



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200300035

Date: July 15, 2003

Comments Due: August 15 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 0.78 acre of waters of the United States, including wetlands, (waters) for the proposed Fox Creek Subdivision, as shown in the attached drawings.

APPLICANT: Mark Vespoli, 4807 El Camino Avenue, Suite A, Carmichael, California 95608-4904

LOCATION: The 26-acre site is located south of U Street and east of Rio Linda Boulevard in Section 20, Township 10 North, Range 5 East, MDB&M, in Rio Linda, Sacramento County, California. See Figures 1 and 2.

PROJECT DESCRIPTION: The applicant proposes to develop a residential housing project. The proposed project would fill all 0.78 acre of waters on-site, including 0.45 acre of vernal pools, 0.29 acre of seasonal swales, and 0.04 acre of seasonal wetlands.

The project includes 110 lots, 25 in Unit 1, 32 in Unit 2, and 53 in Unit 3 (Figure 4). The applicant also proposes to construct a drainage channel in the southern portion of the site, replacing the existing seasonal swale, and an in stream water detention basin located in the western portion of the proposed project area.

Wetlands will be permanently impacted from the grading of the proposed lots, roads, and from the construction of the drainage channel and detention basin. The applicant's proposed mitigation plan is to compensate for the loss of existing wetlands and vernal pools by purchasing the appropriate mitigation credits at a local wetland mitigation bank.

AREA DESCRIPTION: The site is characterized by undulating terrain which slopes to the south and is dominated by annual grassland with interspersed wetlands, vernal pools and seasonal swales. A complex of 6 vernal pools is located in the north western portion of the property, which drain off to the west via road side ditches, but are topographically isolated from the other wetlands on-site. A system of small vernal pools, seasonal wetlands and swales are located in the eastern and southern portions of the property and drain to the west through the channelized swale that transverses the entire project area (Figure 3).

ADDITIONAL INFORMATION: Endangered and Threatened Species The applicant has stated that of the 0.78 acre of waters of the United States which would be permanently impacted by the proposed project, 0.45 acre are potential habitat for the federally-listed threatened vernal pool fairy shrimp (*Branchinecta lynchi*), and endangered vernal pool tadpole shrimp (*Lepidurus packardi*).

Cultural Resources The applicant has stated that a cultural resource survey was conducted for the proposed Fox Creek Subdivision on March 28, 1990. The report concluded that there were no significant archeological resources encountered during the survey, and there is a possibility of subsurface prehistoric remains. However, the survey is outdated by the State Historic Preservation Office (SHPO) standards, and will require a new survey to be conducted.

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

Alternatives The applicant has not provided project 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.

Interested parties are invited to submit written comments on or before **August 14, 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 also be obtained through our web-site at www.spk.usace.army.mil/cespk-co/regulatory/PNs. If additional information is required, please contact Mark Vespoli of Fox Creek, LLC, telephone 916-267-8922, his agent Diane Moore, telephone 209-365-6828 or Project Manager Jason Gipson, at the letterhead address, telephone 916-557-7735, or e-mail: jason.a.gipson@usace.army.mil.

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

Attachments: 4 Drawings