



Public Notice

US Army Corps
of Engineers

Public Notice Number: 200200778

Date: October 13, 2004

Comments Due: November 12, 2004

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

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 College Square project, which would result in impacts to approximately 2.623 acres of waters of the United States, including 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: Mr. Larry John, Granite Bay Holdings, 4230 Douglas Boulevard, Suite 100, Granite Bay, California 95746-5902

LOCATION: The project site is located within the City of Sacramento, Section 15, Township 7 North, Range 5 East, M.D.B.&M. Sacramento County, California, and can be seen on the Florin, California USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to permanently fill all 2.623 acres of on-site waters to construct a mixed commercial and residential housing development. Project features on this approximately 20-acre site include 264 multifamily residential units, commercial, retail, and office structures, and associated roads and infrastructure. The proposed project is within the South Sacramento Community Plan Area and is adjacent to the proposed College Marketplace development (Public Notice 200000334). Based on the available information, the overall project purpose is to construct a medium sized, 10-50 acre, mixed commercial and residential development, with associated infrastructure, within an urban area of Sacramento County. The applicant believes there is a need to construct this mixed development. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 2.623 acres of waters within the project area including 2.065 acres of vernal pools and 0.558 acre of seasonal wetlands. The site is characterized by relatively flat, annual grassland communities with scattered vernal pool and seasonal wetland habitat located throughout the southeastern to northwestern portions of the property. Currently the site is abandoned and has been disced to reduce on-site fuels and foundation of a former home site exists on the western boundary of the site.

Alternatives. The applicant has provided initial information concerning project alternatives. These alternatives include:

Alternative A. This alternative would contain an approximately 7.82 acre, on-site wetland preserve with a 250-foot upland, vegetated buffer around the existing vernal pools and seasonal wetlands. Approximately 12.16 acres would be available for development and a Corps permit may not be required for this plan.

Alternative B. This alternative would contain an approximately 4.205 acre, on-site wetland preserve with a 250-foot upland, vegetated buffer around approximately 1.57 acres of preserved waters. Approximately 16 acres would be available for development.

Full Project Alternative. This is the applicant's proposed project as described in the project description. This alternative would not avoid or preserve any existing, on-site waters and would allow development on all 20 acres of the property.

No Project Alternative. No permit from the Corps would be required and 2.623 acres of waters would be preserved on-site. Construction could occur in the upland areas. The applicant has stated that this alternative is impracticable since economic loss and other environmental consequences would occur.

Off-Site Alternative. Six off-site properties were identified and evaluated within 2- miles of existing development within Sacramento County. The applicant has stated that these properties do not meet the proposed project's purpose and need or are not available to the applicant.

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 purchase mitigation credits at a Corps and U.S. Fish and Wildlife Service approved mitigation bank.

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 received the *June 25, 2004, Technically-conditioned Certification*, letter, to satisfy this requirement.

HISTORIC PROPERTIES: The applicant has provided a literature and records search and a copy of the Cultural Resources section of the College Marketplace EIR. 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 packardii*), California tiger salamander (*Ambystoma californiense*), giant garter snake (*Thamnophis gigas*), or designated 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 will not directly affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

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, economic s, 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 200200778, must be submitted to the office listed below on or before November 12, 2004:

Jonathan Foster, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Telephone: (916) 557-7283
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, Mr. Cameron Johnson of ECORP Consulting, Inc. at (510) 434-0155, or the Corps' project manager Jonathan Foster at the above address, telephone, or email.

Attachments: 3 drawings