



# Public Notice

US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200400435  
Date: September 29, 2005  
Comments Due: October 28, 2005  
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 Panattoni Business Park project, which would result in impacts to approximately 1.842 acres of waters of the United States, including wetlands. 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:** Mr. Jim Jeary  
Panattoni Development Company, LLC  
8401 Jackson Road  
Sacramento, California 95826  
916-379-1119

**LOCATION:** The project site is located south of Folsom Boulevard and east of Nimbus Road, within an unsectioned portion of Township 9 North, Range 8 East, Sacramento County, California, and can be seen on the "Folsom, California" USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a business park on a 43-acre parcel which will consist of eight office buildings, surface streets, and vehicle parking areas. Based on the available information, the overall project purpose is to construct a approximately 30-50 acre commercial development within the Sacramento County Urban Services Boundary. The attached drawings provide additional project details.

As proposed, construction of the residential development would cause the permanent loss of 1.121 acres of seasonal wetland, a 0.002-acre seep, and 0.719 acres of jurisdictional drainage ditches (1.842 total acres of waters of the U.S.).

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 1.121 acres of seasonal wetlands, a 0.002-acre seep, and 0.719 acres of jurisdictional drainage ditch (1.842 total acres of waters of the U.S.) within the project area that has been verified by this office. The site is primarily characterized by annual grassland, blue oak woodland, and valley foothill riparian. The project site has been in a fallow state for a number of years. There is currently a church facility to east, existing GenCorp/Aeroject facilities to the west, Folsom Boulevard to the north, and vacant undeveloped property to the south.

**Alternatives.** The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent (ECORP Consulting, Inc.). Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**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 create in-kind impacts to all waters of the U.S. at a 1:1 ratio at a Corps-approved mitigation bank. Also, the applicant has proposed to preserve wetlands at 2:1 ratio at a Corps-approved mitigation facility for wetlands identified as potential habitat (0.010 acre) for Federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and endangered vernal pool tadpole shrimp (*Lepidurus packardii*).

As mitigation for impacts to valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) habitat, the applicant has proposed to transplant all 88 Mexican elderberry (*Sambucus mexicanus*) plants identified on the site. Also, they have proposed to plant 544 elderberry shrubs and 610 associated native plants.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of California Regional Water Quality Control Board is required for this project. The applicant has indicated they will apply for certification.

**HISTORIC PROPERTIES:** A cultural resources field survey report of the property has been requested by the Corps. 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. The Corps have initiated consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, for potential impacts to threatened vernal pool fairy shrimp, endangered vernal pool tadpole shrimp, threatened slender orcutt grass (*Orcuttia tenuis*), and endangered Sacramento orcutt grass (*Orcuttia viscida*). The applicant has identified one seasonal wetland (SW-6, 0.003 acre) and two jurisdictional drainage ditches (DD-5, 0.004 acre; DD-6, 0.003) as potential habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp (0.010 total acres of potential habitat). Also, eighty-eight Mexican elderberry plants were identified on the project site. Elderberry shrubs are host plant species for the Federally threatened valley elderberry longhorn beetle.

**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 200400435, must be submitted to the office listed below on or before October 28, 2005:

Mr. David Leput, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [david.w.leput@usace.army.mil](mailto:david.w.leput@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 Mr. David Leput, 916-557-5327, [david.w.leput@usace.army.mil](mailto:david.w.leput@usace.army.mil).

Attachments: 4 drawings