



US Army Corps
of Engineers®
San Francisco District

Regulatory Branch
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Brooks Haven Cottages

NUMBER: 400099N

DATE: December 10, 2007

RESPONSE REQUIRED BY: January 14, 2008

PERMIT MANAGER: Bryan Matsumoto

PHONE: 415-503-6786

Email: Bryan.T.Matsumoto@spd02.usace.army.mil

1. INTRODUCTION: CarCo Investments (POC: Mr. Kevin Carinalli; (707) 578-1302), 520 Mendocino Avenue, Suite 250, Santa Rosa, California 95401, through its agent Charles Patterson, (925) 938-5263, has applied to the U.S. Army Corps of Engineers (Corps) for a Department of the Army permit to construct the Brooks Haven Cottages, a residential development on a 10-acre project site, located along Brooks Road, in southeast Santa Rosa, Sonoma County, California. The duration of the permit authorization, should it be accepted, would be for 5 years from the date of 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: The project is located at 3548 Brooks Road in the City of Santa Rosa, Sonoma County, California (APN 044-141-005) (Figures 1 and 2). The site is currently vacant. It has been used most recently in the past as hayfield and/or livestock pasture. The site fronts Brooks Road, and most of the surrounding land has been developed for residential uses.

The project site generally drains to the west, and receives a majority of water through direct precipitation. Water drains off the site to the west and directly into a roadside ditch that connects to a flood control channel, and eventually drains into the Laguna de Santa Rosa. A site visit was performed on January 14, 2007, to confirm the extent and location of Corps jurisdiction. Based on current conditions, the site

supports 1.39 acres of jurisdictional seasonal wetlands (Figure 3). Vegetation within these wetland areas consists of non-native grasses including Italian rye grass (*Lolium perenne*), Mediterranean barley (*Hordeum hystris*), and common seasonal wetland plants including curly dock (*Rumex crispus*), hyssop loosestrife (*Lythrum hyssopifolia*), and penny royal (*Mentha pulegium*). A habitat quality evaluation has been completed for the project site, and it has been categorized as "low quality" habitat.

Project Description: As shown on the attached project drawings (Figures 4 and 5), the applicant has proposed to construct a 56 lot residential subdivision and attendant features. To accommodate the project, all wetlands on the project site will be filled for grading and preparation of the site for development. All work/structures will be built in accordance with the City of Santa Rosa's guidelines and standards.

Purpose and Need: The basic project purpose is to construct homes in the City of Santa Rosa. The applicant states that there is a need for single family homes in the Santa Rosa area.

Impacts: The project would result in the permanent loss of 1.39 acres of jurisdictional wetlands. As stated above, impacts to wetlands include fill for grading and preparation of the site for development.

Mitigation: The applicant has proposed to purchase wetland creation at a ratio of 1:1 and endangered species preservation credits at a ratio of 1:1. All purchases will be made at agency approved mitigation banks. Presently, the applicant has

reserved mitigation credits at Horn Mitigation Bank (1.39 acres of wetland creation credits), and Hale Mitigation Bank (1.39 acres of preservation credits).

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, 1455 Market Street, San Francisco, California 94103-1398.

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 determination that the project may adversely affect federally listed species, and has initiated consultation with the FWS.

Species currently identified as potentially impacted by the proposed project include; Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields (*Lasthenia burkei*), Sebastopol meadowfoam (*Limnanthes vinculans*), many-flowered navarretia (*Navarretia leucocephala* ssp. *Plieantha*), and California tiger salamander (*Ambystoma*

californiense). A search of the California Natural Diversity Database (CNDDDB) found observations of tiger salamander within 1 mile west of the project site (on the west side of Highway 101), and Sonoma sunshine and Sebastopol meadowfoam within 1 mile to the south (south of Mountain View Avenue).

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 not 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): 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.

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, 1455 Market Street, San Francisco, California 94103-1398. 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 415-503-6786 or E-mail: Bryan.T.Matsumoto@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the

final permit action will be provided upon request.

