and wetlands impacts associated with other agency-approved development projects or through the sale of mitigation credits through an agency-approved mitigation bank; (4) A portion of the funds obtained from the sale of mitigation to off-set offsite development, in addition to that needed to restore the site, will be used to establish a non-wasting fund or endowment for the purpose of funding a state or federal agency or agency-approved third party non-profit land management organization to provide long-term "in-perpetuity" management and protection of the 92.5-acre historic baylands area once it meets agency-approved success criteria; and (5) The remaining 3.5-acre area of the Indian Creek site, which includes the neighborhood park, levee, 0.94 acre lagoon and 0.08 acre of emergent wetlands, to be deeded to the City of Redwood City.

3. OTHER STATE AND FEDERAL PERMITS:

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. The Corps has made a preliminary determination that the proposed project may adversely affect the salt marsh harvest mouse, and may affect, but is not likely to

adversely affect the clapper rail. This determination was based on information regarding habitat requirements of federally-listed threatened and endangered species that could occur on the project site and species specific site assessments. In accordance with Section 7(a)(4) of the Endangered Species Act the Corps has initiated a formal consultation with the USFWS.

Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California Waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Coastal Zone Management Act of 1972 (CZMA) - Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable.

In addition to carrying out its regulatory authority under state law, the federal CZMA allows the San Francisco Bay Conservation District Commission (BCDC) to review federal projects and projects that require federal approval or are supported with federal funds. The BCDC carries out its "federal consistency" responsibilities by reviewing federal projects much like it does permit applications.

To facilitate construction grading within the Indian Creek project site grading work will be conducted within the BCDC shoreline ban which extends 100 feet inland from the Bay. The applicant will apply

for a BCDC Major Permit for all work conducted within their jurisdiction. No Corps permit will be granted until the applicant obtains the required permit from BCDC.

Water Quality Certification - 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 San Francisco Bay 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, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

4. ENVIRONMENTAL ASSESSMENT: 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.

On the basis of a review of survey data on file with various local, 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.

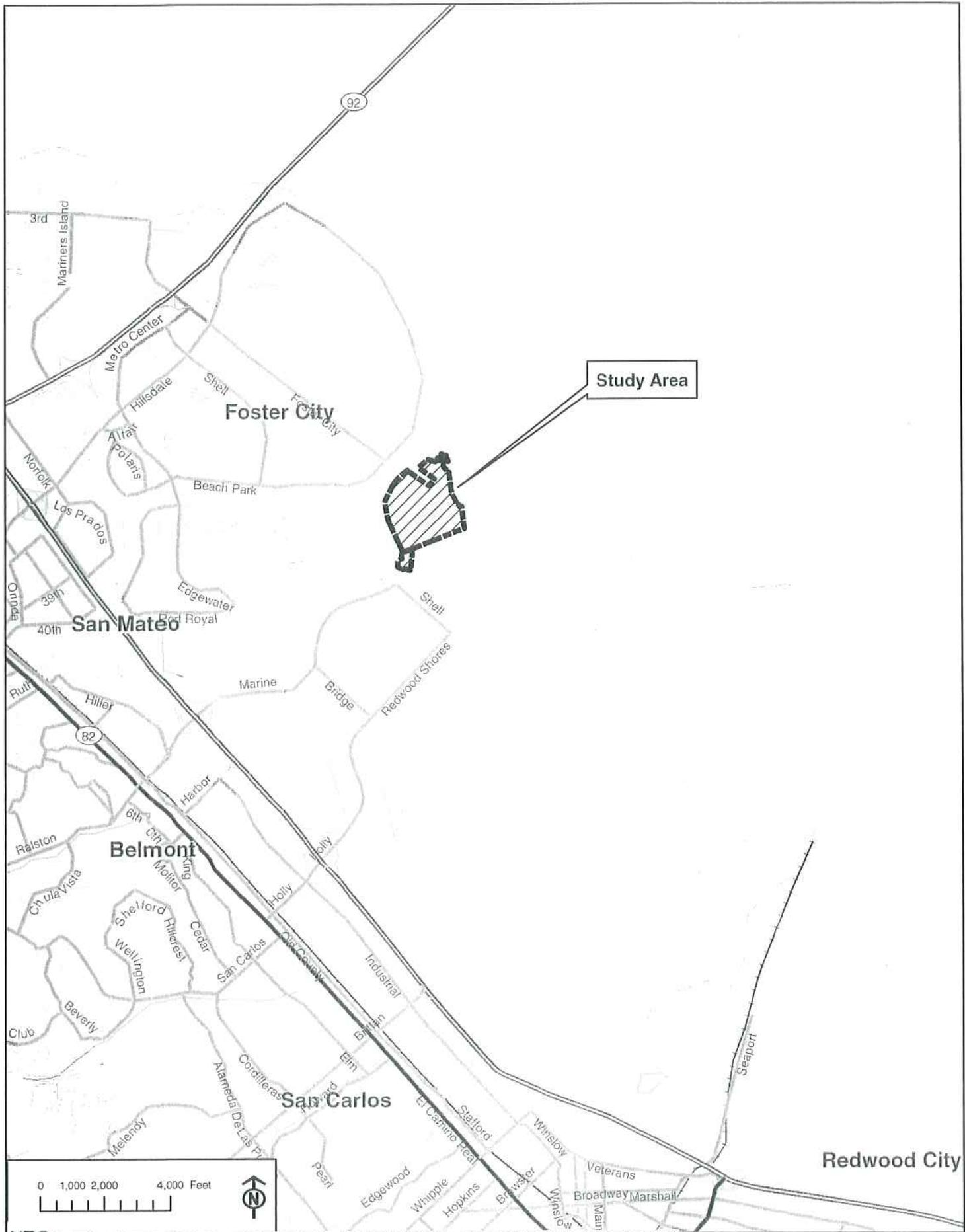
5. EVALUATION OF ALTERNATIVES: Evaluation of the proposed activity's impact will include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

6. 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.

7. 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.

8. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include

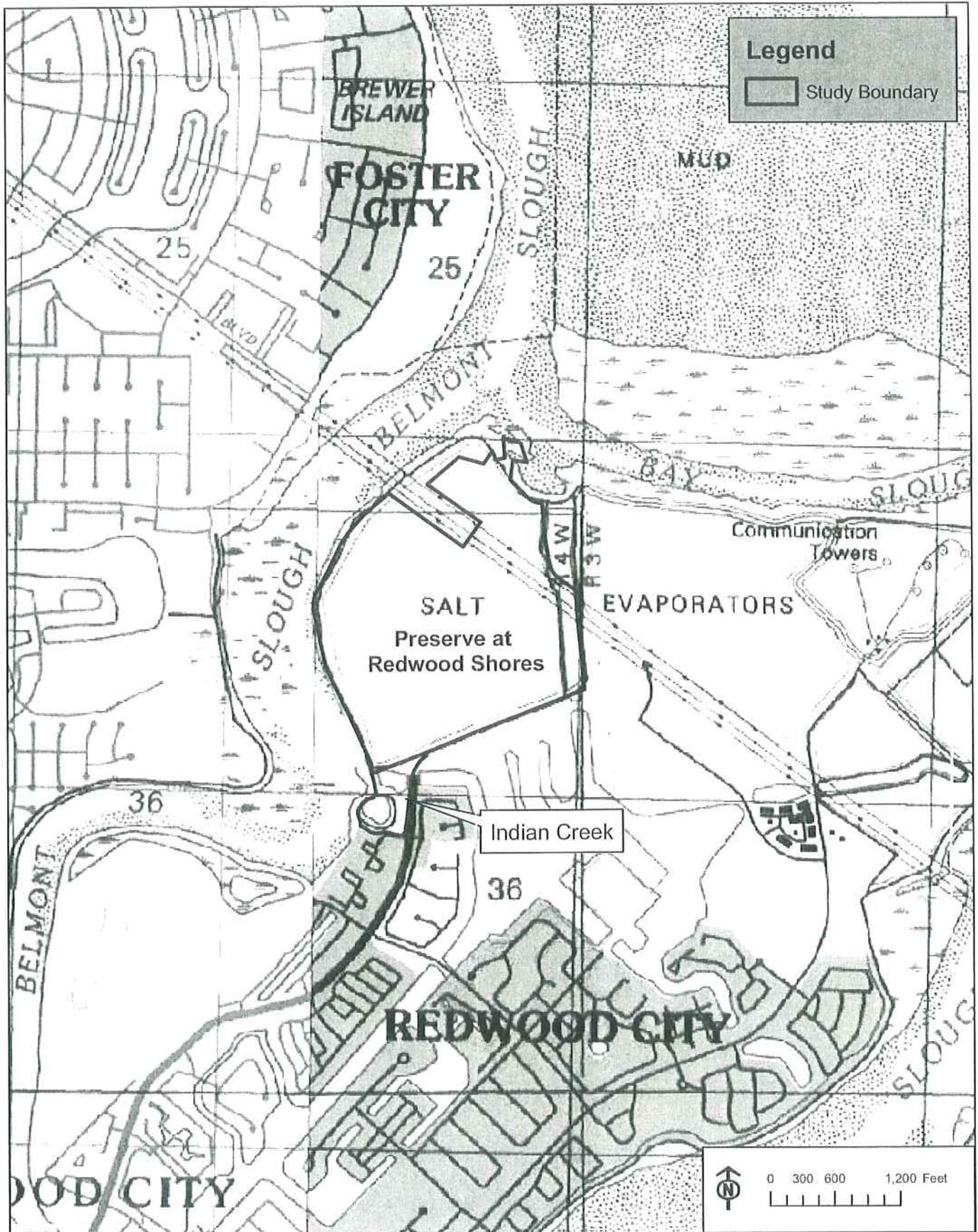
the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, 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 Bob Smith of our office at telephone 415-503-6792 or E-mail: robert.f.smith@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



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Figure 1. Project Area Location Map,
 The Preserve at Redwood Shores and Indian Creek Project,
 Redwood City, California

Applicant: Keach Properties, LLC
Corps File: 30159S
Date: 10-11-2007
Type of Illustration: Plan View



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Figure 2. USGS Topographic Map Showing Project Site, The Preserve at Redwood Shores and Indian Creek Project, Redwood City, California

Applicant: Keech Properties, LLC
Corps File: 30159S
Date: 10-11-2007
Type of Illustration: Plan View

