



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200100584

Date: February 23, 2005

Comments Due: March 25, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Vintara Park project, which as proposed, would result in direct impacts to approximately 8.43 acres of waters of the United States (waters), including wetlands, in or adjacent to Upper Whitehouse Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. The Corps is also requesting comments on whether an environmental impact statement (EIS) should be prepared for this project. 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: Michael Stettner
Centex Homes
3700 Douglas Boulevard, Suite 150
Roseville, California 95661
916-788-9027

LOCATION: The approximately 230-acre project site is located in Elk Grove, in Section 30, Township 7 North, Range 6 East, MDB&M, Sacramento County, California, and can be seen on the Elk Grove USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a primarily residential development of 647 lots on the property. The proposed development includes 86.5 acres of low density residential, 27.2 acres of medium density residential, 28.6 acres of parks (including utility easements, powerline easements, and a recreational trail), 3.8 acres of commercial space, and 5.5 acres of roads.

The remaining 78.5 acres would be utilized for wetland preservation and mitigation, recreation, and stormwater detention. A total of 18.02 acres of waters, including 12.39 acres of pond, 0.31 acre of seasonal wetland, 4.95 acres of vernal pools, and a 0.37 acre section of Whitehouse Creek exist within the 78.5 acres.

As proposed, the pond complex would be used for stormwater detention along with one of the proposed parks. The proposed use of the pond complex for stormwater detention would result in the existing berms around the complex being re-constructed to meet current standards and to increase the surface ponding area by 1 acre during a major storm event. However, the applicant has indicated the surface elevation would still approximate the existing condition.

The applicant has indicated the proposed development would result in the loss of 8.43 acres of waters, including 2.25 acres of pond, 1.1 acres of seasonal wetlands, 5.05 acres of vernal pools, 0.02 acre of ephemeral channels, and 0.01 acre of Whitehouse Creek. This acreage does not include any direct effects the proposed stormwater detention plan would have on the pond complex. Additionally, the applicant has not provided information on the level of secondary or indirect effects the project would have on the aquatic environment, including downstream portions of Whitehouse Creek. The proposed stormwater detention plan may result in on and off site adverse effects to waters due to alteration of the existing hydrology and any required maintenance, such as dredging or vegetation removal.

Based on the available information, the overall project purpose is to construct a primarily residential development of 150 to 250 acres within the commute shed of Sacramento. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 25.95 acres of waters, including wetlands within the project area. This acreage includes 1.01 acres of seasonal wetland, 9.92 acres of vernal pools and swales, 0.40 acres of intermittent and ephemeral streams, and a 14.64-acre pond complex. Additionally, 0.49 acres of wetlands, including 0.40 acre of seasonal wetland and 0.09 acres of vernal pools have been determined to be hydrologically isolated with no apparent interstate commerce connection. As such, they are not currently regulated by the Corps.

The properties surrounding the project site contain undeveloped land and urban, commercial, and rural residential development. In addition to the aquatic habitats identified above, the site contains non-native annual grassland habitats. The vernal pools and seasonal wetland habitats support a variety of plant species, including coyote thistle (*Eryngium vaseyi*), annual hairgrass (*Deschampsia danthonoides*), dwarf wooly marbles (*Psilocarphus brevissimus*), white-headed navarretia (*Navarretia leucocephala*), annual rabbits-foot grass (*Polypogon monspeliensis*), sedges (*Carex sp.*), tall flatsedge (*Cyperus eragrostis*), and pale spikerush (*Eleocharis macrostachya*). Of the aquatic features present, the vernal pool complex in the southeast corner appears to be in the least disturbed and natural state.

Alternatives. The applicant has provided information on three potential alternative locations within Elk Grove and two on-site alternatives. Additional alternatives information will need to be provided that is consistent with the overall project purpose and commensurate with the proposed level of impact to waters of the United States. Additional information concerning project alternatives may be available from the applicant or their agent.

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 mitigate unavoidable impacts to the aquatic environment through a combination of on-site preservation and restoration/creation. In addition, the applicant proposes to purchase preservation credits at a ratio of at least 2:1 at a Fish and Wildlife Service approved mitigation bank for impacts to vernal pool crustacean habitat.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification or any other governmental approvals.

HISTORIC PROPERTIES: The applicant has indicated that no cultural resources or historic properties are within the project's area of potential effect. Although not submitted to the Corps, the applicant has indicated that a cultural resources report containing pedestrian survey and records search results along with evidence of Native American consultation has been prepared for the property. Once copies of this report have been provided to the Corps, we 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, including the endangered vernal pool tadpole shrimp (*Lepidurus packardii*), threatened vernal pool fairy shrimp (*Branchinecta lynchi*), threatened slender Orcutt grass (*Orcuttia tenuis*), and the endangered Sacramento Orcutt grass (*Orcuttia viscida*). The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

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 200100584, must be submitted to the office listed below on or before March 25, 2005:

William Ness, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.W.Ness@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 or the Corps' project manager William Ness, 916-557-5268, William.W.Ness@usace.army.mil.

Attachments: 4 drawings