



Public Notice

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

Number: 200500692

Date: June 11, 2007

Comments Due: July 11, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Gilbert residential subdivision project, which would result in impacts to a total of approximately 1.98 acres of wetlands including 1.21 acres of adjacent perennial wetland, 0.63 of adjacent seasonal wetland, and 0.14 acres of tidal wetland in or adjacent to Dutch 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 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: Castle Companies
12885 Alcosta Boulevard, Suite A
San Ramon, California 94583
Attn: Steve Garrett

LOCATION: The site is located in Section 29, Township 2 North, Range 3 East, Contra Costa County, California, and can be seen on the Brentwood USGS 7.5 minute USGS Topographic Quadrangle. The site is bounded on the south by Cypress Road; on the west by Sellers Avenue; on the east by Dutch Slough; and on the north by the Contra Costa Canal.

PROJECT DESCRIPTION: The applicant is proposing to construct approximately 510 homes on 120 acres of an approximately 140-acre site between the channelized extension of Dutch Slough and Sellers Avenue, south of the Contra Costa Canal and north of Cypress Road. The applicant states that the project is necessary because of the demand for homes in the region. In addition to the homes, the Gilbert project would also construct a neighborhood park on 3 acres and a stormwater detention pond on approximately 5 acres. Other open spaces and pedestrian trails would be included in the project. Based on the available information, the overall project purpose is to construct a residential subdivision. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are total of 2.50 acres of waters of the United States on the project site, including 1.21 acres of adjacent perennial wetland, 0.63 acres of adjacent seasonal wetland, 0.52 acres of slough and 0.14 acres of tidal wetland. The proposed project would impact 1.98 acres of jurisdictional area, preserving all 0.52 acres of slough.

The 140-acre project site is a leveled, former irrigated pasture. A remnant sand mound is located near the center of the site. An arm of Dutch Slough borders the site on the east and the Contra Costa Canal is located to the north.

Alternatives. The applicant has not provided 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 mitigate off-site approximately 7.5 miles south of the project at Roddy Ranch. The mitigation proposal includes the restoration of approximately 2.42 acres of wetland channel, 1.54 acres of seasonal marsh, and approximately 1.5 acres of native upland (grassland) buffers.

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 stated they will apply for water quality certification.

HISTORIC PROPERTIES: The applicant has not provided a cultural resources information at this time. The Corps will initiate consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act, as appropriate when the applicant has provided sufficient information to initiate 106 coordination with the SHPO.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species, including giant garter snake (*Thamnophis gigas*) or their critical habitat. 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 200500692, must be submitted to the office listed below on or before June 21, 2007:

William Guthrie, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.H.Guthrie@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 William Guthrie, 916-557-5269, William.H.Guthrie@usace.army.mil.

Attachments: 7 drawings