



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE

PROJECT: Grove Village

PUBLIC NOTICE NUMBER: 2000-257360N

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COMMENTS DUE DATE: November 12, 2016

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1. **INTRODUCTION:** CV Santa Rosa Investments, LLC (POC: Charity Wagner, 415-730-6718), 444 Spear Street, Suite 200, San Francisco, California, through its agent, Johnson Marigot Consulting, LLC, (POC: Paula Gill, 415-317-4941), 88 North Hill Drive, Suite C, Brisbane, California, 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 wetlands of the United States associated with the construction of a residential subdivision, to be located in the City of Santa Rosa, Sonoma County, 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 at 2860-2894 Stony Point Road in the City of Santa Rosa, Sonoma County, California (38.404389°N and 122.739047°W; APN: 134-042-011, -017, -042, -043, and -048; Township 7N, Range 8W, Section 25). It is situated within the Santa Rosa, California USGS Quadrangle Map.

Project Site Description: The project site falls within the Santa Rosa Plain in southwest Santa Rosa, Sonoma County, California (Figure 1). The site is on the east side of Stony Point Road between Hearn Avenue and Bellevue Avenue and is bound to the north by a residential development, to the east by Elsie Allen High School, and to the south and west across Stony Point Road by low-density, single-family homes. The site is primarily composed of heavily disturbed, non-native grassland. The site also contains some remnants of a small orchard in the northwestern portion, two houses with associated landscaping in the southwestern portion, and a dirt road

that bisects the western portion and terminates at an occupied house near the center of the site. The southeastern portion has been heavily disturbed by continued recreational all-wheel drive activity. Though the property has little topographic relief, 11 seasonal wetlands and wetland swales totaling 2.09 acres are scattered throughout the site at topographic low areas and fall under USACE jurisdiction. These wetlands are hydrologically connected to the Colgan Creek Flood Control Channel, a tributary of Laguna de Santa Rosa and the Russian River.

Project Description: As illustrated in the attached drawings, the applicant proposes to construct on 18.97 acres the residential subdivision of Grove Village, consisting of approximately 136 single-family homes along with associated infrastructure, access roads, open space, and landscaping. Residences would range in size from roughly 1,800 to 2,200 square feet and would include a combination of alley-loaded homes, traditional single-family homes, and second dwelling units. All homes would have two stories, a two-car garage, and a small backyard. There would be approximately 7.2 units per acre. Roadway access would be from two points on Stony Point Road to the west as well as from Liscum Street in the existing subdivision to the north, though one of the Stony Point Road access points would allow only right-turn entry and exit. A neighborhood park would be centrally located. A pedestrian pathway would connect the community to the neighboring high school. Construction would take about 20 months, including on-site grading during the summer of either 2017 or 2018. Project implementation would require USACE authorization to fill the site's entire 2.09 acres of jurisdictional wetlands.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is to construct residential housing.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to construct a medium-size (4–40 acre) residential development within the City of Santa Rosa limit that meets the “Low Density Residential/Open Space” (2–8 units per acre) designation in accordance with the City of Santa Rosa’s General Plan, while also increasing the variety of housing opportunities within City limits. The project must also include associated infrastructure, access roads, and landscaping to meet all City requirements for safe public access.

Project Impacts: The project would require permanent and temporary discharge into seasonal wetlands and wetland swales adjacent to Colgan Creek. An estimated 3,372 cubic yards of native fill would be permanently discharged into the entire 2.09 acres of jurisdictional waters of the U.S. present on-site.

Proposed Mitigation: The loss of 2.09 acres of wetland habitat would be mitigated at a 2:1 mitigation ratio by the purchase of 4.2 acres of credits at an approved wetland mitigation bank. In addition, mitigation for loss of habitat for federally listed plant species would be provided by the purchase of 3.2 acres of mitigation credits, constituting a 1.5:1 mitigation ratio.

Project Alternatives: The applicant has submitted an alternatives analysis, including five on-site alternatives and five off-site alternatives. Complete avoidance of jurisdictional waters has been deemed impracticable due to the scattered nature of the site’s wetlands and a need for roadway access to Stony Point Road.