Legend

 Study Boundary

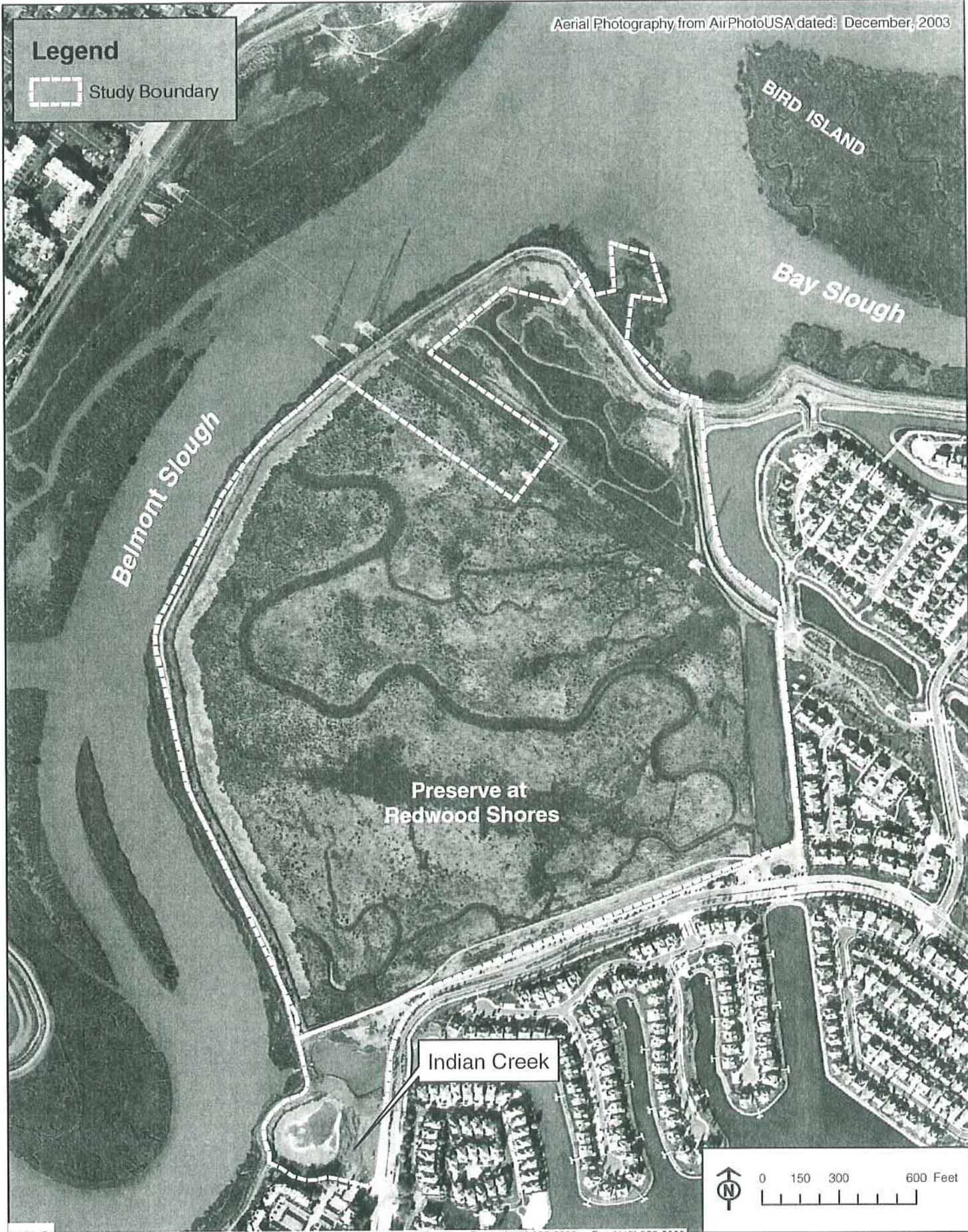


Figure 3. Aerial Photograph of Project Site,
The Preserve at Redwood Shores and Indian Creek Project,
Redwood City, California

Applicant: Keech Properties, LLC
