



US Army Corps
of Engineers®

Regulatory Division
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Environmental Volunteers EcoCenter

NUMBER: 2007-00721S
PROJECT MANAGER: Paula Gill

DATE: April 14, 2008
PHONE: (415) 503-6776

RESPONSE REQUIRED BY: May 14, 2008
Email: Paula.C.Gill@usace.army.mil

1. **INTRODUCTION:** The Environmental Volunteers (Maryanne Welton, 3921 E. Bayshore, Palo Alto, California, 94036), have applied for a Department of the Army permit to adaptively reuse and renovate a historic Sea Scout base into a headquarters for Environmental Volunteers in the City of Palo Alto Baylands Nature Preserve in San Clara County, California. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) and Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:** The historic Birge Clark-designed building was completed in 1941, and was previously used by the Sea Scouts. The building currently floods at high tide and requires renovation. The proposed project would temporarily move the building to the east onto the site of the demolished Palo Alto Yacht Club, build a new raised foundation using pilings, and move the building back onto the new foundation pilings, which would be shifted 4 feet further away from the bay. The project also would include construction of a 3-stall gravel parking lot with area for a trash enclosure, mechanical equipment enclosure, benches, bike rack, and interpretive signage on the site of the existing gravel parking lot (already filled). The project also would include a trail to connect a gap within the Marsh Front Trail (Figure 2, Proposed Project Design), and the removal of an existing portable toilet adjacent to the duck pond and the installation of a pre-fabricated single stall restroom to replace it.

About 300 feet of an existing sandbag "seawall" along the project site would be removed and a grader would be used to create a gentle slope to the marsh. The building footprint covers 2,814 square feet. The fill that is proposed would be placed around three sides of the building and covers 8,040 square feet. These areas already contain fill. The area under the building that is open to tidal action would remain open to tidal action. The project requires 220 cubic yards of fill and 70 cubic yards of cut (see attached drawings). All work is proposed to occur within Corps' jurisdiction.

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 Division, 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.

Federally listed species are known from the Project vicinity, including: salt marsh harvest mouse (*Reithrodontomys raviventris*), and California clapper rail (*Rallus longirostris obsoletus*). A Biological Assessment (BA) was compiled and submitted to the USFWS in September of 2007, updated in March 2008. Section 7 Consultation under the Federal Endangered Species Act is currently in progress and the determination from the agency is pending.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the NMFS on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). There are no EFH concerns with this proposed project.

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. 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.

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 process of considering alternative project designs has resulted in a change in the project description. A 404(b)(1) alternatives analysis is available on file with this office.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is within the Coastal Zone. No Corps permit will be issued until the State has concurred with the applicant's certification. Concurrent with this application, materials have been forwarded to the San Francisco Bay Conservation and Development Commission (BCDC). Questions related to that application should be forwarded to BCDC, 50 California Street, Suite 2600, San Francisco California 94111.

