



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Number: 199900516

Date: October 5, 2004

Comments Due: November 4, 2004

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**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Elk Grove Creek Deepening and Widening project, which would result in impacts to approximately 5.96 acres of waters of the United States, including wetlands, (waters) in or adjacent to the Elk Grove 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.

**APPLICANTS:**

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Pappas Investments  
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Sacramento, California 95814-4219

Tim Lewis  
Tim Lewis Communities  
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Citrus Heights, California 95610-7638

Johan Otto  
Carson Development Company  
P.O. Box 2590  
Sacramento, California 95812-2590

Jeffrey M. Pemstein  
Towne Development of Sacramento, Inc.  
775 Sunrise Avenue, Suite 270  
Roseville, California 95661-4528

**LOCATION:** The project site is located along Elk Grove Creek, City of Elk Grove, Section 5, Township 6 North, Range 6 East, M.D.B.&M., Sacramento County, California, and can be seen on the attached Elk Grove USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicants are proposing to directly impact 5.96 acres of Elk Grove Creek and associated wetlands to construct channel modifications by deepening and widening the existing stream. Additionally, two road crossings, two pedestrian trail crossings, eight outfall structures, several weirs, pedestrian/bicycle trail, and a horse trail are proposed to be constructed within

the project area. The low flow channel will contain herbaceous vegetation. The benches are proposed to be vegetated primarily with grasses and woody vegetation overhanging the low channel. The side slopes of the channel are proposed to be vegetated with trees such as willow and alder. The applicants have stated that wherever possible, existing riparian vegetation at the top of the existing south bank will be preserved within the newly created channel. Based on the available information, the overall project purpose is to provide flood control for future residential and commercial development within the East Elk Grove Specific Plan area. The applicants believe there is a need to detain 100-year flood events along Elk Grove Creek. The attached drawings provide additional project details.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 5.96 acres of waters within the project area including 0.016 acre of vernal pools, 0.116 acre of wetland swale, and 5.828 acres of Elk Grove Creek and its adjacent seasonal and riparian wetlands. The site is characterized by 4,200 linear feet of Elk Grove Creek within an area of undeveloped parcels that consists of grazing lands, irrigated pasture, and farm land that has been utilized for hay production and cultivated crop production. This portion of Elk Grove Creek is on average 5 feet wide and approximately 0.5 feet deep. Seasonal wetland and riparian vegetation communities border portions of the creek. An existing detention basin lies south of Elk Grove Creek at the western end of the proposed project.

**Alternatives.** The applicants have provided initial information concerning project alternatives. Alternatives include:

*1996 East Elk Grove Specific Plan.* This alternative eliminates the existing channel and replaces it with a trapezoidal channel with regular vegetation removal.

*Alternative 1.* This is the applicants' preferred alternative that includes preserving a portion of the existing left bank of Elk Grove Creek and creating a new trapezoidal channel that would accommodate growth of both woody and herbaceous vegetation with the potential of little or no vegetation removal maintenance required.

*Alternative 2.* This alternative preserves the existing channel and builds parallel trapezoidal channel to convey flows generated by the specific plan land uses. No direct impacts to Elk Grove Creek would occur. However, the new channel would carry the majority of the water in the watershed, including the frequent low flow storm events and eventually could dry and cease the functioning of Elk Grove Creek.

*Alternative 3.* This alternative would create a wider channel than described in the Specific Plan design and could accommodate both woody and herbaceous vegetation with little or no vegetation removal during maintenance. No existing habitat would be preserved on Elk Grove Creek.

*Alternative 4.* This alternative would create several small detention basins to accommodate expected flows and leave the existing channel untouched. The applicants have stated that this alternative has been rejected since modifications to the creek would still be needed, water would need to be pumped into the creek, and this alternative would result in dryer habitat within Elk Grove Creek.

Additional information concerning project alternatives may be available from the applicants or their agent. The applicants have stated that a complete alternatives information package is being prepared and will be submitted to the Corps.

**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 protect the post-constructed Elk Grove Creek by implementing a planting plan, record conservation easements that contain an open space mitigation, monitoring and management plan, property analysis report, and calculated endowment to protect the creek in perpetuity.

**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 applicants have indicated they have applied for certification. The applicants have also indicated that 1603 authorization from the California Department of Fish and Game has been applied for.

**HISTORIC PROPERTIES:** The applicants have stated that a cultural resources overview of the East Elk Grove Specific Plan area was conducted. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The project may affect the Federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*), California tiger salamander (*Ambystoma californiense*), giant garter snake (*Thamnophis gigas*), and slender Orcutt grass (*Orcuttia tenuis*), or designated critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate. The applicants have stated that a biological assessment is currently being prepared and will be submitted to the Corps to assist in the Section 7 consultation process.

**ESSENTIAL FISH HABITAT:** The applicant has not provided information regarding potential affects to Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act. The Corps will initiate consultation with the National Marine Fisheries Service (NOAA Fisheries), as appropriate.

The above determinations are based on information provided by the applicants 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 199900516, must be submitted to the office listed below on or before November 4, 2004:

Jonathan Foster, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [Jonathan.L.Foster@usace.army.mil](mailto:Jonathan.L.Foster@usace.army.mil)  
Telephone: (916) 557-7283

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 applicants or the applicant's agent, Karen Shaffer of Gibson & Skordal, L.L.C., Wetland Consultants at (916) 569-1830 or the Corps' project manager Jonathan Foster at the above address, email, or telephone.

Attachments: 14 drawings