



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200000652

Date: August 11, 2003

Comments Due: September 9, 2003

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 discharge dredged or fill material into 2.90 acres of waters of the United States.

APPLICANT: Steve Dolim
Bear River Development Co.
3620 Fair Oaks Blvd., Suite 150
Sacramento, California 95864

LOCATION: The proposed Southhill Village Project is located approximately 2 mile south of the center of the city of Grass Valley, California. Section 1, Township 15 North, Range 8 East. Latitude 39 11-20.3643 Longitude 121-2 -58.4907, UTM Zone 10, 0668451 North, 4339356 East.

PURPOSE: The overall purpose of this project is to redevelop a former industrial brownfield site into a vital part of the Grass Valley community by providing an integrated design for residential, commercial, and business uses. The applicant hopes to accomplish several goals, which are listed below:

1. Design a project with a variety of housing types and density to address a serious shortage of new work force and traditional housing products in the Grass Valley area.
2. Design a project that integrates residential, commercial, business uses to meet Grass Valley goals for the balance of jobs and housing thus promoting smart growth.
3. Encourage private redevelopment by using a previously disturbed industrial site, thereby accomplishing two goals: minimizing disturbance of undeveloped natural areas; and remediating a contaminated site before construction, returning it to productive use.

PROJECT DESCRIPTION: This project involves the construction of a 66.1-acre mixed-use development designed to redevelop the project site. The development will include approximately 17.4 acres of neighborhood shopping center (134,000 square feet of buildings) and other commercial uses; 5.5 acres of offices (42,000 square feet of usable space); 1.1 acres of hotel or additional office; and approximately 42.1 acres of mixed-density residential units (a total of 312 single family, cottage, and apartment units). These proposed urban uses will occupy a total 66.1 acres of the 175-acre project site. The remaining 108.9 acres of mostly forested land will remain open space. The project site contains a total of 2.90 acres of waters of the United States, including wetlands, which the applicant proposes to fill.

AREA DESCRIPTION: The project site was used for industrial purposes over most of its history. Portions of the site have been mined for hard rock gold deposits in the past (circa 1850s to 1950s) and much of the western portion of the site has been significantly modified for use as a sawmill (1956 to the

late 1970s). A comparison of topography from 1901, 1949 and 1995 shows significant changes in site hydrology and topography. Elevations on the project site range from approximately 2,3000 feet above mean sea level (MSL) along the western boundary to 2,800 feet MSL along the southeastern corner of the site.

The project site contains a total of 0.18 acre of intermittent drainage, 0.89 acre of pond, 0.08 acre of seep, 1.71 acre of seasonal marsh, and 0.04 acre of seasonal wetland. Additionally, the habitat type is predominately mixed coniferous forest. This habitat includes native trees and shrubs, such as ponderosa pine (*Pinus ponderosa*), madrone (*Arbutus menziesii*), coffeeberry (*Rhamnus californica*). Other vegetation on the project site includes chaparral, willow scrub, ruderal habitat, and wetlands.

ADDITIONAL INFORMATION: The City of Grass Valley is currently preparing an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) for this project.

The applicant has provided the following information:

Cultural Resources: Peter M. Jensen, Ph.D., of Jensen & Associates prepared an Archaeological Inventory Survey for the project site on October 19, 1999. The survey concludes that the project will not affect prehistoric or historic sites considered eligible or potentially eligible for inclusion on the National Register of Historic Places.

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.

Threatened and Endangered Species: The site was assessed for potential presence of California red-legged (RLF) on October 16 and 29, 2001, by Theresa Fortner Ward, regulatory specialist/associate biologist. The assessment report concluded that, although aquatic habitats on the project site are suitable habitat for RLF, the presence of RLF is unlikely for the following reasons:

1. There are no recent records for RLF in Nevada County and known records for RLF occur in different watersheds than Upper Bear Creek.
2. The presence of bullfrogs in the onsite ponds make it difficult for a population of RLF to survive. The combination of predatory fish and bullfrogs is particularly problematic for RLF.
3. Extensive modification of site hydrology both on and off-site, modification of site topography, and past industrial use of the site render the presence of RLF unlikely.
4. The ponds are of recent construction (post 1950) and were intensively used as part of a sawmill operation for over two decades.

Since this action may affect the species and the habitat, the Corps has initiated consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act.

Other Federal, State, and Local Permits: The proposed project will require Clean Water Act Section 401 water quality certification from the California Regional Water Quality Control Board.

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 **September 9, 2003**. 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.

If additional information is required, please contact B. Demar Hooper, telephone 916-929-5545, or Ms. Laura Whitney, at the letterhead address, telephone 916-557-7455.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Enclosures: Drawings