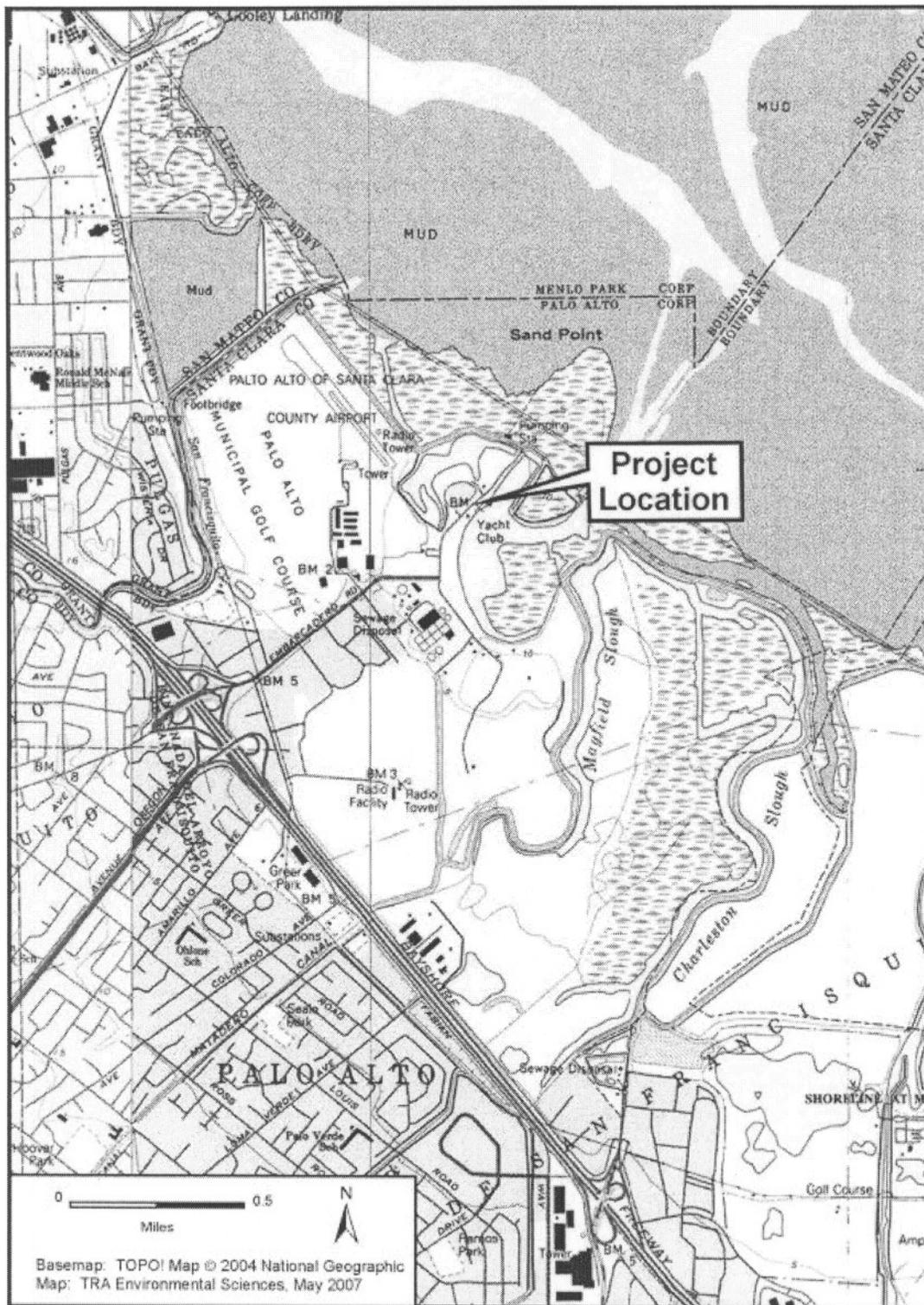
National Historic Preservation Act of 1966 (NHPA): Consultation with the State Historic Preservation Office (SHPO) and appropriate Native American Tribes in accordance with Section 106 of the National Historic Preservation Act is pending.

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.

