



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

Public Notice

Number: 200400940

Date: March 23, 2006

Comments Due: April 22, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to continue constructing the Castle Oaks Golf Course and subdivision project, which would result in impacts to approximately 1.799 acres of waters of the United States, including wetlands tributary and adjacent to Mule 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: JTS Communities, Rob Aragon
410 Watt Avenue
Sacramento, California 95864
916-487-3434

LOCATION: The project site is located in Ione in Projected Sections 23, 24, 25, and 26, Township 6 North, Range 9 East, MDB&M, Amador County, California, and can be seen on the Amador City USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The original 460.00-acre project included the development of a golf course, clubhouse, and homes was started in the 1990's. The applicant is proposing to continue constructing this subdivision around the existing golf course. The applicant is proposing to fill 1.799 acres of wetlands with the construction of this last phase of development. These wetlands include 1.160 acres of seasonal wetlands as well as 0.639 acres of created mitigation seasonal wetlands. The attached drawings provide additional project details. The original project, which includes the proposed work announced by this Public Notice, was permitted by the Corps in 1989 under Nationwide Permit Number 26 for the filling of 2.82 acres.

ADDITIONAL INFORMATION:

Environmental Setting. The current proposed project site is approximately 181.50 acres surrounded by the Castle Oaks Golf Course and undeveloped lands that are relatively undisturbed yet it was historically farmed and grazed. The project contains a portion of Mule Creek which is to be preserved. There are approximately 4.55 acres of waters of the United States including wetlands within the project area. The site contains 1.16 acres of seasonal wetlands, 0.70 acres of ponds and 2.69 acres of Mule Creek.

Alternatives. The applicant has provided some 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 compensate for impacts to waters of the United States by creating seasonal wetlands on-site and by putting Mule Creek and its associated buffer into a natural open space area with a corresponding conservation easement.

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 may have applied for certification. The project must also obtain a Streambed Alteration Agreement from California Department of Fish and Game and a Development Agreement from the City of Ione.

HISTORIC PROPERTIES: Based on the available information, cultural resources do not appear to be within the Corps identified project's area of effect. The Corps will follow the requirements of Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate. The Corps has initiated consultation on the Federally-listed California red-legged frog (*Rana aurora draytonii*), California tiger salamander (*Ambystoma californiense*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*) or designated critical habitat.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat 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 200400940, must be submitted to the office listed below on or before **April 22, 2006**:

Kathy Norton, Project Manager
US Army Corps of Engineers, Sacramento District
San Joaquin Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Kathy.Norton@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, the applicant's consultant Emily Keller of EIP Associates at 916-325-4800, or the Corps' project manager Kathy Norton, 916-557-5260, Kathy.Norton@usace.army.mil.

Attachments: Drawings (2)