



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200000251

Date: October 9, 2001

Comments Due: November 9, 2001

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under the authority of Section 404 of the Clean Water Act to discharge dredged or fill material into waters of the United States, including wetlands, as shown in the attached drawings.

APPLICANT: Richard Peery
A & P Investments
2560 Mission College Blvd., Suite 101
Santa Clara, California 95054-1291

LOCATION: Within the "Buffalo Creek, California" U.S. Geological Survey 7.5-minute quadrangle, in Section 16, Township 8 North, Range 7 East, bound by Jaeger Road to the west and one-half mile south of Douglas Road, in Sacramento County, California. See attached vicinity map.

PROJECT DESCRIPTION: The proposed project involves grading portions of the approximately 530-acre site and filling approximately 13.10 acres of waters of the United States, including wetlands, to construct a mixed-use development. Proposed development includes; 300.1 acres of low density residential, 75.3 acres of medium density residential, 26.6 acres of commercial/mixed use, 10.0 acres of park, 105.6 acres of open space/mitigation, and 12.4 acres for a school. Figure 2 is the applicant's proposed land-use plan. The applicant proposes to construct approximately 9.49 acres of vernal pools and approximately 3.61 acres of seasonal swale habitat within the 105.6 acres on-site open space/preserve area as mitigation for project impacts to wetlands. The project/mitigation proposal involves re-routing the larger intermittent tributary drainage to Morrison Creek, to flow within the existing power-line easement. Figure 3 shows the applicant's proposed on-site wetland mitigation.

AREA DESCRIPTION: The project site supports annual grassland, intermittent drainages, seasonal wetlands, including vernal pools and swales. The annual grassland consists primarily of medusa-head grass (*Taeniatherum caput-medusae*), yellow star-thistle (*Centaurea solstitialis*), perennial rye-grass (*Lolium perrene*), foxtail barley (*Hordeum jubatam*), Mediterranean barley

(*H. marinum*), and wild oats (*Avena fatua*). Vernal pools occur within the annual grassland as a complex of pools and tributary swales located mainly in the southeastern portion of the project site. Plant species found within these vernal pools include Fremont's goldfields (*Lasthenia fremontii*), slender popcorn flower (*Plagiobothrys stipitatus*), white-headed navarretia (*Navarretia leucocephala*), hairgrass (*Deschampsia danthonioides*), and dwarf woolly marbles (*Psilocarphus brevissimus*). A larger intermittent drainage tributary to Morrison Creek, transects the project site and flows from the northeast corner to the central western boundary. These intermittent drainages are characterized by a mix of wetland vegetation and bare areas, scoured by rapid flows.

Surrounding land is characterized by similar undeveloped annual grassland. All properties to the east, west, and south of the site are used for cattle grazing. The land to the north is used for horse boarding and training. The applicant has characterized adjacent properties as large parcels, typically over 100 acres, each with, at most, a single residence or undeveloped.

Wetlands on the site were delineated in January 1996 by Sugnet & Associates and verified on November 13, 1996, by the Natural Resources Conservation Service (NRCS). This wetland delineation identified 14.73 acres of vernal pools, 2.39 acres of intermittent tributary drainage, 0.20 acre of seasonal wetland, and 1.42 acres of tributary drainage swales, totalling 18.74 acres of waters of the United States, including wetlands. See Figures 4 & 5.

ADDITIONAL INFORMATION:

Endangered or Threatened Species

This project may affect the Federally-listed endangered vernal pool tadpole shrimp (*Lepidurus packardii*) and threatened vernal pool fairy shrimp (*Branchinecta lynchii*). The Fall 2000, California Natural Diversity Database also indicates occurrences of Sacramento orcutt grass (*Orcuttia viscida*), slender orcutt grass (*Orcuttia tenuis*), and giant garter snake (*Thamnophis gigas*), within two miles of the project site. There is suitable habitat for special-status vernal pool species on the project site, however, protocol-level surveys for these species have not been conducted. The applicant has not indicated whether surveys for special status vernal pool species will be undertaken or species presence will be assumed. The applicant has not yet forwarded enough information to the Corps to determine whether potential habitat for giant garter snake exists on the site. Once sufficient information has been provided by the applicant, appropriate consultation under the Endangered Species Act will be initiated by the Corps.

