



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

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

# PUBLIC NOTICE

## Project: Fernandez Ranch Trail Construction and Creek Restoration

NUMBER: 2006-00247S  
PROJECT MANAGER: Paula Gill

DATE: February 23, 2009  
PHONE: 415-503-6776

RESPONSE REQUIRED BY: March 23, 2009  
Email: Paula.C.Gill@usace.army.mil

1. **INTRODUCTION:** The Muir Heritage Land Trust has applied for a Department of the Army permit to install a staging area, trails, a bridge crossing, and to implement creek restoration within the 702-acre Fernandez Ranch property, located in the Rodeo Creek watershed, in Contra Costa County, California (figure 1). The purpose of the project is to provide for public access, to reduce further channel incision, stabilize falling creek banks, enhance the native riparian corridor, and to construct a bridge. 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:** Proposed work would entail creek restoration which would require 1,050 linear feet of bank grading, 800 linear feet of soil bioengineering treatments, construction of riffle starters through placement of 40 cubic yards of boulders, construction of livestock exclusion fencing, refuse removals, and installation of a temporary creek crossing for access purposes. The applicant has also proposed to construct a 3.5-mile recreational trail network and a parking area. In order for the public to access the property a permanent clear-span steel bridge would be required over Rodeo Creek. The applicant also proposes to restore a failing stock pond on Fern Creek, stabilize a ranch road culvert crossing, and restore portions of Slot Creek. The proposed project is depicted in the enclosed plans (figures 2-7).

3. **AVOIDANCE, MINIMIZATION, AND COMPENSATION:** The applicant states that work in the creek will be self-mitigating. The loss of an estimated 0.35 acre of wetland in Rodeo Creek would be mitigated by the creation of 0.85 acre of new riparian wetland and the enhancement of 0.32 acre of existing riparian wetland. The applicant has also proposed a post-construction maintenance and monitoring program which would be conducted for 5-years to assess channel conditions, and for 10 years to assess re-vegetation success. Submittal of a detailed mitigation and monitoring plan is pending.

#### 4. 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 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 consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed species or designated critical habitat. The Corps initiated consultation with the USFWS on February 13, 2009, for consideration of potential effects to California red-legged frog (CRLF, *Rana aurora draytonii*), Alameda whipsnake (AWS, *Masticophis lateralis euryxanthus*), and Contra Costa goldfields (*Lasthenia conjugens*). The Corps' preliminary determination is that the project may affect CRLF and AWS, but is unlikely to adversely affect Contra Costa goldfields. Section 7 Consultation under the Federal Endangered Species Act is currently in progress and the issuance of a Biological Opinion is pending. No Corps permit will be granted until the consultation has concluded with the USFWS.

**Magnuson-Stevens Fisheries Conservation and Management Act:** 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). 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)). The applicant has submitted a report that summarizes alternative project designs. An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent. Prior to project authorization the applicant must demonstrate that the proposed project is the least damaging practicable alternative.

**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 not within the Coastal Zone.

**National Historic Preservation Act of 1966 (NHPA):** The applicant submitted a cultural resources assessment report. The assessment included archival literature review, correspondence with the Native American Heritage Commission, and a surface survey. According to the assessment, conducted by Archeo-Tech in June of 2006, the project boundaries are situated within a zone of moderate to high potential for extant prehistoric cultural resources. This determination is based on the presence of three prehistoric sites along Rodeo Creek and its tributaries within ½ mile of the project area and the ubiquitous presence of prehistoric sites along fresh water sources in the East Bay. 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 in

accordance with Section 106 of the National Historic Preservation Act.

