



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200200319

Date: January 15, 2004

Comments Due: February 18, 2004

In reply, please refer to the Public Notice Number

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 1.5 acres of waters of the United States, including wetlands, to construct a hotel, gas station, and a new roadway as shown in the attached drawings.

APPLICANT: Edward Mackay, 2230 Meadow Lane, Placerville, CA 95667-3514

LOCATION: The proposed Gateway Hotel and Gas Station project is located on the northeast side of the U.S Highway 50/Point View Road Interchange in the City of Placerville in Sections 9 and 10, Township 10 North, Range 11 East, MDB&M, El Dorado County, California.

PURPOSE: The applicants stated project is to provide gas and lodging to travelers on U.S. Highway 50, and construct a new roadway.

PROJECT DESCRIPTION: The proposed project consists of the construction of a gas station, hotel, asphalt parking lots, and associated landscaping and infrastructure. As a condition of approval by the City of Placerville, Jacquier Road would be constructed to connect Point View Road to Smith Flat Road. Jacquier Road would also be joined with a new extension of Cardinal Drive. Additionally, the construction of three outfall structures are proposed as part of the underground storm water drainage system; these will discharge sheet flows from newly built impermeable surfaces, such as roofs and parking lots, into Hangtown Creek. A 397.5-foot portion of Hangtown Creek would require culverting with corrugated metal pipe to allow proposed road modifications. Project implementation may require the temporary impoundment and diversion of Hangtown Creek upstream of the construction site.

The applicant proposes to impact 1.5 acres of waters of the United States. All wetlands would be drained and filled. The presence of these aquatic resources was verified by personnel from this office during a site visit on May 21, 2002. The applicant has since submitted an addendum to the original wetland delineation, which is pending verification. The addendum identifies an additional 0.33 acres of waters of the United States; these would also be impacted by the project via culverting. The applicant has not offered detailed discussion of on-site or off-site alternatives. The applicant has stated that avoidance or minimization of project impacts to waters of the United States including wetlands, was deemed prohibitively expensive. This determination is the result of the hilly nature of the preferred location, and the high cost associated with the transportation and disposal of graded/excavated material. The applicant proposes to purchase mitigation credits through a Corps-approved mitigation bank at a 1 to 1 ratio. The applicant has not proposed any alternatives which avoid or minimize impacts to waters of the United States as required by the 404(b)(1) guidelines.

AREA DESCRIPTION: The project is located east of Placerville between elevations 2,174 and 2,288 feet above sea level in the valley of Hangtown Creek in the Sierra Nevada foothills north of U.S.

Highway 50. Approximately, half of the site is level, and half consists of fairly steep slopes of $\pm 25\%$ grade. The site contains willow riparian wetlands, a seasonal wetland, a perennial and intermittent drainage. Also found are small montane hardwood-conifer woodlands. The site displays some levels of human disturbance. Sewer and overhead power lines parallel Smith Flat Road. Culverts drain areas south of Smith Flat Road and discharge into Hangtown Creek. The site has one residential building located at 1895 Point View Drive.

ADDITIONAL INFORMATION:

The applicant is presently in the process of conducting a site study for historic properties in accordance with Section 106 of the National Historic Preservation Act.

As the lead federal agency, the Corps initiated Section 7 consultation with the U.S. Fish and Wildlife Service for potential project impacts to the California red-legged frog (*Rana aurora draytonii*) on June 26, 2003.

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 **February 16, 2004**. 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 the applicant at 530-626-1030, or Mr. Paul Maniccia at the letterhead address, telephone 916-557-6704, or email Paul.M.Maniccia@usace.army.mil.

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

Enclosures: Drawing(5)