



US Army Corps  
of Engineers®  
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103-1398

# PUBLIC NOTICE

Project: Wilfred Avenue Improvement Project, City of Rohnert Park, Sonoma County, CA

PUBLIC NOTICE NUMBER: 2013-00011N

PUBLIC NOTICE DATE: January 25, 2013

COMMENTS DUE DATE: February 25, 2013

PERMIT MANAGER: David Wickens

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**1. INTRODUCTION:** The City of Rohnert Park (POC: Mr. Darrin Jenkins, Director of Development Services, City of Rohnert Park, 707-588-2226), 130 Avram Avenue, Rohnert Park, California 94928, through his agent Huffman-Broadway Group (POC: Mr. Terry Huffman at 415-925-2000), 828 Mission Avenue, San Rafael, California 94901, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to discharge fill material into jurisdictional waters of the United States associated with the construction of the Wilfred Avenue Improvement Project, located in unincorporated Sonoma County, and in Rohnert Park, California. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

## 2. PROPOSED PROJECT:

**Project Site Location:** The project site is located on the Santa Rosa Plain along Wilfred Avenue, from Stony Point Road to Redwood Drive in the City of Rohnert Park, Sonoma County, California 94928, (Latitude: 38° 21' 47.75" North, Longitude: 122° 43' 22.76" West).

**Project Site Description:** The proposed linear project boundaries would extend along approximately 1.4 miles of Wilfred Avenue, encompass approximately 28.33 acres, and be bounded by Stony Point Road to the west and

Redwood Drive to the east. A portion of the proposed project is located within the southeastern corner of the Llano de Santa Rosa Land Grant. The center of the project is located within the Cotati Land Grant. Also, a portion of the proposed road improvements, between Langner Avenue and Labath Avenue, encroach onto lands placed into trust for the Federated Indians of Graton Rancheria (Trust Lands). The proposed project is located within and west of the Rohnert Park City Limits, Sonoma County, California, (Figures 1 & 2).

The proposed project site is at an elevation of 90 feet Mean Sea Level (MSL) and topography in the area is generally flat. Agriculture, consisting of hay farming, cattle ranching, and dairy operations, is the primary land use in the area. Some rural residential uses and other abandoned structures exist near the road on portions of some parcels within the proposed project site.

The Santa Rosa Plain encompasses much of central Sonoma County, and is characterized by vernal pool wetlands, seasonal wetlands, and associated grasslands. These habitats support a unique population of the federally listed endangered California tiger salamander (CTS) (*Ambystoma californiense*), and three federally-listed endangered plant species that have a large proportion of their population on the Santa Rosa Plain.

Seven biological communities occur within the proposed project site boundaries: hay field, ruderal, developed/landscaped, irrigated pasture, seasonal

wetland, flood control channel, and roadside ditch.

The most common vegetation type is hay field. Non-native upland plant species such as Italian ryegrass, oats, and vetch are dominant. Fields that have been left fallow are dominated by ruderal, weedy plant species adapted to land disturbance.

Residential housing is present, primarily near the eastern end of the proposed project boundaries where a mix of ruderal and urban fringe landscape features occur.

A system of open drainage ditches generally occur along both sides of roads in the proposed project site vicinity. Water developed in open ditches in the immediate area will ultimately drain to the Laguna de Santa Rosa River.

The proposed project site is located within the southern portion of the Santa Rosa Plain Groundwater Basin and within the Laguna de Santa Rosa Watershed. The Bellevue-Wilfred Channel, also referred to as the North Branch of the Laguna de Santa Rosa, bisects the site in a generally north-south alignment and flows south to join the main Laguna de Santa Rosa River located approximately 0.75 mile south of the proposed project. The Laguna de Santa Rosa River discharges into the Santa Rosa Flood Control Channel, a tributary to Mark West Creek. Mark West Creek flows into the Russian River which ultimately discharges into the Pacific Ocean.

**Project Description:** The City of Rohnert Park (City) and the County of Sonoma (County) have identified Wilfred Avenue as a critical transportation route and have determined that the continued improvements to this route are paramount to the safety, economic development, and regional transportation and circulation plan for the City and the County as well as the public at large. Wilfred Avenue is classified in the Rohnert Park General Plan (General Plan) as a *Major Arterial*. The General Plan identifies the need for improvements to Wilfred Avenue while also making a commitment to improving pedestrian and bicycle

circulations as an alternative to motorized vehicle use.

The applicant has stated that the overall Wilfred Project purpose is to improve safety, traffic circulation, pedestrian circulation, and manage stormwater runoff along Wilfred Avenue between Stony Point Road and Redwood Drive. The proposed roadway improvements would be necessary to mitigate the additional traffic impacts resulting from the cumulative effects of several City and private projects being developed or planned for the foreseeable future and to accommodate other approved or anticipated development within the City's urban growth boundary. Thus, to accomplish this the City of Rohnert Park proposes to expand the number and width of lanes between Stony point Road and Redwood Drive along Wilfred Avenue, improve the intersections where Primrose Avenue, Whistler Avenue, Langner Avenue, Labath Avenue, and Dowdell Avenue meet Wilfred Avenue, construct vehicle pullout shoulders, pedestrian and bicycle paths, and stormwater treatment swales, relocate utilities where necessary, construct outfall structures, and install attendant features including signal lights, signs, medians, striping, and landscaping, (Sheets 5, 6, 12-18, 75, 85, 102).