**5. 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.

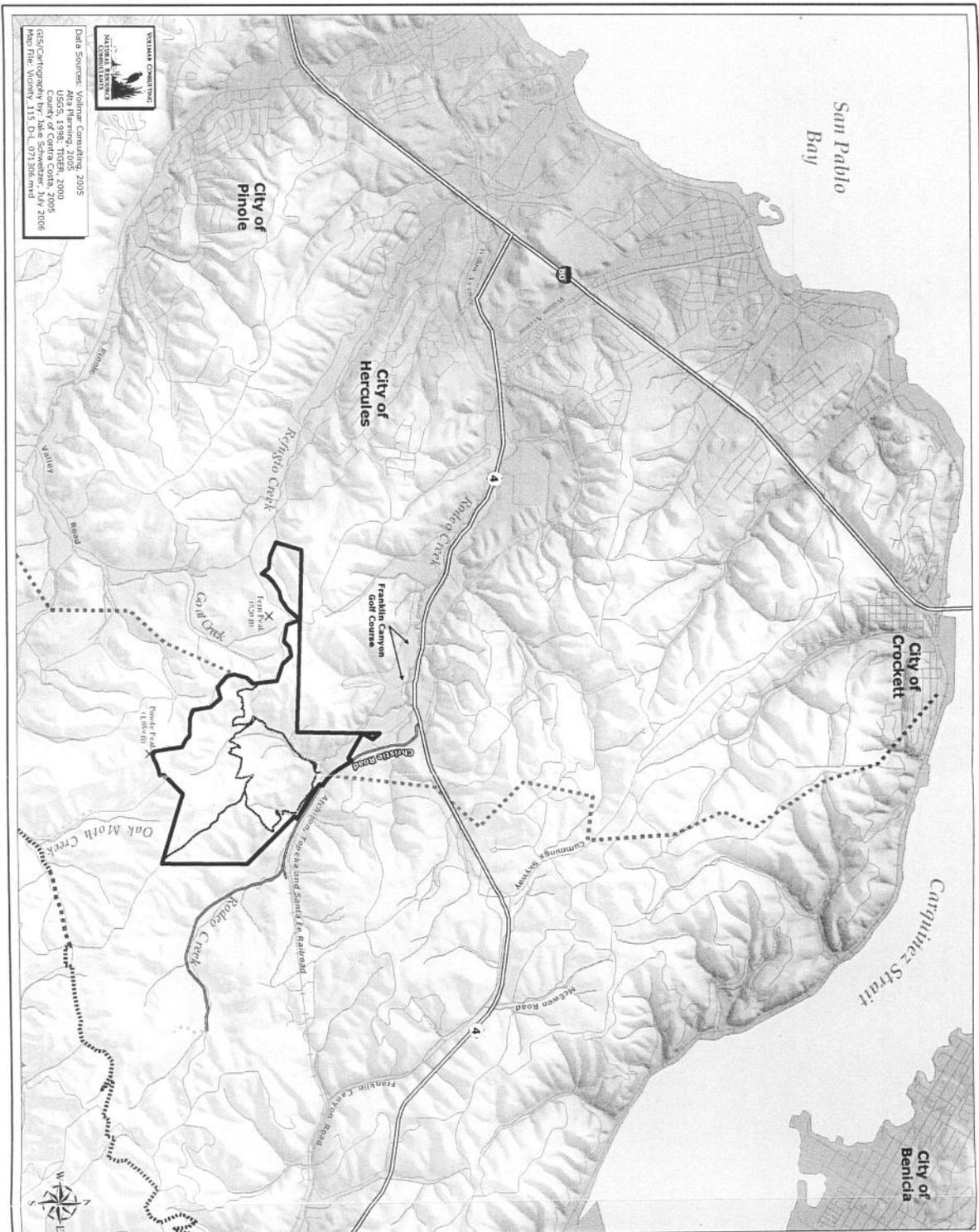
**6. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered 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.