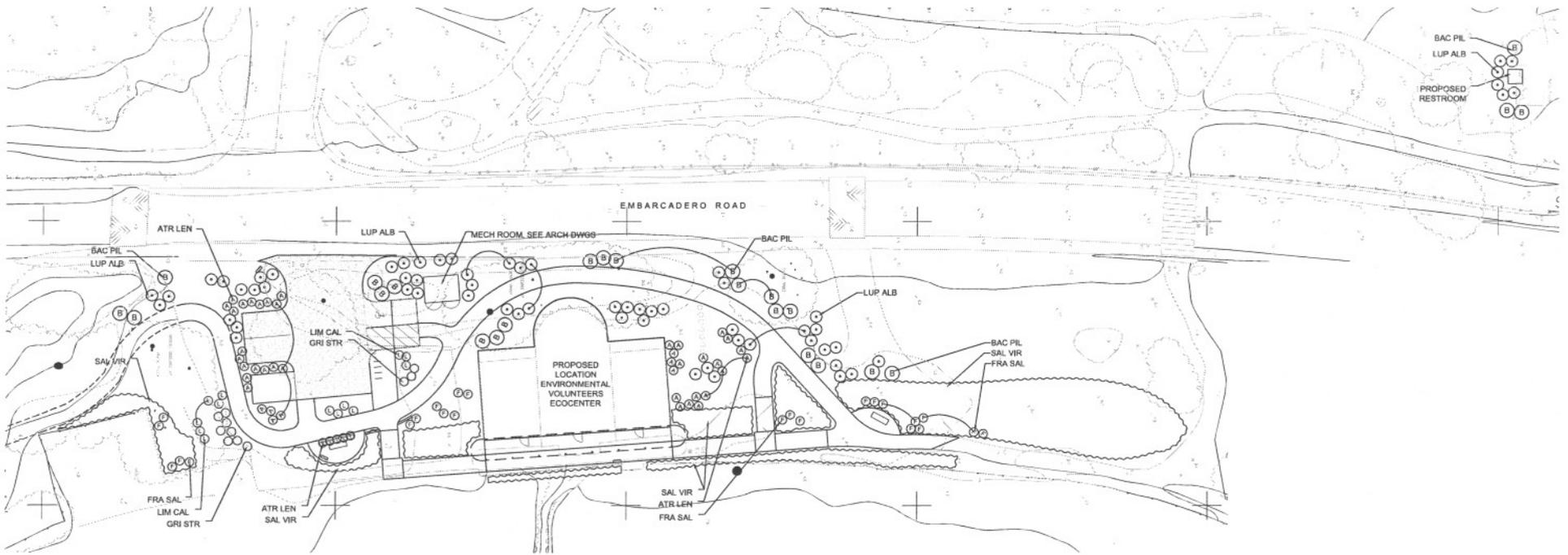
6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 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 Paula Gill of our office at telephone 415-503-6776 or E-mail: Paula.C.Gill@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 Project Location



PLANTING: REFLECTS ZONATION OF BAY EDGE/ MARSH. THE SITE IS PERIODICALLY INUNDATED BY TIDAL ACTION AND THE PLANT SPECIES NEED TO BE ADAPTED TO THIS ENVIRONMENT. EXTENT OF PLANTING WILL ADJUST TO ADDRESS ANY CONSTRUCTION-RELATED REVEGETATION NEEDS.

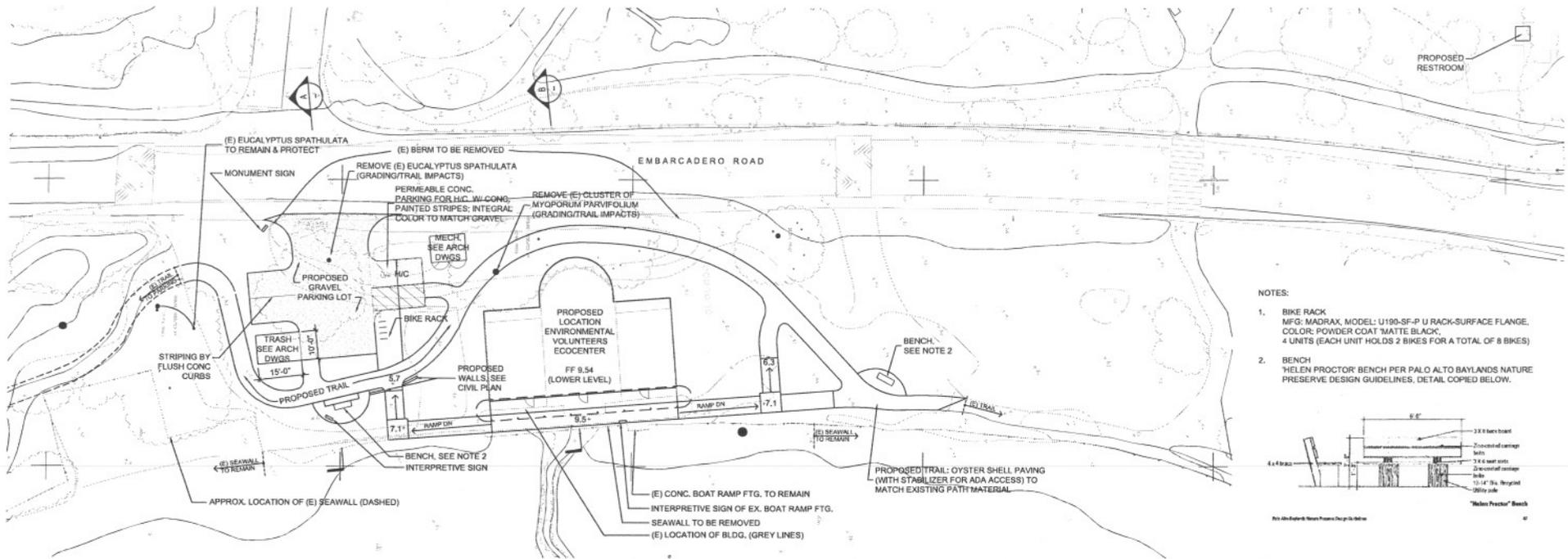
- | | | |
|---------|--|--|
| ZONE 1: | ☐ SALICORNIA VIRGINICA
⊙ FRANKENIA SALINA | (PICKLEWEED)
(ALKALI-HEATH) |
| ZONE 2: | ○ GRINDELIA STRICTA VAR. ANGUSTIFOLIA
⊙ LIMONIUM CALIFORNICUM
⊙ ATRIPLEX LENTIFORMIS | (PACIFIC GUMPLANT)
(SEA-LAVENDER)
(QUAIL BUSH) |
| ZONE 3: | ⊙ BACCHARIS PILULARIS VAR. CONSANGUINEA
⊙ LUPINUS ALBIFRONS | (COYOTE BUSH)
(SILVER BUSH LUPINE) |



