



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

Public Notice

Number: 200501150

Date: August 17, 2006

Comments Due: September 16, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Krause project, which would result in impacts to approximately 0.552 acre of waters of the United States, including wetlands, in or adjacent to a tributary of 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: Lennar Communities, Bob Shattuck
1075 Creekside Ridge Road, Suite 110
Roseville, California 95678
916-783-3224

LOCATION: The 21-acre project site is located in the North Vineyard Station Specific Plan area, south of Florin Road, approximately 0.5 mile west of 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, California" USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a multi-family residential development on two parcels totaling approximately 16 acres. The proposed Sacramento County zoning is RD-20 (Multifamily Residential, maximum of 20 dwelling units per acre). The remaining acreage would be for a 4.5 acre wetland preserve and road system. Based on the available information, the overall project purpose is to construct a residential development, of approximately 15-25 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 0.552 acre of wetlands on the site, including 0.136 acre of vernal pools, 0.183 acre of seasonal wetlands, and 0.233 acre of seasonal wetland swales.

ADDITIONAL INFORMATION:

Environmental Setting. The 21-acre project site is characterized by non-native annual grassland that is interspersed with a complex of vernal pools and other seasonal wetlands and drainage swales. The site was historically used as pastureland for livestock. The surrounding

land uses are rural residences, developed and undeveloped roadways, pastureland, and similar annual grasslands with seasonal aquatic features.

The applicant has indicated that there are approximately 1.402 total acres of wetlands, including 0.261 acre of vernal pools, 0.183 acre of seasonal wetland, and 0.958 acre of seasonal wetland swale. The wetland delineation has been field reviewed, but 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 an on-site wetland preserve that would avoid impacts to 0.850 total acre of wetlands, 0.125 acre of vernal pool and 0.725 acre of seasonal wetland swale.

Also, the applicant has proposed to mitigate for impacts to wetlands by creating wetlands at a 1:1 ratio (created to impacted) at Gill Ranch. Also, the applicant has proposed to mitigate for potential listed-species habitat, vernal pool crustaceans, by preserving habitat at a 2:1 (preserved to impacted ratio) at the Klotz Property.

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

HISTORIC PROPERTIES: The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-endangered or threatened species or their critical habitat. The listed species potentially located on the site are vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), slender Orcutt grass (*Orcuttia tenuis*), and Sacramento Orcutt grass (*Orcuttia viscida*). The Corps will initiate consultation with the U.S. Fish and Wildlife 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 200501150, must be submitted to the office listed below on or before September 16, 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: 4 drawings