



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 199500605

Date: June 18, 2002

Comments Due: July 18, 2002

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army Permit under authority of Section 404 of the Clean Water Act to discharge dredged or fill material into waters of the United States, including wetlands, (waters) for residential and commercial development.

APPLICANT: Ryan Fong, Valley Hi Joint Venture, 6230 Gloria Drive, Sacramento, California 95831-1711

LOCATION: The project is bound by Elk Grove Boulevard to the north, Franklin Boulevard to the west, Laguna South Drainage Canal to the south and vacant property to the east, and is within Sections 4 and 5, Township 6 North, Range 5 East, MDB&M, in Sacramento County, California. See attached vicinity map.

PROJECT DESCRIPTION: The proposed project is the construction of approximately 253 single-family homes, commercial development, and associated roads and infrastructure, as shown on the attached drawings. This project is within the East Franklin Specific Plan area, a newly incorporated area of the City of Elk Grove.

The project proposes to fill all waters on the site. There are 5.71 acres of waters on the site consisting of 4.28 acres of seasonal wetlands and 1.45 acres of seasonal marsh. See sheet two of the attached figures for a depiction of wetlands within the project area.

The applicant has stated that wetlands on the site are not feasible or practicable to completely avoid. To mitigate for the loss of wetlands, the applicant proposes to either buy mitigation credits at a Corps of Engineers approved mitigation bank, or prepare and implement a wetland mitigation plan for construction of wetlands at an off-site mitigation area.

AREA DESCRIPTION: The project site is located approximately 3 miles east of the Sacramento River. Historically the project site has been used for grazing and the surrounding land has been extensively leveled and cleared for agricultural use. Topography is relatively flat with an average elevation of 20 feet. The site drains to the west over a very shallow gradient. Land uses in the project vicinity are predominantly agricultural, but the project area is located within a rapidly urbanizing portion of Sacramento County.

The project site consists mostly of grazed annual grassland. The project site, has been partially leveled and has not been grazed for the last few years. Three wetland types including seasonal wetlands, freshwater marsh and a remnant portion of a drainage channel occur on the project site. The seasonal wetland complex is a mosaic of basins and swales located in the northern half of the site. The seasonal wetland is dominated by perennial ryegrass (*Lolium perenne*), Mediterranean barley (*Hordeum marinum ssp. gussoneanum*), and rabbitsfoot grass (*Polypogon monspeliensis*). Two freshwater marsh features are located near the western and eastern boundaries. The freshwater marshes are dominated by rice cut grass (*Leersia oryzoides*), dallisgrass (*Paspalum dilatatum*), broad-leaved cattail (*Typha latifolia*). These marshes are supplemented by runoff from off-site sources. The eastern marsh receives water from a golf course to the north, and the western feature receives water from the canal as it flows off-site.

ADDITIONAL INFORMATION:

Previous & Related Clean Water Act Actions In 1987 the Corps issued a permit to construct new parts of this Laguna South Drainage Canal, within the area defined as "County Easement Area (Not a Part)" on the attached Sheet 3. That work has proposed to create a flood/stormwater bypass. Special conditions were added to that permit to ensure that the wetlands within the Valley Hi property were not adversely affected and new riparian habitat was created. Only flood flow events were to be diverted into the channel. Other work was done within the last two years to straighten this channel.

A current application from the East Franklin Implementation Group for Laguna South Drainage Canal Improvements, including widening this existing channel, is being processed under Department of the Army Permit 200100562. A copy of that Public Notice (PN) may be obtained through our web-site at www.spk.usace.army.mil/cespk-co/regulatory/PNs/archive.

A previous application for the Valley Hi project was received and a PN was posted on May 24, 2000, to fill approximately 3.94 acres of waters. A copy of that PN may also be obtained through our web-site at the link mentioned above. Comments were received by the California Department of Transportation, U.S. Environmental Protection Agency (USEPA) and the U.S. Fish and Wildlife Service (USFWS). CDOT recommended a Traffic Impact Study due to the potential for traffic impacts. USEPA recommended permit denial or resolution of inadequate avoidance, minimization, and compensatory mitigation. The USFWS strongly objected to permit issuance based on insufficient information regarding project design, mitigation plan, direct and indirect impacts to aquatic resources and federally-listed species. The applicant subsequently withdrew that application. It became apparent that due to a scale error on the maps, there were more wetlands than depicted in that PN. The applicant then revised the wetland delineation due to a previously inaccurate scale. The currently verified wetland delineation now shows 5.71 acres of waters, as depicted in the current PN.

Additionally, approximately 650 square feet of wetland, located adjacent to Franklin Boulevard and north of the canal, has been filled due to construction of a 6-inch gas main along Franklin Boulevard. This gas main was apparently constructed as a part of the Beazer Junkeit project just south of the canal. The applicant for that project is seeking to resolve this violation by removing all fill within wetlands.

Threatened & Endangered Species Potential habitat for species listed under the Federal Endangered Species Act, including the federally listed endangered vernal pool tadpole shrimp (*Lepidurus packardii*), threatened vernal pool fairy shrimp (*Branchinecta lynchei*) and the threatened giant garter snake (*Thamnophis gigas*), occurs within the project site. The project site is hydrologically connected during the wet season to offsite areas that are known to support GGS. The Corps will initiate Section 7 consultation, pursuant to the Endangered Species Act, with the U.S. Fish and Wildlife Service for potential impacts to listed species

Cultural Resources The applicant has conducted an archaeological inventory for historic and cultural resources on the project site. Based on the results of the study, the proposed project will not affect historic properties determined eligible or considered potentially eligible for inclusion on the National Register of Historic Places.

Determinations The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

Alternatives The applicant has indicated that an alternatives analysis will be submitted to the Corps that analyzes off-site as well as on-site alternatives in accordance with Section 404, subdivision (b)(1) of the Clean Water Act (33 U.S.C. § 1251 et seq.) and the Guidelines adopted by the Environmental Protection Agency (40 C.F.R. Part 230). The alternatives analysis will determine if the proposed project is the least environmentally damaging practicable alternative.

Consideration of Comments Interested parties are invited to submit written comments on or before **July 18, 2002**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in 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.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will 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, flood plain 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 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.

Please refer to number 199500605 in any correspondence concerning this public notice. This public notice may also be obtained through our web-site at <http://www.spk.usace.army.mil/cespk-co/regulatory>. If additional information is required, please contact the applicant's consultant, Kenneth Whitney, with Foothill Associates at (916) 782-1011, or Justin Cutler, at the letterhead address, e-mail: Justin.Cutler@usace.army.mil, or telephone (916) 557-5258.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Attachments: 3 Drawings