



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200100062

Date: April 11, 2002

Comments Due: May 11, 2002

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.

APPLICANT: Stan Samiec, Beazer Homes, 3009 Douglas Boulevard, Suite 150, Roseville, CA 95661-3895

LOCATION: The project site is immediately south of Lucchesi Drive, approximately 1/2 mile east of Elk Grove-Florin Road, in the southeast corner of Section 18, Township 7 North, Range 6 East, in southern Sacramento County, California. See the attached Figure 1 for vicinity map.

PROJECT DESCRIPTION: The proposed project would fill approximately 0.48 acre of waters of the United States, including wetlands, (waters) and retain 1.024 acres of fill of waters to construct a residential subdivision. The proposed project is a 48-lot single-family residential subdivision within a 9.6-acre site, as shown in the attached drawings. The attached Figure 2 shows the proposed project design and infrastructure. An existing home on the site will be retained and incorporated into one of the newly created lots.

AREA DESCRIPTION: The project site is surrounded on all sides by RD-5/RD-7 residential development. The site presently contains a 0.466-acre pond adjacent to the existing home and associated outbuildings. Additional waters on the site include a 0.01-acre marsh/wetland area and a 0.004-acre vernal pool.

Based on the available information, other waters which have been subsequently filled, existed on the site in 1989. Approximately 1.5 acres of waters, including 1.469 acres of pond habitat and a 0.031-acre wetland swale were on this site. Figure 2 shows the location of waters on the site. Previously filled waters are depicted as cross-hatched areas.

The pond was in the eastern portion of the project site on a drainage that flowed to the southwest, toward Strawberry Creek. Drainage south of the pond is now piped. Wetland habitat on the project site is characterized by semi-permanent open water with a slender fringe

of willows and associated sparse seasonal wetland vegetation around the perimeter.

The existing seasonal wetland is located immediately down-slope of the pond, and is hydrologically fed by rainfall, surface runoff, and/or sub-surface seepage from the pond. It sustains long-term ponding conditions that exceed 18 inches in depth; the ponding persists into the early summer months in most years. Wetland vegetation includes a mix of marsh and seasonal wetland species including tall flatsedge, smartweed, soft rush, broad-leaf cattail, willow herb, and perennial rye grass.

The vernal pool is located in a depression at the toe of a hill slope at the southern portion of the property. It sustains long-term ponding and saturated conditions that persist for a portion of the growing season during winter and spring before drying up by late April in most years. The dominant vegetation in the pool includes Carter's buttercup, perennial rye grass, and Mediterranean barley.

ADDITIONAL INFORMATION:

Endangered or Threatened Species: The vernal pool is considered potential habitat for the federally-listed vernal pool invertebrates (fairy shrimp). The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act for impacts to the 0.004 acre of potential fairy shrimp habitat in the vernal pool. The applicant has performed a special status species survey on the project site. The survey concluded that no other federally-listed species are likely to be present on the project site.

Cultural Resources: The applicant has stated that no cultural resources have been identified on the project site. If during grading activities previously unknown cultural resources are unearthed, the applicant has stated 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 0.004-acre of potential fairy shrimp habitat in the vernal pool 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.

Proposed mitigation for impacts to the remaining 1.5 acres of existing and former waters of the U.S. on the site includes the purchase of credits at an approved wetland mitigation bank. The pond habitat would be mitigated as seasonal marsh (1.469 acre), and the seasonal wetland and filled wetland swale would be mitigated as seasonal wetland (0.031 acre). The credits would be purchased prior to filling the remaining waters of the U.S. on the property.

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 **May 11, 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.

Please refer to number 200100062 in any correspondence concerning this public notice. This public notice may also be obtained through our web-site at <http://www.spk.usace.army.mil/cespk-co/regulatory>. If additional information is required, please contact the applicant Stan Samiec, with Beazer Homes, at (916) 773-3888, his agent Ginger Fodge, with Gibson and Skordal, LLC, at (916) 569-1830, or Justin Cutler, 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