



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200100743

Date: February 20, 2003

Comments Due: March 24, 2003

In reply, please refer to the Public Notice Number

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## 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 in 1.66 acres of waters of the U.S., including wetlands, tributary to Florin Creek, as shown in the attached drawings.

**CO-APPLICANTS:** Paul Styer, Copart, Inc., 5500 East Second Street, Benicia, CA 94510-1020  
Brian Marty, O. K. and B., 8615 Elder Creek Road, Sacramento, CA 95828-1800

**LOCATION:** The proposed Copart Inc./O.K. and B. project is located in Sacramento, California. Section 36, Township 8 North, Range 5 East. Latitude 38-30-18.2948 Longitude 121-23-2.2073, UTM Zone 10, 640914.36 North, 4262890.79 East.

**PROJECT DESCRIPTION:** Copart proposes to expand its current insurance claim automobile salvage and auction operations. O. K. and B. proposes to construct three large warehouses which would be compatible with the Copart project. Copart, Inc., and O.K. & B. will share the cost of extending Morrison Creek Drive to the eastern end of the property to access their proposed projects. Copart proposes to construct a 14,800 square foot warehouse and office building, a 300-space asphalt paved parking lot, a 76,000 square foot asphalt paved retail area and a 30-acre chip and seal paved automobile storage area and an undetermined water quality control structure on its 38.57 acre project area. O. K. and B. proposes to construct 3 approximately 52,000 square foot warehouses on its 12.95-acre project area.

**AREA DESCRIPTION:** A majority of the property was once under agricultural production including two old homesites, which are no longer present. The site is predominantly flat annual grassland, including three vernal pools in the northeast corner with connecting swales and seasonal wetlands extending to the southwest, which flows southwest across the adjacent property into Florin Creek drainage. A large vernal pool complex in the adjacent eastern property drains west and northwest into the project area. The proposed project will cause this flow to shift to the north into the 54-inch drainage trunk main along the northern project boundary. Additionally, the present southwesterly drainage will be captured on-site in a yet to be determined water quality control structure. Most of the lands to the north, west and south have already been developed.

**ADDITIONAL INFORMATION:** Based on the available information no cultural resources are present within the area affected by the project.

The proposed project may affect federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*), Conservancy fairy shrimp (*Branchinecta conservatio*) and vernal pool tadpole shrimp (*Lepidurus packardii*). The applicant proposes to purchase 1.5 seasonal wetland and 0.16 vernal pool creation credits at Wildlands, Inc. mitigation bank and 0.32 vernal pool preservation credits at a Service approved mitigation bank. Endangered Species Act consultation with the U.S. Fish and Wildlife Service has been initiated for this project.

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 **March 24, 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 Copart, Inc., Paul Styer, telephone 707-748-5000, O. K. and B., Brian Marty, 916-381-3600 or Marc Fugler, at the letterhead address or telephone 916-557-5255.

Michael J. Conrad, Jr.  
Colonel, US Army  
District Engineer

Enclosures: 5 Drawings