**7. 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.

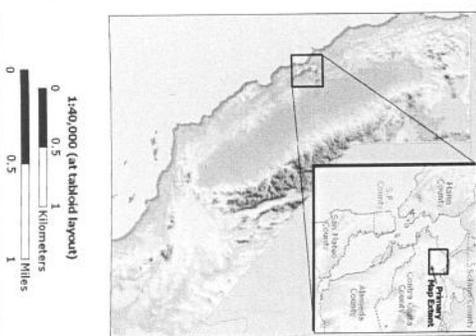


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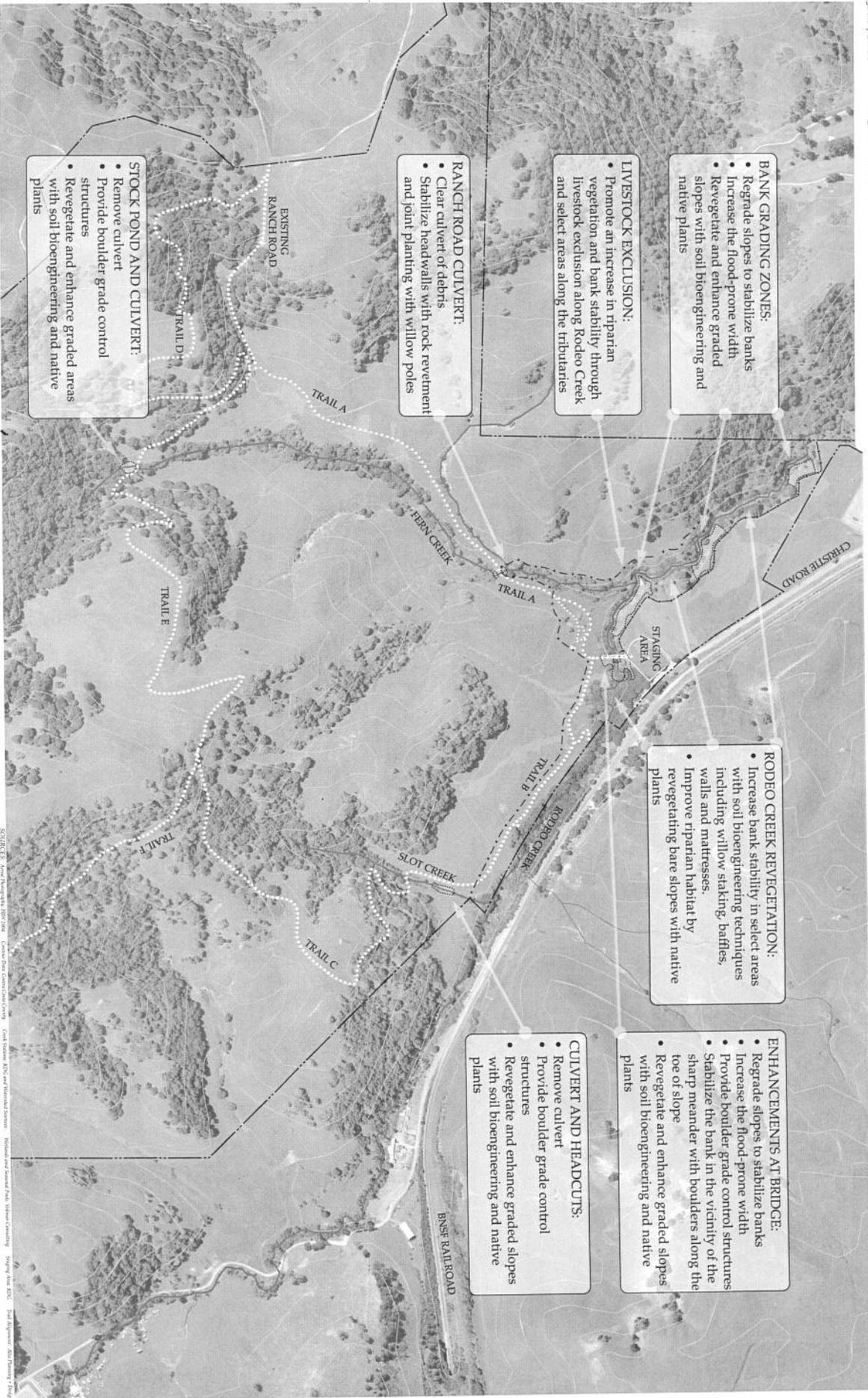
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Data Sources: Voltra Consulting, 2005  
Ara Planning, 2005  
USGS, 1996, 100m, 2005  
GIS/Cartography by: Jake Schwab, July 2006  
Map File: Vicinity\_115-D-1\_071306.mxd



1:40,000 (at tabloid layout)  
0 0.5 1 Kilometers  
0 0.5 1 Miles

**FIGURE 1**  
**Regional Vicinity Map**  
Fernandez Ranch  
Muir Heritage Land Trust  
Contra Costa County, California

- Legend**
- Regional and Project Site Trails**
    - ..... Existing Rodeo Creek Trail
    - ..... Existing Contra Costa County Feeder 1
    - ..... Contra Costa County Feeder 1, Potential
    - ..... Contra Costa County Feeder 1, Esasment
    - ..... Potential Bay Area Ridge Trail
    - ..... Proposed Trail Alignment on Project Site
  - Reference Features**
    - Fernandez Ranch Boundary
  - Elevation Range (NGVD Meters)**
    - Lowest on Map: Sea Level (at San Pablo Bay)
    - Highest on Map: ~323 (1,019-ft on project site)
  - Reference Features**
    - Highway
    - Minor Road
    - Railroad
    - Creek



