



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200100114

Date: February 12, 2002

Comments Due: March 15, 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 authority of Section 404 of the Clean Water Act to discharge fill into wetlands and a tributary of Morrison Creek, as shown in the attached drawings, to construct the Zinfandel Villages project.

APPLICANT: Russ Davis, Elliot Homes, Inc., 2390 East Bidwell Street, Folsom, California 95630

LOCATION: The project site is an approximately 95-acre property immediately northeast of Mather Field, between Folsom South Canal and the Lone Star aggregate mine, in Section 1, Township 8 North, Ranges 6 and 7 East, MDB&M, Sacramento County, California.

PROJECT DESCRIPTION: The proposed project will result in the fill of approximately 1.5 acres of waters of the United States, including wetlands, for industrial, commercial and airport-related development. The project includes extension of Zinfandel Drive, and light industrial development of a 53+/- acre and a 16+/- acre parcel. The proposed project also includes realignment of a portion of a tributary to Morrison Creek in the northern portion of the property and establishment of a 26+/- acre open space/recreational area. Initially the site would be used for the collection of soil for use in the reclamation of the mined land to the north. Three separate temporary culvert crossing would be installed to facilitate transportation of soil across the stream.

The proposed mitigation for the project's approximately 0.29 acre of temporary and permanent impacts to the creek channel is creation of a new channel and enhancement of the remnant and new channel within an approximately 26-acre open space and recreation area. The realignment and enhancement is proposed to increase the area of this reach of the channel by approximately 0.09 acres, and restore a more natural meander. Impacts to the other 1.21 acre of waters of the United States, including wetlands, are proposed to be mitigated off-site by the purchase, or dedication, of 3.64 seasonal wetland credits at the Clay Station Wetland Mitigation Bank, located approximately 15 miles southeast of the project site.

AREA DESCRIPTION: The project site is bounded on the east by the Folsom South Canal. Mather Air Force Base is located southwest under Runway 22 approach-departure zone. The project site was previously owned by RMC Lonestar and shows some signs of mining disturbance. The tributary to Morrison Creek was realigned prior to the start of mining in 1977 and the active channel ranges in width from 3 feet to 6 feet. The site is predominantly rolling annual grassland, including a vernal swale and seasonal wetlands.

ADDITIONAL INFORMATION: The County of Sacramento has prepared an Environmental Impact Report for this project.

Based on the available information no cultural resources are present within the area affected by the project.

The proposed project may affect federally listed aquatic invertebrates vernal pool fairy shrimp (*Branchinecta lynchi*) and/or vernal pool tadpole shrimp (*Lepidurus packardi*). The applicant proposes to purchase 0.54 vernal pool credits at Clay Station Wetland Mitigation Bank. Endangered Species Act consultation with the U.S. Fish and Wildlife Service has been initiated for this project.

The applicant has stated the proposed project would result in impacts to state-listed Swainson's Hawk (*Buteo swainsoni*) foraging habitat and proposed mitigation would be accomplished at the Clay Station Mitigation Bank, where a total of 102 acres would be set aside. According to the applicant, the California Department of Fish and Game approved this mitigation plan on August 9, 2001.

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 **March 15, 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.

If additional information is required, please contact Russ Davis with Elliot Homes, telephone (916) 984-1300, or Marc Fugler, at the letterhead address, telephone (916) 557-5255.

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

Enclosures: 5 Drawings