Corps File: 30159S ·
Date: 10-11-2007
Type of Illustration: Plan View

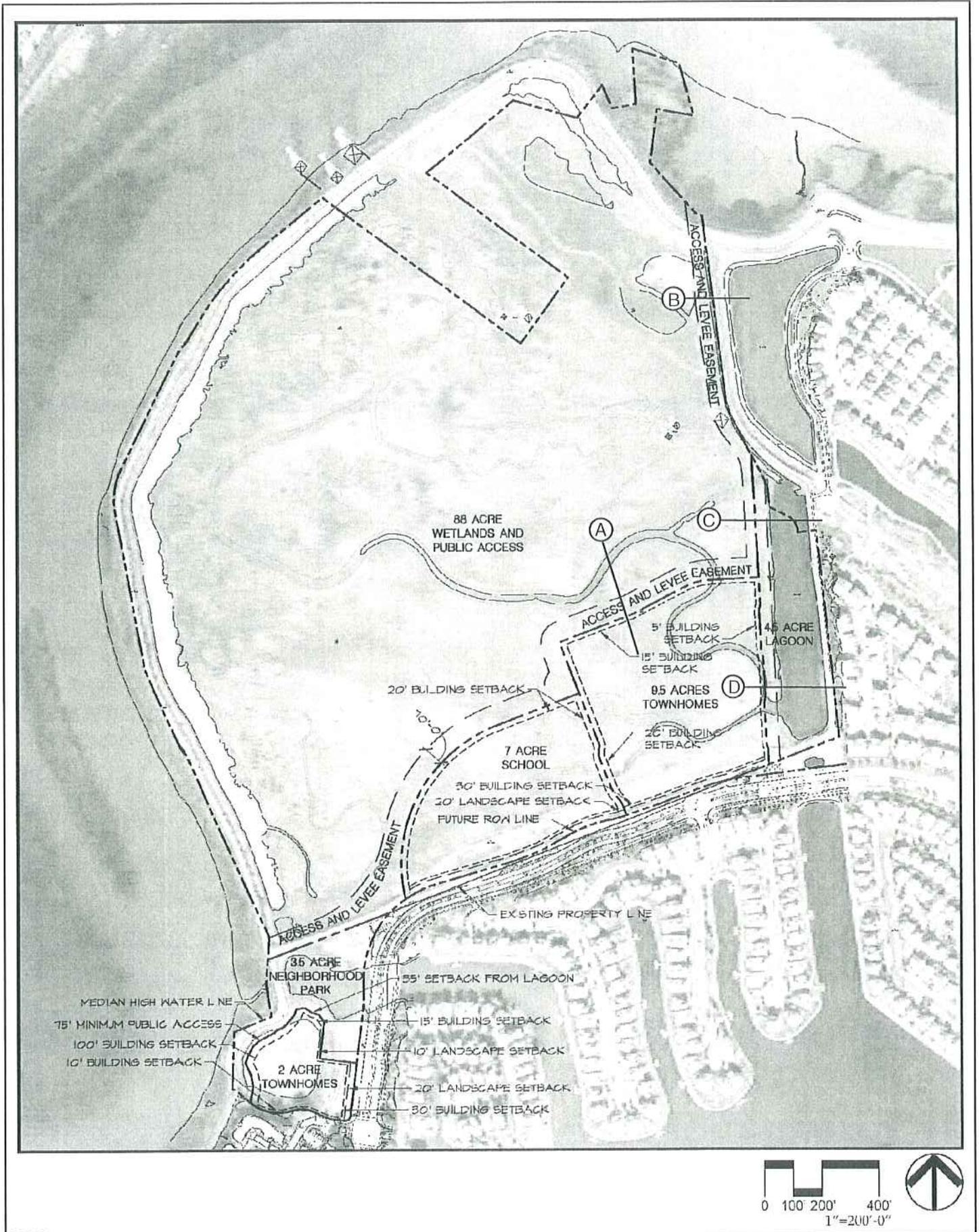
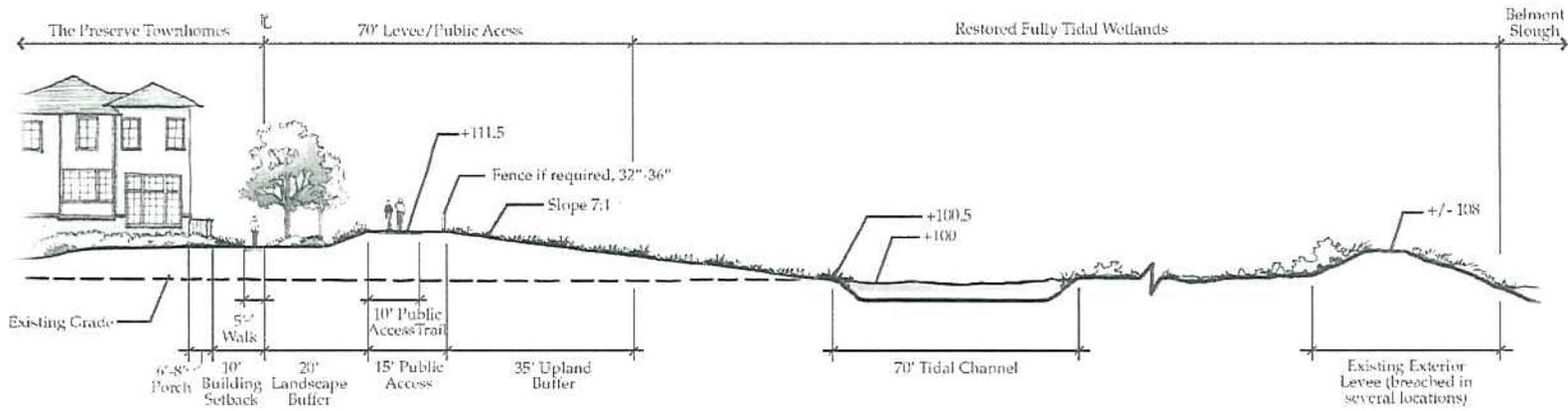
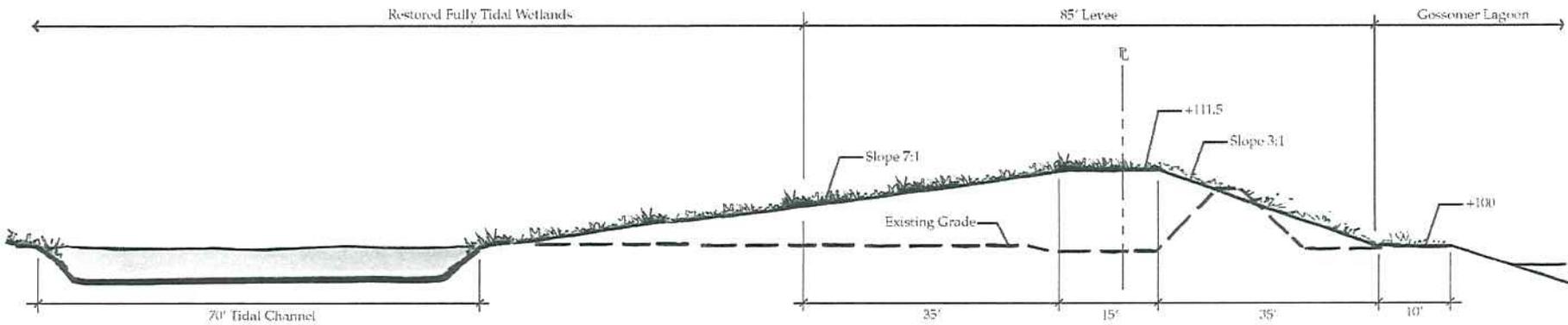
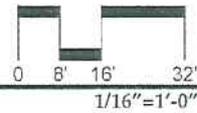


