



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 24832S

DATE: 13 June 2003

RESPONSE REQUIRED BY: 13 July 2003

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith

Phone: (415) 977-8450/E-mail: rsmith@spd.usace.army.mil

1. **INTRODUCTION:** Shapell Industries of Northern California and Ponderosa Homes, P.O. Box 361169, Milpitas, California 95035 [contact: Christian Truebridge (408) 946-1550] has applied for a Department of the Army permit to fill 0.79 acres of wetlands and waters of the United States to construct the Alamo Creek housing development in southern Contra Costa County along Alamo Creek. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION:** As shown on the attached drawings, the applicant proposes to construct 907 residential units with associated streets, a school, parks and other infrastructure on approximately 236.7 acres (Figure 3). Six hundred sixty three of the residential units will be detached single-family residences, 124 will be deed restricted affordable townhouse units, and 120 will be deed restricted affordable senior units.

The Alamo Creek site consists of approximately 609.5 acres characterized by two moderately deep valleys surrounded by ridges. The site has numerous ephemeral and intermittent streams, and a perennial creek, Alamo Creek, a segment of which traverses the northwestern edge of the project site (Figure 5). Alamo Creek is a tributary of Arroyo de la Laguna, which flows into Alameda Creek, and ultimately to South San Francisco Bay. Habitats on the site include non-native annual grassland, oak woodland and scattered small areas of willow riparian woodland. The various intermittent and ephemeral streams on the site support small areas of seasonal wetlands. Other habitats include 26 seeps, three stock ponds and one natural ephemeral pond.

The site contains approximately 4.96 acres of aquatic features subject to Corps jurisdiction (Table B).

Grading for development of the project would result in placement of fill in 12 of the 26 seeps (.59 acres), a portion of Alamo Creek (0.12 acres, 745 linear feet), intermittent and ephemeral streams (0.08 acres, 1630 linear feet), resulting in direct impacts to .79 acres (2,375 linear feet) of jurisdictional areas (Table C). The impacts to Alamo Creek will result from work associated with road crossings, the expansion of Camino Tassaraja and a storm drain outfall.

Approximately 372.8 acres of the site will be preserved as open space lands. This includes 305.8 acres of new open space land and 67 acres that were previously dedicated as open space land as part of the Wendt Ranch Project (Corps Permit No. 23199S). The proposed open space area is immediately adjacent to the preserved lands in the Hidden Valley Open Space, part of the adjacent Windemere Development site to the south. Together the two units of open space will provide an almost 1,000 acre block of protected land (Figure 4). The open space, which the applicant proposes to protect in perpetuity through the recordation of a conservation easement, includes the jurisdictional features that will be avoided by the project, the mitigation features described below, and the majority of the site's oak woodland habitat.

The applicant has submitted a conceptual plan to mitigate for the project's impacts. The applicant proposes to create 1.25 acres of seasonal wetlands (12 wetlands) and 0.24 acres of pond within the

372.8 acre preserved open space. The pond habitat will be designed to provide breeding and rearing habitat for the California red-legged frog. Additionally, the applicant proposes to: (1) enhance three existing ponds (0.96 acres) by expanding and improving emergent marsh habitat around the ponds and repairing the eroded spillways; and (2) to stabilize and enhance 15 streams (0.63 acres, 13,523 linear feet) by managing grazing, re-vegetating stream corridors, and where necessary, laying back eroding banks to stabilize the stream systems. Finally, the applicant proposes to implement a stormwater management plan that includes structural and non-structural best management practices designed to avoid adverse water quality and flow impacts to downstream systems.

The applicant states that the grading work which would result in fill of jurisdictional areas would be completed within the first year of construction and all significant grading for the project is expected to be completed within the first two years of the initiation of work. Construction of the mitigation work would be initiated prior to or during the project's first season of grading. Completion of the mitigation is anticipated to occur within the first two years of construction. The applicant proposes to monitor the mitigation areas for a minimum of five years for the wetland and pond features and ten years for the streams, or until the success criteria included in the conceptual mitigation plan are obtained.

3. STATE APPROVALS: 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 or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A will be deemed to have occurred 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 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.

4. ENVIRONMENTAL ASSESSMENT: The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

5. EVALUATION OF ALTERNATIVES: Evaluation of this activity's impact on the public interest will also 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).

6. 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 activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have

on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

7. 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 of Engineers to determine whether to issue, modify, 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 of 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, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is 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 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 address is indicated in the first paragraph of this notice, or by contacting Bob Smith of our office at telephone 415-977-8450 or E-mail: rsmith@spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.