



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200200558

Date: September 5, 2003

Comments Due: October 5, 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 construct residential development, which involve the discharge of dredged or fill material into waters of the United States, including wetlands, (waters), as shown in the attached drawings.

APPLICANT: Todd Chambers, Reynen & Bardis Development, LLC, 9848 Business Park Drive, Suite H, Sacramento, California 95827-1714

LOCATION: The proposed R&B Barrett Ranch project is located east of Walerga Road, west of Don Juilo Boulevard, and immediately north of Antelope Road. It lies in a portion of Sections 19 and 20, Township 10 North, Range 6 East, MDB&M, in Sacramento County, California. Latitude 38-42-23.8452, Longitude 121-21-6.8520. See Figure 1.

PROJECT DESCRIPTION: All waters on the site are proposed to be filled. The project site contains a total of 1.36 acres of waters of the United States, as verified by the Corps on February 27, 2003. The waters found within the project area are regulated by the Corps under Section 404 of the Clean Water Act since they are tributary, or adjacent to a tributary of Dry Creek. The waters are comprised of 0.45 acre of vernal pools and 0.91 acre of wetland swale. Figure 3 illustrates the limits of the Corps' jurisdiction as depicted on the verified delineation map. Figure 2 shows the waters of the United States, overlain by the proposed project.

Project features include a residential development (RD, 5 and 7 units per acre) consisting of 304 single family home lots with associated infrastructure, totaling approximately 67 acres; 1 business professional lot (BP), totaling approximately 8 acres; 1 school site lot, totaling approximately 10 acres; and 7 landscape lots, totaling approximately 2 acres, (an 87-acre parcel). The project also includes the extension of Elverta Road and the realignment of Antelope Road. The alignments of these six-lane and four-lane roads were established with the adoption of the Antelope Community Plan (ACP). The applicant states they have no ability to change these alignments.

Existing drainage patterns on site generally flow from east to west and include several small swales. Upstream drainage comes from existing underground piped drainage systems within existing single family residential neighborhoods. Downstream drainage is picked up at two points along the western boundary and fed into existing underground piped systems. On site drainage will consist of piped systems linking the existing upstream and downstream piped systems. The applicant states the drainage plan for the proposed project is consistent with the ACP. See Figure 2 for a project exhibit map.

The applicant's mitigation measures are to purchase credits from appropriate wetland mitigation bank. The U.S. Fish and Wildlife Service concurs with a finding that the proposed project is not likely to adversely affect the listed vernal pool species. The applicant proposes purchasing 0.45 acre of vernal pool credit at a U.S. Fish

and Wildlife and Service and Corps approved bank. In order to mitigate the loss of wetland swale, the applicant proposes purchasing 0.91 acre of seasonal wetland credit at a Corps approved mitigation bank. The applicant has stated that all credits will be purchased prior to impacting the wetlands on site.

AREA DESCRIPTION: The project is located within the Sacramento County portion of the Central Valley. The proposed site is a mostly undeveloped parcel bordered by roads and residential development to the west and south, and undeveloped grasslands to the north and east. North and east of these grasslands, residential development has occurred. A residence with associated out-structures is located on the highest point of the property situated along the eastern boundary. In recent history, the property has been utilized as grazing pasture for cattle, but is not currently grazed. It has been historically altered by disking operations associated with normal farming activities.

ADDITIONAL INFORMATION:

Alternatives Analysis: An alternatives analysis, including an analysis of other sites, alternative development layouts for this site, and a discussion of avoidance and minimization is being prepared by the applicant for approval under Section 404 (b)(1) of 40 CFR, Part 230.

Endangered or Threatened Species: The Corps initiated Section 7 consultation, pursuant to the Endangered Species Act, with the U.S. Fish and Wildlife Service for potential impacts to federally-listed species. The applicant states that the following three federally-listed species have the potential of occurring on-site: vernal pool fairy shrimp (*Branchinecta lynchi*); vernal pool tadpole shrimp (*Lepidurus packardii*); and slender Orcutt grass (*Orcuttia tenuis*). Protocol level surveys are being conducted for the invertebrates. Neither of the invertebrates has been found during wet-season surveys. Spring surveys will also be done to ascertain the presence or absence of slender Orcutt grass on the site.

Cultural Resources: The applicant states there are no known cultural resource sites within the project area.

Other federal, state, and local permits: The applicant has stated that Sacramento County zoning, California Department of Fish & Game, and California Regional Water Quality Control Board (RWQCB) have been or will be applied for before construction begins and when California Environmental Quality Act (CEQA) documentation is complete.

Related Documents: August 21, 2003, Informal Consultation on the R and B Barrett Property, Sacramento County, California

May 27, 2003, Results of Wet and Dry Season Vernal Pool Surveys for Barrett Ranch Project, Sacramento County, California

April 11, 2003, Permit Application for the Proposed Barrett Ranch Project, Sacramento County, California

February 12, 2003, Request for Verification of Jurisdictional Delineation (revised) - R&B Barrett Property, Sacramento County, California

August 19, 2002, Verification of Jurisdictional Delineation - R&B Barrett Property, Sacramento County, California

The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

Consideration of Comments: Interested parties are invited to submit written comments on or before **October 5, 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.

This public notice may be obtained through our web-site at www.spk.usace.army.mil/cespk-co/regulatory/PNs. If additional information is required, please contact the applicant, Todd Chambers with Reynen and Bardis, at (916) 366-3665, their consultant, Karen Shaffer, with Gibson & Skordal, LLC, at (916) 569-1830, or Jonathan Foster, Room 1480 at the letterhead address, email: Jonathan.L.Foster@usace.army.mil, or telephone (916)-557-7283.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Attachments: (3 Figures)