



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200200396

Date: July 3, 2003

Comments Due: August 2, 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 place dredged or fill material in wetlands and waters of the United States, which are tributary or adjacent to a tributary of Orchard Creek, as shown in the attached drawings.

APPLICANT: Mike Brumbaugh
McKim Homes
P.O. Box 548
Rocklin, CA 95677

LOCATION: The proposed Highway 65 Self-Storage project is located between Highway 65 and Industrial Avenue, within the Sunset Industrial Area, in Placer County, California, Sections 3 and 4, Township 11 North, Range 6 East, MDBM.

PROJECT DESCRIPTION: The applicant proposes to construct a self- storage facility containing 300,000 square feet of storage space, a 125,000-square foot office complex, internal access roads, and associated infrastructure on a 25-acre property. 2.517 acres of waters of the United States are spread throughout the property in the form of 0.868 acre of vernal pools, 0.321 acre of seasonal wetlands, 0.337 acre of drainage swales, and 0.631 acre of intermittent drainages. According to the information provided, the proposed project would result in the permanent and direct loss of 0.522 acre of vernal pools, 0.043 acre of seasonal wetlands, 0.069 acre of drainage swales, and 0.087 acre of intermittent drainages, a total of 0.721 acre. The applicant proposes to mitigate for impacts to wetlands which may be potential habitat for vernal pool fairy and/or tadpole shrimp through the purchase of fairy and/or tadpole shrimp habitat mitigation credits at a 1:1 ratio, and the on-site preservation of habitat at a 2:1 ratio. The proposed mitigation for all other direct impacts to waters of the United States is the purchase of mitigation credits at a 1:1 ratio. The applicant has not addressed indirect or secondary impacts to the aquatic environment on the property or adjacent parcels.

AREA DESCRIPTION: The property is within an area of Placer County characterized by semi-flat to gently rolling terrain and a high prevalence of wetlands and vernal pools. The elevation of the project site is between 120 and 140 feet above mean sea level. The property is bounded on the north and south by undeveloped parcels containing a similar concentration of vernal pools, seasonal wetlands, and drainages. The applicant has indicated that the project site and the properties to the north and south are within the West Placer County Potential Vernal Pool Mitigation Areas and Merhten formation. However, no merhten formation pools have been identified on the site.

ADDITIONAL INFORMATION: Although the property is part of an area considered of high sensitivity for cultural resources potential, a field survey and records search conducted on behalf of the applicant did not identify any prehistoric or historic cultural resources within the property boundary. Additionally, a record search of the sacred lands file by the Native American Heritage Commission failed to indicated the presence of any Native American cultural resources in the immediate project area.

The seasonal wetlands and vernal pools on the property are potential habitat for the following species, which are listed as threatened or endangered by the U.S. Fish and Wildlife Service (Service): vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*), slender Orcutt grass (*Orcuttia tenuis*), and Sacramento Orcutt grass (*Orcuttia viscida*). The project site and surrounding area has been designated as vernal pool fairy shrimp critical habitat by the Service. Consultation with the Service, in accordance with Section 7 of the Endangered Species Act, will be initiated when an additional copy of the application document is provided to the Corps.

The on-site streams, although intermittent in nature, may be accessible to the federally-listed Central Valley steelhead (*Oncorhynchus mykiss*) and Central Valley fall-run Chinook salmon (*Oncorhynchus tshawytscha*), which exist downstream in Auburn Ravine. Consultation with the National Marine Fisheries Service, in accordance with Section 7 of the Endangered Species Act and the Essential Fish Habitat provisions of the Magnuson-Stevens Act, will be initiated when information to do so is provided by the applicant.

The applicant has not provided an analysis of on or off-site alternatives to the proposed 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 **August 02, 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 the applicant Mike Brumbaugh, telephone (916) 624-9202, or Regulatory Project Manager Will Ness, at the letterhead address, telephone (916) 557-5268.

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

Enclosures: 3 Drawings