Cultural Resources

The applicant has stated the latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. Based on the available information, no cultural resources are located in the project area.

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

Land Use

The applicant has stated the project is located within the Sunrise-Douglas Community Plan Area, but is not a participating property in the Sunrise-Douglas Specific Plan. Average housing density

for this project was estimated by the applicant according to the Sunrise Douglas Community Plan and Sunridge Specific Plan to the North. The applicant has indicated low density residential (LDR) would be approximately 1,685 DU and medium density residential (MDR) would be 1,890 DU.

Other federal, state, and local permits

Except for the NRCS's November 13, 1996, wetland delineation verification, the applicant has not indicated any certifications, approval/denials, or applications, with other agencies.

Related Documents

February 1983, "Where Next" Report prepared and distributed by The County of Sacramento

December 1990, Draft Environmental Impact Report/Environmental Impacts Statement, Sunrise Douglas Property, General Plan Amendment, Rezone, and Section 404 Permit (Wetlands) Application (SCH# 88021517)

January 1992, Final Environmental Impact Report/Environmental Impacts Statement, Sunrise Douglas Property, General Plan Amendment, Rezone, and Section 404 Permit (Wetlands) Application (SCH# 88021517)

February 27, 1992, Draft, Sacramento County General Plan Update Environmental Impact Report, Volume I

February 27, 1992, Draft, Sacramento County General Plan Update Environmental Impact Report, Volume II - Technical Appendix

March 1992, Supplemental to Draft, Sacramento County General Plan Update Environmental Impact Report, Volume I

February, 1993, Notice of Preparation of a Draft Subsequent Environmental Impact Report for the Draft General Plan Update, 1990-2010

June 11, 1993, Draft, Sacramento County General Plan Update Subsequent Environmental Impact Report, Volume I

June 11, 1993, Draft, Sacramento County General Plan Update Subsequent Environmental Impact Report, Volume II - Technical Appendices

January 29, 1996, Peery/Arrillaga Wetland Delineation

January 1998, Draft, Sunrise Douglas Community Plan

March 1999, Draft, Sunrise Douglas Community Plan/Sun Ridge Specific Plan EIR

May 18, 2001, Revised recirculated Draft Environmental Impact Report for the Sunrise Douglas Community Plan / Sun Ridge Specific Plan Project (SCH#97022055)

Consideration of Comments Interested parties are invited to submit written comments on or before **November 9, 2001**. 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 also be obtained through our web-site at www.spk.usace.army.mil/cespk-co/regulatory/PNs. If additional information is required, please contact the applicant, A & P Investments, or their agent Kay Backer, with KB International, at (916) 486-2630, or Mr. Justin Cutler, at the letterhead address, or telephone (916) 557-5258.

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

Attachments: Applicant's Purpose, Need and Alternatives Information, 5 Drawings

NOTE: The following information was provided by the applicant. It neither constitutes nor reflects any decisions or determinations by the Corps of Engineers:

Purpose / Needs:

The subject Peery Arrillaga property / proposed project is geographically located in the center of The County of Sacramento-prepared Sunrise Douglas Community Plan. The Peery Arrillaga site plan meets all of the development criteria as set forth by the following public documents. A chronology of the demonstrated need for development in this area includes:

The “Where Next” Report prepared and distributed by The County of Sacramento February 1983

Sunrise Douglas Property General Plan Amendment, Rezone, and Section 404 Permit Application dated January 1992 – State Lead Agency: Sacramento County (signed by DERA Director Mr. Alcides Freitas), and Federal Lead Agency: U.S. Army Corps of Engineers, Sacramento District (signed by Regulatory Section Chief, Mr. Art Champ)

The Sacramento County General Plan, adopted December 1993

Sunrise Douglas Community Plan Draft dated January 1998

“The overall project purpose for the Sunrise-Douglas Community Plan is to develop a viable master planned community.

“The Sunrise-Douglas Community Plan plays a significant role in providing a location for new housing to meet the demand generated by job development existing, approved or planned nearby in the Highway 50 Corridor. Although the Community Plan Area is located near the major job development area in the Highway 50 Corridor, the immediately surrounding area is relatively undeveloped.

