



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200200728

Date: April 8, 2005

Comments Due: May 8, 2005

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Wildhawk North project. As proposed, the development would result in impacts to approximately 8.53 acres of waters of the United States, including Gerber Creek and adjacent wetlands (waters). 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: Sid Dunmore
Dunmore Homes
2150 Professional Drive, Suite 150
Roseville, California 95661-3782

LOCATION: The approximately 210-acre project site is located in Section 9, Township 7 North, Range 6 East, M.D.B.&M., Sacramento County, California, and can be seen on the Elk Grove, California USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to permanently fill all 8.53 acres of waters of the U.S., including 4.15 acres of Gerber Creek, within the project boundary to construct a residential development with associated flood control and infrastructure. An additional 0.49 acres of waters determined not to be jurisdictional under the Clean Water Act would also be filled. Project features include approximately 849 single family residential lots, the realignment and widening of approximately 5,800 linear feet of Gerber Creek, two park sites that function as detention basins, an open space corridor with trails, the extension of Piping Rock Drive, widening of the south side of Gerber Road and the west side of Vineyard Road, the extension of sewer and water lines from a point approximately 1600 feet west of Bradshaw Road, and the placement of approximately 9 outfall structures with energy dissipaters and two utility lines in the realigned Gerber Creek channel.

A public notice was previously issued for this project on September 30, 2003. A revised application was submitted to the Corps that contained changes in impact acreage to waters, project area, and designs. As a result a new Public Notice has been issued.

Based on the available information, the overall project purpose is to construct a 150 to 250-acre residential development with associated infrastructure, within Sacramento County. The applicant believes there is a need to construct additional housing in the Sacramento area. The attached drawings provide additional project details.

The applicant has previously obtained authorization to fill 1.83 acres of waters of the United States to construct the Wildhawk development immediately to the south of the Wildhawk North project site. At complete buildout the Wildhawk project will result in the construction of approximately 500 residential

lots on 140 acres. Additionally, the County of Sacramento is proposing to re-configure approximately 12.99 acres of Gerber and Elder Creeks, starting immediately downstream of the Wildhawk North project site, in accordance with the North Vineyard Station Drainage Master Plan.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 8.53 acres of waters of the U.S. within the project area including 4.15 acres of Gerber Creek, 3.06 acres of vernal pools, 0.68 acres of wetland swale, 0.55 acres of seasonal wetlands, and 0.09 acres of pond. Additionally, there are approximately 0.49 acres of aquatic habitats within the project area, including a 0.47-acre pond, 0.01 acres of vernal pools, and 0.01 acres of seasonal wetland, that are not regulated by the Corps, as they are hydrologically isolated with no interstate commerce connection.

Gerber Creek bisects the property, entering from the west under Vineyard Road and exiting the property to the north under Gerber Road. A large portion of the project site is located within the 100-year floodplain of Gerber Creek. Seasonal wetlands, including vernal pools, are scattered through the southeastern portion of the site. The site is characterized by annual grasslands, agricultural lands, and low-density residential homes.

Adjacent lands to the south have been developed as single family residential subdivisions and the Wildhawk Golf Course is located east of the project site.

Alternatives. The applicant has provided some information concerning on and off-site alternatives to the proposed project. The applicant will need to provide additional alternatives information consistent with the overall project purpose determined by the Corps.

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 mitigation credits at a Corps and U.S. Fish and Wildlife Service approved mitigation bank or through off-site creation as part of an approved mitigation plan. The applicant intends to offset impacts from the proposed re-alignment of Gerber Creek by allowing wetland vegetation to self-establish in the new channel. Additionally, the applicant proposes to designate an open space corridor around the realigned Gerber Creek channel. The County of Sacramento would hold a drainage easement over the re-aligned channel and would maintain channel functions.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley Regional Water Quality Control Board is required for this project. The applicant has indicated they have applied for certification. Additionally, the applicant has applied to Sacramento County for map approval and the California Department of Fish and Game for a 1602 agreement.

HISTORIC PROPERTIES: The applicant has provided a cultural resource assessment of the project site. However, additional information will need to be provided before the Corps can determine if the project would affect historic or prehistoric 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 vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), California tiger salamander (*Ambystoma californiense*), giant garter snake (*Thamnophis gigas*), slender Orcutt grass (*Orcuttia tenuis*), or their critical habitat. 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 200200728, must be submitted to the office listed below on or before **May 8, 2005**:

William Ness, Chief, Sacramento Office
US Army Corps of Engineers
Sacramento District
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.W.Ness@usace.army.mil
Telephone: (916) 557-5268

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, Ginger Fodge of Gibson & Skordal, LLC, Wetland Consultants at (916) 569-1830, or the Corps' project manager William Ness at the above address, telephone, or email.

Attachments: 10 drawings