



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200100390

Date: August 18, 2006

Comments Due: September 17, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Tuscany Hills subdivision project, which would result in impacts to approximately 1.20 acres of waters of the United States, including wetlands, in or adjacent to the Tulloch Reservoir. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Red Mountain Resorts, LLC
Neal Aaron
851 Fremont Avenue, Suite 103
Los Altos, California 94024
Phone number: 650-941-7514

LOCATION: The project site is located on the west side of Lake Tulloch Reservoir, along the confluence of Black Creek and Lake Tulloch Reservoir in Sections 25-30, and 35-36 Township 1 North, Range 12 East; and Sections 30-31, Township 1 North, Range 13 East, all of MDB&M, Calaveras County, California, and can be seen on the Copperopolis and New Melones Dam USGS Topographic Quadrangles.

PROJECT DESCRIPTION: Based on the available information, the project purpose is to construct a development that includes 335 single family residences, and the followings members-only amenities: an 18-hole golf course, a private marina, a boat ramp, a dry boat storage facility, a building for general commercial uses, and a beach club. The applicant believes there is a need for additional housing in Calaveras County and for the private recreational amenities listed above. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 50.265 acres of waters of the United States within the project area, including: 25.780 acres open water, 16.765 acres of vernal pools, seeps, swales, and wetlands; 1.150 acres of tributary drainages, and 6.570 acres of vegetated creeks. The proposed project would result in the loss of 1.20 acres of waters of the United States, as follows: 0.55 acres impacts from the golf course, 0.56 acres lost from road construction, 0.09 acres lost to golf cart paths. In addition to the wetland areas, the site is characterized by grasslands, interspersed with blue oaks oaks, and grey pines. Live oaks, blue

oaks, grey pines, buckeye, whitethorn shrubs, and poison oak shrubs grow along the canyon slopes. The area around Tulloch Reservoir is relatively rural, but has had increasing rates of development recently.

Alternatives. The applicant has provided information concerning onsite project alternatives. The applicant considered an offsite alternative, but did not provide further information. Onsite alternatives included: 1) No Project--applicant states this would not meet the project objectives 2) Alternative Location--applicant states that there aren't any known, readily available alternative locations in the Lake Tulloch area that could provide a large enough site for 335 residences. 3) Compressed Residential Development--applicant states that this alternative was based on a nine-hole golf course (instead of 18), and smaller lot sizes; and 4) A Composite Alternative Project--applicant states that this alternative would locate larger portions of lots further from the water front, and would relocate the marina to the southeastern peninsula of the property. The applicant stated that this alternative would result in reduced environmental impacts. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to create approximately 4.49 acres of wetlands of unspecified type onsite, resulting in a net increase of 3.29 acres. The applicant states that the majority of created wetlands would not be connected to existing seasonal wetlands.

OTHER GOVERNMENTAL AUTHORIZATIONS: The applicant indicated that he is aware the project will require California Water Quality Certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board (RWQCB), and a Department of Fish and Game Section 1600 Streambed Alteration Agreement, along with Calaveras County approvals. The applicant has not indicated they have applied for aforementioned authorizations.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled Draft Environmental Impact Report for Tuscany Hills, Section 4.4: Cultural and Historical Resources, dated June 2004), potentially eligible cultural resources may be affected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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 activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps 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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200100390, must be submitted to the office listed below on or before September 17, 2006:

Renee Spenst, Project Manager
US Army Corps of Engineers, Sacramento District
San Joaquin Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: renee.spenst@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant, the applicant's consultant, Ted Harris, 980 9th Street, Suite 2000, Sacramento, California 95814, 916-266-4575, tharris@calstrat.com, or the Corps' project manager Renee Spenst, 916-557-7889, renee.spenst@usace.army.mil.

Attachments: 4 drawings