



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

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

PUBLIC NOTICE

NUMBER: **30159S** Project: **Preserve/Indian Creek at Redwood Shores**

DATE: **February 15, 2007**

RESPONSE REQUIRED BY: **March 15, 2007**

PROJECT MANAGER: Molly Martindale PHONE: (415) 977-8448 Email: molly.martindale@usace.army.mil

1. INTRODUCTION: The U.S. Army Corps of Engineers, San Francisco District, is evaluating a permit application to discharge fill material into 3.29 acres of non-tidal wetlands and 1.20 acre of open water subject to Corps jurisdiction, to facilitate the construction of a mixed-use school and residential development on two adjacent sites in the Redwood Shores area of the City of Redwood City, San Mateo County, California. This notice is to inform interested parties of the proposed activity and to solicit comments. It may also be viewed at the Corps website at:

<http://www.spn.usace.army.mil/regulatory/currpn.html>.

Authority: This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

Applicant: Mr. Max Keech
Keech Properties, LLC
1060 Twin Dolphin Drive, Suite 500
Redwood City, CA 94539

Applicant's Agent: Terry Huffman, Ph.D.
Huffman-Broadway
Group, Inc.
828 Mission Avenue
San Rafael, California 94901
415.925.2000

2. PROPOSED PROJECT:

Project Site: 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 (Figures 1–4). The project sites are bounded by Belmont Slough on the west, Bay Slough toward the northeast, and residential development to the east and south. For clarification, the two development components are referred to in local planning and CEQA review documents as:

1. The “Preserve at Redwood Shores” (Preserve) parcel -- a 7-acre proposed elementary school site and an 8.0-acre townhome development on a 109-acre parcel,
- and
2. “Indian Creek Project” parcel -- a 2-acre townhome development and a 3.5-acre neighborhood park and public parking lot on a 5.5-acre parcel.

The project also includes a pedestrian bridge, new flood protection levee with a public access trail, and upland buffer habitat comprising approximately 4-acres, that will be constructed within a 94-acre habitat preservation area located within the Preserve parcel.

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.

Topography on the Preserve parcel is relatively flat, consisting of depressional channels surrounded by slightly higher lands, with levees on the outer boundary. Elevations range from 0.5 feet NGVD, within the depressional areas, to 8 feet NGVD on the levees (NGVD = 100 ft. Redwood Shores Datum). Approximately 5.64 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 pond along the western boundary was a borrow site for levee-building material and the pond along the eastern boundary is a remnant of a former shipping channel. Both ponds flood during the rainy season. The eastern channel generally dries out during the summer months; however, the western channel may stay partially ponded all year.

Current land use on the Preserve parcel includes public access trails along a portion of the levee, wildlife viewing, and a Pacific Gas and Electric Company (PG&E) easement that transects the northern section of the parcel.

Approximately 17.07 acres of non-tidal wetlands occur within the site, including 7.44 acres which were created as mitigation for impacts related to a levee maintenance project conducted in 2000 by the City of Redwood City (Corps permit #19783S). Although seasonally inundated by rainfall, the soils feature a high salinity and thus the environment is ideal for such wetland species as salt grass (*Distichlis spicata*), alkali heath (*Frankenia grandifolia*), pickleweed (*Salicornia virginia*) and rabbitsfoot grass (*Polypogon monspeliensis*).

Coastal scrub (non-native grasslands mixed w/ coyote bush) was found to dominate the upland portions of the site. Dominant species in upland areas include wild oat (*Avena fatua*), soft brome (*Bromus mollis*), meadow barley (*Hordeum brachyantherum*) and coyote bush (*Baccharis pilularis*). Pickleweed is also present in some upland locations.

Approximately 1.09 acres of tidal wetlands occur along the outside of the levee but within the parcel boundary. Vegetation occurring in these tidal wetlands consists mainly of salt grass, pickleweed, and marsh gumplant (*Grindelia hirsutula maritima*).

A non-tidal dredge pit dominates the southern half of the Indian Creek site, and an artificial, controlled-tidal lagoon dominates the northern half. A public parking lot is located on the northeastern corner of the site.

The dredge pit is approximately 1.20 acre, with a 0.41-acre non-tidal wetland fringe supporting many of the same species found on the Preserve parcel. The dredge pit 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. The substrate of the dredge pit consists of bay mud, and concrete and gravel fills. It is not hydrologically connected to Belmont Slough or the adjacent controlled-tidal lagoon.

Project Description: In cooperation with the 5-square-mile Belmont-Redwood Shores School District and the City of Redwood City, the applicant proposes to build an elementary school to meet the goals and objectives of the School District’s voter-approved 2005 Measure C. Financial feasibility will be achieved through development of a mixed-use project including residential townhomes and public open space.

