



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200500948

Date: January 20, 2006

Comments Due: February 19, 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 JTS Morvai project, which would result in impacts to approximately 0.538 acres of waters of the United States, including wetlands, which are tributary to Elder 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, Incorporated
Rob Aragon
401 Watt Avenue
Sacramento, California 95864
916-487-3434

LOCATION: The project site is located in the North Vineyard Station Specific Plan, near the intersection of Florin Road and Bradshaw Road, in Section 5, Township 7 North, Range 6 East, Sacramento County, California, and can be seen on the Elk Grove USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a small residential development which would include 99 low-density single-family units, a neighborhood park, and a network of residential streets. Based on the available information, the overall project purpose is to construct a residential development, of approximately 20-30 acres, within the Sacramento County Urban Services Boundary south of U.S. Highway 50. The attached drawings provide additional project details.

As proposed, the construction of the residential development would cause the permanent loss of all 0.538 acre of wetlands on the site, including 0.392 acre of vernal pools and 0.146 acre of seasonal wetland. All wetland features proposed to be impacted have been identified as potential habitat for Federally-threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and Federally-endangered vernal pool tadpole shrimp (*Lepidurus packardii*).

ADDITIONAL INFORMATION:

Environmental Setting. The 23-acre project site is characterized by non-native annual grassland which includes scattered seasonal wetland features. The site was historically grazed by livestock. The surrounding land uses are undeveloped pasture, nursery, and rural residential developments. The applicant has indicated that there are approximately 0.538 acre of wetlands

within the project area, which include eight (8) vernal pools (0.392 acre) and six (6) seasonal wetlands (0.146 acre). The wetland delineation has not been verified by this office.

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 purchase creation credits at a 1:1 ratio (created to impacted) and preservation credits at a 2:1 ratio (preserved to impacted) at a Corps and U.S. Fish and Wildlife Service (USFWS) approved mitigation bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State Regional Water Quality Control Board is required for this project. The applicant has indicated they will apply for 401 certification.

HISTORIC PROPERTIES: Information on potential historical resources within the project area has not been provided to this office. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-threatened vernal pool fairy shrimp (*Branchinecta lynchi*), Federally-endangered vernal pool tadpole shrimp (*Lepidurus packardi*), or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of 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 200500948, must be submitted to the office listed below on or before February 19, 2006:

Mr. David Leput, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: david.w.leput@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 Mr. David Leput, 916-557-5327, david.w.leput@usace.army.mil.

Attachments: 2 drawings