



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200100434

Date: May 15, 2003

Comments Due: June 14, 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 discharge dredged or fill material into waters of the United States, including wetlands, for residential development and associated infrastructure as shown in the attached drawings.

APPLICANT: Reynen & Bardis Development LLC, 9848 Business Park Drive, Suite H, Sacramento, CA 95827, Attn: Gary Parker

LOCATION: In a portion of the East Franklin Specific Plan area, south of Poppy Ridge Road and east of Franklin Boulevard in Elk Grove, Sacramento County, California. Figure 1 is a vicinity map.

PROJECT DESCRIPTION: The project involves earthmoving and grading for Elk Grove Meadows Phase 3 and Gilliam Meadows Unit 2 residential developments, realignment of Franklin Boulevard, and construction of a portion of a stormwater drainage channel with box culvert crossings and construction of a new railroad bridge. The project would result in the direct fill and loss of approximately 7.39 acres of waters of the U.S., including wetlands, and 5.38 acres of non-jurisdictional wetlands. Depending on final design and construction, other jurisdictional channelized drainages and associated seasonal wetland habitat, adjacent to the immediate project area may also be adversely affected by changes in site drainage characteristics.

The proposed project includes construction of 434 single-family residential lots, with a 5.5-acre parcel dedicated for a water treatment plant on the 95.4-acre Elk Grove Meadows Phase 3 portion and construction of 356 single-family residential lots and an approximately 8-acre neighborhood park on the approximately 78.9-acre Gilliam Meadows Unit 2 portion. Additionally, Franklin Boulevard will be realigned to the east of the railroad tracks along the western property boundary.

The project also includes construction of an approximately 1200-foot section of a storm water drainage channel system for this area and widening a portion of the central drainage canal previously constructed to accommodate development of the East Franklin Specific Plan area. Other parts of this drainage channel have already been constructed both upstream and downstream of the 1200-foot "gap" section. The applicant has stated this drainage system is necessary for conveying storm water runoff from this, and approximately 3,300 acres of proposed upstream development, west and off of the project site. The proposed gap channel would begin at the terminus of the existing drainage channel, constructed to convey storm water from the new Franklin High School and surrounding residential development, and continue west to Franklin Boulevard, where it would be connected to the drainage channel recently constructed

through the Elliott Ranch South/Stonelake wetland mitigation area.

Approximately 7.39 acres of waters of the United States, including 3.58 acres of vernal pools, 0.36 acres of seasonal wetlands, 2.76 acres of channelized/seasonal wetland drainages and 0.69 acres of ponds within the project site would be filled during site grading for construction of single-family homes and infrastructure. Other waters of the United States, including approximately 2 acres of channelized seasonal wetland drainages within the railroad right-of-way, and 0.48 acres of seasonal wetlands west of the railroad tracks, may be adversely modified by this construction and associated changes in drainage patterns.

In addition to the waters of the U.S. identified above, approximately 5.38 acres of wetlands in the project area are apparently isolated and non-jurisdictional. This includes a 5.27-acre bermed seasonally-ponded wetland and 9 small seasonal wetlands totaling 0.11 acre, located near the center of the Elk Grove Meadows Phase 3 area. Figures 2, 3 and 4 show the proposed project features overlain on approximate wetlands and other waters.

The applicant states the East Franklin Drainage Channel has been designed to maximize the establishment of wetland habitat within the channel bottom. A 2-4 foot-deep undulating channel will be excavated within the larger channel to contain low flows. The drainage channel corridor will include a 40-foot trail/landscape corridor on the north side and an 8-foot landscape corridor on the south side. Representative cross-sections of the proposed drainage channel corridor, railroad bridge and road crossings are shown on Figure 5.

The applicant proposes to mitigate for impacts to the 3.58 acres of vernal pools that constitute potential fairy shrimp habitat by purchasing preservation credits for direct/indirect effects to potential habitat at a 2:1 ratio (7.16 acres) and restoration credits for direct effects to potential habitat at a 1:1 ratio (3.58 acres). Mitigation for impacts to 0.69 acre of pond habitat would be the purchase of seasonal marsh credits at a 1:1 ratio. Mitigation for impacts to the 0.36 acre of seasonal wetland habitat and 2.76 acre of channelized drainage w/associated seasonal wetland habitat is proposed to be accomplished via the purchase of seasonal wetland credits at a 1:1 ratio.