The Project will consist of several components, including: (1) construction of a 400-450-student capacity elementary school on 7.0 acres and 117 townhomes on 8.0 acres on the Preserve parcel; (2) construction of 27 townhomes on 2.0 acres and construction of a public parking lot and neighborhood park with picnic tables on the remaining 3.5 acres within the 5.5-acre Indian Creek parcel; (3) preservation (through deed-restriction) of 94 acres of the Preserve parcel that would allow for the restoration of 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 (*Reithrodontomys raviventris*) and California clapper rail (*Rallus longirostris obsoletus*); (4) construction of a new levee to separate the elementary school and townhome development from the 94-acre preserve area, with a pedestrian trail and bridge [the levee would be built to a FEMA standard that will allow for the 94-acre preserve area to be restored to controlled-tidal marshland in the future]; (5) implementation of a mitigation plan for wetland impacts to include the creation of wetlands and open water ponds; (6) creation of affordable housing opportunities for teachers and child-care professionals; (7) creation of additional public parking and neighborhood park to accommodate school activities and recreational use along the bayshore pedestrian trail; and (8) open space dedication of the remaining 3.5-acre area within the Indian Creek parcel to the City of Redwood City for the purpose of a neighborhood park, levee, and habitat preservation area consisting of a 0.94 acre lagoon and 0.07 acre of palustrine wetlands.

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

Public and Private Need: The project would provide the public benefit of providing: (1) needed school capacity; (2) additional housing to meet local housing shortages consistent with the City's General Plan; (3) affordable housing to teachers and

child-care providers; and (4) protection of over 90 acres of historic baylands.

The Belmont-Redwood Shores School District is experiencing an acute over-enrollment and overcrowding of classrooms. The City of Redwood City is also experiencing a shortage of homes, including affordable homes, which has driven up housing costs substantially. The Project would increase the supply of homes in the area and lessen the current jobs/housing imbalance. The Project is designed to include approximately 10 percent of the units for housing opportunities for teachers and child-care professionals through additional entry level housing and qualified buyer assistance programs.

Currently there are only 4 public parks that serve nearly 12,000 residents within the Belmont-Redwood Shores area. The Project would provide a public park to serve and benefit adjacent residents and allow co-use of the school play fields.

Impacts: Approximately 85 thousand cubic yards of clean fill material will be excavated and redeposited within the sites, resulting in the fill of approximately 3.21 acres of wetlands and 1.20 acres of open water (pending verification of the jurisdiction at the Indian Creek site by the Corps). An additional 0.16 acre of historically navigable waters (currently non-tidal) are subject to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401) will also be filled (Figures 8-9).

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

The applicant will also create a 20-foot-wide open water pond with a wetland fringe along the toe of 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 will act as a physical and visual barrier between the development and the remaining Preserve open space. Additional wetlands will also be created along the outboard side of the open water pond.

The applicant will place an irrevocable deed restriction over the undeveloped 94-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 94-acre historic bayland area to controlled-tidal marshland or 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 panne 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 94-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 0.07 acre of palustrine emergent wetlands, to be deeded to the City of Redwood City.

3. COMPLIANCE WITH FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will prepare an environmental assessment to 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 Corps' Regulations, 33 C.F.R. Parts 230 and 325 Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities that occur 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. 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.

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. The proposed project will not adversely affect EFH.

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 obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant obtains the required water quality certification from the San Francisco Bay Regional Water Quality Control Board. 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.

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

b. Alternatives Analysis: Evaluation of the proposed Project includes application of the guidelines promulgated by the Administrator of the U.S. 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 these guidelines and it was determined that the proposed Project is not water or wetland dependent. In accordance with Section 404(b) (1) guidelines, the Corps will review the applicant's alternatives analysis to determine if the proposed project is the least environmentally damaging practicable alternative (LEDPA).

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.

Parties concerned with any BCDC issues that may be associated with this project should write to the San Francisco Bay Conservation Development Commission 50 California Street, Suite 2600, San Francisco, CA 94111 by the close of the comment period of this Public Notice.

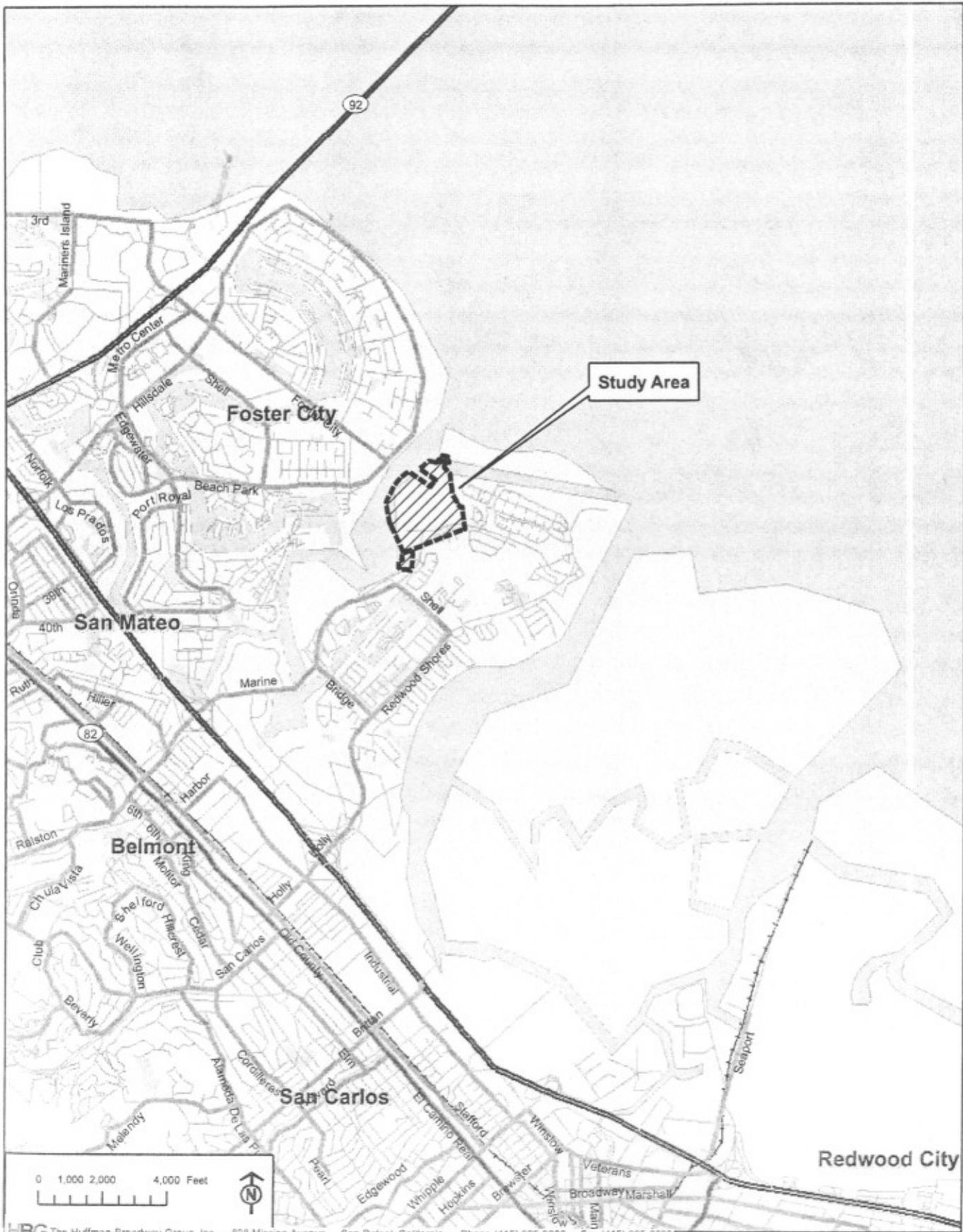
National Historic Preservation Act of 1966 (NHPA): On the basis of a review of survey data on file with various local, state and federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, 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.