“The Sunrise-Douglas Community Plan encompasses a large geographical area that conceivably will be home to nearly 60,000 people and will someday constitute a rather substantial community in the Sacramento region. One purpose of the Community Plan is to establish a fundamental vision of the Plan Area that will help guide the incremental development steps to a distinctive, cohesive community.

“There are four key factors that influence the vision of the community: the Plan Area location; the natural characteristics of the Plan Area; technologic shifts that will affect land use and circulation; and demographic shifts.

“Sunrise Douglas will provide a mix of housing types and intensities ranging from single family residential to multi-family apartments. The predominant housing type will be single family detached dwellings, but there will also be an opportunity for attached single family and multi-family housing.”

Sunrise Douglas Community Plan/Sun Ridge Specific Plan EIR draft dated March 1999

“The Sacramento County General Plan was adopted in December 1993. The SDCP is located with the GP Urban Policy Area and Urban Service Boundary (see Plate LA-4, General Plan Urban Policy Area and Service Boundary). The property is also shown as a new Urban Growth Area in the GP. The GP text indicates that the new urban growth areas were selected based on four key factors (GP, Land Use Element, p. 51): Need for additional land to meet the demand for housing and employment uses and provide a reasonable oversupply to maintain market flexibility. Ability to provide adequate services and facilities. Potential for public transit service. Preservation and conservation of natural and environmental features.

“The GP establishes the development of new urban growth areas as an objective of the Plan (GP, Land Use Element, p. 50);

Objective: Thirty percent of projected population growth (28,300 units) accommodated through efficient transit-oriented development in new urban growth areas at the urban fringe.

Policies: LU-7 The County shall not approve land use projects which are for noncontiguous development, i.e. leapfrog. LU-9 Specific plans may be prepared for subareas of an urban growth area for the purpose of prioritizing development opportunities. In such cases, the Plan shall have defensible boundaries and address development of all land within them.

“Other relevant GP guidance appears in the discussion of the County’s Urban Growth Management Strategy (GP, Land Use Element, p.57). The following goal, objectives, and policies apply to the project:

Goal: Land use patterns that minimize the impacts of new and existing development while maintaining the quality, character, and identity of neighborhood and community areas.

Objective: Neighborhoods with a balanced mix of employment, neighborhood services, and different housing types.

Policies: LU-10 Promote a better balance of employment, neighborhood services, and different housing types by reviewing development projects and the surrounding community and designing new projects wherever feasible so that they maintain or improve the mix of uses in the community.

“The GP land use designation for the site is presently Urban Development Area (UDA) (see Plate LA-5, existing General Plan Land Use Designations; Plate LA-6, Legend for General Plan Land Use Diagram) which reflects the County’s intent to plan for the urbanization of this area within the 20-year time frame of the GP.”

Land Use Concept and Allocation

“The Community Plan is intended to provide housing for employees of the Highway 50 corridor.”

Impact: Consistency with General Plan

“The boundaries of both the Community Plan and Specific Plan are consistent with the Urban Policy Area and Urban Service Boundary of the General Plan. The entire property is also identified as an Urban Growth Area indicating that the County has already determined that

development of the area has the potential to meet the demand for housing and employment uses, provide adequate services and facilities, provide public transit service, and preserve and conserve natural features.

“Relevant General Plan goals and policies identified earlier under Regulator Setting emphasize encouraging transit-oriented development, avoiding noncontiguous development, requiring infrastructure financing plans at the time zoning is attached to the land, using Specific Plans for subareas of growth, and maintaining a balance of land uses in a community.

Alternatives The applicant has provided the following alternatives information:

I. Constraints

Economic Viability: The applicant felt that enough of the property must be utilized for development to render the costs associated with building the project practicable. Such costs include construction of water supply lines, sewer lines, utility lines, streets, and storm drains. The larger the development area, the greater the economy of scale and, thus, the greater the likelihood that construction of such facilities are economically feasible.

