



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200200537

Date: February 19, 2004

Comments Due: March 20, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the North Vineyard Station - Morvai project, which would result in permanent impacts to approximately 1.635 acres of waters of the United States, including wetlands, (waters) adjacent to Elder Creek. 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/cespk-co/regulatory/PNs/index.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: Darryl Sniff, Parkland Homes, 2271 Lava Ridge Court, Suite 220, Roseville, California 95661-3065. Phone (916) 782-7774 or Facsimile (916) 782-7775.

LOCATION: The 30.67-acre project site is located in Section 5, Township 7 North, Range 6 East, Sacramento County, California (See Figure 1).

PROJECT DESCRIPTION: The applicant's proposed project would result in permanent impacts to all 1.635 acres of waters. The waters are comprised of 1.020 acre of seasonal marsh, 0.443 acre of seasonal wetland swales, 0.020 acre of vernal pools, and 0.152 acre of seasonal wetlands (Figure 2). The applicant's stated project purpose is to construct residential development within the Sacramento County General Plan. Project features include 153 single-family homes, a 2.3-acre recreation park, and associated roads and utilities (Figure 3). The attached drawings provide additional project details. Work is proposed to begin in late summer, 2005, after all Federal, state, and local authorizations are obtained.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 1.64 acres of wetlands within the project area. The site is characterized by primarily undeveloped, fallow farmland. Historically, portions of the site have been leveled and farmed with various row crops and rice fields. Currently, farming practices have been absent for five years and residences, farm buildings, and corrals are located in the northwestern corner of the site. A variety of non-native, ornamental trees, and an annual grassland persists within the project area.

Alternatives. The applicant has provided information concerning project alternatives including on-site and off-site mitigation proposals for the entire Sacramento County General Plan. However, these alternative are not specific to this individual proposal. The off-site

mitigation plan proposes that each development within the County's Plan shall mitigate for impacts to waters at a wetland mitigation bank. On-site mitigation proposals include a 200-acre wetland preserve and specific mitigation plans for drainages. Additional information concerning these alternatives is available from the applicant or their agent. The applicant is required to prepare an analysis in compliance with Section 404(b)(1) of 40 CFR Part 230, including on-site avoidance and minimization measures, and off-site construction alternatives.

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 purchase 1.635 acres of vernal pool and seasonal wetland creation credits at a Corps and U.S. Fish and Wildlife Service (USFWS) approved mitigation bank and 0.344 acre of vernal pool and seasonal wetland preservation credits at a USFWS approved mitigation bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: The applicant has stated that they will submit a request for Water Quality Certification, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board.

HISTORIC PROPERTIES: The applicant states that the project area will be surveyed for cultural resources and concerns of the Native American community will be addressed. The findings will be provided to the Corps upon completion. 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 the Federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*), giant garter snake (*Thamnophis gigas*), slender Orcutt grass (*Orcuttia tenuis*), or designated critical habitat. Additionally, the proposed activity may affect the Federally-proposed as threatened California tiger salamander (*Ambystoma californiense*). The Corps will initiate consultation with the USFWS, pursuant to Section 7 of the Endangered Species Act.

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 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

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 200200537, must be submitted to the office listed below on or before **March 20, 2004**:

Jonathan Foster, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Jonathan.L.Foster@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 applicant's agent Bjorn Gregersen of ECORP Consulting, Inc., 2260 Douglas Boulevard, Suite 160, Roseville, California 95661-4209 or the Corps' project manager Jonathan Foster, 916-557-7283, Jonathan.L.Foster@usace.army.mil.

Attachments: 3 Figures