



Public Notice

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

Number: 200600428
Date: December 21, 2006
Comments Due: January 21, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the North Vineyard Greens project, which would result in impacts to approximately 3.172 acres of waters of the United States, including wetlands, in or adjacent to Gerber 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: Peter Daru
North Vineyard Greens G.P.
720 Howe Avenue, Suite 103
Sacramento, California 95825-4669
916-641-2081

LOCATION: The 206-acre project site is located north of Gerber Road and west of Bradshaw Road, in Section 6, 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 residential housing development within the North Vineyard Station Specific Plan Area (Plan Area), which encompasses approximately 1,590 acres of the Vineyard Community Plan Area. The development described in this notice would include constructing 514 single-family residential lots for homes, five multi-family parcels, an on-site detention basin, open space areas, and a network of roads. This project is a combination of three (3) Corps applications (North Vineyard Greens Unit 1 - #200400272, North Vineyard Greens Unit 3 - #200400274, Gosal Estates - #200400273).

The project would impact 3.172 acres of waters of the U.S., including wetlands. More specifically, the project would impact 0.150 acre of vernal pools, 2.040 acres of seasonal wetlands, 0.008 acre of seasonal wetland swale, and 0.974 acre of seasonal marsh.

The County of Sacramento has submitted an application to this office for drainage improvements to Elder and Gerber Creeks in association with the proposed development within the Plan Area, including detention basins. The purpose of the flood control improvements is to eliminate the existing overtopping conditions over Florin Road during a 100-year storm event. As a part of the County's project, Gerber Creek will be widened and realigned to create a drainage parkway bisecting the North Vineyard Greens residential area. The parkway will allow public access on bike trails. The creek will be preserved in perpetuity under a conservation easement.

Based on the available information, the overall project purpose is to construct a residential development, of approximately 175-225 acres, within the Sacramento County Urban Services Boundary. The applicant

believes there is a need to construct housing units to meet expected housing demand in south Sacramento County. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The 206-acre site is characterized as leveled pasture and does appear to have been historically farmed or irrigated. The primary vegetation community is annual grassland. Gerber Creek flows through the southern portion of the site. The Central California Traction Railroad easement runs diagonally through the site. A man-made stock pond is located in the southern portion of the site. Rural residences and plant nurseries are located on the adjacent properties.

There are approximately 5.691 acres of waters of the U.S. identified within the project area. Wetlands identified are 0.150 acre of vernal pools, 2.361 acres of seasonal wetlands, 0.011 acre of seasonal wetland swale, and 0.974 acre of seasonal marsh. Other waters of the U.S. identified are Gerber Creek (2.195 acres).

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 credits or create aquatic habitat at a 1:1 ratio at an agency approved mitigation bank or other agency-approved mitigation facility.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, 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.

HISTORIC PROPERTIES: The applicant has provided a cultural resources report for part of the North Vineyard Greens project site. The Corps has asked for additional information to determine if there are cultural or historic resources eligible for the National Register of Historic Places within the area of potential effect and if consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act is appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. Listed species identified are the vernal pool fairy shrimp (*Branchinecta lynchi*) and the vernal pool tadpole shrimp (*Lepidurus packardii*). 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 200600428, must be submitted to the office listed below on or before September 29, 2006:

Ms. Andrea Jones, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: andrea.j.jones@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 Ms. Andrea Jones, 916-557-7745, andrea.j.jones@usace.army.mil.

Attachments:

1. Vicinity map
2. Wetland delineation
3. Proposed impact plan