



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 199600532
Date: October 18, 2001
Comments Due: November 17, 2001

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to place fill material into Orchard Creek and tributary or adjacent waters of the United States, including wetlands, as shown in the attached drawings.

APPLICANT: Theo Gallier
100 Smith Ranch Road, Suite 326
San Rafael, California 94903

LOCATION: The project site is located within Sections 29, 30, 31, and 32 of Township 12 North and Range 6 East, Mount Diablo Base and Meridian, of the "Roseville, California" USGS 7.5 minute topographic quadrangle. The subject property is located approximately 1.5 miles north of Roseville, to the west of State Route 65, at the northeast corner of the Athens Avenue and Fiddymont Road intersection.

PROJECT DESCRIPTION: The purpose of the proposed project is to construct an industrial park.

A delineation of waters of the United States for the subject property has been verified by the Corps. A total of 59.73 acres of jurisdictional waters of the United States exist on the property. Wetlands and other jurisdictional water features present on the site include: 7.21 acres of seasonal wetland, 4.57 acres of seasonal marsh, 22.94 acres of vernal pools, 9.27 acres of impounded waters, 6.97 acres of drainage swale, 8.77 acres of perennial channel (Orchard Creek and Ingram Slough).

As proposed, the project would result in the development of approximately 472 acres of the 808 acre property. Grading and other activities to construct building pads and associated infrastructure within the proposed disturbance area would result in the permanent loss of 10.03 acres of the existing wetlands and other waters (2.09 acres of seasonal wetland, 5.32 acres of vernal pools, 0.60 acre of impounded water, 1.98 acres of drainage swale, and 0.04 acre of Orchard Creek).

The applicant proposes to preserve the remaining 49.7 acres of waters and to create an additional 13.04 acres of wetlands (6.12 acres of seasonal wetland and 6.92 acres of vernal pools) within a 337-acre open space preserve. Long-term maintenance and ownership of the preserve is proposed to be the responsibility of the Antonio Mountain Ranch Property Owners Association. The applicant has indicated that limited cattle grazing may occur within the preserve. The proposed open space would preserve 82% of the site's wetlands and other waters and establish a permanent open space link between the Orchard Creek Mitigation Bank and the Moore Ranch Preserve. All mitigation areas are proposed to be monitored for a minimum of 5 years after construction. For each year of monitoring scheduled, a monitoring report would be prepared. Additionally, the constructed wetlands would be evaluated for compliance with specified success criteria after 3 years of no human intervention.

AREA DESCRIPTION: The project area is located in a transition zone between the Central Valley and the foothills of the Sierra Nevada. Topography is gently rolling with mound/intermound microtopography. Adjacent land uses are primarily agricultural and industrial, with the exception of the Orchard Creek Preservation Mitigation Bank to the east and Moore Ranch Wetland Restoration Preserve to the west.

ADDITIONAL INFORMATION:

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected.

No known cultural resource surveys of the project site have been conducted. Presently unknown cultural resources may be located in the permit area.

The following federally listed endangered species are present in the permit area and may be affected by the proposed development: vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*). The Corps will initiate Section 7 consultation, pursuant to the Endangered Species Act, with the U.S. Fish and Wildlife Service upon the receipt of all necessary information from the applicant.

The applicant has not indicated to what extent off-site alternatives have been evaluated. Therefore, the applicant will need to provide additional information before the Corps is able to determine if the proposed project is the least environmentally damaging practicable alternative.

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 **November 17, 2001**. 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 additional information is required, please contact Theo Gallier, telephone (415) 444-1754, or Mr. William Ness, at the letterhead address, telephone (916) 557-5268.

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

Enclosures: 5 Drawings