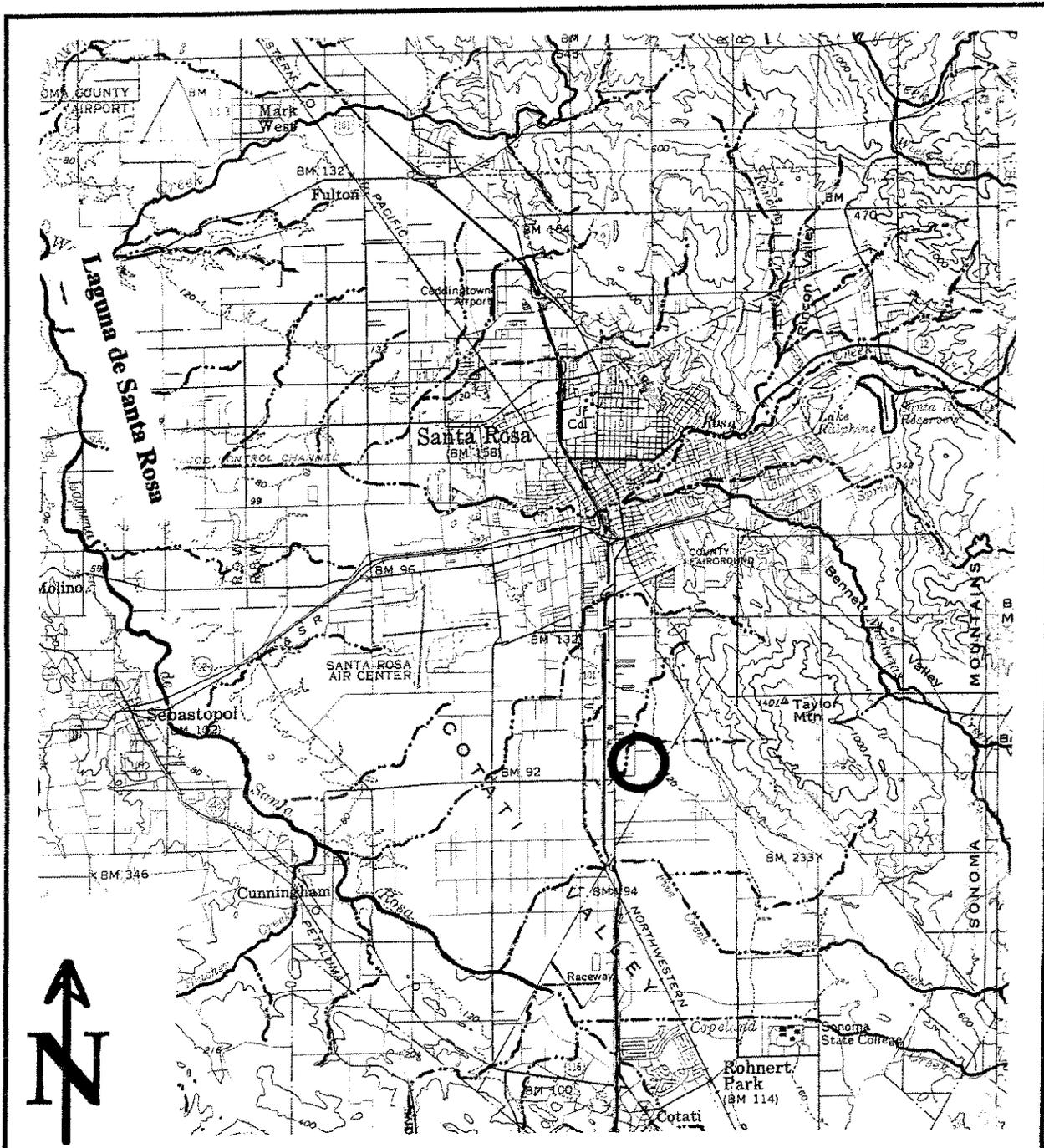


Figure 1. Regional Location, Brooks Haven Cottages

Purpose: Fill of 1.39 acres of seasonal wetland for residential development

Datum: NGVD
Adjacent landowners:
 Provided separately

Basemap: USGS 1:125,000 topographic map; 'SF Bay Area' set, sheet 1 of 3
Scale: 1 inch = 2 miles
Applicant: Carco Invest., 520 Mendocino Ave. Suite 250, Santa Rosa, CA 95401

In: Ditches/swales tributary to N. Branch Laguna de Santa Rosa
At: 3548 Brooks Road
Corps File No. 400099N
Sonoma County APN: 044-141-005

