



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200000386

Date: March 25, 2004

Comments Due: April 25, 2004

In reply, please refer to the Public Notice Number

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge fill material into 2.99 acres of waters of the United States, including Ingram Slough, its tributaries, and adjacent wetlands, as shown in the attached drawings.

APPLICANT: William Mellerup
Lewis Operating Corporation
9216 Kiefer Boulevard
Sacramento, California 95827

Wayne Nader
13837 Range Court
Auburn, California 95602

LOCATION: The subject property is located in Placer County, southwest of the City of Lincoln and west of Highway 65. The Nader Property is bounded by Moore Road to the north and a portion of it's western edge; the City of Lincoln's waste water treatment plant on the westerly boundary, by development projects Lincoln Crossing, and Aitkens Ranch 150 on the east and northeast boundary; and the Orchard Creek wetland mitigation bank on the southerly border. The 510± acre subject site corresponds to latitude 38°51'45" North, longitude 121°19'30" West and County Assessor Parcel Numbers 021-028-84, 021-026-12, 021-026-14, and 021-026-15. Nader Property is located in portions of Sections 20, 28 and 29, Township 12 North, Range 6 East of the "Roseville, California" 7.5 minute topographic quadrangle (U.S. Department of the Interior, Geological Survey, photo revised 1981).

PROJECT DESCRIPTION: The Nader Property project site encompasses 510± acres. The planned land uses for the site include the construction of a mixed-use development of medium and low density residential housing. The proposed community plan includes five park/preserves, two active-use parks that are proposed to be located within the 92.44 open space/preserve areas, an elementary school, five community-use facilities, including soccer fields and a central community center, bike paths, and associated infrastructure.

The project site is currently within the Sphere of Influence of the City of Lincoln. It is contiguous to the City limits and is sited between the existing City limit and a portion of the City recently annexed to accommodate the City's new waste water treatment facility. The City is currently in the process of updating its General Plan. The Nader property owners are participating in that effort. It is anticipated that the site will be identified for primarily residential development in the updated plan.

The Nader Property project is proposed to result in the following losses of waters of the United States, including wetlands:

Seasonal wetland – 0.41 acre, drainage swale – 0.09 acre, farmed wetlands – 1.40 acres, Ingram Slough – 0.76 acre, intermittent drainage – 0.01 acre and irrigated swale – 0.09 acre for a total of 2.76 acres (Figure 4 – *Wetland Delineation*). The proposed mitigation is to occur on-site along the Ingram Slough corridor. Created on-site compensatory wetlands along Ingram Slough are proposed to be: seasonal wetland – 2.35 acres, and perennial wetlands 1.23 acres (Figure 5 – *Open Space / Wetland Preservation and Restoration Plan*).

Table 1 – Wetland acreage, proposed impact, preservation and mitigation

Wetland type	Existing acreage	Impact acreage	Preserved acreage	Mitigation	
				2:1 Preservation	1:1 Creation
Endangered Species Act					
Vernal pool	2.43	0.23	2.20	0.46	0.23
Subtotal:	2.43	0.23	2.20	0.46 (credits)	0.23 (credits)
Clean Water Act					
					1.3:1 (on-site)
Seasonal wetland	1.37	0.41	2.60	--	0.53
Drainage swale	2.69	0.09	2.60	--	0.12
Freshwater marsh	3.06	--	3.06	--	--
Ingram Slough	6.63	0.76	5.87	--	0.99
Intermittent Drainage	0.01	0.01	--	--	0.01
Irrigated Swale	8.50	0.09	8.41	--	0.12
Farmed Wetland	2.56	1.40	1.16	--	1.82
Stock Pond	3.38	--	3.38	--	--
Sub -Total	28.20	2.76	25.44	--	3.59
Totals	30.63	2.99	27.64	0.46	3.82

Endangered Species Act – Fairy Shrimp Habitat

Impacts to 0.23 acre of vernal pools are proposed to be mitigated through a combination of on-site preservation, and mitigation bank purchase of preservation and creation credits. Using USFWS programmatic ratios (preservation (2:1) and creation (1:1)) the proposed mitigation for project impacts is as follows:

Preservation (2:1): Mitigation Bank Purchase

Impacts to 0.23 acre of vernal pools will require preservation at a 2:1 ratio for a total of 0.46 acre.

The applicant proposes to preserve 2.20 acres of vernal pools on-site within the 92.44 acres of open space preserve. The total amount of vernal pool preservation credits to be purchased at an agency-approved mitigation bank is 0.46 acre credits.

Creation (1:1): Mitigation Bank Purchase

Mitigation for direct impacts to 0.23 acre of potential listed branchiopod habitat is proposed at a 1:1 ratio. Therefore, creation credits totaling 0.23 acres will be purchased at an approved off-site location/wetland bank (Figure 6 – *Offsite Compensation Areas*).

ADDITIONAL INFORMATION:

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. Presently unknown cultural resources may be located in the permit area.

The following endangered species are present in the permit area: vernal pool fairy shrimp.

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

Interested parties are invited to submit written comments on or before **April 25, 2004**. 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 Jim Stewart, of ECORP Consulting, at (916) 782-9100, William Mellerup, of Lewis Operating Corporation, at (916) 363-2617 extension 223, Wayne Nader, telephone (916)552-5683, or Tom Cavanaugh, of our Regulatory Section, at the letterhead address, telephone 916-557-5261.

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

Enclosures: Drawings (4)