



US Army Corps
of Engineers

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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DATE: July 16, 2003

RESPONSE REQUIRED BY: August 16, 2003

PERMIT MANAGER: Robert Perrera

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1. INTRODUCTION: Mr. Dave Ripple, representative for Shamrock Materials, Inc. P.O. Box 808044 Petaluma, California 94975-8044, ((707) 781-9051) has applied for a Department of the Army permit to fill 4.4 acres of wetlands. The proposed project is located at 290 Todd Road in Santa Rosa, Sonoma County, California (APN: 134-171-028). 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 in the attached drawings, the applicant plans to develop a 17.5-acre site with four lines of business. The proposed project will include a ready-mix concrete plant; sand and gravel processing plant; topsoil composting operation; concrete and asphalt recycling plant; associated maintenance facility; additional railroad tracks; detention pond; constructed earthen berm; and an office. The detention pond and a series of containment basins will be constructed to collect and filter storm water generated from the site. The earthen berm will be constructed along the western and southern end of the project site to redirect and prevent storm water from directly entering adjacent wetlands and drainage channels. Along the base of the earthen berm an impermeable fence will be installed to prevent the migration of California tiger salamanders from entering the project site. Development of the project site will result in the fill of 4.4 of the 5.25 acres of palustrine emergent wetlands.

3. PURPOSE AND NEED: The purpose of the

project is to provide a site that can accommodate various lines of business for Shamrock Materials, Inc. The site is currently zoned for industrial use and is served by rail, for both inbound and outbound materials. The site parallels the mainline of the Northwestern Pacific Railroad providing Shamrock Materials, Inc., the ability to cost effectively import aggregate, via rail, for its use in the local market. According to Shamrock Materials, Inc., the supply of construction grade aggregates in Sonoma County has been significantly reduced requiring a shift from local supply to importation sources. The proposed project would allow Shamrock Materials, Inc., to import aggregate, via rail, to the Todd Road site and distribute it locally.

4. PROJECT SITE DESCRIPTION: The project site consists of approximately 12.25 acres of grassland habitat and 5.25 acres of palustrine emergent wetland habitat. The topography is relatively flat except for two mounds of stock piled material located on the northern and southern ends of the project site. Historically, the site was developed into an orchard with a farmhouse. Since the removal of the orchard and farmhouse, the project site has been disked yearly. An active gravel operation is located immediately north of the project site and a railroad runs parallel to the east boundary. Open grassland, wetlands, and rural residences surround the east, west, and south ends of the project site.

The wetlands drain southwest off the property and are intercepted by two drainage channels that run parallel north to south and east to west of the project

site. The two adjacent drainage channels join near the southwestern most corner of the project site. The drainage channel conveys captured water through a series of above and underground culverts ending at the North Branch Laguna De Santa Rosa.

5. ENDANGERED SPECIES ACT OF 1973:

Within the project site, there is potential for the occurrence of federally endangered and threatened species that include; Sonoma sunshine (*Blennosperma bakeri*); Burke's goldfields (*Lasthenia burkei*); Sebastopol meadowfoam (*Limnanthes vinculans*); Many-flowered navarretia (*Navarretia leucocephala* ssp. *plieantha*); and the California tiger salamander (*Ambystoma californiense*). The project site is located within the designated "Santa Rosa Plain" and within the designated "Potential Range" of the California tiger salamander (*Ambystoma californiense*).

The USACE will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act for all the aforementioned species.

6. NATIONAL HISTORIC PRESERVATION ACT OF 1966 (NHPA):

The applicant conducted a cultural resource inventory and subsequent field study. A review of the records did not indicate the presence of any historic resources within the project site and a general archaeological field survey, conducted in December of 2002, did not reveal indicators of potential historic or prehistoric cultural deposits.

7. 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 Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver.

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, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period of this public notice.

8. 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.

9. EVALUATION OF ALTERNATIVES:

Evaluation of the projects impacts 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. 1344(b)). An evaluation pursuant to the 404(b)(1) Guidelines indicates the project is not dependent on location 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 dredge or fill material into special aquatic sites. The applicant has submitted an Analysis of project alternatives to be reviewed for compliance with the Guidelines.

10. 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, which 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.

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 Robert Perrera of our office at E-mail robert.perrera@spd02.usace.army.mil or telephone 415.977.8454. Details on any changes of a minor nature that are made in the final permit action will be provided on request.

11. 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.

12. 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