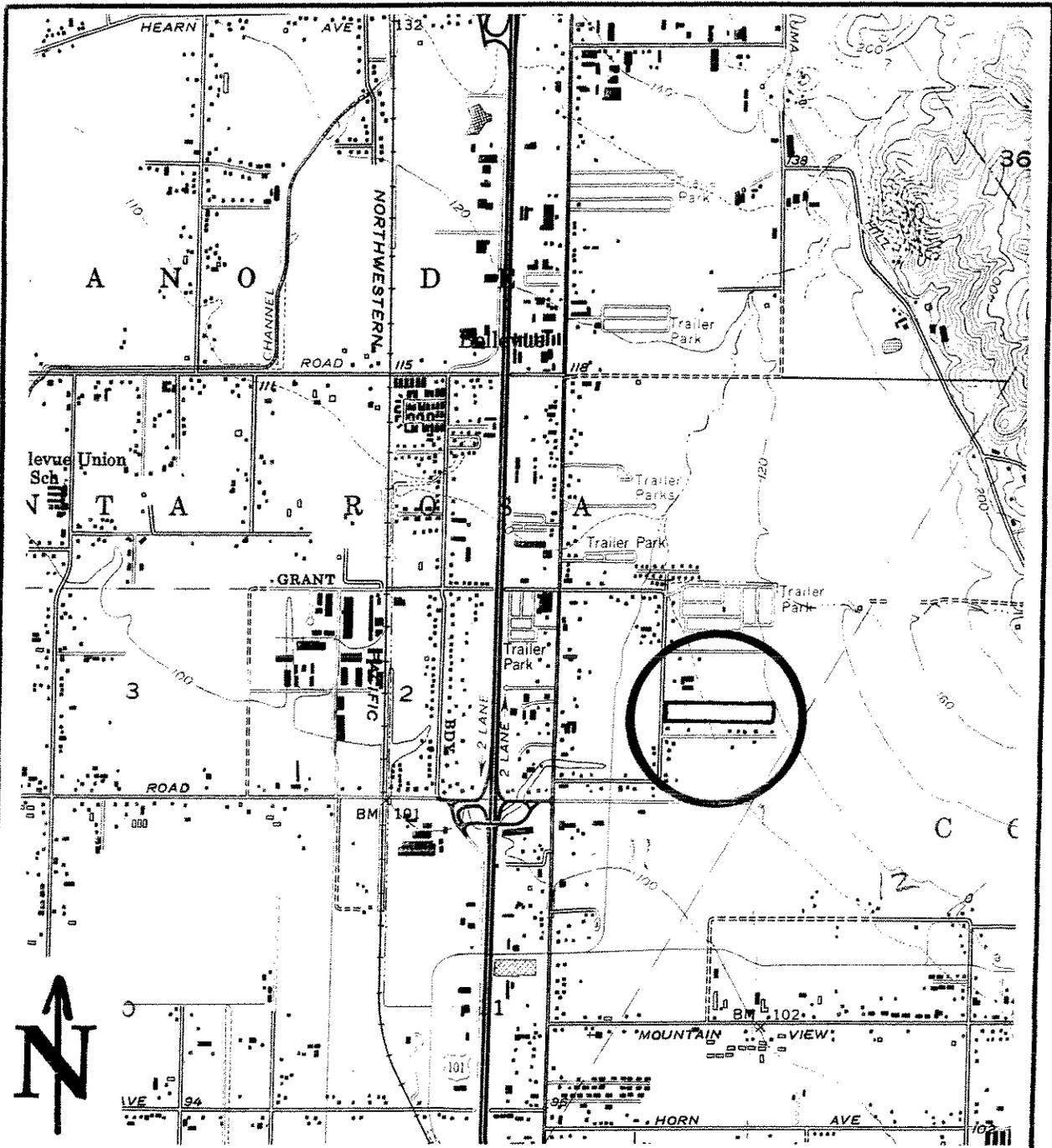


Figure 2. Local Setting, Brooks Haven Cottages

Purpose: Fill of 1.34 acres of seasonal wetland for residential development

Datum: NGVD

Adjacent landowners: Provided separately

Basemap: USGS 1:24,000 topographic map; Santa Rosa quadrangle

Scale: 1 inch = 2000 feet

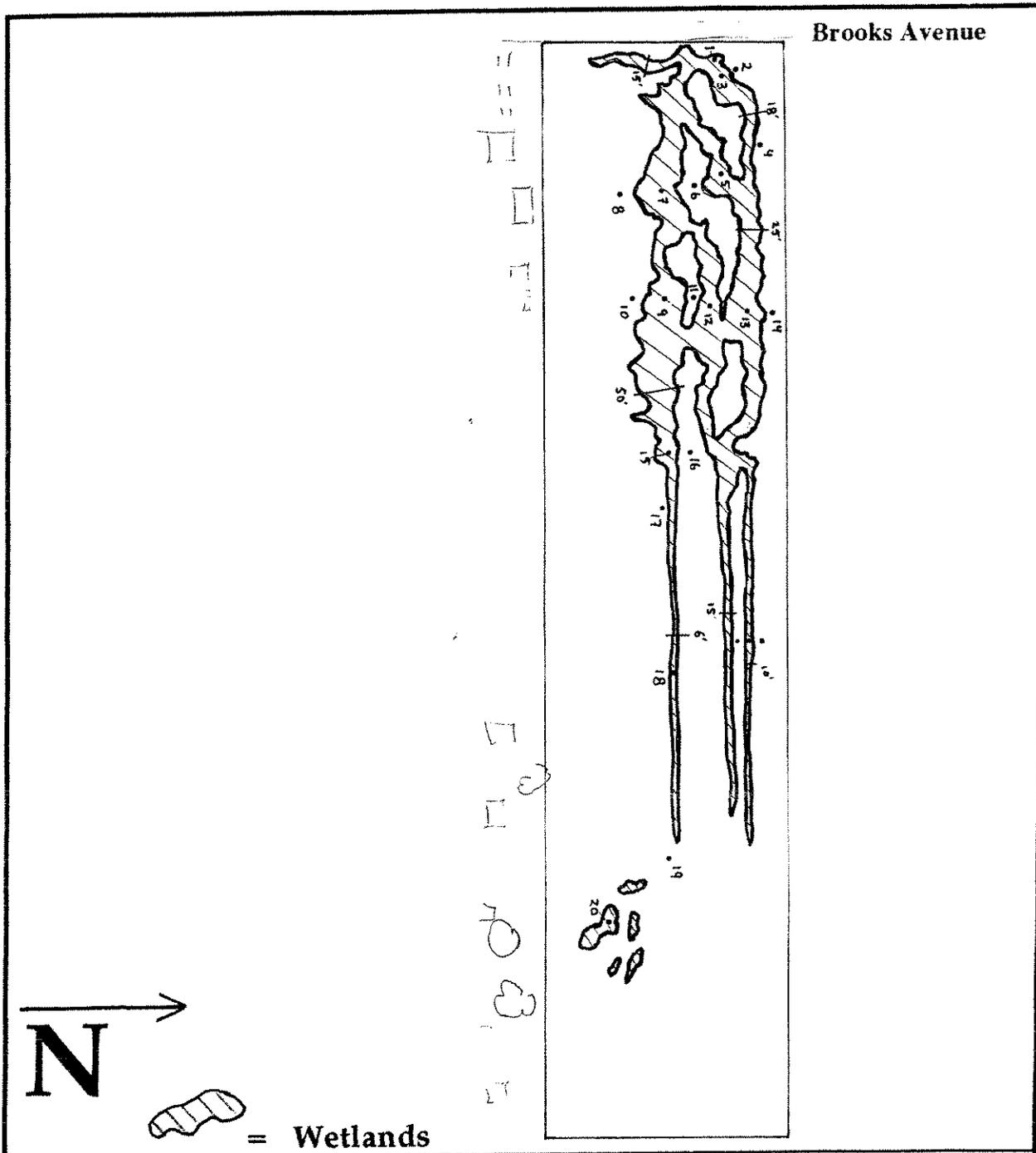
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Brooks Avenue



 = Wetlands

Figure 3. Existing Conditions, Brooks Haven Cottages

<p>Purpose: Fill of 1.39 acres of seasonal wetland for residential development</p>	<p>Basemap: Traced from 2005 color air photo Scale: 1 inch = approx. 200 feet</p>	<p>In: Ditches/swales tributary to N. Branch Laguna de Santa Rosa At: 3548 Brooks Road Corps File No. 400099N Sonoma County APN: 044-141-005</p>
<p>Datum: NGVD Adjacent landowners: Provided separately</p>	<p>Applicant: Carco Invest., 520 Mendocino Ave. Suite 250, Santa Rosa, CA 95401</p>	