### **The Project Components:**

Implementation of the proposed Wilfred Avenue Project would include the following components:

- From Redwood Drive to Labath Avenue, the roadway would widen from 2 lanes to 4 through lanes.
- From Labath Avenue to Langner Avenue the roadway would widen from 2 lanes to 3 through lanes: 2 east-bound and 1 west-bound.
- From Langer Avenue to Stony Point Road the roadway would have 2 lanes with improved shoulders for increased safety.
- One 6-foot-wide bike lane along the entire southern length of the Wilfred Project.
- One 6-foot-wide bike on the north side of Wilfred Avenue that would connect to the

existing Class II bike lanes on Stony Point Road; the bike lane would also serve as a shoulder for Wilfred Avenue.

- One 6-foot-wide sidewalk on the south side of Wilfred Avenue from Langner Avenue to Redwood Drive.
- One single span 14 foot wide bike bridge (also referred to as the pedestrian/bicycle bridge) over the existing Bellevue-Wilfred Channel approximately 10 feet south of the existing road bridge.
- Stormwater drainage improvements would be installed or upgraded where necessary to control runoff, help avoid flooding, and ensure water quality. These improvements would include a 13.5/14-foot-wide bio-retention drainage swale and associated stormwater interceptor (ranging from 18 inches to 42 inches) stretching the entire length of the Wilfred Project along the south side of the improved road with improved crossings from the existing drainage on the north side of the road. The stormwater interceptor would discharge into the Bellevue-Wilfred Flood Control Channel from a 42-inch outfall pipe on the east and 30-inch outfall pipe from the west.
- Improved striping at the intersections at Labath Avenue and Langner Avenue to ensure safety and efficient traffic flow. Improvements would include striping to create new left turn lanes and vehicle storage “pockets.”
- Signalization modifications and intersection improvements at the Redwood Drive intersection.
- New traffic signals and intersection improvements at the Dowdell Avenue, Labath Avenue, and Stony Point Road intersections.
- Safety lighting at intersections with Stony Point Road, Primrose Avenue, Whistler Avenue, Langner Avenue, Labath Avenue, Dowdell Avenue, and Redwood Drive.
- Roadway lighting between Langner Avenue and Redwood Drive.
- Modifications to roadside fencing, gates,

and culverts to accommodate the widened roadway.

- Construction of a water line from Langer Avenue to Redwood Drive and construction of a sanitary sewer line from Labath Avenue to Redwood Drive.
- Utilities situated along Wilfred Avenue, including Pacific Gas and Electric (PG&E), AT&T, and Comcast Cable facilities, would be relocated as necessary within the overall newly acquired right-of-way.
- Overhead utilities located along the south side of Wilfred Avenue and east of Langner Avenue would be relocated underground. Overhead utilities located along the south side of Wilfred Avenue and west of Langner Avenue would be relocated to new utility poles.
- A new water line would be constructed within the widened roadway between Langner Avenue and Redwood Drive, and a new sanitary sewer line would be constructed between Labath Avenue and Redwood Drive.

**Basic Project Purpose:** The basic project purpose, consistent with 40 CFR Section 230.10(a) (3), is to permit to expand and make improvements to Wilfred Avenue between Stony Point Road and Redwood Drive. The U.S. Army Corps of Engineers (Corps) has determined to be a non-water dependent activity.

**Overall Project Purpose:** The overall project purpose is to improve safety, traffic circulation, pedestrian circulation, and manage stormwater runoff along Wilfred Avenue between Stony Point Road and Redwood Drive. The proposed roadway improvements would be necessary to mitigate the additional traffic impacts resulting from the cumulative effects of several City and private projects being developed or planned for the foreseeable future and to accommodate other approved or anticipated development within the City’s urban growth boundary. Thus, to accomplish this the City of Rohnert Park proposes to expand the number and width of lanes between Stony point

Road and Redwood Drive along Wilfred Avenue, improve the intersections where Primrose Avenue, Whistler Avenue, Langner Avenue, Labath Avenue, and Dowdell Avenue meet Wilfred Avenue, construct vehicle pullout shoulders, pedestrian and bicycle paths, and stormwater treatment swales, relocate utilities where necessary, construct outfall structures, and install attendant features including signal lights, signs, medians, striping, and landscaping.

**Project Impacts:** The project would result in the discharge of approximately 0.83 cubic yards of permanent fill material into approximately 0.83 acre of waters of the United States, including: 16 cubic yards of fill material into 0.01 acre of riverine lower perennial emergent wetlands; 452 cubic yards of fill material into 0.28 acre of palustrine emergent wetlands; and 871 cubic yards of fill material into 0.54 acre of seasonal palustrine wetlands.

A jurisdictional delineation report of the presence of wetlands and other waters of the United States, based on current conditions, was submitted to the Corps for verification on December 21, 2012.

