



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 199200838

Date: April 30, 2002

Comments Due: May 30, 2002

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under Section 404 of the Clean Water Act to fill waters of the United States, including wetlands, to construct commercial development.

**APPLICANT:** Robert Arron, M.S Vickers II, LLC c/o Kearny Real Estate Co., 1900 Avenue of the Stars, Suite 320, Los Angeles, California 90067

**LOCATION:** The project site is on the Allendale U.S.G.S. quadrangle, northeast of Vacaville, Solano County, California. The project site is bordered by Interstate Highway 80 on the southeast, Interstate Highway 505 on the west, and the Vaca Valley Parkway on the north.

**PROJECT DESCRIPTION:** The applicant proposes to fill approximately 1.11 acres of waters of the United States to develop the remaining parts of the Vaca Valley Business Park. The project includes conspan crossings, a sewer line under Middle Horse Creek, two storm water outfall structures in Middle Horse Creek, realigning a portion of the creek, and filling the remaining 0.68 acre of seasonal wetlands on the site. The applicant proposes to fill approximately 1,320 feet of channel and create 1,810 feet of new channel.

The Vaca Valley Business Park is a partially completed mixed-use development on an approximately 360-acre site the City of Vacaville. A Kaiser Hospital facility has been constructed in the northeast corner of the site and a Genentech campus is built in the northwest corner. The central and southern portions of the site remain undeveloped except for a few roads in the central area between the Genentech and Kaiser facilities.

Nationwide Permit (NWP) 26 was used by the former land owner to fill 9.71 acres of waters of the U.S., including wetlands. NWP's #7, 12, 13, and 33 were used for minor permanent and temporary fills in waters for 2 channel crossings over North Horse Creek and the permanent fill of 100 square feet of a drainage ditch. Mitigation to offset these previous losses of waters is being implemented by the applicant for this permit.

**AREA DESCRIPTION:** The project site is relatively flat grassland surrounded by similar grassland and some light development in the City of Vacaville. Middle Horse Creek has been realigned in the past and currently runs west to east across the southern portion of the site in a relatively straight line. The drainage is a narrow trapezoidal channel with an approximately 14-foot wide bed and banks with 2:1 slopes approximately 8 feet high. Some wetland vegetation, such as flatsedge (*Cyperus* sp.), spike rush (*Eleocharis* sp.), and rabbit's foot grass (*Polypogon monspeliensis*), are found in the creek bed. The creek banks are dominated by non-native annual grasses such as soft chess and Italian ryegrass. Until recently, the site has been in agricultural use, including beet growing and cattle and sheep grazing. The applicant has stated a dairy operation occupied the southwest corner of the site and grazing and hay production continued after the Chevron Land & Development Company acquired the site in 1979. Portions of the site were disked regularly to create firebreaks or enhance hay production. Since M.S. Vickers II acquired the site and development of the site has begun, disking has continued for fire control.

**ADDITIONAL INFORMATION:** *Cultural Resources:* The applicant has stated the site has been in agricultural use for decades and has been highly disturbed. Therefore, it is highly unlikely that any historic resources that may have been present remain in their original condition or location. Based on the available information no cultural resources are present on the project site. (*A Cultural Resources Study for the Kaiser Vacaville Medical Center EIR, Solano County, California*, Cultural Resources Unlimited, July 1992) indicates no prehistoric or historic cultural resources are present on the adjacent Kaiser Hospital Foundation parcel.

*Endangered Species:* The project site was surveyed for special-status plant and animal species in 1993 and 1994 (LSA 1994). No special-status plant species were found. Vernal pool fairy shrimp (*Branchinecta lynchi*), a federally-threatened species, were found in one vernal pool on the previous project site that has been filled. Based on the available information the Corps has requested concurrence from the U.S. Fish and Wildlife Service that the project is not likely to adversely effect vernal pool fairy shrimp.

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

Interested parties are invited to submit written comments on or before **May 30, 2002**. 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.

If you need additional information, please contact William Guthrie at the letterhead address, telephone 916-557-5269 or the applicant, Robert Arron, at 310-203-1846.

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Attachments 5 Drawing(s)