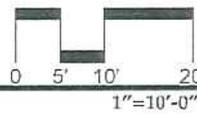
Figure 4. Land Use Plan,
 The Preserve at Redwood Shores and Indian Creek Project,
 Redwood City, California



A New Levee With Public Access Trail, Restored Wetlands
Section



B New Levee at Gossamer Lagoon
Section



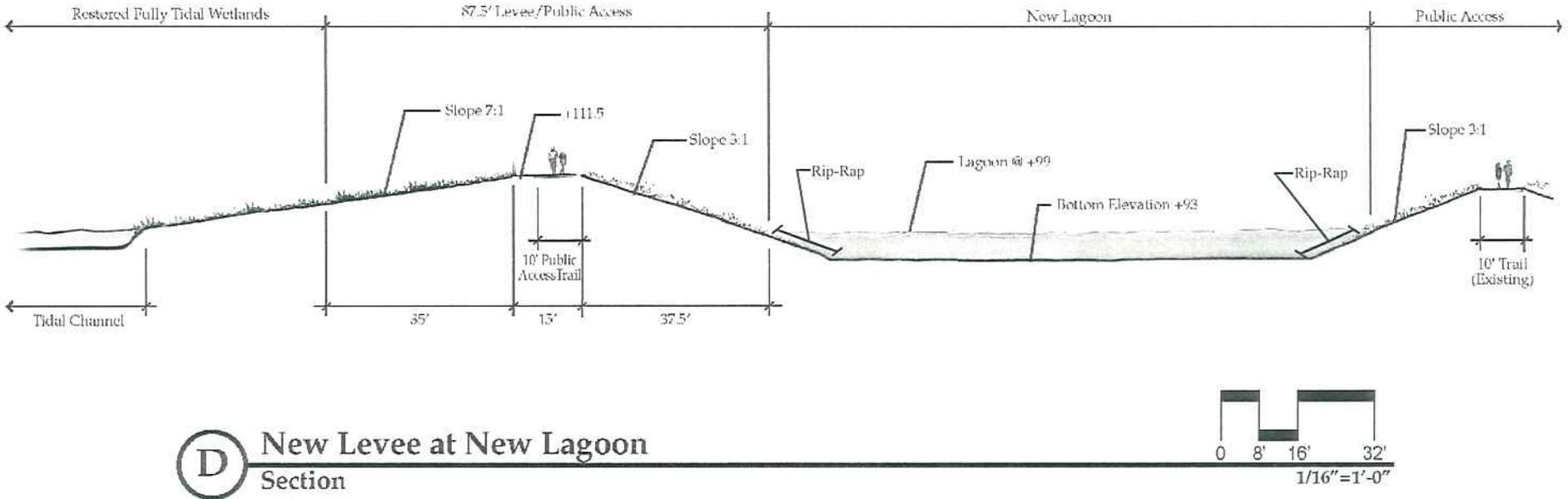
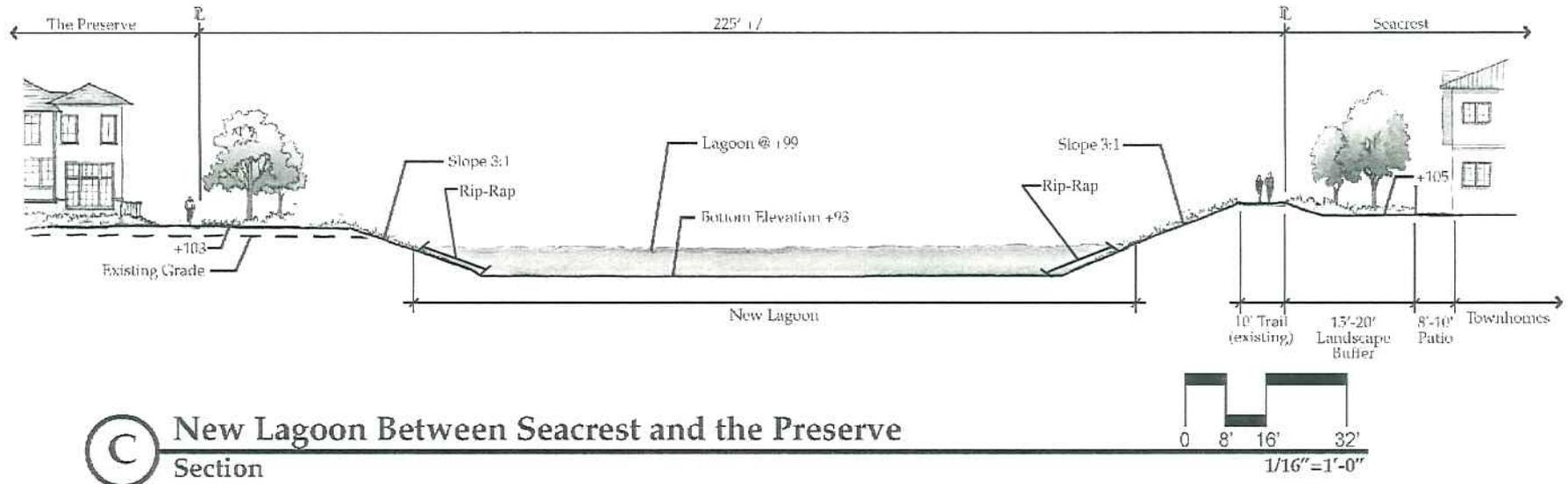
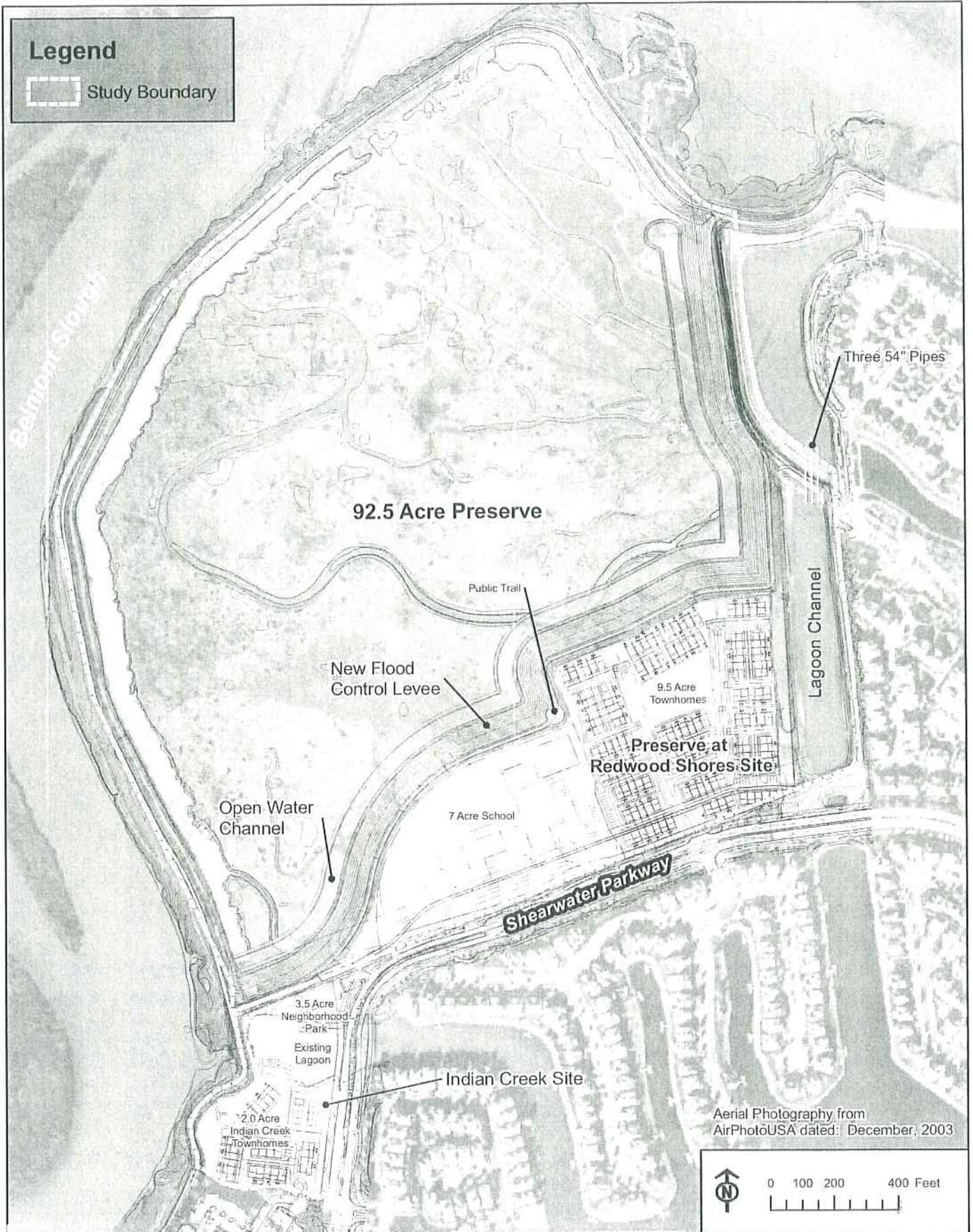


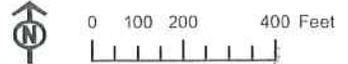
Figure 6. Levee Section C-C' and D-D', Showing New Flood Levee and Associated Structures