4. 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 Project on the public interest. That decision will reflect the national concern for protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed Project must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative impacts. 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. [Note: Although we will be in the process of moving our offices in early March, we will still be receiving our mail at 333 Market until the end of the month.] 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 Molly Martindale of our office at (415) 977-8448 or E-mail: Molly.Martindale@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: 12-19-2006
Type of Illustration: Plan View

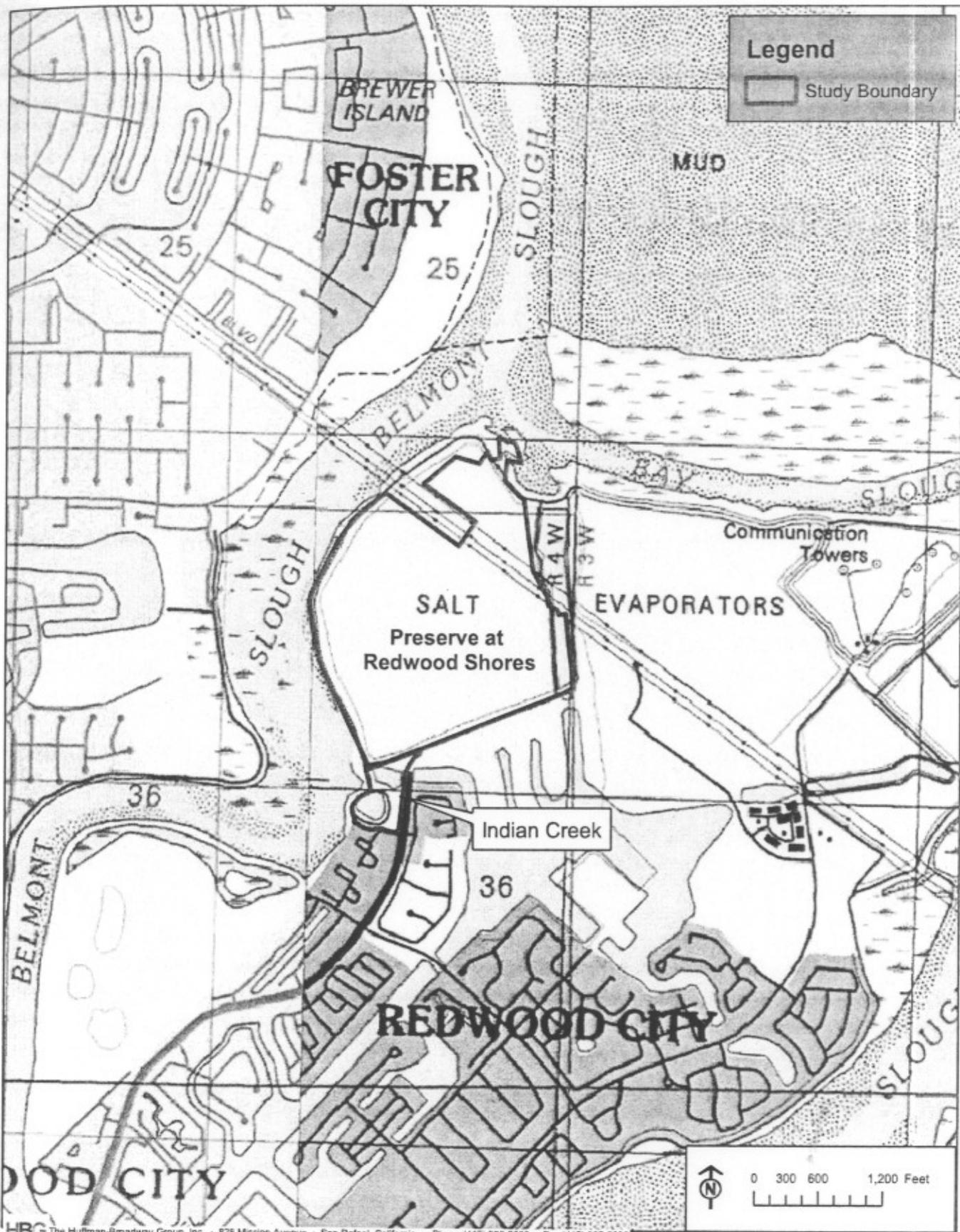


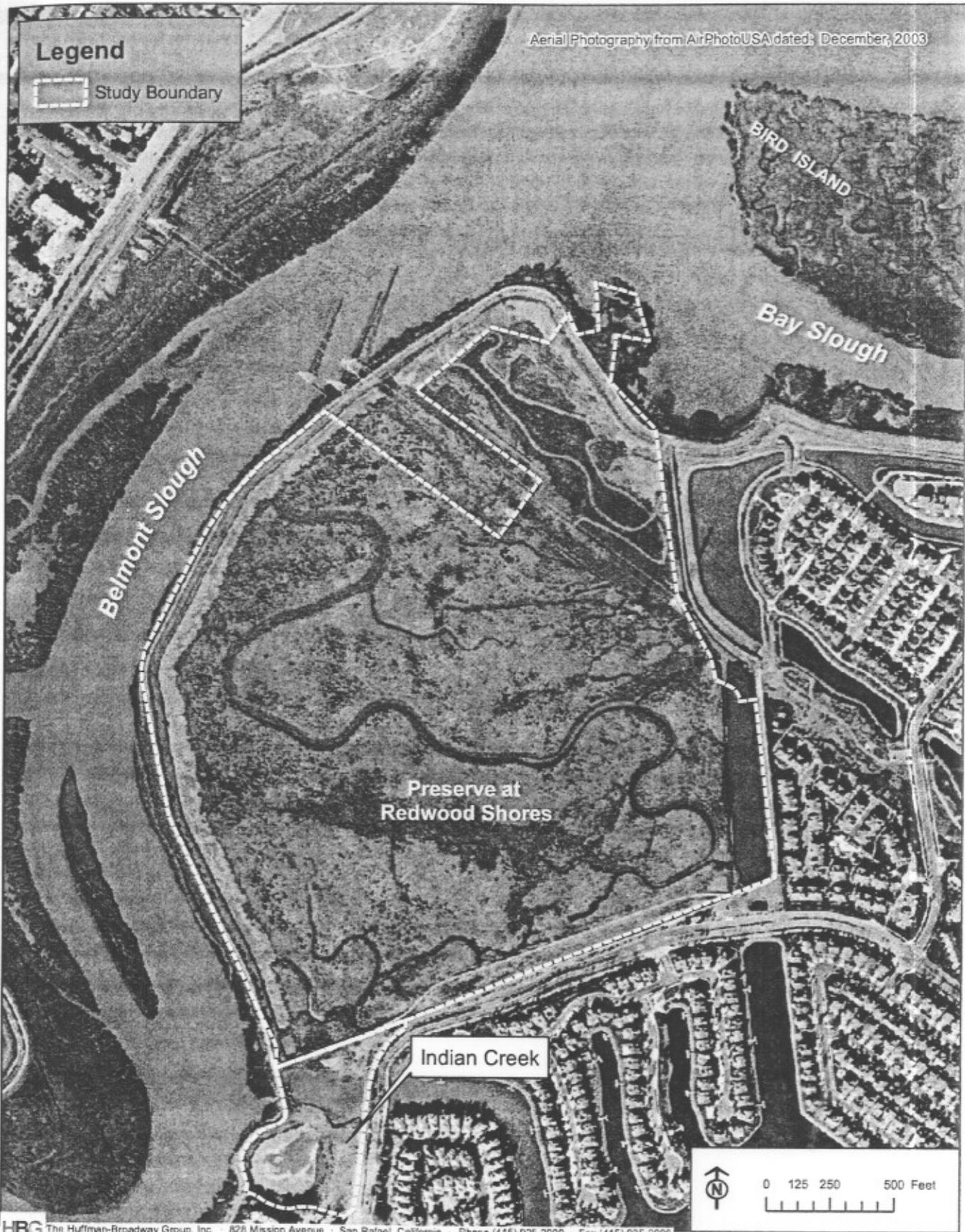
Figure 2. USGS Topographic Map Showing Project Site, The Preserve at Redwood Shores and Indian Creek Project, Redwood City, California

Applicant: Keach Properties, LLC
Corps File: 30159S
Date: 12-19-2006
Type of Illustration: Plan View

Aerial Photography from AirPhotoUSA dated: December, 2003

Legend

 Study Boundary



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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: 12-19-2006
Type of Illustration: Plan View