The five on-site alternatives being considered would each leave intact a wetland or wetland complex as a preserve. These alternatives include a Northwest Preserve that would conserve 0.74 acre of wetland but still fill 1.35 acre of wetland, a Northwest Bisected Preserve that would conserve a smaller 0.53 acre of wetland and fill 1.56 acre of wetland, a Southeast Small Preserve that would conserve one 0.16-acre wetland and fill 1.93 acre of

wetland, a Southeast Large Preserve that would conserve 0.49 acre of wetland and fill 1.60 acre of wetland, and a Central Preserve that would conserve 0.62 acre of wetland while filling 1.47 acre of wetland.

The five proposed off-site alternatives each involve the construction of a similar residential subdivision at another location in the general vicinity of southwestern Santa Rosa. The Brooks Road site, the only proposed off-site alternative in which the property is currently on sale and comprises at least 3.9 acres, is located two miles to the southeast and may impact an estimated 0.51 acre of possible waters of the U.S. on four acres. The Bane Avenue site, situated 0.85 mile to the southeast, comprises 22 acres, of which an estimated 2.66 acres are possible waters of the U.S. The Bellevue Avenue consists of 13 acres that are 0.3 mile due east and may contain an estimated 3.21 acres of possibly jurisdictional waters. The Mille Road site is 1.75 miles due east and consists of a large 32 acres, including an estimated 4.38 acres of possible wetland and 1,145 lineal feet of possible other waters of the U.S. Lastly, the Stony Point Road site is just 0.5 mile south and comprises 20 acres, with an estimated 3.61 acres of possible waters of the U.S.

The Corps has not endorsed the submitted alternatives analysis at this time. The Corps will conduct an independent review of the project alternatives prior to reaching a final permit decision.

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: 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.

Other Local Approvals: The applicant will be applying for the following additional governmental authorization for the project: a California Endangered Species Act (CESA) Incidental Take Permit to be issued by the California Department of Fish and Wildlife.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (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.

Endangered Species Act (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 upon this review, USACE has made a preliminary determination that the federally listed species California tiger salamander (*Ambystoma californiense*), Burke's goldfields (*Lasthenia burkei*), Sebastopol meadowfoam (*Limnanthes vinculans*), and Sonoma sunshine (*Blennosperma bakeri*), as well as designated critical habitat for the California tiger salamander, are present at the project location or in its vicinity and may be affected by project implementation. The entire site is located within designated critical habitat for the California tiger salamander, which depend upon seasonal wetlands for foraging and breeding and may utilize adjacent uplands as migration and aestivation habitat. The plant species Burke's goldfields, Sebastopol meadowfoam, and Sonoma sunshine have the potential to occur in the site's vernal pool wetlands. While these plants were not detected during rare plant surveys conducted on the site, the seed bank of these species may be present and the destruction of these wetlands would prevent future colonization.

To address project-related impacts to these species and their designated critical habitat, USACE will initiate formal consultation with USFWS, pursuant to Section 7(a) of the Act. USACE will request a concurrence that the project meets the criteria for inclusion under a Programmatic Biological Opinion entitled "Programmatic Biological Opinion (Programmatic) for U.S. Army Corps of Engineers (Corps) Permitted Projects that Affect the California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (Corps File No. 223420N)," dated November 9, 2007. Any required

consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

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.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRS 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. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. 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 (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 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 has conducted a review of latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant, to determine the presence or absence of historic and archaeological resources within the permit area. Based on this review, USACE has made a *preliminary* determination that historic or archaeological resources may be present in the permit area but that such resources would not be affected by the project. The California Historical Resources Information System and a field survey did not identify any prehistoric or historic archaeological sites, though there are eight buildings within the study area and a single obsidian flake was detected during the survey. 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. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes 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 submitted an analysis of project alternatives which is being reviewed by USACE.

6. PUBLIC INTEREST EVALUTION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include 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: USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Daniel Breen, San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests

shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/Missions/Regulatory>.