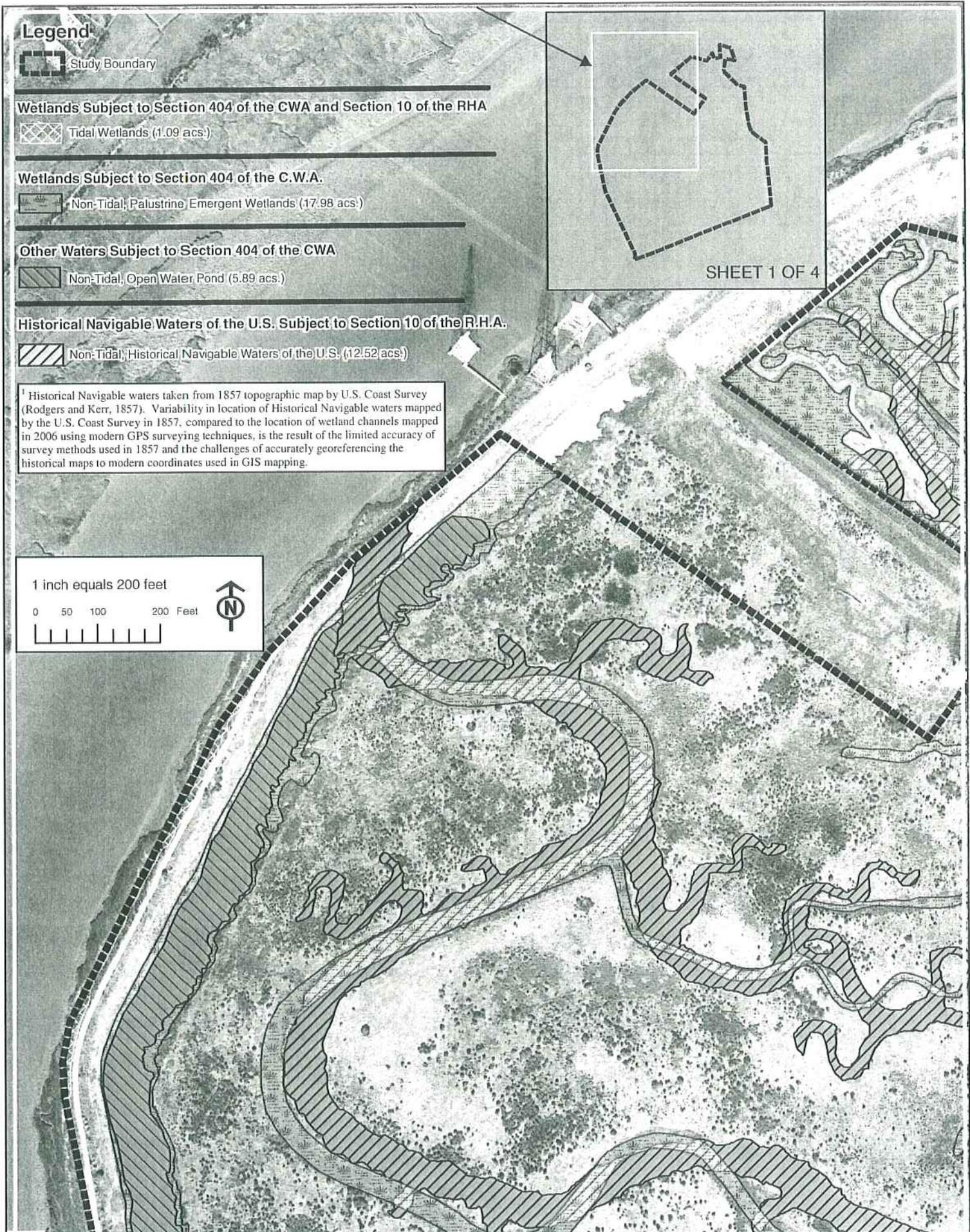
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Figure 7. Preserve at Redwood Shores and Indian Creek Site Plan,
 The Preserve at Redwood Shores and Indian Creek Project,
 Redwood City, California

Aerial Photography from
 AirPhotoUSA dated: December, 2003



Applicant: Keech Properties, LLC
Corps File: 30159S
Date: 10-11-2007
Type of Illustration: Plan View



¹ Historical Navigable waters taken from 1857 topographic map by U.S. Coast Survey (Rogers and Kerr, 1857). Variability in location of Historical Navigable waters mapped by the U.S. Coast Survey in 1857, compared to the location of wetland channels mapped in 2006 using modern GPS surveying techniques, is the result of the limited accuracy of survey methods used in 1857 and the challenges of accurately georeferencing the historical maps to modern coordinates used in GIS mapping.

Figure 8. Preserve at Redwood Shores Site Jurisdictional Map Sheet 1-4,
 The Preserve at Redwood Shores and Indian Creek Project, **Applicant:** Keech Properties, LLC **Date:** 10-11-07
 Redwood City, California **Corps File:** 30159S **Type of Illustration:** Plan View

