



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

NOV 14 2012

Regulatory Division (1145b)

SUBJECT: File Number 2003-28294N

Mr. Robert Perrera
Huffman Broadway Group, Inc.
828 Mission Avenue
San Rafael, California 94901

Dear Mr. Perrera:

This letter is in response to your request of September 24, 2012, for a preliminary jurisdictional determination for a parcel located 3422 Santa Rosa Avenue in the City of Santa Rosa, Sonoma County, California (APN 134-132-062).

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*). Waters of the United States generally include the territorial seas; all traditional navigable waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide; wetlands adjacent to traditional navigable waters; non-navigable tributaries of traditional navigable waters that are relatively permanent, where the tributaries typically flow year-round or have continuous flow at least seasonally; and wetlands directly abutting such tributaries. Where a case-specific analysis determines the existence of a "significant nexus" effect with a traditional navigable water, waters of the United States may also include non-navigable tributaries that are not relatively permanent; wetlands adjacent to non-navigable tributaries that are not relatively permanent; wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary; and certain ephemeral streams in the arid West.

The enclosed map, entitled "Exhibit 2. Jurisdictional Wetland Delineation Map," date certified November 14, 2012, depicts our preliminary determination. This preliminary jurisdictional determination is based on the current conditions of the site, as verified during a field investigation of November 6, 2012, and a review of other data included in your submittal. While this preliminary jurisdictional determination was conducted pursuant to Regulatory Guidance Letter No. 08-02, *Jurisdictional Determinations*, it may be subject to future revision if new information or a change in field conditions becomes subsequently apparent. The basis for this preliminary jurisdictional determination is fully explained in the enclosed *Preliminary Jurisdictional Determination Form*, which has been signed and dated by you and this office.

You are advised that the preliminary jurisdictional determination may **not** be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. Section 331 (65 Fed. Reg. 16,486; Mar. 28, 2000). Under the provisions of 33 C.F.R. Section 331.5(b)(9), non-appealable actions include preliminary jurisdictional determinations since they are considered to be only advisory in nature and make no definitive conclusions on the jurisdictional status of the water bodies in question. However, you may request this office to provide an approved jurisdictional determination that precisely identifies the scope of jurisdictional waters on the site; an approved jurisdictional determination may be appealed through the *Administrative Appeal Process*. If you anticipate requesting an approved jurisdictional determination at some future date, you are advised not to engage in any on-site grading or other construction activity in the interim to avoid potential violations and penalties under Section 404 of the Clean Water Act. Finally, you may provide this office new information for further consideration and request a reevaluation of this preliminary jurisdictional determination.

Should you have any questions regarding this matter, please call Bryan Matsumoto of our Regulatory Division at (415) 503-6786. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner, while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: <http://www.spn.usace.army.mil/regulatory/>.

Sincerely,

ORIGINAL SIGNED

BY

LAURIE A. MONARRES
CHIEF, REG. DIV., NORTH BRANCH
Jane M. Hicks
Chief, Regulatory Division

