



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 199900272

Date: February 28, 2003

Comments Due: March 31, 2003

In reply, please refer to the Public Notice Number

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## 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 0.97 acres of dredged or fill material into waters of the United States. This discharge would result from the construction of a mixed use residential development and associated infrastructure. This work is portrayed in the attached drawings.

**APPLICANT:** Bill Vail  
7700 College Town Drive, Suite 109  
Sacramento, CA 95827

**LOCATION:** The proposed Monte Dorado, Santa Nella project is located near Santa Nella in Sections 4 and 8, Township 10 South, Range 9 East, MDB&M, Merced County, California.

**PURPOSE:** The applicant's project purpose is to construct single family housing, two schools, a wastewater treatment facility, several parks, roads and other associated infrastructure. Project implementation may help alleviate the current local housing shortage.

**PROJECT DESCRIPTION:** The proposed project includes the construction of 1,177 single family residential units, two schools, several parks, a water booster pump station, and four detention basins. A wastewater treatment plant is to be constructed on a separate parcel to the north of the planned residential area to provide local water treatment needs.

The applicant plans to fill 0.42 acres of Fremont-cottonwood riparian wetlands and 0.55 acres of palustrine emergent wetland to construct the single family homes. The loss of these waters of the United States would be mitigated at a ratio of 1.5:1 acres (replacement/lost habitat). This will be accomplished either by purchase of credits at a mitigation bank as deemed acceptable by the Corps, or by restoration or enhancement of offsite wetlands on the 2,407-acre Quinto Farms property, north of Santa Nella. The Quinto Farms property will be conserved by the project applicant primarily for the purpose of preserving habitat for the San Joaquin kit fox, but wetlands with restoration or enhancement potential are also present on this property. If the latter option is chosen, a wetland restoration/enhancement plan will be developed subject to the Corps' approval prior to starting work.

**AREA DESCRIPTION:** The project site is located in the eastern half of the Central Valley on a 2,560-acre parcel. Site elevations range from 135 to 245 feet above Mean Sea Level. Land use for the majority of the project parcel is agricultural with some commercial, public, and residential development also present.

**ADDITIONAL INFORMATION:** The applicant has stated that there are no known pre-historic or historic cultural resources in the project area. This determination was based upon record searches and a pedestrian field survey conducted by the applicant's archeologist. Presently unknown cultural resources may be located in the permit area.

The proposed project may affect the Federally-listed San Joaquin kit fox (*Vulpes macrotis mutica*). The project will result in the loss of 372 acres of habitat potentially used for denning, foraging, and travel by the San Joaquin kit fox. The Corps initiated consultation with the US Fish and Wildlife Service on February 5, 2003, under Section 7 of the Endangered Species Act for potential project impacts to this species and its critical habitat.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

The applicant plans to submit an alternatives analysis to the Corps that considers various project alternatives in accordance with Section 404(b)(1) Guidelines adopted by the Environmental Protection Agency.

Interested parties are invited to submit written comments on or before **March 31, 2003**. 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.

If additional information is required, please contact Bill Vail of River West Investments, telephone (916) 379-0955, or Matt Hirkala, at the letterhead address, telephone (916) 557-5263.

Michael J. Conrad, Jr.  
Colonel, US Army  
District Engineer

Enclosures: Drawings