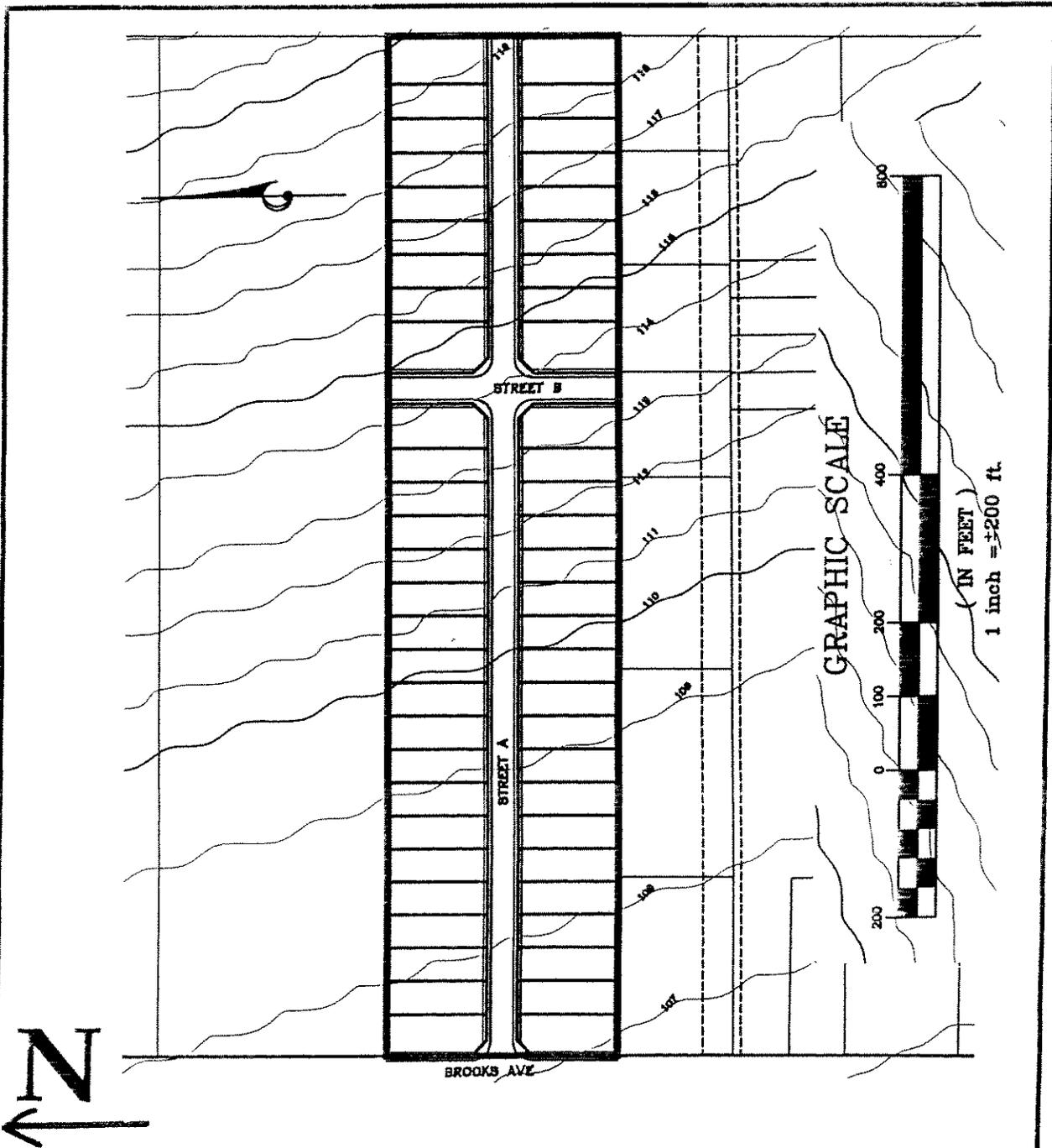


Figure 4. Development Layout, Brooks Haven Cottages

Purpose: Fill of 1.39 acres of seasonal wetland for residential development

Datum: NGVD

Adjacent landowners: Provided separately

Basemap: Design by TDG Engineers

Scale: 1 inch = approx. 200 feet

Applicant: Carco Invest., 520 Mendocino Ave. Suite 250, Santa Rosa, CA 95401

In: Ditches/swales tributary to N. Branch Laguna de Santa Rosa

At: 3548 Brooks Road

Corps File No. 400099N

Sonoma County APN: 044-141-005

PROJECT DATA

SITE ADDRESS:
3548 BROOKS RD.
SANTA ROSA, CA 95407

A.P. # 044-141-005

AREA: 10.00 A.C.
NUMBER OF LOTS = 56
NUMBER OF UNITS = 56
DENSITY 5.6 UNITS PER ACRE
MINIMUM LOT SIZE = 6,061 S.F.
MAXIMUM LOT SIZE = 7,746 S.F.
