



Public Notice

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

Number: 200200522
Date: June 7, 2006
Comments Due: July 7, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Lakeview Property project, which would result in impacts to approximately 0.33 acres of waters of the United States, including wetlands, in or adjacent to a tributary of the Cosumnes River. 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: Mr. Gary Parker
Reynen & Bardis Communities
10630 Mather Boulevard
Sacramento, California 95655
(916) 366-3665

LOCATION: The project site is located north of State Highway 16 and west of Michigan Bar Road, in Rancho Murieta, in Section 2, Township 7 North, Range 8 East, Sacramento County, California, and can be seen on the "Carbondale" USGS Topographic Quadrangle (Figure 1).

PROJECT DESCRIPTION: The applicant is proposing to construct a 99-unit single family residential subdivision and a one-acre park on a 41-acre parcel.

Proposed Impacts: As proposed, the project would fill 0.33 acre of waters of the U.S., including two ephemeral drainage channels (0.27 acre), a seasonal wetland (0.01 acre), and two vernal pools (0.05 acre) (Figure 3). These impacts would occur during grading of the site for the construction of residential lots, roads, and installation of infrastructure. Additionally, approximately 0.10 acre (275 linear feet) of intermittent stream channel would be temporarily impacted when it is reconstructed to accommodate a low flow drainage pipe.

A 75-foot long concrete box culvert (5 feet by 10 feet) with concrete headwalls would be installed within the intermittent stream channel to serve as a road crossing for access into the project site. Approximately 275 feet of the intermittent drainage channel at this location would be reconstructed (temporarily impacted) to adjust the channel invert to provide adequate clearance for a low flow storm drain pipe. The pipe would convey runoff to an existing water quality basin located on the south side of Colbert Drive, southwest of the property boundary.

Two drainage outfalls would be constructed; one at the north end and one at the south end of the intermittent drainage. The northern outfall, a proposed 48-inch concrete outfall structure, would discharge runoff flowing in a diversion channel that would be excavated around the north and east sides of the project site. The diversion channel would intercept runoff from adjacent undeveloped land that

currently drains to the project site. The southern outfall would discharge high runoff flows from the project. Low flows would be directed to the previously mentioned water quality basin. High flows would be diverted directly into the drainage channel to protect the water quality basin.

Previous Actions: A Public Notice for this project was issued by the Corps on April 9, 2003, which at the time involved rerouting most of the intermittent stream channel (an additional 1.18 acres of impact to waters of the U.S.) located along the western portion of the project area. This project was since modified into the current proposal, which reduced the number of residential lots from 181 to 99.

Based on the available information, the overall project purpose is to construct a residential development within the Rancho Murieta area. The attached figures provide additional project details.

ADDITIONAL INFORMATION:

Area Description: Rancho Murieta is a residential community located approximately 20 miles east of Sacramento on Highway 16 (Jackson Highway), where the Great Valley transitions to the toes of the Sierra Nevada foothills. The Consumnes River bisects the community into northern and southern development areas, with a golf course and residential developments located both north and south of the river. The Rancho Murieta South Community has been under development since the mid-1970's, when an 18-hole golf course was constructed immediately to the west of the proposed project site. Residential development has been ongoing in Rancho Murieta South since approximately 1990, with several single-family residential subdivisions constructed to date. Land uses to the east of the project site (outside the Rancho Murieta plan area) include clay mining and grazing. Lands to the south of Highway 16 are currently managed as grazing land.

Environmental Setting: Topography in the area is generally low rolling hills separated by broad swales. Elevations range from 150 to 220 feet above sea level. Habitat types in the area include blue oak (*Quercus douglasii*) and blue oak-gray pine (*Pinus sabiniana*) woodlands, valley-foothill riparian, and annual grasslands with associated seasonal wetlands.

There are approximately 1.22 acres of intermittent stream channel, 0.27 acre of ephemeral stream channel, 0.01 acre of seasonal wetland, and 0.05 acre of vernal pools within the project area. The Corps verified the wetland delineation on October 1, 2002 (Figure 2).

