



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

# Public Notice

Public Notice Number: SPK-2004-00966

Date: December 4, 2008

Comments Due: January 3, 2009

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Friant Ranch project, which would result in impacts to approximately 5.43 acres of waters of the United States, including wetlands. 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:** Friant Ranch, A Limited Partnership  
Contact: Bryan N. Wagner  
1322 East Shaw Avenue, Suite 340  
Fresno, California 95344  
Phone: (559) 224-0871

**LOCATION:** The proposed project is located in north central Fresno County, adjacent to the unincorporated community of Friant, California. The 942-acre project area is situated east of Friant Road and west of the Friant-Kern Canal in close proximity to the San Joaquin River and Millerton Lake. The project area occupies portions of Sections 7, 8, 17, and 18 within Township 11 South, Range 21 East, MDB&M.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a mixed-use, master planned community, consisting of approximately 2,500 dwelling units, of which 2,270 would be age-qualified units, and 250,000 square feet of commercial development. The overall project purpose is to develop a large-scale age-qualified (ages 55+) active-adult, mixed-use master planned community in northern Fresno County. The applicant believes there is a need for such a development in Northern Fresno County. The attached drawings provide additional project details.

The proposed project site comprises a total of 942.2 acres of which 460 acres would be dedicated as a permanent open space preserve. The remaining 482.2 acres is designed as a mixed-use, master planned "Active Adult lifestyle" development consisting of approximately 2,500 dwelling units and 250,000 square feet of commercial space, with 2,270 units being age-qualified. The remaining 230 units would be non-age-qualified units, with 50 "Live Work" dwelling units planned in a "commercial village" of approximately 32 acres. The proposed project would comprise Fresno County's Friant Ranch Specific Plan area to be included within the greater Friant Community Plan area.

The proposed project's land use plan includes medium density and medium high density residential uses consisting of single-family and multi-family homes. The commercial village would likely contain a mix of retail, office, medical, and social gathering uses. In addition, the proposed project would include an active adult recreation center, drainage facilities consisting of a combination conventional/bio-filtration system, and a new wastewater treatment facility. The proposed project's land use plan also includes 22.4 acres of revegetated open space adjacent to the 460-acre open space preserve.

The applicant also proposes to construct a buried pipeline to a proposed 25-acre percolation basin on an adjacent property. That property is currently an active aggregate mining operation. The entire route of the pipeline from the project site to the proposed percolation basin would follow existing roads. Disturbance from construction of the pipeline would be limited to the existing roads and would not impact waters of the United States.

The proposed project would directly impact 5.43 acres of waters of the United States comprised of 0.47 acre of vernal pools, 3.49 acres of vernal swales and 1.47 acres of intermittent and ephemeral channels. Approximately 25.86 acres of existing wetlands and channels would be avoided and preserved.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 31.29 acres of waters of the United States on the project site, comprised of 11.68 acres of vernal pools, 11.43 acres of vernal swales and 8.18 acres of intermittent and ephemeral channels.

**Alternatives.** The applicant states that the proposed project is the least damaging practicable alternative for achieving the overall project purpose. A total of nine alternative project designs have been examined in detail ranging from developing the entire project area to avoiding all wetlands. Eight alternatives were identified that are potentially practicable that would achieve the overall project purpose. Of these eight potentially practicable alternatives, the proposed project represents the alternative that would have the least impact on wetlands and threatened and endangered species.

A Section 404(b)(1) alternatives analysis is being prepared to document the applicant's planning process and the conclusion that the proposed project is the least damaging practicable alternative (the "LEDPA"). This analysis will examine alternative project locations as well as on-site avoidance and minimization measures.

**Mitigation.** The applicant proposes an integrated mitigation plan to compensate for the loss of wetlands and associated threatened and endangered species habitats that would result from the proposed project. The mitigation plan would incorporate a combination of measures including preservation of existing habitats, management of the preserved habitats to prevent future degradation and to maximize wetland function and habitat for threatened and endangered species and wetland restoration. The mitigation plan has been designed to assure that there would be no net loss of wetland function or area.

The applicant proposes to set aside and preserve 460 acres of open space on the project site and a total of 1,054 acres at three off-site preserves for a total of 1,514 acres of vernal pool landscape to offset the loss of 5.43 acres of waters of the U.S. that would result from the proposed project. A total of 33.89 acres of vernal pools, 25.13 acres of vernal swales and 16.13 acres of intermittent and ephemeral channels would be preserved and managed in perpetuity. A minimum of 5.43 acres of vernal pool and vernal swale habitat would be restored at an off-site location or a like acreage of vernal pool and vernal swale restoration/creation credits would be purchased from an approved mitigation bank. All of the mitigation lands would be covered by conservation easements and adaptively managed in perpetuity.

A detailed mitigation plan would be prepared and submitted to the Corps of Engineers and the U.S. Fish and Wildlife Service for approval. The detailed mitigation plan would identify all mitigation lands and wetlands being preserved, enhanced, restored and/or created. It would clearly describe all restoration and construction techniques, monitoring protocols and performance criteria. It would establish a long-term maintenance and monitoring plan designed to ensure that the preserved, restored and created aquatic resources and associated uplands are maintained in their natural state in perpetuity.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act, must be obtained from the California Regional Water Quality Control Board for this project. The applicant will apply for certification.

**HISTORIC PROPERTIES:** One prehistoric property is located within the project area which has been determined to be potentially eligible for listing on the National Register for Historic Places. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act

**ENDANGERED SPECIES:** Based on information provided by the applicant, including site surveys, four federally listed threatened and endangered species have been documented as occurring within the project area. Species known to occur within the project area include succulent owl's clover (*Castilleja campestris succulenta*), Hartweg's golden sunburst (*Pseudobahia bahiifolia*), vernal pool fairy shrimp (*Branchinecta lynchi*), and California tiger salamander (*Ambystoma californiense*). 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.

**ESSENTIAL FISH HABITAT:** The proposed project would not adversely affect any 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-2004-00966 must be submitted to the office listed below on or before **January 3, 2009**

Zachary Simmons  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814 2922  
Email: Zachary.M.Simmons@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, Zachary Simmons.

Attachments: 6 drawings