



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

Public Notice

Public Notice Number: SPK-2007-02159

Date: September 12, 2008

Comments Due: October 13, 2008

In reply, please refer to the Public Notice Number

SUBJECT: Notice of application for a Department of the Army Permit under Section 404 of the Clean Water Act, Intent to Prepare an Environmental Impact Statement (EIS) and Notice of Public Scoping Meeting for the Folsom South of 50 Annexation Project (Folsom SOI Project), as shown in the attached exhibits.

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: City of Folsom
Community Development Department
50 Natoma Street, Folsom, CA 95360
Attn: Gail Furness de Pardo
Phone: 916-355-7248
FAX: 916-355-7274

LOCATION: This project is located in Sections 16 through 20 Township 9 North, Range 8 East of Sacramento County, California and is bounded by Highway 50 to the north, Prairie City Road to the west, the El Dorado County line to the east and White Rock Road to the south (Exhibit 1). The project site is within the City of Folsom's Sphere of Influence.

PROJECT PURPOSE: The overall project purpose is to develop a large-scale mixed-use, mixed-density residential development within eastern Sacramento or western El Dorado Counties.

PROJECT DESCRIPTION: The applicant has applied for a Department of the Army permit under Section 404 of the Clean Water Act to construct a mixed-use development project within an area south of Highway 50 which would be annexed to the City of Folsom. The proposed project is a large-scale planned community that would be developed on approximately 3,585 acres and consists of up to 10,045 mixed-density residential homes on 1,457 acres, 487 acres of commercial development, 168 acres of parks, 1,054 acres of open space, five elementary schools on 50 acres, a joint middle school/high school on 80 acres, and a 50-acre campus for the Sacramento County Day School. See Exhibit 2 for the land use plan diagram.

A total of 82.89 acres of waters of the United States have been preliminarily identified on the project sit, including; 4.11 acres of vernal pools; 24.43 acres of seasonal wetland swales; 4.75 acres of seasonal wetlands; 1.25 acre of freshwater marsh; 10.46 acres of freshwater seeps; 7.72 acres of ponds; 17.80 acres of stream channels (relatively permanent waters); 10.43 acres of ephemeral drainage channels (non relatively permanent waters); and 1.93 acres of ditches (Exhibit 3-Preliminary Wetland Delineation). The City of Folsom has applied to fill approximately 21.28 acres of these waters to construct the proposed project. Approximately 1,054 acres of open space will be included in the proposed project, the majority of which will be located in the western portion of the project site. This area includes Alder Creek, a large concentration of cultural resources sites, and the highest concentration of oak woodland habitat within the project site. The Corps will consult with the State Historic Preservation Office under Section 106 of the National Historic Preservation Act for properties listed or potentially eligible for listing on the National Register of Historic Places, as appropriate.

Based on potentially significant impacts, the Corps has determined that an Environmental Impact Statement (EIS) will need to be prepared for this project. Currently, potential significant impacts that will need to be analyzed in depth in the EIS includes loss of waters of the United States, cultural resources, biological resources, air quality, ground and surface water, water quality, noise, aesthetics, and socio-economic effects.

The EIS will be prepared as a joint document with the City of Folsom's Environmental Impact Report (EIR). The City is the local agency responsible for preparing the EIR in compliance with the California Environmental Quality Act. The draft EIR/EIS is expected to be released in January 2009.

ADDITIONAL INFORMATION:

Environmental Setting: The project site is an undeveloped area and has a history of use for livestock grazing, farming, and mining activities, primarily gold mining. The western one-quarter of the project site is owned by Aerojet-General Corporation and was formerly used for activities related to the aerospace industry. A small portion of this area of the project site (the Island Area Operable Unit) is part of the Aerojet-General Corporation Superfund Site contains high concentrations of volatile organic compounds (VOCs) and or perchlorate in the soil or groundwater. Cleanup activities at the Island Area Operable Unit are ongoing.

The project site is predominantly characterized by annual grassland on gently sloping topography. Also present on the project site are blue oak woodland, seasonal wetland, freshwater seeps, swales, and ephemeral, intermittent, and perennial drainage channels (Alder Creek). There is currently no development on the site but a number of dirt and paved roads are present.