**BANK GRADING ZONES:**

- Regrade slopes to stabilize banks
- Increase the flood-prone width
- Revegetate and enhance graded slopes with soil bioengineering and native plants

**LIVESTOCK EXCLUSION:**

- Promote an increase in riparian vegetation and bank stability through livestock exclusion along Rodeo Creek and select areas along the tributaries

**RANCH ROAD CULVERT:**

- Clear culvert of debris
- Stabilize headwalls with rock revetment and joint planting with willow poles

**STOCK POND AND CULVERT:**

- Remove culvert
- Provide boulder grade control structures
- Revegetate and enhance graded areas with soil bioengineering and native plants

**RODEO CREEK REVEGETATION:**

- Increase bank stability in select areas with soil bioengineering techniques including willow staking, baffles, walls and mattresses.
- Improve riparian habitat by revegetating bare slopes with native plants

**ENHANCEMENTS AT BRIDGE:**

- Regrade slopes to stabilize banks
- Increase the flood-prone width
- Provide boulder grade control structures
- Stabilize the bank in the vicinity of the sharp meander with boulders along the toe of slope
- Revegetate and enhance graded slopes with soil bioengineering and native plants

**CULVERT AND HEADCUTS:**

- Remove culvert
- Provide boulder grade control structures
- Revegetate and enhance graded slopes with soil bioengineering and native plants