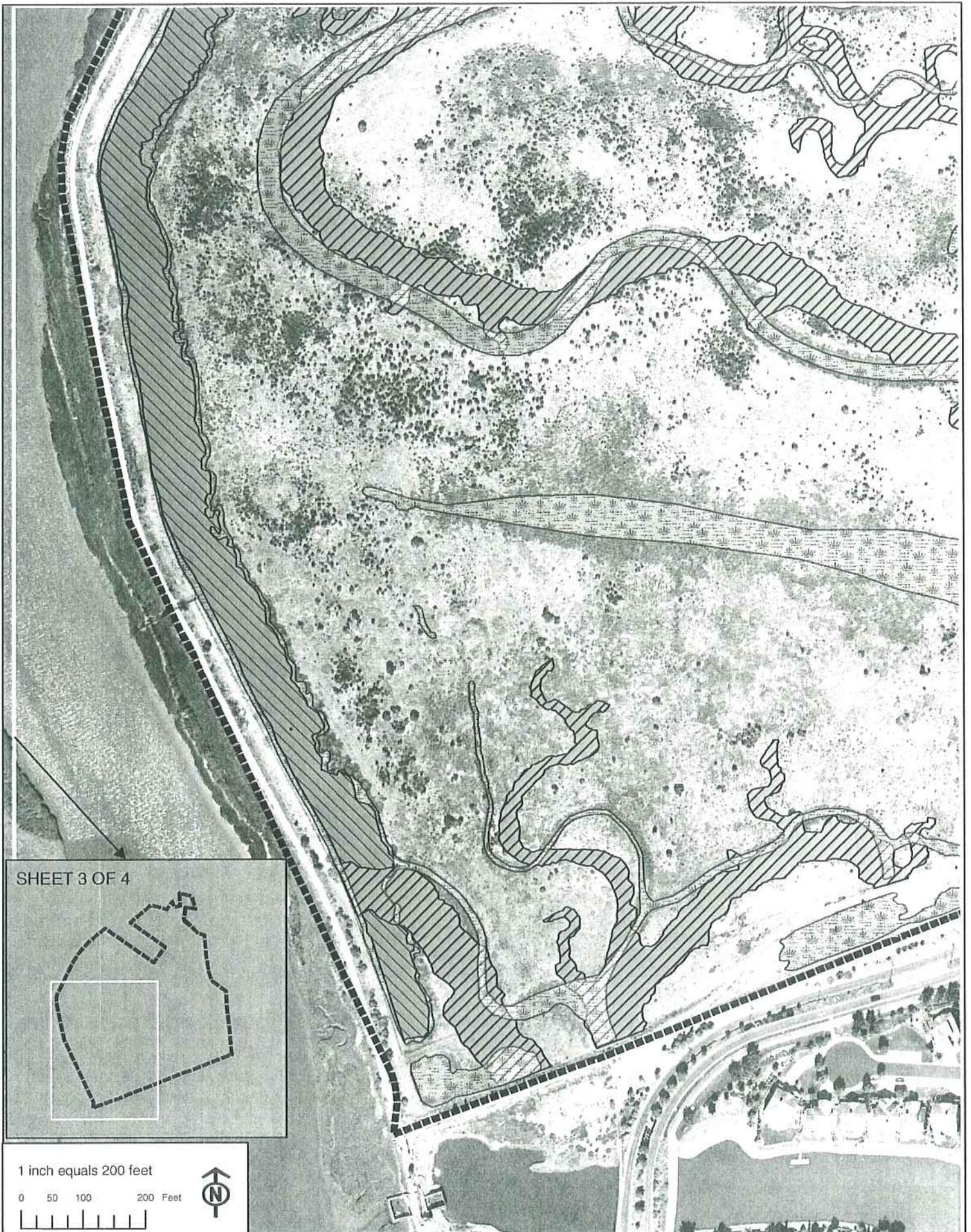


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Figure 8. Preserve at Redwood Shores Site Jurisdictional Map Sheet 2-4,
 The Preserve at Redwood Shores and Indian Creek Project, Applicant: Keech Properties, LLC
 Redwood City, California Corps File: 30159S

Date: 10-11-2007

Type of Illustration: Plan View



SHEET 3 OF 4

1 inch equals 200 feet

0 50 100 200 Feet

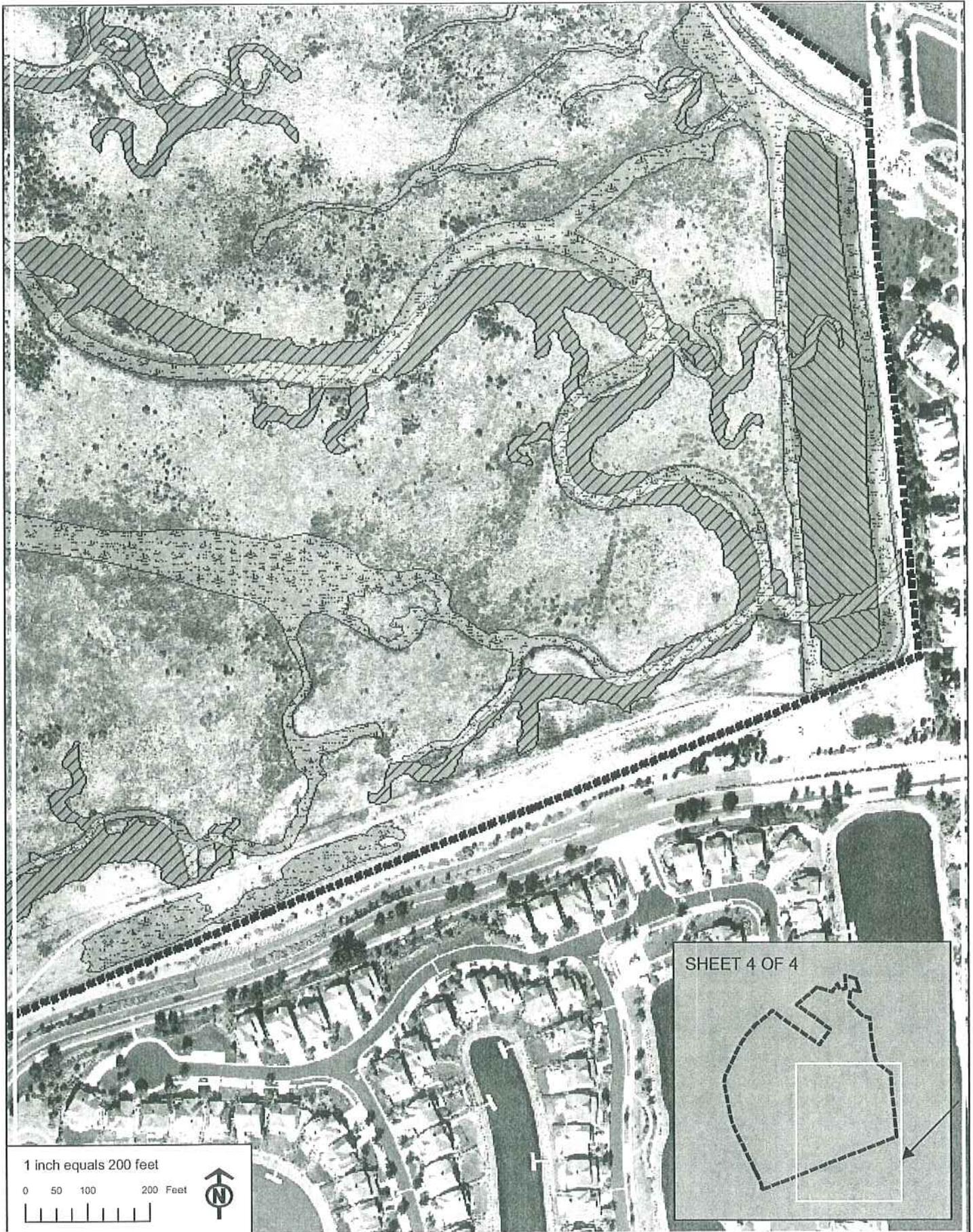


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Figure 8. Preserve at Redwood Shores Site Jurisdictional Map Sheet 3-4,
 The Preserve at Redwood Shores and Indian Creek Project,
 Redwood City, California