AVERAGE LOT SIZE = 6,305 S.F.
PRESENT ZONING - PM
PROPOSED ZONING - R-1-2/6

WATER
CITY OF SANTA ROSA

SEWER
CITY OF SANTA ROSA
SEWAGE GENERATION:
56 x 3.25 PERSONS x 125 GALLONS
= 21840 GALLONS PER DAY

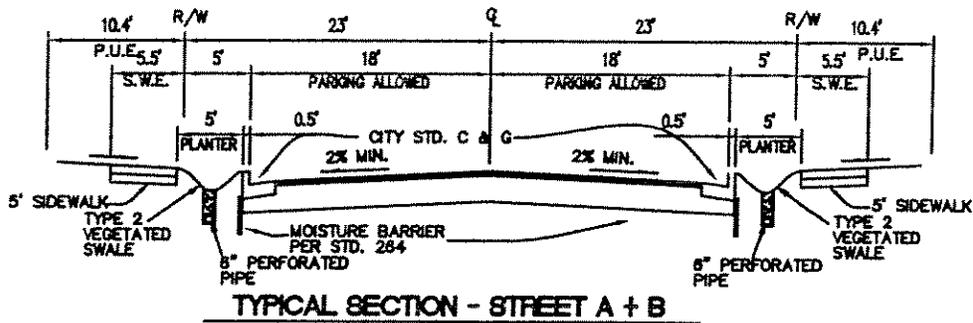
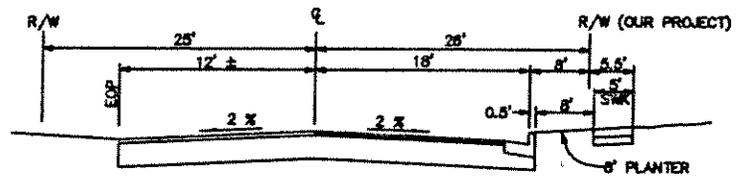
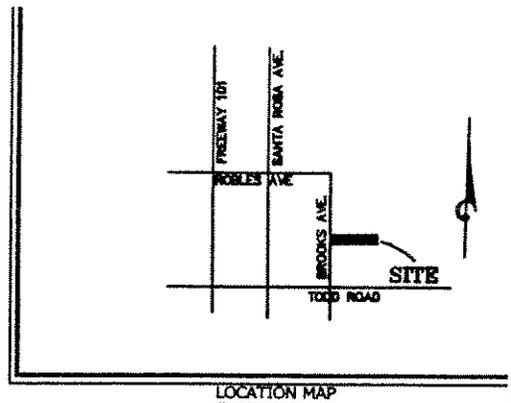
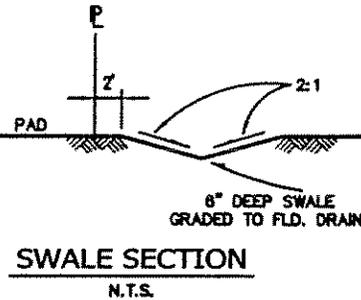


Figure 5. Project Data, Brooks Haven Cottages

Purpose: Fill of 1.39 acres of seasonal wetland for residential development

Datum: NGVD
Adjacent landowners: Provided separately

Basemap: Design by TDG Engineers
Scale:
Applicant: Carco Invest., 520 Mendocino Ave. Suite 250, Santa Rosa, CA 95401

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