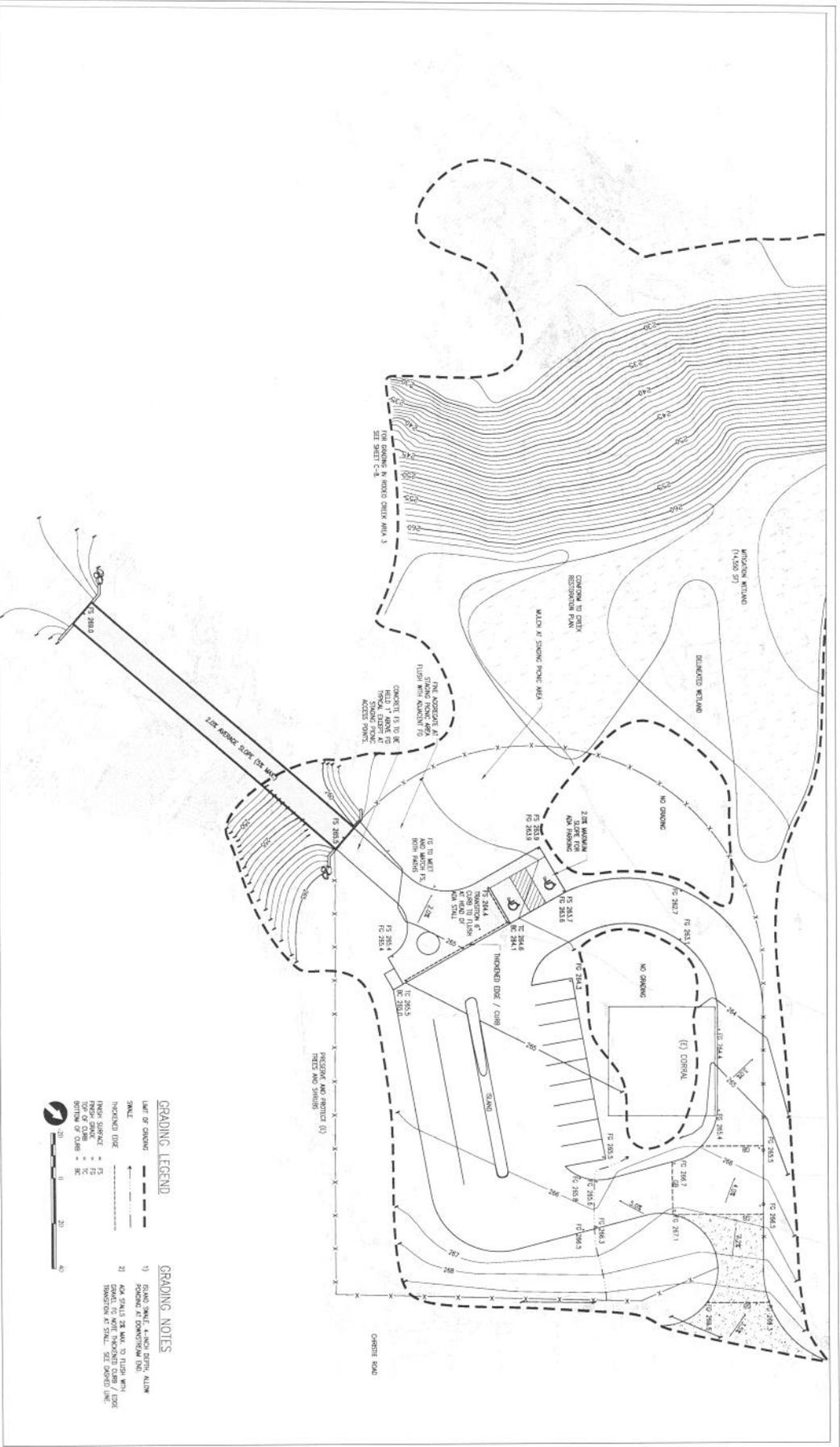
FERNANDEZ RANCH  
RESTORATION PLAN

Legend  
FERNANDEZ RANCH PROPERTY BOUNDARY  
CREEKS  
WETLANDS  
RESTORATION ZONES  
WETLANDS

SOURCES: Aerial Photography, 1999; 2008  
Coulter Park, Contra Costa County  
California State University, Stanislaus  
California State University, Stanislaus  
California State University, Stanislaus  
California State University, Stanislaus

WETLANDS  
SEASONAL WETLAND  
PERMANENT WETLAND  
SEASONAL CREEK  
PERMANENT CREEK  
SEASONAL POND  
PERMANENT POND

Scale: 1" = 100'  
North Arrow



GRADING LEGEND		GRADING NOTES	
1) GRADING SWALE, LAUNCH DITCH, ALIUM	---	1) GRADING SWALE, LAUNCH DITCH, ALIUM	---
2) GRADING SWALE, LAUNCH DITCH, ALIUM	---	2) ADA SLOPE 2% MAX. TO TYPICAL 4% SLOPE	---
3) GRADING SWALE, LAUNCH DITCH, ALIUM	---	3) ADA SLOPE 2% MAX. TO TYPICAL 4% SLOPE	---
4) GRADING SWALE, LAUNCH DITCH, ALIUM	---	4) ADA SLOPE 2% MAX. TO TYPICAL 4% SLOPE	---