**Proposed Mitigation:** The applicant proposes to avoid and further minimize impacts to jurisdictional waters with implementation of the following measures: the majority of proposed roadway improvements would be restricted to the south side of the roadway to avoid wetlands on the north side of Wilfred Avenue; 1.38 acres of wetlands would be avoided through design elements (e.g. a free span pedestrian bridge over Bellevue-Wilfred Flood Control Channel and culvert improvements); soil erosion control best management practices would be implemented to prevent off-site sedimentation into waters of the U.S.; and fencing would be installed to prevent construction equipment from inadvertently entering wetlands during construction.

**Compensatory Mitigation for Wetland Impacts:** Most wetlands constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest. For projects to be

undertaken or partially or entirely funded by a federal, state, or local agency, additional requirements on wetlands considerations are stated in Executive Order 11990, dated 24 May 1977.

The applicant proposes to mitigate for the loss of approximately 0.83 acre of wetlands through the purchase of 0.83 acre of wetland establishment credits from an approved mitigation bank located within the same watershed as the proposed project.

**Project 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 by the Corps of Engineers has determined that the project does not constitute a water dependent activity in light of its basic project purpose. The applicant shall prepare a alternatives analysis and submit it to the Corps for review.

### 3. STATE AND LOCAL APPROVALS:

**Water Quality Certification:** State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant is hereby notified that, unless USACE is provided documentation indicating a complete application for water quality certification has been submitted to the California Regional Water Quality Control Board (RWQCB) within 30 days of this Public Notice date, the District Engineer may consider the Department of the Army permit application to be withdrawn. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a

reasonable time for the RWQCB to act.

Water quality issues should be directed 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.

**Coastal Zone Management:** Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so. The project does not occur in the coastal zone, and a *preliminary* review by USACE indicates the project would not likely affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the California Coastal Commission.

Coastal zone management issues should be directed to the District Supervisor, California Coastal Commission, North Central Coast District Office, 45 Fremont Street, Suite 2000, San Francisco, California 94105-4508, by the close of the comment period.

#### **4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National

Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

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(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to ensure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. As the Federal lead agency for this project, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant, to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE has made a *preliminary* determination that the following Federally-listed

species and designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation: federally listed endangered California tiger salamander (CTS) (*Ambystoma californiense*). All vacant and undeveloped locations within the proposed project area would be considered aestivation, foraging and dispersal habitat for the CTS; and three federally-listed endangered plant species that have a large proportion of their population on the Santa Rosa Plain. The three plant species are Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields (*Lasthenia burkei*), and Sebastopol meadowfoam (*Limnanthes vinculans*).

The Santa Rosa Plain encompasses much of central Sonoma County, and is characterized by vernal pool wetlands, seasonal wetlands, and associated grasslands. These habitats support a unique population of the federally listed endangered California tiger salamander (CTS) (*Ambystoma californiense*), and three federally-listed endangered plant species that have a large proportion of their population on the Santa Rosa Plain. All vacant and undeveloped locations within the proposed project area would be considered aestivation, foraging and dispersal habitat for the CTS. The three plant species are Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields (*Lasthenia burkei*), and Sebastopol meadowfoam (*Limnanthes vinculans*) and all are federal and state listed as endangered. All three plant species have potential to occur within suitable habitats in the vicinity of the proposed project site boundaries.

Construction activity, estimated to occur over a six month period, could result in a temporary disturbance of 11.55 acres of non-waters of the U.S.: 6.92 acres within suitable CTS habitat and 4.63 acres within the proposed construction staging area.

Mitigation for all proposed project impacts to potential CTS habitat and listed plant species would be required pursuant to the Santa Rosa Plain Habitat Conservation Strategy and the 2007 U.S. Fish and Wildlife Programmatic Biological Opinion.

**Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):** Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the NMFS on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE has made a *preliminary* determination that EFH is not present at the project location or in its vicinity, and that consultation will not be required. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by NMFS. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

**Marine Protection, Research, and Sanctuaries Act (MPRSA):** Section 302 of the MPRSA of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect,

however, remains subject to a final determination by the Secretary of Commerce, or his designee.

**National Historic Preservation Act of 1966 (NHPA):** Section 106 of the NHPA of 1966, as amended (16 U.S.C. Section 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. As the Federal lead agency for this undertaking, USACE shall conduct a review of the applicant's findings from the National Register of Historic Places, survey information on file with state offices, and other information, to determine the presence or absence of historic and archaeological resources within the permit area.

To address project related impacts to historic or archaeological resources, USACE will initiate consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer, pursuant to Section 106 of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. The USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the advisory Council on Historic Preservation, and Native American Nations or other tribal governments.

To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for

the project.

If unrecorded archaeological resources were discovered during project implementation, those operations affecting such resources would be temporarily suspended to allow the Corps to conclude Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

**5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES:** Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is not dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The applicant has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

**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.

Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

**7. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, Indian Tribes, State and local agencies and officials, 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 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 David Wickens of our office at telephone 415-503-6787 or E-mail: david.m.wickens@usace.army.mil.