



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 199900590

Date: February 13, 2004

Comments Due: March 14, 2004

In reply, please refer to the Public Notice Number

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge dredged or fill material into waters of the United States, including wetlands, (waters), for the proposed Rio del Oro project, as shown in the attached drawings.

APPLICANT: Russ Davis, Elliot Homes, 80 Iron Point Circle, Suite 110, Folsom, CA 95630-8592

LOCATION: This proposed project is located south of Highway 50, in Sections 3 through 10, Township 8 North, Range 7 East and Sections 31 through 34, Township 9 North, Range 7 East, M.D.B.&M., in the City of Rancho Cordova, Sacramento County, California. See Figure 1 for a vicinity map.

PROJECT DESCRIPTION: The proposed Rio del Oro project, a master planned community, would be developed on approximately 3,828 acres. The project consists of approximately 1200 high, medium and low density residential homes, 38 retail/commercial offices, 9 parks, 10 schools, and 2 wetland preserves and other open space areas. The project would be built in phases. See Figures 4 through 8 for specific development plans.

A total of 74.61 acres of waters have been identified on the project site, including 37.02 acres of vernal pools, 20.44 acres of seasonal wetlands, 6.43 acres of riparian wetland, 6.47 acres of ponds, and 4.25 acres of stream channels. See Figure 2 for a depiction of these waters. The project proposes to fill approximately 47 acres of these waters to construct the project. See Figure 3 for an impact table. A 505-acre vernal pool/wetland preserve in the southern portion of the project, where the highest concentration of vernal pools exists on the project site, would be preserved. The preserve would contain 27.62 acres of waters of the United States. The applicant also proposes to create approximately 22 acres of additional vernal pools within this preserve.

In addition to the wetland preserve area, approximately 300 acres of drainage corridors, parkway and open space will be established on the project site. The corridors will be approximately 300 feet wide and will consist of meandering low-flow channel, adjacent wetlands, riparian plantings, and a bike trail. These corridors will reestablish defined drainageways which have not been present since the dredging operations altered the site. An in-stream 93-acre detention basin area will be constructed within Morrison Creek, in the southwest corner of the project site. This feature will hold water year-round. The main detention basin has been designed to minimize affects to the hydrological function of Morrison Creek. The plan is designed to allow gravity-flow off the project site. The applicant has stated that in order to achieve a gravity system, vs. a pumped one, a portion of Morrison Creek's grade must be altered. In addition, 16-acre and 30-acre lakes will be created in the center of the project. See Figures 9, 10 & 11 for a depiction of the detention basin and conceptual drawings of the drainageways.

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 issues to be analyzed in depth in the draft EIS include, loss of waters of the United States, including wetlands, cultural

resources, biological resources, hazardous materials, air quality, surface and groundwater, water quality, noise, aesthetics, and socio-economic effects.

The EIS will be prepared as a joint document with the City of Rancho Cordova. The City is the local agency responsible for preparing an Environmental Impact Report in compliance with the California Environmental Quality Act. The Draft EIS is expected to be released in March of 2005. Two public scoping meetings will be held on February 26, 2004. The first meeting will be held at Rancho Cordova's City Hall, at 1:30, and the second meeting will be at Mills Station, at 6:30. Other affected Federal, state, local agencies, Indian tribes, and other interested private organizations and parties are invited to participate. If an agency wishes to represent their organization at these meetings, please contact the Project Manager indicated below.

AREA DESCRIPTION: The site has a past history of grazing, landfill activities, gold mining, and rocket fuel testing. Approximately one-third of the site is grasslands, which have been used for grazing and contain vernal pool complexes and the upper reaches of Morrison Creek. Past gold mining in the 1920s and 1950s, and past landfill activities, have altered the remaining two-thirds of the site. Since mining ceased, the site was used to burn excess rocket fuel and test energetic material. Due to the rocket testing and propellant burning on the site, soil and groundwater at the site are known to contain trichloroethene (TCE) and other volatile organic compounds. The California Department of Toxic Substances Control has issued Imminent and Substantial Endangerment Orders to address the issue of TCE detected in a county well. The site has been divided into eleven primary study areas with responsibility for performing the required investigations divided between McDonnell Douglas and Aerojet General Corporation based upon previous usage. Soil and groundwater remediation continues to occur at the site.

The applicant has provide the following general descriptions of the area. Approximately one-third of the site is grassland, which is used for grazing livestock. The remaining two-thirds is land which has been significantly altered in the past by gold mining activities. The mining activities consisted of dredging ancient alluvial deposits. Within the areas which have not been disturbed by historic mining operations, the characteristic plant community is non-native annual grassland. The vegetation is characterized by a dominance of non-native grasses and forbs. Common species include soft chess (*Bromus mollis*), ripgut brome (*Bromus diandrus*), wild oats (*Avena fatua*), medusa head (*Taeniatherum caput-medusae*), yellow star-thistle (*Centaurea solstitialis*), and tarweed (*Holocarpha virgata*).