Approximately two thirds of the project site supports annual grassland vegetation dominated by nonnative annual grasses. This community type is characterized by dense cover of non-native annual grasses with numerous species of nonnative annual forbs, as well as native wildflowers. Characteristic grass species include ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), Italian ryegrass (*Lolium multiflorum*), and medusahead (*Taeniatherum caput-medusae*). Native purple needlegrass (*Nassella pulchra*) is present in some areas of the annual grassland community. Common nonnative forbs include cut-leaved geranium (*Geranium dissectum*), Klamath weed (*Hypericum perforatum*), prickly sow thistle (*Sonchus asper*), yellow starthistle (*Centaurea solstitialis*), and Italian thistle (*Carduus pycnocephalus*). Native wildflowers observed in the annual grassland within the project site include wild hyacinth (*Triteleia hyacinthina*), Ithuriel's spear (*Triteleia laxa*), purple owl's-clover (*Castilleja exserta*), valley tassels (*Castilleja attenuata*), harvest brodiaea (*Brodiaea elegans*), and Fremont's tidy-tips (*Layia fremontii*).

Blue oak woodland is present in the northwestern third of the site. Blue oak woodland is a broadleaved deciduous woodland plant community with a grassy understory. The tree layer of this community is dominated by blue oak (*Quercus douglasii*) while the understory is dominated by dogtail grass (*Cynosurus echinatus*), soft chess, and other herbaceous species similar to those found in the annual grassland community.

A seep plant community is characterized by dense cover of perennial herb species usually dominated by rushes, sedges, and grasses. Freshwater seep communities occur on sites with permanently moist or wet soils resulting from daylighting groundwater. Characteristic plant species found in project site seeps include Baltic rush (*Juncus balticus*), iris-leaved rush (*Juncus xiphioides*), common spikerush (*Eleocharis macrostachya*), white hedge-nettle (*Stachys albens*), rice cutgrass (*Leersia oryzoides*), and dense-flowered willowherb (*Epilobium densiflorum*).

Seasonal wetlands occur on the project site in both depressions and swales. Hydrologically, seasonal wetlands are similar to vernal pools in that they are inundated or saturated for extended periods during winter and spring. Seasonal wetland swales do not pond water appreciably, but are inundated by flowing water during rainfall and support a saturated upper soil horizon for an extended period. Characteristic plant species in seasonal wetlands and seasonal wetland swales on the project site include coyote thistle (*Eryngium vaseyi*), toad rush (*Juncus bufonius*), hyssop loosestrife (*Lythrum hyssopifolium*), foothill

meadowfoam (*Limnanthes striata*), dallis grass (*Paspalum dilatatum*), rabbitsfoot grass (*Polypogon monspeliensis*), common spikerush, and Italian ryegrass (*Lolium multiflorum*).

Vernal pools are ephemeral wetlands that form in shallow depressions underlain by an impervious or restrictive soil layer near the surface that restricts the percolation of water. Vernal pools are supported by direct precipitation and surface runoff. They pond during the wet season and typically become dry by late spring. Characteristic vernal pool plant species on the project site include annual hairgrass (*Deschampsia danthonioides*), Fremont's goldfields (*Lasthenia fremontii*), common spikerush, coyote thistle, stipitate popcorn flower (*Plagiobothrys stipitatus*), white-headed navarretia (*Navarretia leucocephala*), and horned downingia (*Downingia bicornuta*).

Drainage channels occur throughout the project site. These include intermittent stream channels as well as ephemeral drainage channels. Alder Creek is an intermittent stream that traverses the northwest portion of the project site flowing generally in a southwesterly direction. Portions of Alder Creek support flow nearly all year. The remainder of the intermittent stream channels support flowing water through winter and spring, but dry up by summer. Ephemeral drainage channels support flowing water only during and immediately following direct precipitation. These channels are distinguished from seasonal wetland swales by the presence of well defined beds and banks. Hydrophytic vegetation, such as cattail (*Typha* sp.), dense sedge (*Carex densa*), slender rush (*Juncus tenuis*), American tule (*Scirpus americanus*), and dallis grass, occurs below the Ordinary High Water Mark (OHWM) of the on-site intermittent drainage channels and becomes dense in flatter portions of the drainages where the channels are wide and relatively shallow. Riparian vegetation occurs below the OHWM and on the banks of Alder Creek and portions of other on-site intermittent drainage channels and includes such species as black willow (*Salix goodingii*), arroyo willow (*Salix lasiolepis*), Himalayan blackberry (*Rubus discolor*), purpletop vervain (*Verbena bonariensis*), and tall flatsedge (*Cyperus eragrostis*). The ephemeral drainage channels are not typically vegetated below the OHWM and support annual grassland vegetation on their banks.