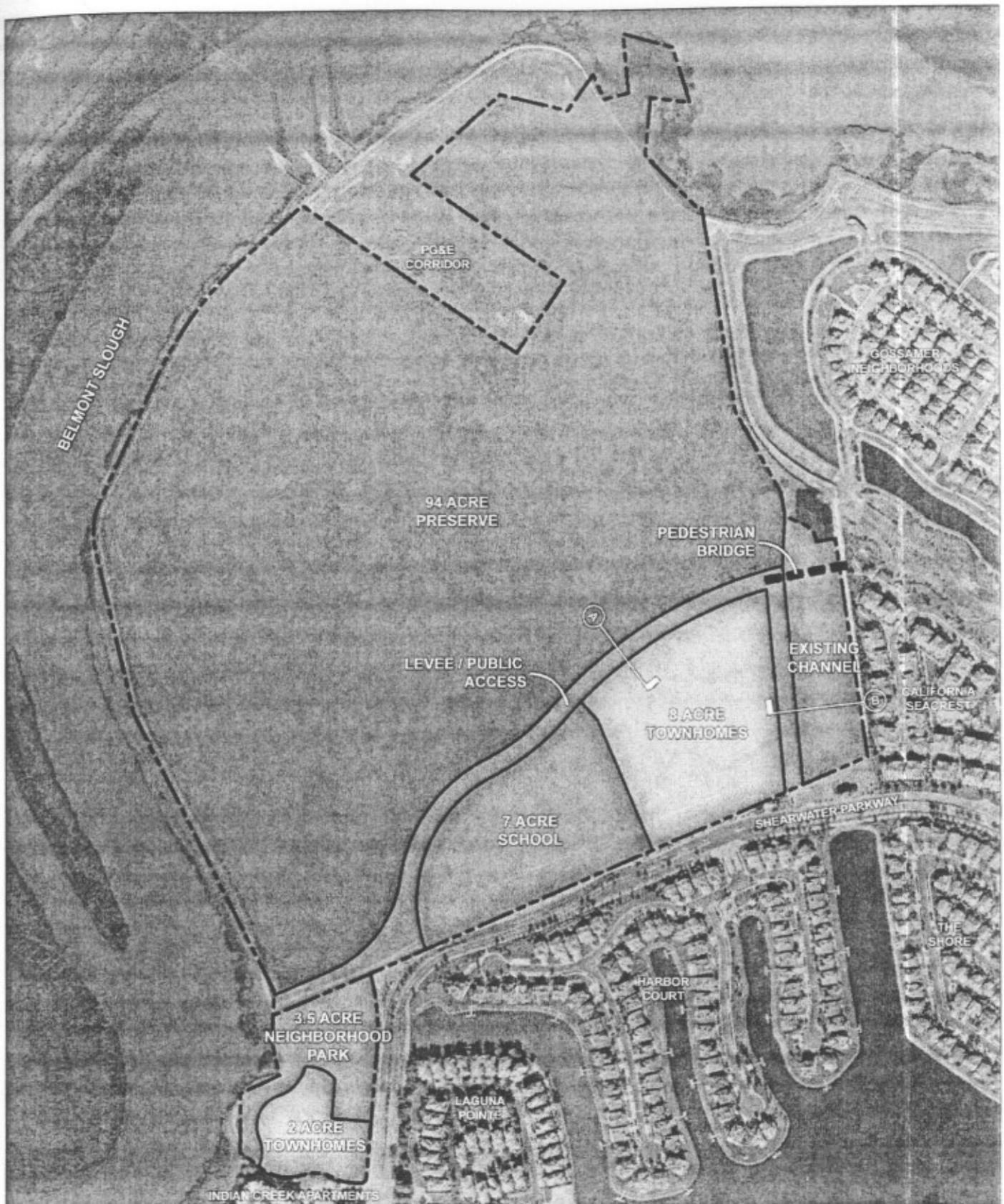
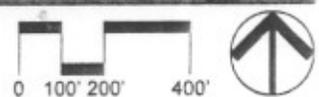
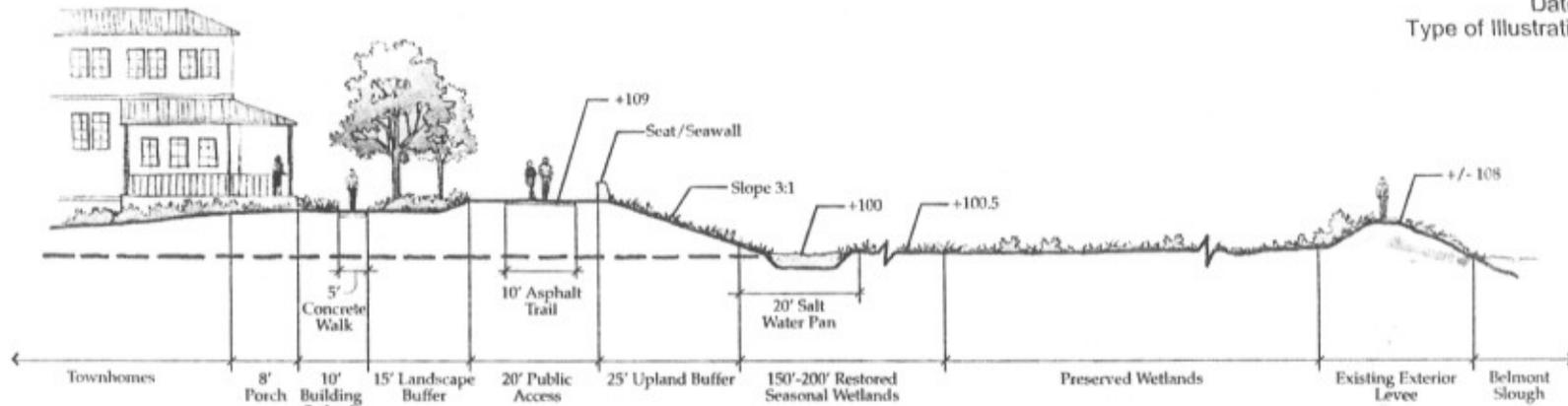