Two vernal pools are located along the lower terrace at the toes of hill slopes. The pools are shallow to medium depth basins that pond water during the winter months and dry up by late spring. Dominant vegetation in the pools includes creeping spikerush (*Eleocharis macrostachya*) and Carter's buttercup (*Ranunculus alveolatus*). Other common associates include coyote thistle (*Eryngium vaseyi*), Mediterranean barley (*Hordeum hystris*), curly dock (*Rumex crispus*), and perennial rye (*Lolium perenne*).

The seasonal wetland seep is located at the toe of a steeper slope at the far eastern portion of the property. This wetland is sustained, in part, by groundwater seepage, and sustains long-term saturated conditions during the rainy season. The wetland is dominated by a dense growth of Baltic rush (*Juncus balticus*).

The two ephemeral stream channels located on the parcel are differentiated from wet swales by the presence of a defined bed and bank, and the absence or scarcity of topsoil and wetland vegetation within the channel itself. The channels carry flows during and immediately after peak rainfall events, but generally do not sustain consistent long-term flows in the absence of rainfall. The ephemeral channels originate at the eastern portion of the property and drain toward the west into an intermittent stream.

The intermittent stream enters the project site at the southwest corner and flows north, where it exits the property at the northwest corner and eventually drains to the Consumnes River. The stream carries seasonal runoff during the winter, spring, and early summer months, but generally dries up by late summer in most years. Currently, a dirt road crosses the drainage at the northern end of the property via

corrugated metal pipe culverts. The drainage supports wetland habitat characterized by a riparian canopy of willows (*Salix* spp.) and an underlying emergent wetland layer dominated by soft rush (*Juncus effusus*) and cattails (*Typha* spp.). Common associate tree species include Fremont cottonwood (*Populus fremontii*) and valley oak (*Quercus lobata*). Common associates in the emergent layer include tall flatsedge (*Cyperus eragrostis*), hardstem bulrush (*Scirpus acutus*), penny-royal (*Mentha pulegium*), and smartweed (*Polygonum* spp.).

Alternatives. The applicant has not provided information concerning project alternatives. 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 purchased 0.05 acre of vernal pool creation credits from the Sheridan Mitigation Bank, Placer County, California.

They are also proposing compensatory mitigation for the other wetlands and waters of the U.S. to be impacted (0.01 acre seasonal wetland and 0.27 acre ephemeral drainage) by purchasing seasonal wetland credits at an approved mitigation bank at a 1:1 ratio. The credits would be purchased prior to any impact to waters of the U.S.

Mitigation for temporary impacts to a portion of the intermittent drainage would be accomplished via restoration of the relocated drainage channel. The recontoured channel banks will be hydroseeded for erosion control.

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, was issued for this project on August 11, 2004.

HISTORIC PROPERTIES: 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 two vernal pools on the project site are considered potential habitat for the Federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*). The U.S. Fish and Wildlife Service (Service) issued a Biological Opinion (B.O.) (1-1-03-F-0156, dated August 7, 2003) for the project described in the April 9, 2003 Public Notice. Vernal Pool creation credits (0.05 acre) were purchased by the applicant as required by the B.O. The Corps will informally coordinate with Service to determine if any additional consultation is required. The Corps will re-initiate consultation with the Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

Also, the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS) issued a letter of concurrence (151422SWR03SA8843:JCB, dated August 2, 2004) that the project would not likely adversely affect sensitive androgenous fish species. This letter addressed potential concerns to endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), and threatened Central Valley steelhead (*O. mykiss*), or their critical habitat.

ESSENTIAL FISH HABITAT: NMFS also determined the project would not adversely affect Essential Fish Habitat in their letter of concurrence dated August 2, 2004. Since the project has been modified, the Corps will re-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 200200522, must be submitted to the office listed below on or before July 2, 2006:

Mr. David Leput, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: david.w.leput@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 Mr. David Leput, 916-557-5327, david.w.leput@usace.army.mil.

Attachments: 3 drawings