Applicant: Keech Properties, LLC
Corps File: 30159S

Date: 10-11-2007
Type of Illustration: Plan View



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Figure 8. Preserve at Redwood Shores Site Jurisdictional Map Sheet 4-4,
 The Preserve at Redwood Shores and Indian Creek Project,
 Redwood City, California

Applicant: Keech Properties, LLC
Corps File: 30159S

Date: 10-11-2007

Type of Illustration: Plan View

Legend

Study Area

Wetlands Potentially Subject to Section 404 of the CWA

Non-Tidal, Palustrine Emergent Wetlands (0.48 acs.)

Other Waters Potentially Subject to Section 404 of the CWA

Non-Tidal, Dredge Pit (1.20 acs.)

Other Waters Potentially Subject to Section 404 of the CWA and Section 10 of the R.H.A.

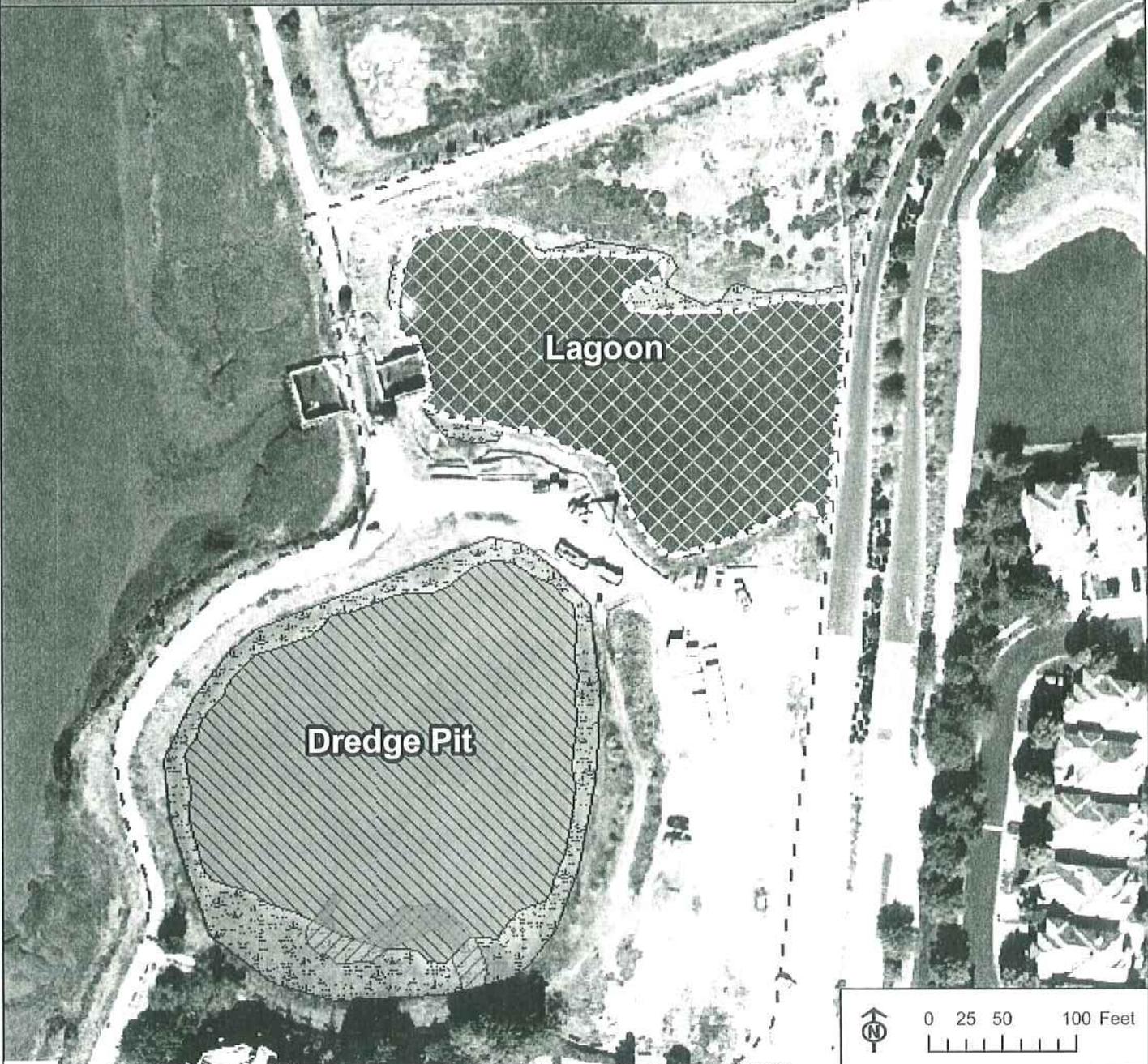
Controlled-Tidal, Lagoon (0.94 acs.)

Historical Navigable Waters of the U.S. Potentially Subject to Section 10 of the R.H.A.

Non Tidal, Historical Navigable Waters of the U.S. (0.06 acs.)

¹ Historical Navigable waters taken from 1857 topographic map by U.S. Coast Survey (Rodgers and Kerr, 1857). Variability in location of Historical Navigable waters mapped by the U.S. Coast Survey in 1857, compared to the location of wetland channels mapped in 2006 using modern GPS surveying techniques, is the result of the limited accuracy of survey methods used in 1857 and the challenges of accurately georeferencing the historical maps to modern coordinates used in GIS mapping.

Preserve at Redwood Shores Project Site



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Figure 9. Indian Creek Site Jurisdictional Map,
The Preserve at Redwood Shores and Indian Creek Project,
Redwood City, California

Applicant: Keech Properties, LLC
Corps File: 30159S
Date: 10-11-2007
Type of Illustration: Plan View