Enclosures

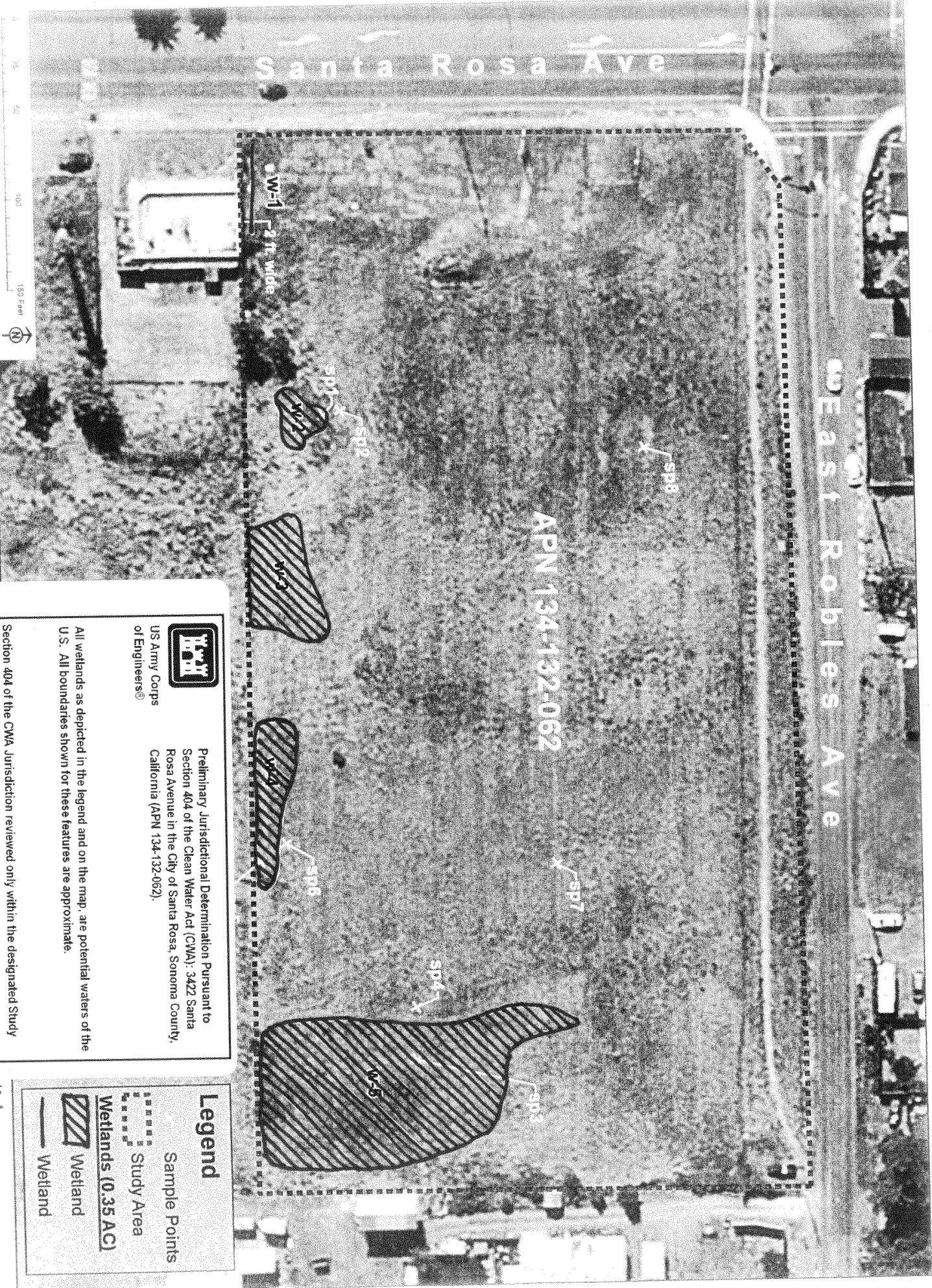
Copy Furnished (w/ delineation map only):

RWQCB, Santa Rosa, CA (Attn: Stephen Bargsten)

Santa Rosa Ave

East Robles Ave

APN 134-132-062



0 25 50 100 150 Feet



Exhibit 2. Jurisdictional Wetland Delineation Map

SP3422 Project
Santa Rosa, Sonoma County, California



US Army Corps
of Engineers®

Preliminary Jurisdictional Determination Pursuant to
Section 404 of the Clean Water Act (CWA): 3422 Santa
Rosa Avenue in the City of Santa Rosa, Sonoma County,
California (APN 134-132-062).

All wetlands as depicted in the legend and on the map, are potential waters of the
U.S. All boundaries shown for these features are approximate.

Section 404 of the CWA. Jurisdiction reviewed only within the designated Study
Area.

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Date: November 14, 2012

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Legend

- Sample Points
- Study Area
- Wetlands (0.35 AC)
- Wetland
- Wetland

BSM