



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200400213

Date: January 17, 2005

Comments Due: February 16, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Fiddymont 44 project, which would result in impacts to approximately 1.582 acres of waters of the United States, including wetlands, in or adjacent to the Pleasant Grove 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 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Mr. Dave Lange
Meritage Homes of California, Inc.
1544 Eureka Road, Suite 150
Roseville, California 95661
916-677-5795

LOCATION: The project site is located in Roseville in Section 16, Township 11 North, Range 6 East, Placer County, of the "Roseville, California" 7.5 minute USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct 148 one- and two-story single-family residential units, each on lots approximately 45' wide and 110' deep. In the northeast portion of the property, the applicant proposes to preserve part of an existing stock-pond as open-space and enhance the pond to provide habitat and recreational area. The un-named tributary of Pleasant Grove Creek, a perennial creek occupying 0.181 acres along the northern perimeter of the property, would be designated for preservation. In the southwestern portion of the property, the proposed lot development would result in the fill of a total of 1.582 acres of seasonal wetlands, drainage ditch and swales. The applicant proposes to mitigate for impacts to wetlands by on-site avoidance, enhancement of the stock-pond area, restoration of seasonal wetlands within the open space area, and the purchase of vernal pool mitigation credits at an agency approved mitigation bank.

The purpose of the proposed project is to provide additional housing units in Placer County. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 1.476 acres of wetlands and 0.539 acres of other waters. Wetlands consist of naturally occurring seasonal wetlands (0.842 acre), seasonal wetlands that persist as remnants of a historic stock pond (0.218 acre), and seasonal wetland swales (0.364 acre). Other waters consist of ephemeral drainages (0.450 acre), a perennial drainage (0.181 acre) and an ephemeral pond totaling 0.313 acre. The site is characterized by valley foothill riparian, oak woodland, annual grassland, seasonal wetlands, and the stock pond. Historically, the 44-acre parcel supported cattle, grain,

poultry, sheep and pasture operation with its own feed mill, storage silos, and corrals along the necessary farm equipment. The proposed project consists of infill into a developed portion of the City of Roseville. Land use to the north and east includes existing commercial, to the west is residential (currently under construction), and to the south is the arterial Blue Oaks Boulevard and Hewlett-Packard.

Alternatives. The applicant has provided information concerning project alternatives. The alternatives considered by the applicant included a complete fill alternative, three reduced fill alternatives, and the no project alternative. Eight off-site alternatives were also assessed. 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 proposes to avoid 0.433 acres of aquatic resources and to designate a preserve to include the avoided wetlands and associated uplands. The applicant proposes to mitigate for impacts to wetlands by on-site avoidance, enhancement of the stock-pond area, restoration of seasonal wetlands within the open space area, and the purchase of vernal pool mitigation credits at an agency approved mitigation bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification, 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 not indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information (including applicant's letter report dated June 21, 2004), cultural resources are not located within the project's area of potential effect. A record and literature search was completed using files from the North Central Information Center. The results of the literature search indicated that no previously recorded prehistoric resources sites are known to be located within or adjacent to the project area, and that two previously recorded historic structures do not appear to be of sufficient age to be considered as historic properties. The records show that a previous archaeological study survey was conducted for the Cultural Resource Assessment of the 350 Acre Walaire Property, Northwest Roseville Area, Placer County, California by Peak and Associate, March 1995. The entire project area was covered by this survey. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their 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 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 200400213, must be submitted to the office listed below on or before February 16, 2005:

Tom Cavanaugh, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Thomas.J.Cavanaugh@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 Tom Cavanaugh, 916-557-5261, Thomas.J.Cavanaugh@usace.army.mil.

Attachments: 4 drawings