



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102

PUBLIC NOTICE

PROJECT: West County Transit Authority (WCTA) Project

PUBLIC NOTICE NUMBER: 2018-00421N

PUBLIC NOTICE DATE: April 16, 2019

COMMENTS DUE DATE: May 16, 2019

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1. **INTRODUCTION:** West County Transit Authority (WCTA) (POC: Chad Barksdale 707-206-9988), 367 Robles Avenue, Santa Rosa, CA 95407, through its agent, WRA, Inc. (POC: Bianca Clarke, 415-454-8868), 2169-G Francisco Blvd. E., San Rafael, CA 94901, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to grade and place fill in 1.06 acres of wetlands to build a 3.5-acre parking lot and associated bioretention areas, for a transportation company in Santa Rosa, 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 proposed project is located at 3300 Juniper Ave. in the City of Santa Rosa, Sonoma County, California (APN: 134-074-022; Lat. 38.3935°, Long. -122.7260°)

Project Site Description: The proposed project area is currently a 5.49 undeveloped lot adjacent to the WCTA facility. The lot has several seasonal wetlands, non-native, annual ruderal grasslands, and several eucalyptus trees.

Project Description: As shown in the attached drawings, the applicant proposes to convert a 5.49 acre undeveloped lot into a 3.5 acre paved parking lot with associated bioretention features. The proposed lot would be used for commercial vehicles and employee parking and is intended to accommodate 138 passenger vehicles, 51 coach buses, and 26 vans.

Grading of the entire Project Area would occur prior to installing the proposed parking lot and bioretention basins (6,890 cubic yards of cut), resulting in the placement of fill

in six seasonal wetlands (1.04 acres; 1,121 linear feet) and three drainage ditches (0.02 acre; 570 linear feet). The remainder of the Project Area that would be graded and filled comprises 0.02 acre of developed land and 4.41 acres of non-native annual grasslands. In total, approximately 5,100 cubic yards of fill would be placed in the Project Area. The top 4.5 inches of fill would be composed of asphalt concrete, which would overlay 18 inches of type II aggregate base rock.

Construction activities would require the use of dozers, compactors, excavators, scrapers, dump trucks, and pavers. Staging would occur within the disturbed portions of the Project Area (i.e., the Project would not result in temporary impacts outside of the permanent impact area). Bioretention areas would be graded and planted per the Standard Urban Storm Water Mitigation. The bioretention areas would be sized for the 85th percentile – 24 hour (2 year- 24 hour) storm event. As the Project would connect to an existing storm drain system developed and sized for the general area, no increase in the volume of the hydrograph would occur.

Ground disturbing Project activities are proposed to begin during the dry season (April 15 – October 15) in 2019. All earthmoving activities would be completed within the same dry season in which disturbance was initiated. Construction activities including framework, electrical, and plumbing would continue through the wet season with all units to be completed within 18 months of Project initiation.

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 institutional parking.

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 provide a centralized parking lot for school buses and staff vehicles affiliated with the WCTA that is proximal to the existing WCTA operations and maintenance facility, located at 367 West Robles Avenue.

Project Impacts: The proposed project would permanently fill six seasonal wetlands (1.04 acres; 1,121 linear feet) and three drainage ditches (0.02 acre; 570 linear feet).

Proposed Mitigation: All wetlands on the proposed project site would be filled by the proposed project. Compensatory mitigation would be required to offset unavoidable impacts to jurisdictional waters. The applicant proposes to mitigate for impacts to seasonal wetlands through the purchase of seasonal wetland credits at an approved mitigation bank with a service area that includes the project area.

Project Alternatives:

Alternative On-Site 1: This design would utilize and develop approximately 2.0 acres of the total 5.49-acre property. This alternative fully avoids the central 0.87-acre wetland but still fully impacts the three smaller wetlands located along the southern and southwestern boundaries of the parcel for a total of 0.14 acre of wetland impacts. Developing the approximately 2.0-acre area would only accommodate 53 fleet vehicles and 21 employee vehicles. This would require that WCTA retain their largest, most expensive existing off-site leased yard (Roseland) resulting in approximately \$1.1 million in additional leasing costs over the course of 10 years. This alternative will accommodate parking for 49 coaches, 4 vans, and 21 employee cars.

Alternative On-Site 2: This design would develop approximately 3.4 acres of the total 5.49-acre site. This alternative impacts the northwestern portion of the central 0.87-acre wetland feature and impacts the three smaller wetlands located along the southern and southwestern boundaries of the parcel for a total of 0.54 acre of wetland impacts. This alternative would accommodate 52 fleet vehicles (42 coaches, 10 vans) and 92 employee vehicles. This alternative would require WCTA to retain their largest

existing off-site leased yard resulting in approximately \$1.1 million in additional leasing costs over 10 years

Alternative Off-Site: There is one potential commercial property that is large enough to accommodate 138 vehicles that could be purchased in proximity of the existing WCTA facility. This location is closer to an occurrence of California tiger salamander, which would result in additional impacts to federally listed species and require a greater amount of mitigation.

USACE has not endorsed the submitted alternatives analysis at this time. USACE 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 thereof 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 has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. 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.

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 Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Determination 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 Determination 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 is not

likely to 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 Executive Director, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111.

Other Local Approvals: The applicant has applied for the following additional governmental authorizations for the project: Incidental Take Permit from 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. § 1500-1508, and USACE regulations at 33 C.F.R. § 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 on this review, USACE has made a preliminary determination that the Federally-listed California tiger salamander (*Ambystoma californiense*) may present at the project location or in its vicinity and may be affected by project implementation. The proposed project area contains 5.47 acres of potential CTS habitat in the form of non-native annual grasslands, seasonal wetlands, and ditches. An additional 0.02 acres of developed land within the proposed project area do not contain CTS habitat. Suitable breeding habitats that have documented larval occurrences are present less than one mile to the west of the proposed site (CNDDDB 2018), but no suitable breeding habitat exists in the proposed site. To address project related impacts to this species, USACE will initiate formal consultation with USFWS, pursuant to Section 7(a) of the Act. 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*, or the *Pacific Coast Salmon FMP*. 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 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. 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 any required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project is not likely to 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 the 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 are not likely to be present in the permit area and that the project either has no potential to cause effects to these resources or has no effect to these resources. 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.

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 in the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Sahrye Cohen, San Francisco District, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, Suite 0134, P.O. Box 36152, San Francisco, California

94102-3406; 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>.