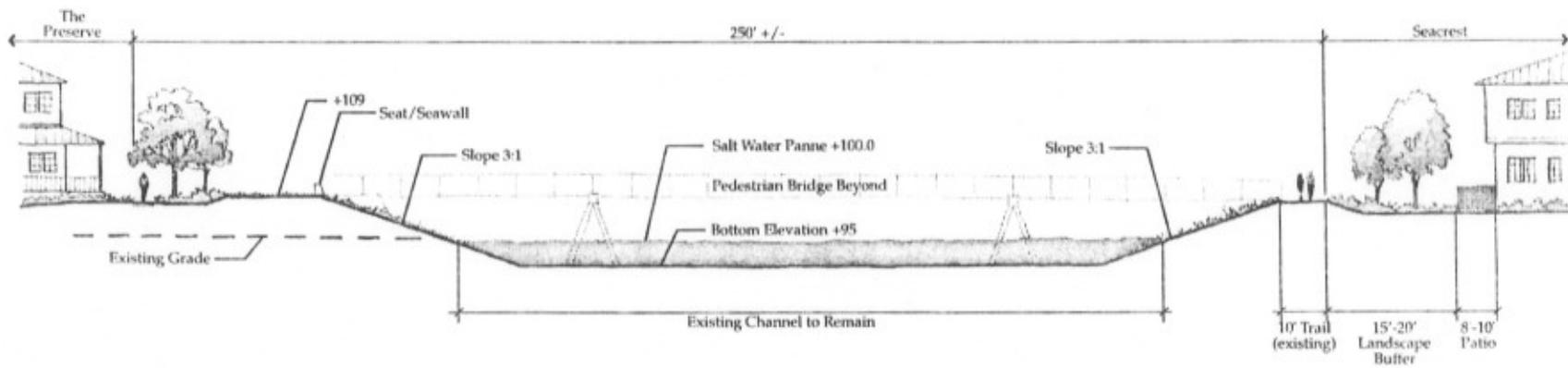
Figure 4. Land Use Plan,
The Preserve at Redwood Shores
and Indian Creek Project,
Redwood City, California

Applicant: Keech Properties, LLC
Corps File: 30159S
Date: 12-19-2006
Type of Illustrations: Plan View





A New Levee With Public Access Trail, Restored Wetlands
 Section



B Pedestrian Bridge and Public Access Trail
 Section

Figure 5. Cross Section of 4-Acre Levee and Public Trail and Pedestrian Bridge, The Preserve at Redwood Shores and Indian Creek Project, Redwood City, California



Figure 6. Preserve at Redwood Shores and Site Plan,
 The Preserve at Redwood Shores and Indian Creek Project,
 Redwood City, California

0 50 100 200
 DECEMBER 18, 2004 PROJECT NO. 292.007
DAHLIN GROUP
 PLANNING

Applicant: Keech Properties, LLC
 Corps File: 30159S
 Date: 12-16-2006
 Type of Illustration: Plan View

