



Public Notice

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

Number: 200500660
Date: October 18, 2006
Comments Due: November 18, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Country Club Estates project, which would result in impacts to approximately 1.361 acres of waters of the United States, including wetlands, in or adjacent to the Clark Slough. 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: Rob Aragon
JTS Communities, Incorporated
401 Watt Avenue
Sacramento, California 95864
916-487-3434

LOCATION: The project site is located in Olivehurst in Sections 30 and 31, Township 14 North, Range 4 East, Yuba County, California, and can be seen on the Olivehurst USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a mix of residential neighborhoods, a junior high school, neighborhood parks, recreation areas, and an extensive open space and trail network. Based on available information, the overall project purpose is to develop an approximately 500-600 acre housing project in southern Yuba county. The applicant believes there is a need to develop the landscape into an urban community which will include parks and open spaces. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 4.146 acres of seasonal wetlands, sloughs, drainage ditches, and intermittent drainage within the project area. The site is characterized by one slough totaling 1.678 acres which is surrounded by herbaceous and woody riparian plants, seasonal wetlands totalling 0.954 acres which are ephemeral wet and contain emergent hydrophytic vegetation, as well as 0.889 acres of drainage ditch and 0.625 acres of intermittent drainage which also supports wetland plant species. These areas are potential habitat for some threatened or endangered species.

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 permanently preserve and protect a total of 1.361 acre of created and 0.556 acre of preserved seasonal wetland/slough and drainage habitat on site.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley Regional Water Quality Control Board is required for this project. The applicant has indicated they have applied for certification. An environmental Impact Report will be prepared by Yuba County. A request for a Lake and Streambed Alteration Agreement will be submitted to the California Department of Fish and Game.

HISTORIC PROPERTIES: Based on the available information, historic or cultural resources may be within the project's area of potential effect. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate. A records search was conducted by Northern California Information Center which found no records of recorded prehistoric, historic, or archeological resources on site.

ENDANGERED SPECIES: The project may affect Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. Species of concern include the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*, VELB), Vernal Pool Fairy Shrimp (*Lepidurus padkardi*), Slender Orcutt Grass (*Orcuttia tenuis*), and the Giant Garter Snake (*Thamnophis gigas*). 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, 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 200500660, must be submitted to the office listed below on or before November 9, 2006:

Matt Rabbe, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Matt.R.Rabbe@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 Matt Rabbe, 916-557-5250, Matt.R.Rabbe@usace.army.mil.

Attachments: Vicinity Map
Delineation Map
Project Map