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14) GRADING SWALE, LAUNCH DITCH, ALIUM	---	14) ADA SLOPE 2% MAX. TO TYPICAL 4% SLOPE	---
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16) GRADING SWALE, LAUNCH DITCH, ALIUM	---	16) ADA SLOPE 2% MAX. TO TYPICAL 4% SLOPE	---
17) GRADING SWALE, LAUNCH DITCH, ALIUM	---	17) ADA SLOPE 2% MAX. TO TYPICAL 4% SLOPE	---
18) GRADING SWALE, LAUNCH DITCH, ALIUM	---	18) ADA SLOPE 2% MAX. TO TYPICAL 4% SLOPE	---
19) GRADING SWALE, LAUNCH DITCH, ALIUM	---	19) ADA SLOPE 2% MAX. TO TYPICAL 4% SLOPE	---
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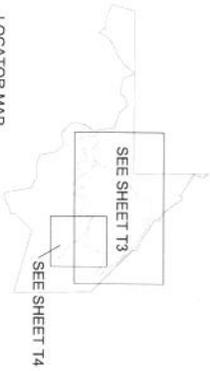
DATE	NO	REVISIONS	BY	DESIGNED BY: BIL/ES	CHECKED BY: BIL	<p>Fernandez Ranch Staging Area, LLC 2960 North Street Suite 210 San Mateo, CA 94403 P: 650.424.2738 F: 650.424.2739</p>	<p>MUIR HERITAGE LAND TRUST</p> <p>BAY AREA RIDGE TRAIL COUNCIL</p>	<p>FERNANDEZ RANCH STAGING AREA PLANS</p> <p>DRAFT PERMIT SET 2008</p> <p>GRADING</p>	<p>L2</p>
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### LEGEND