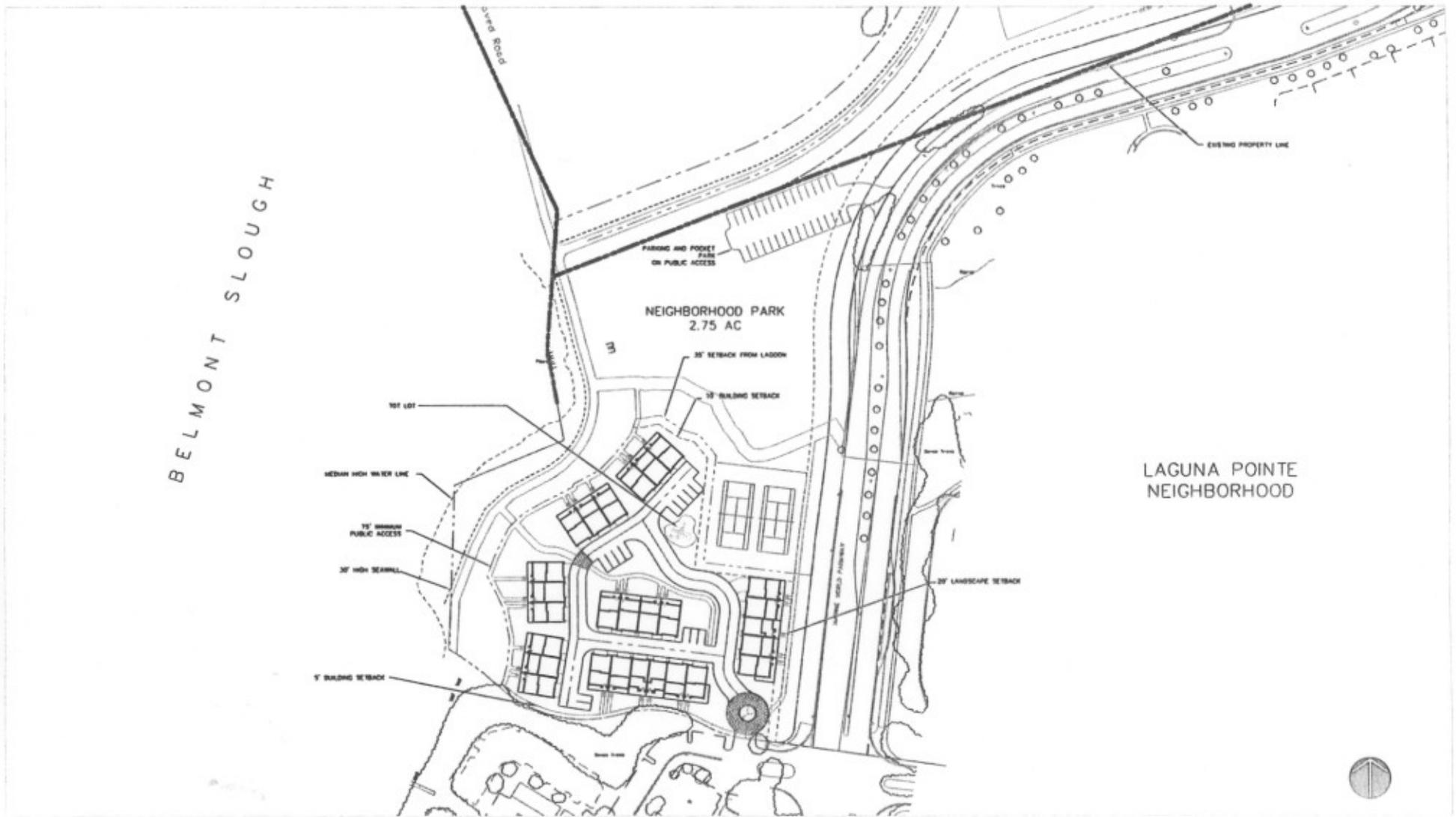
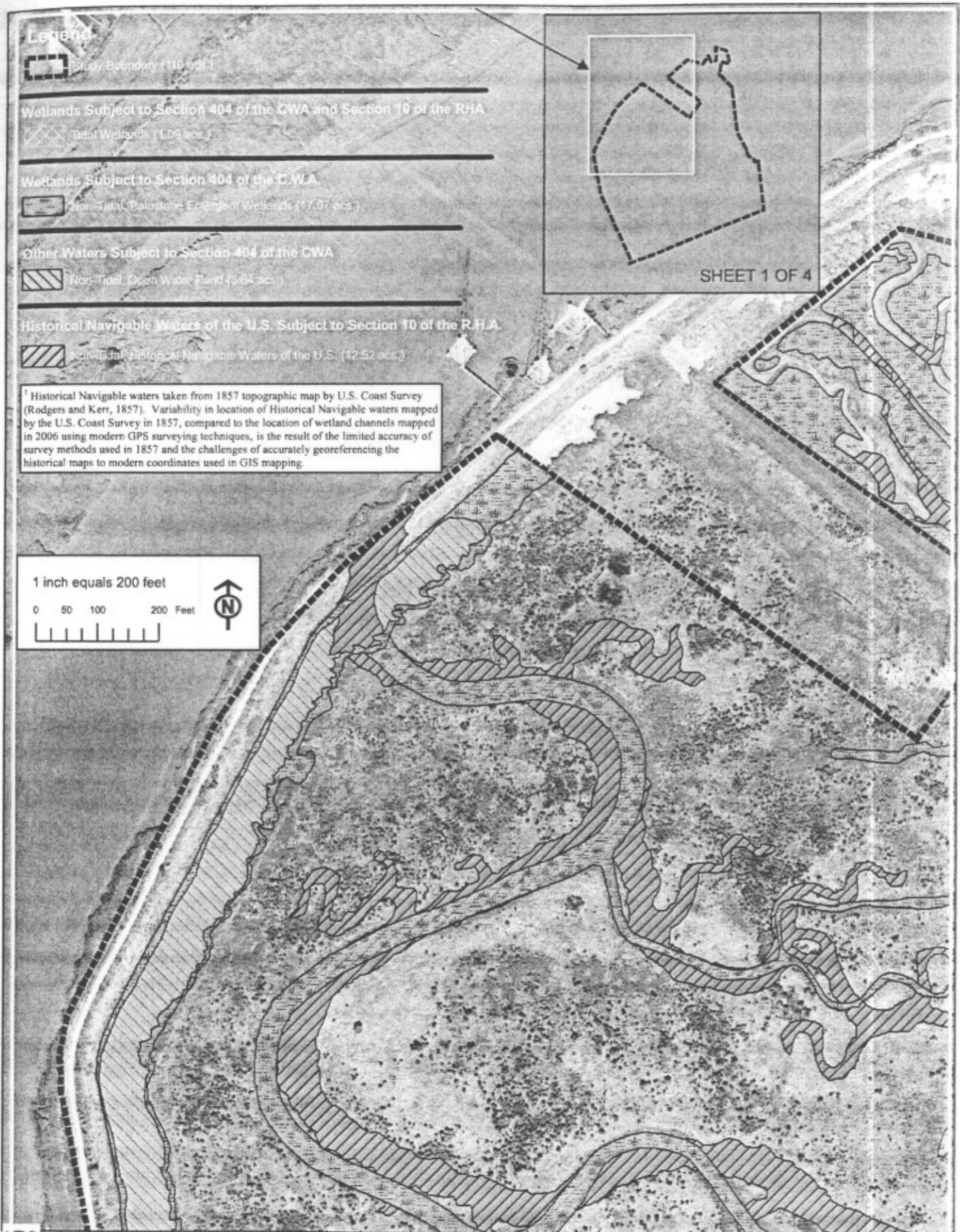


