



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200200808

Date: February 6, 2003

Comments Due: March 8, 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 discharge dredged or fill material into approximately 0.76 acres of waters of the United States, including wetlands, (waters) for the proposed Sheldon Place project, as shown in the attached drawings.

**APPLICANT:** Mark Skreden, Mark Skreden Commercial Real Estate, 935 University Avenue, Sacramento, CA 95825-6725

**LOCATION:** The 28.6-acre site is located in the city limits of Elk Grove, north of the intersection of Sheldon Road and Highway 99, in Section 23, Township 7 North, Range 5 East, MBD&M, Sacramento County, California. See attached Figure 1

**PROJECT DESCRIPTION:** The applicant proposes to develop a residential housing project. The proposed project would fill all 0.76 acre of waters on-site, comprised of 0.35 acre of a seasonal wetland swale known as Jacinto Creek, and 0.41 acre of vernal pools. East of the project area, approximately 1.47 acres of waters, including Jacinto Creek, were permitted to be permanently impacted under Department of the Army permit 199800696. Additionally, 0.43 acre of Jacinto Creek has been filled to the west of the project area under Department of the Army Permit Number 199900068.

The project includes 189 lots, 98 in Village 1, located in the northeast section of the site, and 91 lots in Village 2, located in the southwest section of the site (Figure 3). A water quality channel is also proposed to be constructed adjacent to Highway 99, replacing the existing seasonal swale. The water quality channel would be used to temporarily detain stormwater runoff prior to the water draining downstream and into Laguna Creek.

Wetlands will be permanently impacted from the grading of the proposed lots and roads, and from the placement of the proposed water quality basin and off-site drain lines. The applicant's proposed mitigation plan is to compensate for the loss of existing wetland swales and vernal pools by purchasing appropriate mitigation credits at a local wetland mitigation bank.

**AREA DESCRIPTION:** The site is characterized by flat to gently rolling terrain dominated by annual grassland interspersed with Valley oak trees and smaller areas of seasonal wetlands, including swales and vernal pools. Seven vernal pools are in close association with the wetland swale, which drains the site from east to west. Jacinto Creek is tributary to Laguna Creek, which empties into the Beach-Stone Lakes basin.

**ADDITIONAL INFORMATION: Endangered or Threatened Species** The applicant has stated that of the 0.76 acre of waters of the United States which would be permanently impacted by the proposed project, 0.41 acre are potential habitat for the federally-listed threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and slender Orcutt grass (*Orcuttia tenuis*), and endangered vernal pool tadpole shrimp (*Lepidurus packardii*) and Sacramento Orcutt grass (*Orcuttia viscida*). Additionally, 0.35 acre of wetland swales are potential habitat for the giant garter snake (*Thamnophis gigas*). Since this action may affect these species, the Corps has initiated consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act.

**Cultural Resources** No cultural survey has been conducted on the proposed project site. The applicant cites the 614-acre Calvine Road/ Highway 99 Special Planning Area, (Calvine SPA), Final Environmental Impact Report (EIR), which states that there are no previously recorded archeological sites in the area. The EIR concluded that, although only a small portion of the area had been surveyed, the area's sensitivity for prehistoric resources is estimated to be low and the sensitivity for archeological and historic resources is considered to be moderate.

Presently unknown cultural resources may be located in the proposed project area. The applicant states that a cultural resources literature and record search for the project site will be completed and submitted to the Corps.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected.

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

**Alternatives** The applicant has provided preliminary alternatives information.

**Other federal, state, and local permits** The proposed project will require Clean Water Act Section 401 water quality certification from the California Regional Water Quality Control Board.

The applicant has stated that the Sheldon Place project is located within the Calvine SPA adopted by the Sacramento County Planning Commission in October 1992 and by the City of Elk Grove after its annexation in May 1999. The Calvine SPA provides for a combination of medium and low density housing, as well as commercial and business districts near transportation corridors.

The applicant states a Final EIR for the Calvine SPA General Plan Amendment, Community Plan Amendment and Rezone (Control No: 89-GPB-1276/89-CZB-1277) was adopted by the Sacramento County Planning Commission in October 1992 and by the City of Elk Grove after its annexation in May 1999.

Interested parties are invited to submit written comments on or before **March 8, 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.

If additional information is required, please contact Mark Skreden, Mark Skreden Commercial Real Estate, telephone (916) 649-3300, or Project Manager Justin Cutler, at the letterhead address, telephone (916) 557-5258, or e-mail: [Justin.Cutler@usace.army.mil](mailto:Justin.Cutler@usace.army.mil).

Michael J. Conrad, Jr.  
Colonel, US Army  
District Engineer

Attachments: 3 Drawings