- PICNIC TABLE
- BENCH
- ⊥ SIGNS, INTERPRETIVE AND/OR DIRECTIONAL
- ▶ VIEWPOINT
- ➔ FUTURE CONNECTIONS TO OTHER TRAILS
- ⌒ BRIDGE
- CULVERT
- ◇ DRAIN DIP
- ▬ RANCH PROPERTY BOUNDARY
- ▬ PROPOSED TRAIL
- ▬ EXISTING RANCH ROAD
- ▬ FUTURE TRAIL
- ▬ 10' CONTOUR
- ▬ 100' CONTOUR
- ⊖ LIMIT OF WORK - 100' TRAIL RIGHT-OF-WAY
- ⊖ DETAIL SEE SHEETS TR-78
- ▨ DELINEATED WETLAND

LOCATOR MAP



DATE:	NO.	REVISIONS	BY:

DESIGNED BY: DANNE  
DRAWN BY: MBI  
CHECKED BY: GAI



Restoration Design Group, LLC  
2346 North Street, Suite 218  
Berkeley, CA 94702  
T 510.844.2799  
F 510.844.2799



ALTA ENGINEERING  
1034 NE DAVIS  
PORTLAND, OR 97232  
T 503.252.8666  
F 503.252.8666

MUIR HERITAGE LAND TRUST  
BAY AREA RIDGE TRAIL COUNCIL

SCALE: 1"=400'  
DATE: 01/20/09  
DWG FILE NO: FERNANDEZ RANCH.DWG

FERNANDEZ RANCH PUBLIC ACCESS PLAN  
PERMIT SET  
TRAIL ALIGNMENT OVERVIEW

**T2**



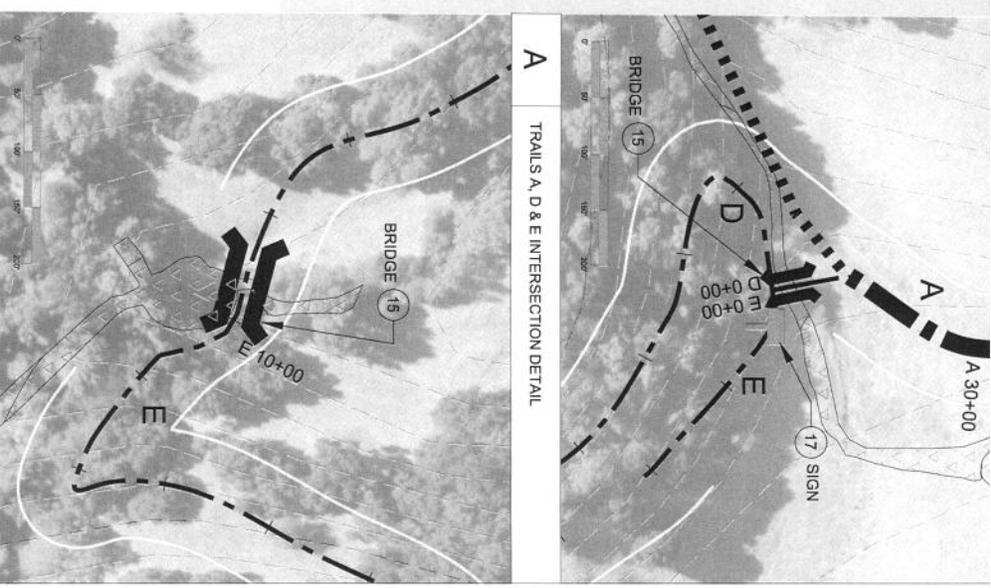


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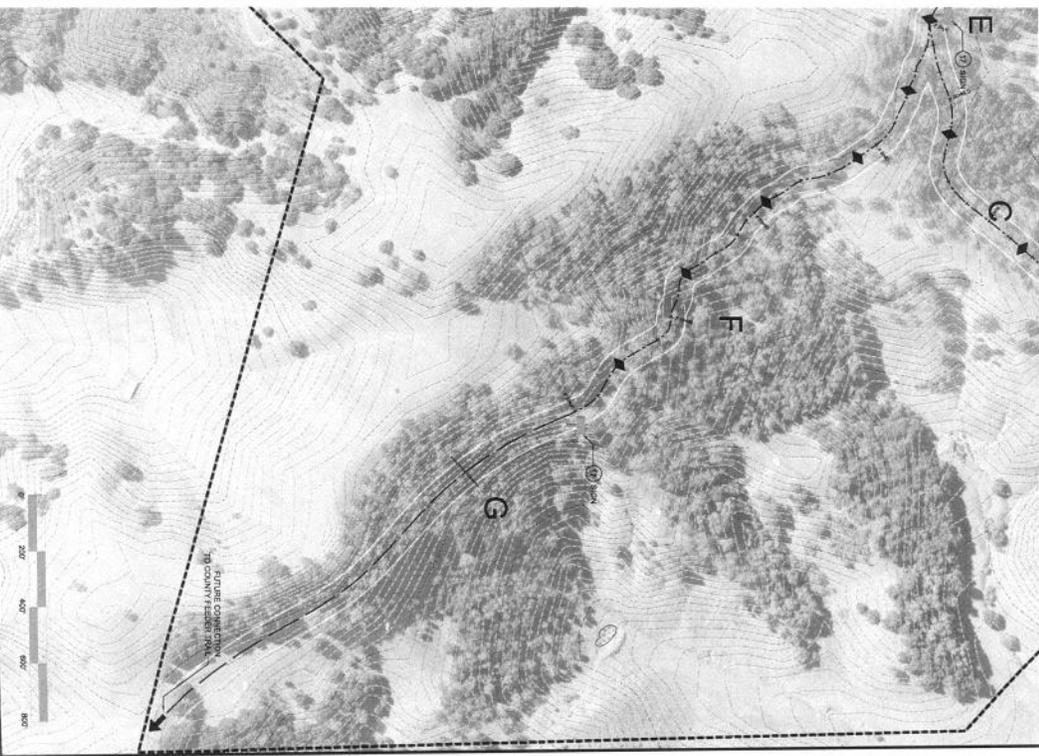
### LEGEND

- PICNIC TABLE
- BENCH
- ↑ SIGNS, INTERPRETIVE AND/OR DIRECTIONAL
- VIEWPOINT
- FUTURE CONNECTIONS TO OTHER TRAILS
- BRIDGE
- CULVERT
- ◆ DRAIN DIP
- RANCH PROPERTY BOUNDARY
- PROPOSED TRAIL
- EXISTING RANCH ROAD
- FUTURE TRAIL
- 10' CONTOUR
- 100' CONTOUR
- LIMIT OF WORK - 100' TRAIL RIGHT-OF-WAY
- # DETAIL SEE SHEET T6 - T8
- ▨ DELINEATED WETLAND