Freshwater marsh containing an emergent wetland plant community, occurs in areas that are permanently or nearly permanently inundated. This community type was found in association with a few of the on-site drainage channels. Dominant plant species identified were cattail and common tule (*Scirpus acutus*).

There are nine ponds present throughout the project site. These include ponds created through impoundment of stream channels as well as excavated basins. The on-site ponds are typically inundated year round and some support sparse cover of emergent vegetation along the shallow margins, and black willow and Fremont cottonwood (*Populus fremontii*) on their banks. In contrast to seasonal wetlands, seeps, and marshes; ponds are characterized predominantly by open water or bare ground and are not vegetated wetlands.

Man-made ditches are also present throughout the project site. Ditches are excavated channels surrounded by levees. Many of these features follow topographic contours and may represent relics from historic hydraulic gold mining, while others may have been excavated to transport irrigation water. Some ditches on the project site support hydrophytic vegetation such as rabbitsfoot grass, curly dock (*Rumex crispus*), and common yellow monkeyflower (*Mimulus guttatus*).

Alternatives: In accordance with the National Environmental Policy Act (NEPA) and the Section 404(b)(1) guidelines, and the following on-site alternatives have been preliminarily identified to be evaluated at the same level of detail as the proposed project:

- 1. Resource Impact Minimization Alternative.** This alternative would include additional areas of high-quality biological habitat in the proposed preserve area, and would also preserve the majority of the oak woodlands and all of the cultural resources that would be eligible for listing on the California Register of Historical Resources/National Register of Historic Places.

2. **Centralized Development Alternative.** This alternative would preserve the eastern portion of the project site, which lies within the Sierra Nevada foothills, in its current undeveloped state for aesthetic purposes. It would also entail about 1,000 fewer residential dwelling units than the proposed project.
3. **Reduced Hillside Development Alternative.** This alternative would preserve about half of the land area within the Sierra Nevada foothills for aesthetic purposes. It would also entail about 3,000 additional residential dwelling units compared to the proposed project, with a much higher density of development within the central portion of the project site.
4. **No Federal Action.** This alternative would change the location of certain portions of development such that no jurisdictional waters of the United States would be filled. Therefore, a Section 404 permit from USACE under the Clean Water Act would not be required, and impacts to jurisdictional aquatic resources would be avoided.
5. **No Project Alternative.** This alternative, required by both CEQA and NEPA, would evaluate the environmental impacts associated with buildout of the existing 80-acre agricultural land use designation and zoning on the project site.

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 not yet provided a detailed mitigation plan to avoid or minimize impacts to waters of the U.S., nor have they provided a plan to compensate for unavoidable losses of waters. However, the proposed project would involve approximately 1,054 acres of open space area along the entire Alder Creek corridor as well as other drainages within the project area. This would involve the preservation of approximately 61 acres of waters of the U.S. on-site.

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 not indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information, more than 300 known cultural resources sites exist within the project site. 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-listed endangered or threatened species or their critical habitat, including: vernal pool fairy shrimp (*Branchinecta lynchii*), vernal pool tadpole shrimp (*Lepidurus packardii*), Sacramento orcutt grass (*Orcuttia viscida*), slender orcutt grass (*Orcuttia tenuis*), and Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). This project would directly impact wetlands, including vernal pools. 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.

CONSIDERATION OF COMMENTS: Interested parties are invited to submit written comments on the permit application on or before October 13, 2008. Scoping comments should be submitted within the next 60 days, but may be submitted at any time prior to publication of the Draft EIS. You may submit comments electronically to lisa.m.gibson2@usace.army.mil, subject line: Folsom SOI.

PUBLIC SCOPING: This public notice is being distributed to invite public participation in the scoping process for the preparation of an EIS under NEPA. This process is key to preparation of a concise EIS and clarifying the significant issues to be analyzed in depth. Public concern on issues, studies needed, alternatives to be examined, procedures and other related matters will be addressed during scoping. **The Corps plans to hold a public scoping meeting to encourage participation in the scoping process for the EIS. The meeting will be held on September 25, 2008, from 5:00 pm to 7:00 pm at the Folsom Public Library, 411 Stafford Street, Folsom CA 95630.**

SUBMITTING COMMENTS: Written comments, referencing Public Notice SPK-2007-02159 must be submitted to the office listed below on or before **October 13, 2008**

Lisa M. Gibson, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814 2922
Email: lisa.m.gibson2@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 Lisa M. Gibson, 916-557-5288, lisa.m.gibson2@usace.army.mil.

Attachments: 3 drawings