



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200400091

Date: November 21, 2005

Comments Due: December 21, 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 South residential subdivision project, which would result in a loss of approximately 0.95 acres of waters of the United States, including seasonal wetlands and an approximately 0.34-acre isolated vernal pool. 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: Thomas E. Martin
Thomas E. Martin and Associates
120 Blue Ravine Road
Folsom, California 95630

LOCATION: The Wildhawk South project site is approximately 21.1 acres in size, and is located immediately west of Vineyard Road and north of and adjacent to Laguna Creek. The property lies within Section 16, Township 7 North, Range 6 East, in Sacramento County, California. See Figure 1 for a vicinity map.

PROJECT DESCRIPTION: Based on the available information the overall project purpose is to construct a small scale residential subdivision within the Sacramento County Urban Services Boundary south of Highway 50. The proposed project includes construction of 78 single-family residential lots, as shown on Figure 2. Construction of the project as proposed will result in the filling and grading of approximately 1.29 acres of aquatic habitat consisting of a 0.95-acre seasonal wetland and a 0.34-acre vernal pool, as shown on Figure 3.

Road and infrastructure access will be from Vineyard Road to the east and from the existing Wildhawk subdivision to the north. A storm drain outfall required for the project will be constructed through the property to the south and east and will discharge into an existing storm drain pipe as shown on Figure 4.

Impacts to Waters of the United States: Development of the 78 residential lots and landscape corridors will result in direct impacts to all of the wetlands (1.29 acres) on the project site. This includes impacts to 0.95 acre of waters of the U.S. and 0.34 acre of vernal pool wetlands.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 1.29 acres of wetlands within the project area. The site, which has been generally leveled and historically farmed, is dominated by annual upland grassland species and typical wetland plants.

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 mitigate for impacts to the wetlands on the site by purchase of wetland 2.85 vernal pool preservation credits and 1.29 seasonal wetland creation credits at Corps and USFWS-approved mitigation banks.

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

HISTORIC PROPERTIES: A cultural resources survey was conducted for the Vineyard Springs Comprehensive Plan area by Peak and Associates. No historic properties or other cultural resources were identified on the Wildhawk South property. The applicant has indicated this finding was confirmed during a field check made as part of the Initial Study process by staff of the Sacramento County Department of Environmental Review and Assessment and that if during grading activities any previously unknown cultural resource features are discovered, work will cease until an assessment can be made under Section 106 of the National Historic Preservation Act. Based on the available information there are no cultural resources within the Corps' Area of Potential Effect for this action.

ENDANGERED SPECIES: The project may affect the federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*). The vernal pool and seasonal wetland are potential habitat for these species. Although, the applicant has not conducted protocol-level surveys for these species, their presence is assumed for purposes of this application.

The project may also affect threatened the giant garter snake (*Thamnophis gigas*)(GGS). The project is located immediately north of Laguna Creek, which is considered potential habitat for GGS. Although there is no aquatic habitat for GGS on the project site, a small area of uplands at the southwest corner of the project site (6012 square feet, or 0.14 acre) is located within 200 feet of Laguna Creek and will be permanently adversely impacted by development. In addition, trenching for installation of the storm drain outfall will temporarily impact 0.57 acre of upland GGS habitat. The applicant proposes to mitigate this impact by restoring the site to preconstruction contours.

The applicant proposes mitigation for the permanent loss of 0.14 acre of upland GGS habitat be made via payment into the USFWS Species Fund for 0.42 acre credits of GGS habitat, prior to impacting the waters of the U.S. on the project site.

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 200400091, must be submitted to the office listed below on or before November 1, 2005:

William Guthrie, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.H.Guthrie@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 William Guthrie, 916-557-5269, William.H.Guthrie@usace.army.mil.

Attachments: 4 drawings