A TRAILS A, D & E INTERSECTION DETAIL

B STOCK POND CROSSING ON TRAIL E



DATE	
NO.	
REVISIONS	
BY	

DESIGNED BY: GJMM
DRAWN BY: MK
CHECKED BY: GH

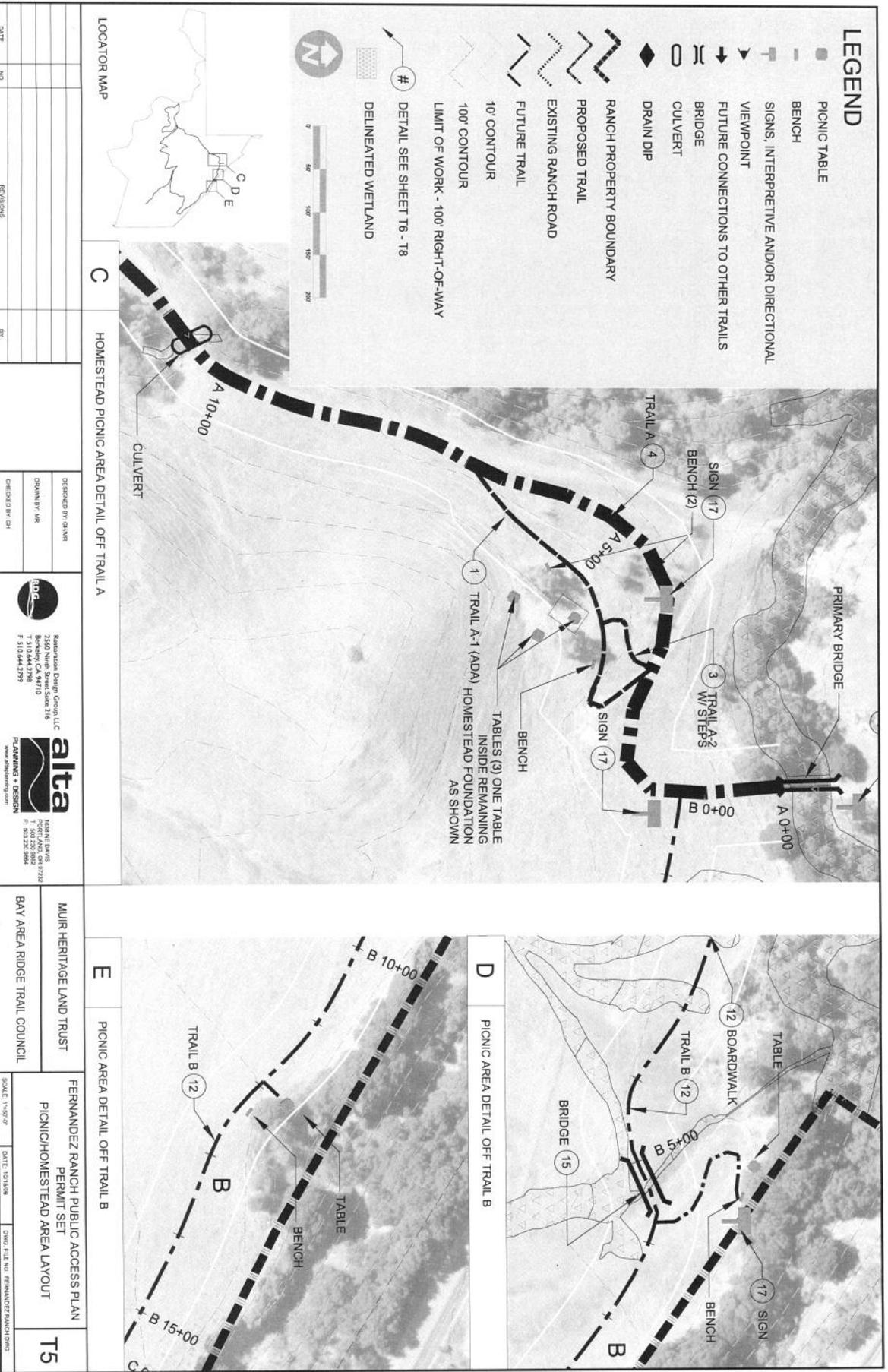
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MUIR HERITAGE LAND TRUST  
BAY AREA RIDGE TRAIL COUNCIL

FERNANDEZ RANCH PUBLIC ACCESS PLAN  
PERMIT SET  
TRAIL ALIGNMENT & DETAILS  
**T4**

SCALE: AS SHOWN DATE: 10/19/08 DWG. FILE NO: FERNANDEZ\_RANCH\_DWG



LOCATOR MAP

DATE	NO.	REVISIONS	BY

C HOMESTEAD PICNIC AREA DETAIL OFF TRAIL A

DESIGNED BY: GAWM	
DRAWN BY: WR	
CHECKED BY: GH	
	Restoration Design Group, LLC 2560 Niles Street, Suite 218 San Francisco, CA 94133 T 415.424.2298 F 415.424.2799
	KYLE M. DAVIS 1800 S. DAVIS PLANNING + DESIGN SAN FRANCISCO, CA 94116 T 415.424.2298 F 415.424.2799 www.altaplanning.com

E PICNIC AREA DETAIL OFF TRAIL B

MUIR HERITAGE LAND TRUST	
BAY AREA RIDGE TRAIL COUNCIL	
FERNANDEZ RANCH PUBLIC ACCESS PLAN PERMIT SET PICNIC/HOMESTEAD AREA LAYOUT	T5
SCALE: 1"=60'	DATE: 12/15/08
DWG. FILE NO: FERNANDEZ-RANCH-DWG	