



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 199400693

Date: June 27, 2007

Comments Due: July 27, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to aggregate mine 177 acres within the Aspen V South Project area located in Sacramento County. The proposed project would impact approximately 3.623 acres of waters of the United States, including wetlands adjacent to the Morrison Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Teichert Aggregates
John Lane
3500 American River Drive
Sacramento, California 95864
916-484-3256

LOCATION: The 285 acre project site is located southeast of the intersection of Bradshaw Road and Jackson Highway in Sections 21 and 28, Township 8 North, Range 6 East, Latitude 38°31'21.0", Longitude 121°19'32.7" Sacramento County, California can be seen on the Carmichael USGS 15-minute Topographic Quadrangle Map. See attached vicinity map figure 1).

PROJECT DESCRIPTION: Based on the available information, the overall project purpose is to mine for aggregate material in the Sacramento Region. The applicant is proposing to excavate and remove a total of approximately 10 million cubic yards of material containing clay, silt, sand, and rock gravel. This material would be mined from 177 acres of land within the 285 acre project site utilizing various types of scrapers, loader tractors, and bulldozers.

The mining operation would begin with the removal of the first 5 to 10 foot layer of clay/silt soil material referred to as overburden material. The 177 acre active mining area contains approximately 3 million cubic yards of overburden material. The removal of the overburden material will expose the next layer of sand and gravel, which is referred to as the aggregate material layer. This layer varies in thickness and would be mined to a depth of 20 - 35 feet below the overburden layer. This aggregate material would be transported to the processing plant by a conveyer belt system where it would be sorted and processed according to size and product need. The applicant estimates there would be approximately 10 million tons of aggregate material within the 7 million cubic yards aggregate material layer.

The mining operation of the 177 acres would take approximately 3 years to complete and if the project is permitted as proposed the applicant would reclaim previously mined lands by placing overburden material and converting these areas to agricultural lands. The area mined adjacent to the Slavic Church would be reclaimed to grade and zoned by the county as M-1 or industrial zone.

The project area contains of 8.467 acres of waters of the United States, including wetlands. The proposed project would impact 3.623 acres of waters of the United States, including 3.288 acres of seasonal wetlands, 0.184 acres of seasonal swale, 0.132 acres of seasonal ditches, 0.018 acres of vernal pools, and 0.001 acres of seasonal marsh. Although the applicant is avoiding impacts to 4.844 acres of water of the United States, including Morrison Creek, located within the northwest and southeast corner of the project area they have indicated that sometime in the future the avoided areas may be mined and/or used for other types of development.

Aspen V South was part of a larger environmental review, which required an Environmental Impact Review (EIR) and Environmental Impact Statement (EIS) document generated by Sacramento County and Army Corps of Engineers. This EIR/EIS document titled "Morrison Creek Mining Reach Downstream (South) of Jackson Highway" was finalized on July 9, 1999. This document was generated in response to proposed mining impacts to approximately 882 acres within the 966 acres of lands located within the Vineyard Community Planning area by Granite Construction Company and Teichert Aggregates. The specific project areas includes Vineyard I, which is owned by Granite Construction Company and Aspen South III, IV, and V, which are owned by Teichert Aggregates (See Figure 3-2).

The applicant applied for a Department of Army Section 404 permit for this project in 1996, while the EIR and EIS document was being prepared, however they withdrew their application on April 25, 2000. The applicant is currently pursuing a Department of Army Permit but has commenced mining work in the upland areas, outside the Corps' jurisdiction. The applicant has added 24 acres to the project area, which was not evaluated under the original EIR/EIS document. The Corps has reverified the wetland delineation and determined the site has more waters of the U.S., including wetlands than originally delineated. Since there are additional lands and waters of the U.S. within the project area, which were not evaluated under the original EIR/EIS document it may be necessary to write a supplemental Environmental Assessment (EA) document before a permit decision could be reached. Additionally the applicant will be submitting a Department of Army permit application to fill waters of the US, including wetlands for the Aspen IV South project which is located immediately west of Aspen V South project area. Aspen IV South may require additional NEPA analysis if changes to the project area and/or other impacts to the natural environment were not discussed in the original EIR/EIS document.

The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 8.467 acres of waters of the U.S. including wetlands within the project area. The site contains 1.147 acres of Morrison Creek, 5.470 acres of seasonal wetlands, 0.044 acres of a stock pond, 0.377 acres of ditches, 0.142 acres of seasonal drainages, 0.055 acres of a seasonal marsh, 0.267 acres of seasonal swale, and 0.965 acres of vernal pools. In addition to these jurisdictional features the area consists of a mature

riparian corridor along Morrison Creek. The majority of the 285 acre site is nearly flat and consists of non-native grasslands and ruderal habitat. The project area has been utilized for agricultural purposes such as cattle grazing, irrigated pastures, and row crop production. Flood irrigation has not occurred on this site for at least two (2) years.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to compensate for impacts to waters, of the U.S., including wetlands by purchasing creation credits at an off-site location at a 1:1 ratio.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: The applicant has provided a Cultural Resources/Historic Properties Assessment, which will be evaluated by the Corps to determine if cultural resources may be affected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect the Federally-listed threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*). The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The

activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps 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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 199400693, must be submitted to the office listed below on or before July 27, 2007:

Paul Maniccia, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Paul.M.Maniccia@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Paul Maniccia, 916-557-6704, Paul.M.Maniccia@usace.army.mil.

Attachments: 4 drawings