



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200500772

Date: June 12, 2006

Comments Due: July 12, 2006

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 Amber Hills project, which would result in impacts to approximately 0.94 acres of waters of the United States, including wetlands, in or adjacent to an unnamed tributary to Horse 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: Pavillion Homes
1314 18th Street, Suite B
Sacramento, California 95814
916-716-4506
ATTN: Eric Peterson

LOCATION: The project site is located in the North Vacaville area east of the McMurtry Lane and Browns Valley Road intersection, in Township 6 North, Range 1 West, Solano County, California, and can be seen on the Allendale USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to fill 0.94 acre of waters to construct a 42-home residential development and associated infrastructure on 24.8 acres. The entire site will be graded and the wetlands filled with onsite native material. The site was formerly composed of residences, barns, outbuildings and associated horse pastures. Based on the available information, the overall project purpose is to construct an upscale residential housing community in the north Vacaville market area. The applicant believes there is a need to supply the existing and future need for additional housing in the northern portion of the City of Vacaville to meet current and projected population growth. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 0.94 acres of seasonal wetlands and seasonal swales within the project area. The site is characterized by mostly level terrain and some small hills. The vegetation is comprised mostly of non-native grasses and a mixture of native and non-native forbs in the uplands. The wetlands support more hydrophytic species along with the grasses. There are also many ornamental or horticultural trees and shrubs maintained in and around the residences. The surrounding area is mostly comprised of rural housing and agricultural uses such as orchards and some livestock. The site drains both to the north and east to two separate drainages which converge into a tributary of Horse Creek about

one mile east of the project site. Residential development has already occurred south and east of the project site and additional residential development is underway in the general vicinity.

Alternatives. The applicant has provided information concerning project alternatives. 18 off-site alternatives locations were identified within the designated market area. Ten of the 18 sites also had adequate size to accommodate the overall project purpose. The 10 off-site alternatives were further analyzed and all were eliminated due to one or more of the following reasons: unsuitable physical conditions, infrastructure requirements, availability and incompatible land use designation. Three on-site alternatives, including the proposed project, the no fill alternative and the partial fill alternative were analyzed. The applicant eliminated both the no fill and the partial fill alternative as impracticable due to cost because both alternatives reduce the number of houses and the no fill alternative requires additional infrastructure costs for bridges.

Additional information concerning project alternatives may be available from the applicant or his agent (see contact information below). 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 applicant has proposed to offset impacts to waters through purchase of mitigation credits at a 2:1 ratio from a Corps-approved mitigation bank in Solano County.

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 will apply for certification concurrently with this application. The applicant has also indicated he will apply for a 1602 streambed alteration agreement from the California Department of Fish and Game concurrently with this application.

HISTORIC PROPERTIES: The applicant has stated, Based on the available information, cultural resources not are within the project's area of potential effect.

ENDANGERED SPECIES: Based on the applicant's biological assessment, the project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

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 200500772, must be submitted to the office listed below on or before **July 12, 2006**:

Marc Fugler, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Marc.A.Fugler@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 applicant's agent Sean Lohmann, LSA Associates, Inc., at 510-236-6810.

Attachments: 3 drawings