



Public Notice

U.S. ARMY CORPS OF ENGINEERS

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Subject: Notice of Intent to Prepare an Environmental Impact Statement and Notice of Public Scoping Meeting

Action ID: SPK-2004-00791

Comment Period: October 14, 2011 – December 13, 2011

SUBJECT: Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) and Notice of Public Scoping Meeting for the Excelsior Estates Project. This notice is to inform interested parties of the opening of scoping and to solicit comments on the proposed project. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>. On October 14, 2011, a NOI was published in the Federal Register (Vol. 76, No. 199, 63910), which can be found at <http://www.gpo.gov/fdsys/pkg/FR-2011-10-14/pdf/2011-26587.pdf>.

APPLICANT: Tsakopoulos Investments
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Carmichael, California 95608

AGENT: Foothill Associates
Attn: Mr. Kenneth D. Whitney
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Rocklin, California 95765

LOCATION: The 862-acre site is located in unincorporated eastern Sacramento County, and is bordered on the north by Keifer Boulevard, on the south by Jackson Highway and on the west by Excelsior Road. The proposed project site is located within portions of Sections 23, 24, 25 and 27, Township 8 North, Range 6 East, Latitude 38.52393° North, Range 121.27833° West, Mount Diablo Meridian.

PROJECT DESCRIPTION: The applicant proposes to construct a mixed-use community including residential, commercial, office, schools, parks and open space land uses. The residential component of the proposed community would include approximately 4,400 single- and multi- family units, varying in density. The proposed project would also involve 57 acres of commercial and office uses, as well as two commercial and office uses, as well as two elementary schools and a combined middle school and high school on 102 acres. A proposed community park would be constructed on 20 acres and three neighborhood parks would be constructed on 31 acres. The proposed project would also involve the preservation of 123 acres on the eastern portion of the site, containing Morrison Creek and adjacent wetlands. The applicant also proposes to construct approximately 30 acres of drainage ways and greenbelts. Finally, the proposed project would involve the construction of on-site and off-site infrastructure, consisting of roads and utility lines, including road extension along Keifer Boulevard, Excelsior Road and the Jackson Highway.

The project site is approximately 862 acres and contains 39.81 acres of waters of the United States. In addition, the site also contains 13.61 acres of waters that are not subject to Corps jurisdiction, which may contain suitable habitat for Federally listed threatened and/or endangered species. The proposed project would involve the discharge of fill material into approximately 28.11 acres of waters of the United States, including vernal pools, seasonal wetlands, seeps, intermittent drainages, and stock ponds, and 13.61 acres of isolated waters. In addition, the proposed project would involve the preservation of 11.04 acres of waters of the U.S. The proposed project may also have indirect impacts on other waters of the U.S.

ADDITIONAL INFORMATION:

Background Information: In 2010, Tsakopoulos Investments (applicant) submitted a Department of the Army permit application for the proposed Excelsior Estates project. The U.S. Army Corps of Engineers, Sacramento District (Corps) determined that the proposed project may result in significant impacts to the environment, and that the preparation of an Environmental Impact Statement (EIS) is necessary. Sacramento County will be the lead agency responsible for compliance with the California Environmental Quality Act. The Corps is anticipating that Sacramento County will agree to develop a joint Environmental Impact Statement/Environmental Impact Report.

Scoping Meeting: The U.S. Army Corps of Engineers, Sacramento District (Corps), will conduct a public scoping meeting on Wednesday, November 2, 2011 from 5:00 p.m. to 7:00 p.m. The scoping meeting will be held at Rancho Cordova City Hall, located at 2729 Prospect Park Drive, Rancho Cordova, California 95670.

Environmental Setting. A wetland delineation of the project site, which has been verified by the Corps, indicates that a total of approximately 39.81 acres of waters of the United States are present within the proposed project area, including: 5.27 acres of seasonal wetlands, 11.08 acres of perennial marsh, 21.99 acres of vernal pools, 1.19 acres of intermittent drainage, including Morrison Creek, and 0.28 acres of ditch.

Alternatives. The EIS will include alternatives to the Proposed Action that will meet NEPA requirements for a reasonable range of alternatives, and will also meet the requirements of *CWA Section 404(b)(1) Guidelines*. The alternatives to be evaluated within the EIS have not yet been developed, but will, at a minimum, include the No Action Alternative, the Proposed Project Alternative, additional on-site alternatives, and off-site alternatives.

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

ENDANGERED SPECIES: Approximately 630 acres of the proposed project site is located within the Mather Core Recovery Area and has been designated by the U.S. Fish and Wildlife Service (USFWS) as critical habitat for the Federally listed vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), Sacramento Orcutt grass (*Orcuttia viscida*) and slender Orcutt grass (*Orcuttia tenuis*). The proposed project may affect these Federally-listed endangered or threatened species. 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 Corps' public involvement program includes several opportunities to provide verbal and written comments on the proposed Excelsior Estates Project through the EIS process. Affected federal, state, and local agencies, Native American tribes, and other interested private organizations and parties are invited to participate. Potentially significant issues to be analyzed in depth in the EIS include loss of waters of the United States (including wetlands), and impacts related to cultural resources, biological resources, air quality, hydrology and water quality, noise, traffic, aesthetics, utilities and service systems, and socioeconomic effects. 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). 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: Interested parties are invited to submit written comments on the permit application on or before **December 13, 2011**. Scoping comments should be submitted within the next 60 days, but may be submitted at any time prior to publication of the Draft EIS.

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The Corps is particularly interested in receiving comments related to alternatives to the proposed project, the proposal's probable impacts on the affected aquatic environment, and the secondary and cumulative effects. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act and will be addressed within the Draft EIS. If you have questions or need additional information please contact the applicant or the Corps' project manager Lisa Gibson, 916-557-5250, Lisa.M.Gibson2@usace.army.mil.