Developable Area: In order for the project to meet its financial objective, the permittee requires a minimum 424 acres of the 530-acre site to be available for development. Therefore, 105.6 acres can be dedicated to open space, including wetland and wildlife preserves. Because no buildings can be constructed within the 37-acre Pacific Gas & Electric transmission corridor that runs diagonally across the site, this corridor is best utilized as open space. This leaves 69.5 acres of land that must be set aside from the remaining potentially Developable areas as open space. This linear transmission corridor can also be viewed as an opportunity for a linear open space, a compensation area for intermittent drainage and drainage swales (as feasible), and a wildlife movement corridor.

Wetland Impacts: Although the project is not water dependent, complete avoidance of wetland impacts is impracticable. The site supports wetlands and other waters which are widely scattered throughout the project site, rendering complete avoidance virtually impossible, and certainly impracticable. Because complete avoidance is not a practicable goal, the practicable goal for wetlands avoidance should be the minimization of impacts to wetlands and potential habitat for federally-listed species.

II. Opportunities

PG&E Transmission Corridor: The linear transmission corridor that runs diagonally across the site should be viewed as an opportunity (as feasible) for a linear open space, a wetland compensation area within which is an opportunity to realign the creek, and a wildlife movement corridor.

Sunrise-Douglas Mitigation Bank: Immediately west of the project site, across Jaeger Road, is the Sunrise-Douglas Mitigation Bank, established to preserve large vernal pool complexes (See Sunrise Douglas Community Plan and Specific Plan Areas - Figure 1). An opportunity exists to locate the main component of the Peery-Arrillaga wetland preservation area within the southwestern corner of the project site to establish a contiguous wetland preserve/open space corridor (albeit separated by Jaeger Road) with the Sunrise-Douglas Mitigation Bank.

III. Evaluation of Alternatives

Three on-site alternatives to the proposed project have been identified, as outlined below:

A. No Project Alternative

The no-project alternative would involve continued use of the land for cattle grazing.

Advantages of No Project Alternative: This alternative would avoid development-related impacts to waters of the United States and potential habitat for listed branchiopods.

Disadvantages of No Project Alternative: This alternative would be inconsistent with the County's Community Plan to build affordable housing in the area. The No Project Alternative would promote further degradation to Sacramento's air quality because it would force people to drive longer distances, commuting to and from their jobs. In addition, this alternative would not achieve the project purpose, would eliminate investment backed expectations, and is, therefore, considered impracticable.

B. Alternative 1

The land use plan for Alternative 1 is based on the preservation of the intermittent drainage which flows from the north east corner of the property to the western edge (See Figure 2). This meandering drainage would be used to convey runoff through the property. Several large pools along the western edge of the property and contiguous to the PG&E Transmission Corridor and the Sunrise-Douglas Mitigation Bank would also be preserved. The transmission easement which runs diagonally through the property would also be included in the open space easement. This alternative avoids 3.36 acres of vernal pools, 0.10 acre of seasonal wetlands, 2.35 acres of intermittent drainage, and 0.27 acre of drainage swales.

Advantages of Alternative 1: This alternative allows for the preservation of the drainage which flows through the property and its adjacent wetland features and would preserve some of the site's larger pools. The drainage corridor and the transmission easement are contiguous to the Sunrise-Douglas Mitigation Bank west of Jaeger Road. These contiguous corridors would allow for the movement of wildlife through the Sunrise Douglas Community Plan Area.

Disadvantages of Alternative 1: Although the drainage would not be filled, the nature of the habitat would be altered by the addition of urban runoff from on-site and upstream development. The drainage would convey higher flows in the winter, due to the increased impervious areas, and perennial flows in the summer due to runoff from irrigation. Adjacent, low lying vernal pools, isolated seasonal wetlands, and drainage swales which may now support aquatic wildlife adapted to seasonal inundation (e.g., federally-listed invertebrates) would be more frequently flooded, and would stay saturated for longer periods of time, thus changing their hydraulic regime (in some cases to perennial wetlands). Due to the relatively flat nature of the site, gravity drainage may not be feasible into the preserved drainage from all portions of the site. Several pumping stations would be required to pump runoff from the developed areas into the drainage. Pump stations are not a preferred alternative due to their unreliability, lifetime operation, and required maintenance costs. This option does not maximize wetland preservation along the site's southwestern boundary where it interfaces with the Sunrise-Douglas Mitigation Bank. This option would result in impacts to vernal pools (11.37 acres).

