



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200300184

Date: August 2, 2004

Comments Due: September 1, 2004

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Pacific Street Commercial project, which would result in approximately 0.31 acre of direct impacts and 0.79 acre of indirect or secondary impacts to waters of the United States, including wetlands, in or adjacent to an unnamed tributary of Antelope Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Paul Eblen, Lakemont Homes, 655 Menlo Drive, Suite 200, Rocklin, California 95765, 916-630-5600

LOCATION: The 7.6-acre project site is located in Section 30, Township 11 North, Range 7 East, city of Rocklin, Placer County, California, and can be seen on the Rocklin USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a mixed use development containing service oriented businesses and office/warehouse space. Based on the available information, the overall project purpose is to construct a small, less than 10-acre, mixed use commercial development in or near the city of Rocklin. The applicant believes there is a need for additional commercial space in the Rocklin area. The proposed project includes the construction of 6 buildings, 2 along the Pacific Street frontage for service commercial use and 4 buildings at the rear of the site for office/warehouse space, and 234 parking spaces. Access to the property would be from two locations along Pacific Street. The channelized drainage parallel to Pacific Street would be filled and the flows captured in a storm drain system, which would discharge into the riparian wetland at the west end of the property. In addition to the 0.1 acre drainage, 0.04 acre of seasonal wetland, 0.01 acre of drainage swale, and 0.16 acre of riparian wetland would be permanently filled during implementation of the proposed project. Although the applicant proposes to preserve the remaining 0.79 acre of riparian wetland habitat and surround it with protective fencing, the addition of storm drain runoff to this feature and the lack of a vegetated buffer would likely result in the habitat being adversely affected by the surrounding development. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The wetland delineation map shown as figure 2 has not been verified by the Corps of Engineers. The map identifies a total of 1.1 acres of waters of the United States, including a 0.95 acre riparian wetland feature, 0.04 acre of seasonal wetland habitat, a 0.01 acre swale, and a 0.1 acre channelized drainage. The subject property drains to the southwest through the channelized drainage and swale to the riparian wetland. Flows then travel through a culvert under Pacific Street and within a half mile enter Antelope Creek, a tributary of Dry Creek and eventually the Sacramento River, a navigable water. The site has been disturbed by past filling and dumping operations. A previous wetland delineation of the property identified approximately 1.75 acres of waters of the United States. However, in 1998, the Corps authorized the fill of 0.67 acre of wetlands under the authority of nationwide permit number 26. Although the wetlands were subsequently filled, the proposed development never occurred. With the exception of the aforementioned aquatic features, the site is primarily characterized by disturbed grassland habitat. The project site is surrounded by existing development. On the south and east, the property is bordered by residential development. To the north the site is bordered by existing commercial development. To the west, on the other side of Pacific Street, there is industrial development and a Southern Pacific railroad line.

Alternatives. The applicant has not provided information concerning project alternatives. Before the Corps of Engineers will be able to make a permit decision, the applicant will need to provide information on project alternatives, including alternative locations and on-site layouts which would minimize and avoid impacts, and preserve and adequately buffer avoided aquatic features. Should the project remain as it is currently proposed, it would be difficult for the Corps to make a positive permit decision.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to purchase wetland habitat credits from a Corps approved mitigation bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: The applicant will need to obtain Section 401 water quality certification from the Regional Water Quality Control Board and a streambed alteration agreement from the California Department of Fish and Game. The applicant has indicated that requests for these authorizations have been submitted.

HISTORIC PROPERTIES: The applicant has indicated that no cultural or historic properties would be affected by the proposed development. However, adequate information has not been provided for the Corps to concur or disagree with their determination. If the Corps determines that historic properties may be affected, the Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat, including the vernal pool fairy shrimp (*Branchinecta lynchi*) and the vernal pool tadpole shrimp (*Lepidurus packardi*). The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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 activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps 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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200300184, must be submitted to the office listed below on or before September 1, 2004:

William Ness, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.W.Ness@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager William Ness, 916-557-5268, William.W.Ness@usace.army.mil.

Attachments: 3 drawings