Three general plant communities occur in the area which have been significantly disturbed by historic mining activities. These communities occur on the dredge tailing piles, in low areas between the piles and in relatively broad flat areas lacking dredge tailings piles. The dredge tailings piles are xeric environments characterized by skeletal soils and a predominance of cobbles. Vegetation is sparse with yellow star thistle the dominant plant and few grasses. The areas between the tailings have soil, lack cobbles, and receive additional moisture draining laterally from the piles. The plant community most often resembles a medic riparian woodland. Common tree species include Fremont cottonwood (*Populus fremontii*), and willow (*Salix* sp.). Common shrub species include coyote brush (*Baccharis pilularis*) and willows. Common herbaceous species include yellow star-thistle, ripgut brome, and soft chess. The plant communities in broader flat areas that have been preciously mined are similar except that tree and bush cover is lower, more resembling semi-open forested savannah. The dominant trees, shrubs, and herbaceous species are very similar to this found between the tailings

The vernal pools within the study area are found exclusively within grasslands in areas which have not been mined. Vernal pools are a type of seasonal wetland that occur in shallow depressions which are seasonally flooded in the winter and spring. They vary in depth of inundation from three to four inches up to as much as eighteen inches. They range in size from less than 100 square feet to over two acres. Due to the time of year the delineation was conducted, it was not possible to observe in detail the plant communities supported by these vernal pools. The vegetation identifiable at the time of the delineation were those species which persist through the summer and those species which emerge early. These plants that were commonly identifiable include coyote thistle (*Eryngium vaseyi*), slender popcorn flower (*Plagiobothrys stipitatus micranthus*), Carter's buttercup (*Ranunculus alveolatus*), purple hairgrass (*Deschampsia danthonioides*), and creeping spikerush (*Eleocharis macrostachya*).

Seasonal wetlands, other than vernal pools, occur within the study area in both topographic swales and depressions. Hydrologically, the seasonal wetlands are similar to vernal pools in that they are inundated and saturated to the surface to extended periods in the winter and early spring. The seasonal wetland swales occur almost exclusively in the grasslands. Although they do not appreciably pond water, they are inundated by flowing water originating from rain runoff and a saturated upper soil horizon. The most common plant found in these seasonal wetland swales is perennial rye (*Lolium perenne*).

The seasonal wetland depressions occur almost excessively within the previously mined areas. The seasonal wetland depressions differ from the non-wetland depressions in that they are underlain by clay or a heavy clay loam which acts as an aquatard to perch runoff. The most common plants within these seasonal wetland depressions are Mediterranean barley (*Hordeum hystrix*), perennial rye, rabbit-foot grass (*Polypogon monspeliensis*), and curly dock (*Rumex crispus*). Approximately 14.25 acres of seasonal wetland depressions have been delineated on the site.

Riparian wetlands occur only in the previously mined areas. They are topographically similar to the seasonal wetland depressions, but are characterized by the presence of trees and shrubs. The dominant trees and shrubs are cottonwoods and willows. Common herbaceous species include Mediterranean barley, curly dock, rabbits-foot grass, Baltic rush (*Juncus balticus*) and creeping spikerush.

Channels occur throughout the study area. They range in size from a width of two feet up to 10 feet. They are differentiated by the seasonal wetland swales by the presence of well-defined bed and banks. All of the channels within the study area flow on an intermittent basis in the winter and spring. Most of the channels lack riparian or emergent vegetation except for the lower reach of Morrison creek which supports adjacent seasonal wetlands varying in width from ten to forty feet.

Ponds occur at scattered locations throughout the study area. In some cases, the ponds are impoundments of channels and in others they are excavated basins. Although the ponds appear to be inundated on primarily a seasonal basis, they differ from wetlands in that they are inundated for longer durations and lack emergent vegetation.

ADDITIONAL INFORMATION:

Endangered and Threatened Species The Corps has initiated formal consultation with the U.S. Fish and Wildlife Service, under Section 7 of the Endangered Species Act, for potential impacts to five Federally threatened or endangered species, and one species proposed for listing that may be affected by the project.

These species include, vernal pool tadpole shrimp (*Lepidurus packardii*), vernal pool fairy shrimp (*Branchinecta lynchii*), Sacramento orcutt grass (*Orcuttia viscida*), slender orcutt grass (*Orcuttia tenuis*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and the proposed for Federal-listing California tiger salamander (*Ambystoma californiense*). This project would directly impact several elderberry shrubs and wetlands, including vernal pools, and may also impact state listed species, such as Swainson's hawk.

Cultural Resources Presently unknown cultural resources may exist within the area. The Corps will be consulting with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act for potential impacts to properties listed, or potentially eligible for listing, on the National Register of Historic Places.

Alternatives Except for on-site preserve alternatives, no specific on-site or off-site project alternatives have been identified. However, alternatives, including the no-project alternative, other locations and other site configurations, will be evaluated in the draft EIS and in accordance with the Section 404(b)(1) guidelines.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **March 14, 2004**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this notice that a public

hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain 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 Corps of Engineers 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 of Engineers 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 the 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.

This public notice may be obtained through our web-site at www.spk.usace.army.mil/cespk-co/regulatory. If additional information is required, please contact the applicant, Russ Davis with Elliot Homes, Inc., at (916) 984-1300, their consultant, Bjorn Gregersen with ECORP, Inc., at (916) 782-9100, or the Project Manager, Justin Cutler, at the letterhead address, e-mail: justin.cutler@usace.army.mil, or telephone (916) 557-5258.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Attachments: 11 Drawings