Figure 7. Indian Creek Site Plan,
 The Preserve at Redwood Shores and Indian Creek Project,
 Redwood City, California

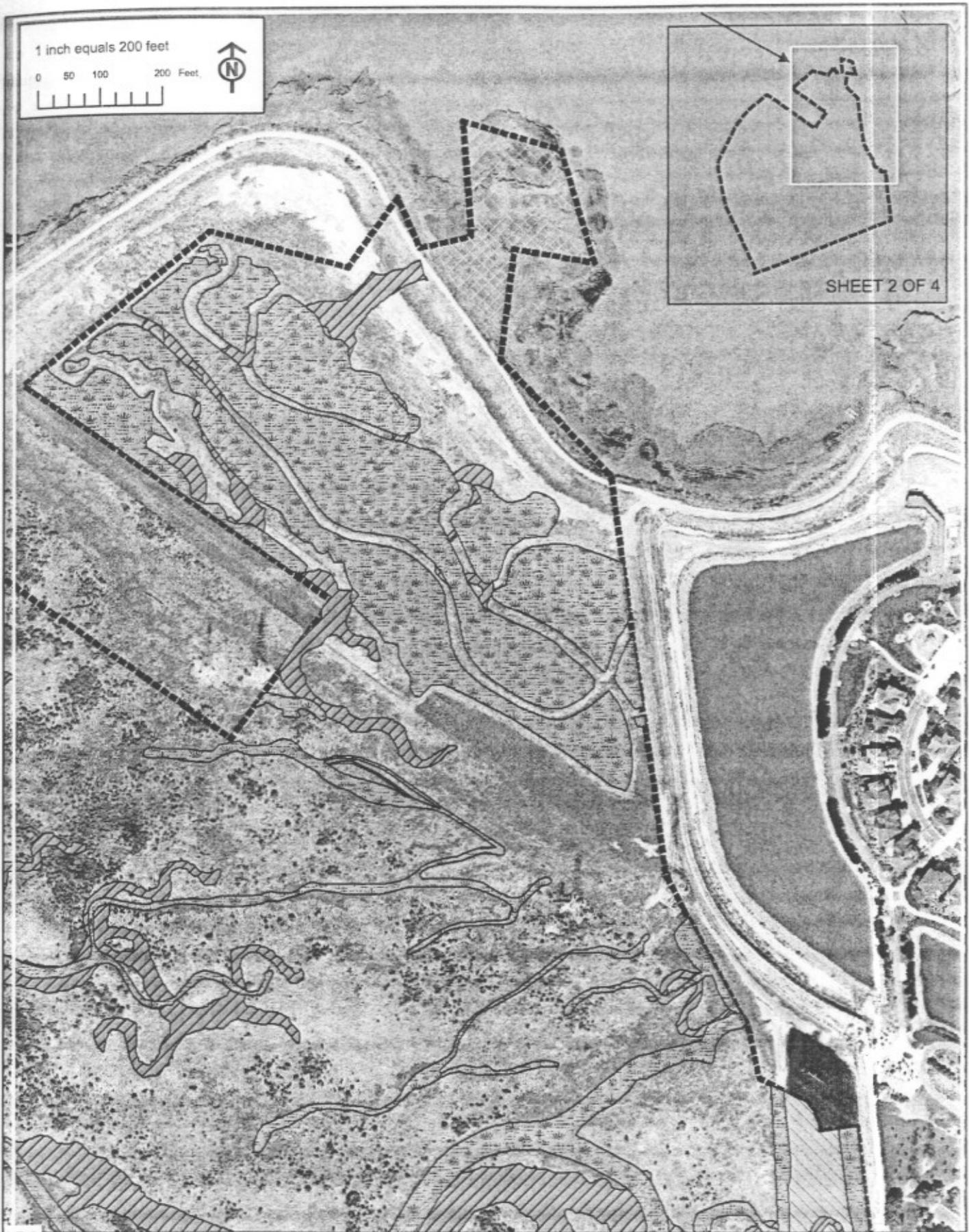
Applicant: Keech Properties, LLC
 Corps File: 30159S
 Date: 12-19-2006
 Type of Illustration: Plan View



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Figure 8. Preserve at Redwood Shores Site Jurisdictional Map Sheet 1-4,
 The Preserve at Redwood Shores and Indian Creek Project, Applicant: Keetch Properties, LLC
 Redwood City, California Corps File: 30159S

Date: 12-19-2006
 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: Keetch Properties, LLC
 Redwood City, California Corps File: 30159S

Date: 12-19-2006
 Type of Illustration: Plan View



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Figure 8. Preserve at Redwood Shores Sute Jurisdictional Map Sheet 3-4,
 The Preserve at Redwood Shores and Indian Creek Project, Applicant: Keech Properties, LLC
 Redwood City, California Corps File: 301595

Date: 12-19-2006
 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, Applicant: Keech Properties, LLC
 Redwood City, California Corps File: 30159S

Date: 12-19-2006
 Type of Illustration: Plan View