



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200400942

Date: January 24, 2006

Comments Due: February 23, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Central Lathrop Phase 1] project, which would result in impacts to approximately 1.8 acres of waters of the United States, including wetlands, in or adjacent to the San Joaquin River. 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: Richland Planned Communities, Inc.
2220 Douglas Boulevard, Suite 290
Roseville, California 95661
916-782-3330

LOCATION: The project site is located in Lathrop in the un-sectioned portion of Township 1 South, Range 6 East, San Joaquin County, California, and can be seen on the "Lathrop, California" 7.5' USGS Topographic Quadrangle. The project is located at approximately 37°49'25" North and 121°18'00" West.

PROJECT DESCRIPTION: The applicant is proposing to construct a mixed-use residential/commercial development within an 880-acre site in Lathrop, CA, just northwest of the current city limits. The proposed project includes the development of 828 acres of the 880 total acres. Based on the available information, the overall project purpose is to construct residential and commercial development including infrastructure, schools and open space within the urbanizing areas of San Joaquin County. The applicant believes there is a need to provide such development to accommodate the growing population of the California Central Valley region. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 4.0 acres of seasonal wetlands, 18.3 acres of San Joaquin River, and 1.6 acres of irrigation and drainage ditches within the project area. The site is characterized by actively farmed agricultural lands interspersed with farmsteads and associated outbuildings. There are several occupied dwelling units within the site. These consist primarily of permanent homes although there are several mobile homes and temporary housing

for agricultural workers. Land north of the site is primarily in agricultural use. Land south of the site has been approved for residential and commercial development as part of the Mossdale Landing project in the West Lathrop Specific Plan area. Land west of the San Joaquin River is primarily in agricultural use. Interstate 5 provides the eastern boundary of the plan area, separating the site from the existing developed portions of Lathrop, located east of I-5. Vegetation within the site is primarily cropland and other developed or previously disturbed habitats. Native vegetation occurs along the San Joaquin River, which borders the western edge of the site, and within several of the drainage ditches that traverse the site. Cropland accounts for approximately 820 acres and consists of row crops and associated agricultural weeds. Crops under cultivation include alfalfa hay, squash, safflower, tomatoes and corn. Annual grasslands found on-site are dominated by non-native Mediterranean grasses. These include Italian ryegrass (*Lolium multiflorum*), medusahead grass (*Taeniatherum caput-medusae*), little quaking grass (*Briza minor*), and wild oat (*Avena* sp.). Other non-native herbaceous species found in this community include filaree (*Erodium botrys*), wild radish (*Raphanus* sp.), yellow thistle (*Centaurea solstitialis*), common vetch (*Vicia sativa*), and sticky tarweed (*Holocarpha virgata*).

Alternatives. The applicant has not provided information concerning project alternatives. 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 restore approximately 1.8 acres of riparian habitat within the oxbow area of the proposed on-site preserve. The area is bordered by the San Joaquin River to the northwest. The area proposed for restoration has been regularly disced through historical farm practices and is void of riparian vegetation. The applicant proposes to restore the area with riparian plantings including wild roses (*Rosa californica*), wild grape *Vitis californica*), blackberries (*Rubus ursinus*), marsh baccharis (*Baccharis douglasii*), and coyote brush (*Baccharis pilularis*). These low growing shrubs and vines provide favorable habitat for riparian brush rabbits, which are known to occur in the general vicinity.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board, is required for this project. The applicant has indicated they have applied for certification. The project was included within the Central Lathrop Specific Plan Environmental Impact Report (SCH#2003072132). A Notice of Determination (NOD) was submitted to the Governor's Office of Planning and Research and the San Joaquin County Clerk on November 10, 2004.

HISTORIC PROPERTIES: Based on the available information, including the report provided by the applicant entitled "Central Lathrop Specific Plan, Cultural Resources Inventory, San Joaquin County", potentially eligible cultural resources may be affected by the proposed project. Of those areas covered by on-the-ground surveys, no prehistoric or historic archeological sites were discovered. Several buildings and structures constructed post-World War II are on the project property. A literature review indicated that there are no cultural properties listed or

eligible for the National Register of Historic Places. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act.

ENDANGERED SPECIES: The project may affect Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. These may include the Delta button celery (*Eryngium racemosum*), slough thistle *Cirsium crassicaule*), and Sanford's arrowhead (*Sagittaria sanfordii*). Other special-status species, including but not limited to, the delta smelt (*Hypomesus transpacificus*), the Central Valley steelhead (*Oncorhynchus mykiss*), and the Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*), occurring at the Central Lathrop Phase 1 project area are covered through the San Joaquin Multiple Species Habitat Conservation and Open Space Plan (SJMSCP). The riparian brush rabbit (*Sylvilagus bachmani riparius*), a Federally-listed species, is not covered under the SJMSCP. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: According to information provided by the applicant, the proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

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 200400942, must be submitted to the office listed below on or before February 17, 2006:

Patti Johnson, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Patti.P.Johnson@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 Patti Johnson, 916-557-6611, Patti.P.Johnson@usace.army.mil.

Attachments:

Figure 1, Project Site and Vicinity Map

Figure 2, Waters of the U.S. Acreage