SCHEMATIC PLANTING PLAN

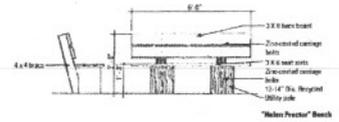
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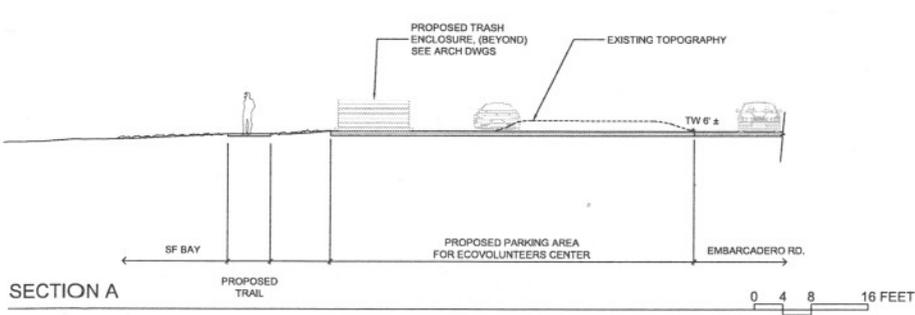


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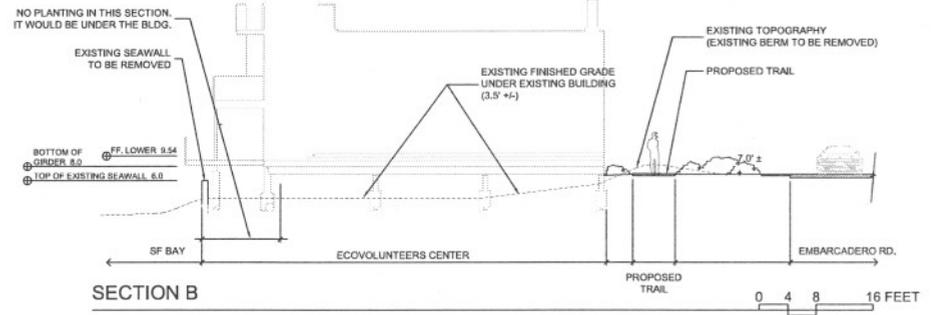
- BIKE RACK
MFG: MADRAX, MODEL: U190-SF-P U RACK-SURFACE FLANGE.
COLOR: POWDER COAT 'MATTE BLACK',
4 UNITS (EACH UNIT HOLDS 2 BIKES FOR A TOTAL OF 8 BIKES)
- BENCH
'HELEN PROCTOR' BENCH PER PALO ALTO BAYLANDS NATURE
PRESERVE DESIGN GUIDELINES, DETAIL COPIED BELOW.



SCHEMATIC SITE PLAN



SECTION A



SECTION B

L-1
C&T PROJECT #06039.000
DATE: MARCH 31, 2008

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