C. *Alternative 2*

The land use plan of this alternative has a large open space preserve in the southwest corner of the property (See Figure 3). The PG&E transmission corridor which runs diagonally through the property would also be included in the open space easement and would contain the realigned drainage. This realigned drainage would convey all runoff from the project site and the upstream watershed and would provide a location for compensation for impacts to intermittent drainages and drainage swales. This alternative avoids 3.96 acres of vernal pools and 0.44 acre of drainage swales.

Advantages of Alternative 2: This alternative would preserve four of the site's larger pools and encompass relatively dense vernal pool areas that are adjacent to the Sunrise-Douglas Mitigation Bank. Alternative 2 maximizes wetland preservation along the site's southwestern boundary where it interfaces with the Sunrise-Douglas Mitigation Bank. Unlike Alternative 1, realignment and excavation of the drainage located within the transmission easement would allow gravity drainage to the entire property, as opposed to the use of potentially unreliable pump stations. The drainage would be an extension of the excavated drainage already planned for the SARES Sunrise-Douglas property. The drainage corridor and the transmission easement are contiguous to the Sunrise-Douglas Mitigation Bank of Jaeger Road. These contiguous corridors would allow for the movement of wildlife through the Sunrise Douglas Community Plan Area. This option would impact less vernal pool acreage than Alternative 1.

Disadvantages of Alternative 2: This option would impact 10.77 acres of vernal pools 1.28 acres more than the proposed project. This option would not preserve the drainage area which flows through the property.

D. *Proposed Project*

This alternative design was modified in response to comments by wetland regulatory agency personnel at the November 6, 1997 pre-application meeting. Specifically, Alternative 2 was altered so that the large cluster of vernal pools in the southern portion of the site could be preserved (See Figure 4). This alternative avoids 5.24 acres of vernal pools, and 0.37 acre of drainage swales.

Advantage of Proposed Project Alternative: Unlike Alternative 1, realignment and excavation of the drainage located within the transmission easement would allow gravity drainage to the entire property, as opposed to the use of potentially unreliable pump stations. The drainage would be an extension of the excavated drainage already planned for the SARES Sunrise-Douglas property. The proposed project is consistent with the County of Sacramento's General Plan and the Sunrise Douglas Community Plan to provide affordable housing in the area. The Proposed Project supports the region's jobs/housing balance goal, which helps achieve air quality standards by reducing overall daily commuter miles traveled. This alternative preserves the large vernal pool cluster which was recommended by the agency staff. The proposed project results in a total preserve area of 106 acres which is 10 acres larger than Alternative 1 preserve area of 96.2 acres and over 7 acres larger than Alternative 2 which preserves 98.6 acres. This alternative would preserve four of the site's largest pools and, as is the case with the southwestern preserve, encompass relatively dense vernal pool areas that are adjacent to the Sunrise-Douglas Mitigation Bank. The preserved area incorporates a diversity of pool sizes providing potential habitat for a variety of species. This option maximizes wetland preservation along the site's southwestern boundary where it interfaces with the Sunrise-Douglas Mitigation Bank. The drainage corridor and the transmission easement are contiguous to the Sunrise-Douglas Mitigation Bank of Jaeger Road. These contiguous corridors would allow for the

movement of wildlife through the Sunrise Douglas Community Plan Area. This option would impact 9.49 acres of Vernal Pools/potential listed Branchiopod habitat (1.88 acres less than Alternative 1 and 1.28 acres less than Alternative 2) while still meeting the Project Purpose. A total 5.24 acres of Vernal Pools/potential fairy shrimp habitat is being preserved (1.88 acres more than Alternative 1 and 1.28 acres more than Alternative 2).

Disadvantages of Proposed Project Alternative: The proposed project alternative would impact slightly more (less than ½ acre) waters of the U.S. than Alternative 1.

IV. Conclusion

The applicant feels that the proposed project land plan is the most economically viable and believes it adequately minimizes and avoids impacts to both waters of the US and potential habitat for listed branchiopods. In addition, the applicant proposes to compensate for wetland impacts by creating habitat on-site at a 1:1 ratio. The applicant believes this mitigation meets the No-Net Loss Policy of the federal government.