



Public Notice

US Army Corps
of Engineers

Public Notice Number: 199900653

Date: March 22, 2002

Comments Due: April 18, 2002

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act to discharge dredged or fill material into waters of the United States to Construct the Franklin Meadows residential subdivision project.

APPLICANT: Craig Nagler, Dunmore Homes, 2150 Professional Drive, Suite 150, Roseville, CA 95661

LOCATION: The approximately 223-acre project site is located within the East Franklin Specific Plan area (Figure 2), approximately 1 mile south of Elk Grove Boulevard and immediately east of Franklin Boulevard. The property lies within portions of Sections 4 and 5, Township 6 North, Range 5 East, in Elk Grove, Sacramento County, California.

PROJECT DESCRIPTION: The project involves filling approximately 1.07 acres of waters, including two wetlands previously used as dairy waste sump ponds totaling 0.98 acre (S1 and S2), and four seasonal wetlands totaling 0.07 acre (SW 1-4) as shown on the attached drawings. A small channelized tributary stream/drainage ditch along the southern property boundary was previously filled to develop the property. The applicant has stated the first phase of development will cover approximately 180 acres and will include approximately 640 single-family residential lots, a 10-acre school site, a 15.3-acre park site, a 4.1-acre drainage parkway, a 4.9-acre sewer corridor parkway, and a 5-acre landscape parkway. The applicant has stated the second phase is residential construction on the remainder of the site.

AREA DESCRIPTION: The project site was previously used as a dairy. This site is part of the East Franklin Specific Plan. Until recently, the East Franklin Specific Plan area was used for agricultural purposes. Many areas have been hydrologically modified by ditching levelling and irrigation. Some wetlands and channelized streams remain on nearby parcels within the plan area. Proposed land uses in the plan area include single-family residential north and east of the project site. The newly constructed Franklin High School is approximately 1 mile southeast of the project site. The properties immediately south of the project site are currently managed as pasture and crop land. The abandoned dairy sump pond wetlands are characterized by open water and fringe wetland vegetation, including swamp timothy, barnyard grass, knotgrass and smartweed. The four smaller seasonal wetlands are relatively shallow depressions which typically pond water during winter and early spring. Vegetation in the seasonal wetlands includes annual rabbit-foot grass, Mediterranean barley, mannagrass, slender popcorn flower, perennial rye, curly dock, clustered dock, and prostrate knotweed.

ADDITIONAL INFORMATION: Endangered or Threatened Species: Dry season sampling for federally-listed vernal pool invertebrates (fairy shrimp) was conducted by the applicant's consultant in November 2000. Only the four seasonal wetlands were surveyed; the two abandoned dairy waste sumps were determined to be unsuitable habitat for fairy shrimp due to the fact that they were historically filled with cow feces, are ponded perennially or nearly so, and are dominated by plant species that are typical of marsh habitat. Large branchiopod cysts were identified in only one of the seasonal wetlands (SW-4). The applicant's consultant assumes the cysts are those of the listed fairy shrimp species. The remaining seasonal wetlands (SW-1, SW-2 and SW-3) were wet-season sampled during the 2000-2001 rainy season, using U.S. Fish and Wildlife protocols. No federally-listed or non-listed branchiopod species were found; these results were reported to the U.S. Fish and Wildlife Service in April 2001. The Corps has initiated consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act for impacts to the 0.03 acre of potential fairy shrimp habitat in SW-4.

Cultural Resources: The applicant has indicated that no cultural resources have been identified on the project site and that if during grading activities previously unknown cultural resources are unearthed, work will stop until such resources can be evaluated by a qualified archaeologist, and appropriate state and federal laws are complied with.

Mitigation: The applicant proposes to mitigate for impacts to the 1,250 square feet (0.03 acre) of potential fairy shrimp habitat in SW-4 via purchase of mitigation credits at an approved mitigation bank, in accordance with the U.S. Fish and Wildlife Service's Programmatic Section 7 Consultation for impacts to listed vernal pool invertebrates.

The applicant's proposed mitigation for impacts to SW-1, SW-2, SW-3, and the two dairy pond wetlands (1.02 acre total) includes the purchase of seasonal wetland credits at an approved mitigation bank at a 1:1 ratio. The applicant has stated the credits would be purchased prior to filling the waters of the U.S. on the property.

Alternatives Analysis: No alternatives information has been provided by the applicant.

Other federal, state, and local permits: The applicant has indicated they are concurrently applying for 401 Water Quality Certification from the Regional Water Quality Control Board. No other related permit information has been provided by the applicant. Development of infrastructure and other components of the East Franklin Specific Plan may require separate permits under Section 404 of the Clean Water Act.

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

Consideration of Comments: Interested parties are invited to submit written comments on or before **April 18, 2002**. 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.

This public notice may be obtained through our web-site at www.spk.usace.army.mil/cespk-co/regulatory/PNs. If additional information is required, please contact Justin Cutler, Room 1480 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: (2 Drawings)