The loss of 5.38 acres of non-jurisdictional wetlands is also proposed to be mitigated by purchasing seasonal wetland credits at a 1:1 ratio. All mitigation credits will be purchased from Corps and U.S. Fish and Wildlife Service approved mitigation banks, and will be purchased prior to work in any waters of the U.S. or non-jurisdictional wetlands.

The applicant has also indicated the area immediately west of the railroad tracks, and east of existing Franklin Boulevard, along the proposed new storm water channel, has the potential to be used to create and maintain new wetlands as compensation.

AREA DESCRIPTION: Prior land use in the East Franklin Specific Plan area was agricultural. The project site consists predominantly of pasture and grassland that historically was drained, partially levelled and flood irrigated. Upland areas are dominated by soft chess, perennial rye, barley, and other naturalized grasses. The tailwater pond at the northwest corner of the project site supports wetland vegetation including Bermuda grass, smartweed and floating primrose, while the perimeter of the pond supports a fringe of coyote willow, Gooding's willow, arroyo willow and Himalaya blackberry. Channelized drainages and seasonal wetlands are dominated by cattails, joint grass, hyssop loostripe, spikerush, sedges, manna grass, annual rabbit-foot grass, perennial rye grass, Mediterranean barley and other typical seasonal wetland vegetation. The Gilliam Meadows Unit 2 portion, although not leveled, has been historically grazed, and most recently has been managed for dry-crop farming of hay and oats. Vernal pools on this site contain slender popcorn flower, goldfields, woolly marbles, water buttercup, tricolor monkeyflower and other vernal pool endemic plant species.

The applicant has stated the project area includes most of the remaining undeveloped parcels in the East Franklin Specific Plan Area that are currently owned or otherwise controlled by Reynen & Bardis Development, LLC. Elk Grove Meadows Phases 1 and 2, immediately north of Phase 3, are currently under construction. Ongoing work and changes in land use are affecting drainage patterns and site hydrology. Construction of single-family residential subdivisions has occurred on the properties to the north and east of the project sites. A regional drainage channel has been constructed along the eastern and southern boundary of the Gilliam Meadows Unit 2 property. The properties south of the project sites are currently managed as irrigated pasture and crop land. The approximately 1400-acre property west and downstream of the project site is a mitigation area for past construction which filled wetlands in the vicinity of the East Franklin Specific Plan development area. Approximately 11 acres of the recently constructed drainage channel immediately downstream of this project are wetland and wildlife habitat mitigation for wetlands filled for the Laguna Stonelake development. Stormwater from the East Franklin Specific Plan area flows into this mitigation area and downstream into the Stonelakes National Wildlife Refuge.

ADDITIONAL INFORMATION: The County of Sacramento Department of Environmental Review and Assessment prepared a February 2000 Final Environmental Impact Report (State Clearinghouse Number SCH 1997112030) for the East Franklin Specific Plan area, which includes the subject area for this permit application.

Based on the available information the project may affect federally listed threatened or endangered species, including vernal pool crustaceans and giant garter snake. The applicant's agents have conducted surveys for vernal pool crustaceans on various parcels in the project area. The Corps has initiated consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species act for this work. The applicant's agents have stated although federally-listed plants are not known to occur on the project site, rare plant surveys are currently being conducted on the properties and copies of the plant survey results will be provided to the Corps and Service upon completion.

The applicant's agents have stated cultural resource surveys have been conducted for the entire East Franklin Specific Plan area, including the project site. Based on the available information no cultural resources are within the area of potential effect for this project. The applicant states 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.

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 **June 14, 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.

If additional information is required, please contact Todd Chambers with R&B Development, telephone 916-366-3665, Ginger Fodge, Gibson & Skordal Consultants, telephone 916-569-1830, or Michael Finn, at the letterhead address, telephone 916-557-5324.

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

Enclosures: 5 Drawing(s)