



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

Public Notice

Public Notice Number: SPK-2006-311

Date: December 17, 2008

Comments Due: January 17, 2009

In reply, please refer to the Public Notice Number

SUBJECT: Interested parties are hereby notified that the U.S. Army Corps of Engineers, Sacramento District, (Corps) has received a revised application to perform work in waters of the United States as described below and shown on the enclosed drawings. The work was previously described in Public Notice No. 200600311, dated December 18, 2007. The revision consists of combing the East and West Delta Shores proposed projects into one application to construct the entire Delta Shores project, which would result in direct impacts to approximately 17.251 acres of waters of the United States, including wetlands (seasonal wetland, seasonal wetland swale) and other waters (drainage ditches) and temporary impacts to 8.993 acres of seasonal wetland swales. 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: Merlone Geier Management, LLC
3580 Carmel Mountain Road, Suite 260
San Diego, California 92130
Mr. David Geiser
858-350-1977

LOCATION: The project site is located in portions of sections 11, 12, 13 and 14, Township 7 North, and Range 4 East (MDBM) and a portion of sections 7 and 18, Township 7 North, and Range 5 East (MDBM) of the "Florin and Clarksburg, CA" 7.5-minute quadrangle (U.S. Department of the Interior, Geological Survey, 1980). The center of the site is located at approximately 38° 28' 00" North and 121° 29' 00" West within the Lower Sacramento River Watershed (18020109) (U.S. Department of Interior, Geological Survey 1980).

PROJECT DESCRIPTION: The applicant is proposing to place 77,500 cubic yards of soil fill material in 17.251 acres of waters of the U.S. to include, 4.546 acres of seasonal wetlands, 11.706 acres of seasonal wetland swales, and 0.999 acres of drainage ditches to construct a mixed-use development and to temporarily impact 8.993 acres of seasonal wetland swales to construct on site mitigation. The applicant's stated project purpose is to construct a mixed-use development. The applicant believes there is a need to serve the growing specialized commercial and residential needs of an expanding community within the City and the district of South Sacramento. The attached drawings provide additional project details.

The proposed Delta Shores project would consist of a regional shopping center, along with commercial, residential, and public use areas. This will provide approximately 5,092 residential units on approximately 379 acres of land, as well as commercial (147 acres), public / quasi-public (7 acres), two schools (20 acres), neighborhood parks (62 acres), and open space (82.5 acres). In addition, detention and water quality basins have been designed to accommodate the water quality and stormwater management needs for the site, as well as the restoration of a prominent seasonal wetland swale to improve water quality within the Lower Sacramento River Watershed.

ADDITIONAL INFORMATION:

Environmental Setting. The 751 acre site (original project study area of 802 acres minus the “Not a Part of this Submittal” [NAPOTS] area of 51 acres, which includes the Interstate 5 (I-5) Interchange and Cosumnes River Boulevard improvements) is located east of the Sacramento River, south of Meadowview Road, and north of Morrison Creek in Sacramento County, California. There are 27.470 acres of waters of the United States within the Delta Shores project area including wetlands (5.226 acre seasonal wetland and 21.035 acre seasonal wetland swale) and ‘other waters’ (1.208 acre drainage ditches). Impacts resulting from the I-5/Cosumnes River Blvd Interchange project are being addressed in a separate Corps application by others and are not a part of this project application.

The site currently consists of leveled agricultural land that is situated at an elevation between approximately 5 to 10 feet above mean sea level. The fields are seasonally planted in wheat or safflower, and have been farmed for several decades. Trees are largely absent from the Delta Shores site, except for scattered populations along portions of the project’s boundaries. Trees along the western boundary consist of a mix of Valley oak (*Quercus lobata*), walnut (*Juglans* sp.) and non-native varieties. Valley oak, walnut, and Fremont’s cottonwoods (*Populus fremontii*) are located at the southern boundary of the western side of Delta Shores, at the northern edge of the golf course to the south. In addition, a group of gum trees (*Eucalyptus* spp.) border a portion of the eastern boundary, but are located just outside of the project parcel boundary.

According to the Soil Survey of Sacramento County, California (U.S. Department of Agriculture, Soil Conservation Service 1993), ten soil units, or types, have been mapped within the site. These are: (114) Clear Lake clay, partially drained, 0-2% slopes, frequently flooded, (115) Clear Lake clay, hardpan substratum, drained 0-1% slopes, (135) Dierssen clay loam, deep, drained, 0-2% slopes, (141) Egbert clay, partially drained, 0-2% slopes, (142) Egbert clay, partially drained 0-2% slopes, frequently flooded, (152) Galt clay, 0-2% slopes, (153) Galt clay, 2-5% slopes, (154) Galt-Urban land complex, 0-2% slopes, (214) San Joaquin silt loam, 0-3% slopes, and (222) Scribner clay loam, partially drained, 0-2% slopes. All of these soil units except (214) are considered hydric soils, and all of these units contain hydric components and/or inclusions (U.S. Department of Agriculture, Natural Resources Conservation Service 2005).

Alternatives. The applicant has 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 proposes to mitigate for impacts to jurisdictional waters through the creation of an approximately 27.81-acre wetland preserve on the project site. In addition the project would incorporate post-construction Best Management Practices (BMPs), including both Low Impact Development (LID) and conventional treatment measures, into the design of all parcels. The applicant has proposed to mitigate for temporary and permanent impacts to the seasonal wetland swale through restoration of the feature equating to a total of 12 acres, and protection of the feature in perpetuity. To mitigate for the remainder of the permanent impacts (4.546 acres of seasonal wetland and 0.999 acre of drainage ditch), the applicant proposes to purchase of credits at an approved mitigation bank or other agency-approved mitigation site.

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 indicated they will apply for certification. The applicant has also indicated that a 1602 Streambed Alteration Agreement Application will be submitted to the California Department of Fish and Game. The proposed project is subject to the California Environmental Quality Act (CEQA). The CEQA lead agency is the City of Sacramento. The City of Sacramento is currently preparing a draft Environmental Impact Report (EIR) for the Delta Shores project.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled *Cultural Resources Survey and Evaluation Delta Shores*) potentially eligible cultural resources may be affected by the proposed project. 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-listed endangered or threatened species 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 SPK-2006-311 must be submitted to the office listed below on or before **January 17, 2008**.

Kristine Hansen, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814 2922
Email: Kristine.S.Hansen@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's agent ECOPR Consulting, Inc., Ms. Cynthia Herzog, 2525 Warren Drive, Rocklin, California 95677, 916-782-9100 or the Corps' Project Manager, Kristine Hansen, 916-557-7247, Kristine.S.Hansen@usace.army.mil.

Attachments: 3 drawings