



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200000635

Date: October 27, 2003

Comments Due: November 26, 2003

In reply, please refer to the Public Notice Number

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 construct a recreation park, which involves the discharge of dredged or fill material into waters of the United States, including wetlands, (waters) as shown in the attached drawings.

APPLICANT: Phil Hollinghead, Elk Grove Community Services District, 8820 Elk Grove Boulevard, Suite 3, Elk Grove, CA 95624-1876

LOCATION: The proposed project is located approximately 0.25 miles south of Bond Road and immediately east of Waterman Road, Section 32, Township 7 North, Range 6 East, MDB&M, in the city of Elk Grove, Sacramento County, California. Latitude 38-25-5.9534, Longitude 121-21-1.1160. See Sheet 1.

PROJECT DESCRIPTION: Approximately 0.42 acre of waters are proposed to be permanently impacted by fill activities. The project site contains a total of 1.49 acres of waters, consisting of 1.32 acres of vernal pools, 0.06 acre of seasonal wetlands, and 0.11 acre of wetland swales. See Sheet 2.

Project features include a 18.48 acre sports park consisting of soccer fields, a tot-lot/picnic area, open play areas, equestrian trails, concrete paths, a parking lot, and restrooms. Also included is a 31.81 acre on-site wetland preserve consisting of 1.07 acres of waters, see Sheet 3. The project site has been designated for a sports park in the East Elk Grove Specific Plan (EEGSP). The applicant states that the City of Elk Grove has a need for large soccer fields, and the project site is the only feasible parcel in the entire EEGSP for a sports park and that other parks within the EEGSP area are much smaller and are not programmed for large sport fields.

The wetland preserve would be retained as a protected area, with no development allowed. Approximately 1.07 acres of wetlands would be preserved in this area. A restrictive easement would be placed on the preserve to ensure that the wetlands are protected in perpetuity. The Elk Grove Community Services District would be responsible for the operation and management of the park and preserve.

The applicant proposes to mitigate for impacts to waters of the United States through the purchase of credits at a Corps and U.S. Fish and Wildlife Service (USFWS) approved mitigation bank. Credits would be purchased prior to impacting waters of the United States on the project

site. Based on the ratios identified in the USFWS *Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans Within the Jurisdiction of the Sacramento Field Office, California*, vernal pool mitigation credits would be purchased. The following credits are proposed by the applicant: Preservation credits for direct and indirect effects to potential habitat at 2:1 ratio equals 3.36 acres of credits and creation credits for direct effects to potential habitat at 1:1 ratio equals 0.42 acre of credits.

AREA DESCRIPTION: This undeveloped parcel historically consisted of pasture land surrounded by rural residences. Currently, numerous single-family residential subdivisions have been constructed or are under construction on the lands surrounding the project site.

ADDITIONAL INFORMATION:

Alternatives Analysis: The applicant is currently preparing an analysis in compliance with Section 404(b)(1) of 40 CFR Part 230, that includes on-site avoidance and minimization measures, and off-site alternatives.

Endangered or Threatened Species: The Corps initiated Section 7 consultation, pursuant to the Endangered Species Act, with the U.S. Fish and Wildlife Service for potential impacts to federally-listed species. The applicant states that the following two federally-listed species have the potential of occurring on-site: vernal pool tadpole shrimp (*Lepidurus packardii*) and vernal pool fairy shrimp (*Branchinecta lynchi*).

Cultural Resources: A cultural resource survey has been conducted for the project site; no cultural resources were identified. The applicant states 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 the appropriate state and federal laws are complied with.

Other federal, state, and local permits: The applicant has stated that they have applied for water quality certification with the California Regional Water Quality Control Board. Additionally, the applicant will apply for a City of Elk Grove Grading Permit after Section 404 authorization is permitted.

Related Documents: September 18, 2003, Department of Army Permit Application - Wright Park, Elk Grove, Sacramento County, California

June 2001, Listed Vernal Pool Branchiopods Wet Season Survey, Tributary Pointe

October 19, 2000, Request for Verification of Wetland Delineation - Tributary Pointe

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

Interested parties are invited to submit written comments on or before **November 26, 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.

This Public Notice is available on our website, <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/>. If additional information is required, please contact the applicant, Phil Hollinghead with Elk Grove Community Services District, at (916) 685-3917, their consultant, Ginger Fodge, with Gibson and Skordal, LLC, at (916) 569-1830, or Jonathan Foster, at the letterhead address, or email Jonathan.L.Foster@usace.army.mil, or telephone (916) 557-7283.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Attachments: 3 Drawings