



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200400287

Date: June 16, 2004

Comments Due: June 16, 2004

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 Croftwood Lake Residential Subdivision project, which would result in impacts to approximately 0.91 acres of waters of the United States, including wetlands, adjacent to the Secret Ravine. 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/cespk-co/regulatory/PNs/index.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: David J. Bugatto, Alleghany Properties, Inc.
2150 River Plaza Drive, Suite 155
Sacramento, California 95833
916-648-7700

LOCATION: The project site is located west of Barton Road, north of Sierra College Boulevard, in the city of Rocklin in Section 15, Township 11 North, Range 7 East, Placer County, California, and can be seen on the Rocklin USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a residential subdivision. Approximately 47 acres would be developed to create 155 single-family residential dwelling units. The applicant proposes to access the site by building a road across Secret Ravine that would intersect Sierra College Boulevard approximately 3,000 feet to the west of the site.

Alleghany Properties, Inc. was issued a cease and desist order on November 17, 1997 for unauthorized excavation and dam repair activities in Croftwood Lake. The project was later authorized by the Corps of Engineers on February 16, 1999 under Nationwide Permit No. 26 (Department of the Army permit number 199300352). A request to modify the project by relocating the access road so it did not cross Secret Ravine, was received on February 9, 2000, and approved by the Corps on March 30, 2000. The Croftwood Lake residential subdivision authorized under Corps permit number 199300352 was not completed. The applicant has requested a re-authorization for the Croftwood Lake residential subdivision under an individual permit.

There are 11.29 acres of waters present on the project site and right of way for the access road associated with the Croftwood Lake project. Exhibit E provides a table of the acreage and types of waters of the United States present on the project site. A total of 0.91 acres of waters of the United States (0.40 acres of seasonal wetlands, 0.12 acres of freshwater marsh, 0.26 acres of seep, and 0.13 acres of open water) would be lost as a result of constructing the proposed subdivision and access road. Exhibit B, C, and D

are drawings of existing conditions and the proposed subdivision map overlay. The project may also result in unquantified indirect impacts to some portion of the remaining 10.38 acres of waters on the project site. Grading activities on the project site will result in the discharge of 4,500 cubic yards of earthen materials to waters of the United States. Exhibit E provides a table listing the existing, proposed fill, and proposed preservation of waters on the project site.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 11.29 acres of wetland within the project area, including seasonal wetlands, freshwater marsh, intermittent drainages, seeps, and open water. Four elderberry bushes occur along Secret Ravine, within 100 feet of the proposed access road crossing. The property has most recently been used for cattle grazing.

Alternatives. The applicant has not provided information concerning project alternatives.

Mitigation. The applicant has proposed to mitigate for the loss of waters of the United States through the purchase of credits from an approved mitigation bank. The applicant proposes to purchase the corresponding number of credits necessary to compensate for the loss of 0.91 acres of waters of the United States. These credits will be purchased prior to the initiation of any work in waters of the United States. The applicant does not intend to purchase credits for 0.03 acres of open water, that was temporarily impacted by dam reconstruction. The applicant however, proposes to re-establish the riparian characteristics of along the banks of Croftwood Lake by planting native, riparian trees such as willows, cottonwoods and valley oaks.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Water Resources Control Board, is required for this project. The applicant has indicated they have applied for certification. The applicant has also received a Streambed Alteration Agreement (1603 Agreement) from the California Department of Fish and Game on February 17, 1999.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled Croftwood Project - Addendum II, dated February 1998), there are potential eligible cultural resources that may be affected by the proposed project. These include 3 prehistoric bedrock milling sites and one historic mining site (part of the Secret Ravine Placer Mining Complex). The applicant has not submitted a recent records check and literature review (not more than one year old) as required by the Sacramento District Regulatory Branch Guidelines for Compliance with Section 106 of the National Historic Preservation Act.

ENDANGERED SPECIES: The proposed activity may affect federally-listed endangered or threatened species including the Valley elderberry longhorn beetle. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate. Secret Ravine is tributary to Dry Creek where endangered anadromous fish species are known to occur. The project could potentially affect anadromous fish species including: (a) steelhead (b) winter-run Chinook salmon (c) fall-run Chinook salmon (d) late fall-run Chinook salmon and (e) spring-run Chinook salmon. The Corps will initiate consultation with the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act. Secret Ravine is

tributary to Dry Creek, a water that has been designated as essential fish habitat for fall-run Chinook salmon.

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 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

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 200400287, must be submitted to the office listed below on or before July 16, 2004:

Andrea Jones, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Andrea.J.Jones@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 Andrea Jones, 916-557-7745, Andrea.J.Jones@usace.army.mil.

Attachments: 2 figures, 2 tables