



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Number: 200400090

Date: August 18, 2006

Comments Due: September 17, 2006

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Jessie Avenue subdivision project, which would result in impacts to approximately 1.16 acres of waters of the United States, including wetlands, which flow to Magpie Creek. 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:** Dunmore Communities, Ted Kozak  
1115 Orlando Avenue  
Roseville, California 95661

**LOCATION:** The approximate 26.7-acre project site is located east of Rio Linda Boulevard, west of Dry Creek Road, and north of Interstate 80 at the eastern terminus of Jessie Avenue near the City of Sacramento. The site is further located in Section 11, Township 9 North, Range 5 East, Sacramento County, California, and can be seen on the Rio Linda USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct 185 single-family residential lots, a 2.6-acre park site, a 1.76-acre detention basin and associated infrastructure. Road and infrastructure access will be from May Street and Dry Creek Road to the north and from Jessie Avenue to the west. Based on the available information, the overall project purpose is to construct an in-fill residential subdivision of approximately 25 to 30 acres in size located in the northern portion of the City of Sacramento. The applicant believes there is a need to construct an in-fill project providing high density single family residential housing for the City of Sacramento. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** The site is bordered by Dry Creek Road to the east, a City of Sacramento drainage canal and Interstate 80 to the south, and a mix of roads and residential subdivisions to the north and west. The site consists of nearly level to gently undulating terrain that slopes and drains to the south and southwest. Jessie Avenue terminates near the center of the site. Historically, the site may have been used for a variety of agricultural purposes including orchards, winter oats and hay production, and cattle grazing. Today, the site appears altered and

disturbed by disking and plowing activities. The site supports an annual grassland community and contains a variety of ornamental species along the eastern and northern portions of the site.

There are approximately 1.16 acres of seasonal wetlands and swales within the project area. The wet swales convey onsite water from the east across the site to the southwest. The swales do not pond water long-term. Dominant vegetation within the swales include ryegrass, Mediterranean barley, curly dock and spikerush. A large seasonal wetland is located in the eastern portion of the site. The wetland sustains long-term ponding during the winter and spring. Dominant plants include annual rabbit-foot grass, curly dock, water plantain, dense-flower spike-primrose, loosestrife slender milkweed and ryegrass.

**Alternatives.** The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**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 1.16 credits of seasonal wetlands at a Corps approved mitigation bank to compensate for 1.16 acres of impacts to seasonal wetlands.

To mitigate for impacts to 0.02 acres of seasonal wetlands occupied by the listed vernal pool crustaceans, payment is proposed to be made into the U.S. Fish and Wildlife Service's Species Fund for 0.02 acre of vernal pool creation. Additionally, 0.04 acre of vernal pool preservation credits will be purchased at the Bryte Ranch Vernal Pool Preservation Bank.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of California is required for this project. The applicant has indicated they have applied for certification.

**HISTORIC PROPERTIES:** Based on the available information, cultural resources are not within the project's area of potential effect.

**ENDANGERED SPECIES:** The proposed activity may affect the Federally-listed endangered or threatened vernal pool fairy shrimp and vernal pool tadpole shrimp, or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, as appropriate.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely 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, 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 200400090, must be submitted to the office listed below on or before September 17, 2006:

Anna Sutton, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@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 Corps' project manager Anna Sutton, 916-557-7759, [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@usace.army.mil).

Attachments: 2 drawings