



# Public Notice

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

Number: 200600512  
Date: October 6, 2006  
Comments Due: November 5, 2006

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Simmerhorn Commercial project, which would result in impacts to approximately 3.61 acres of waters of the United States, including wetlands, in or adjacent to the onsite, unnamed tributaries to Dry 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:** Alexis Zahoudanis  
M & Z Valley Associates, LLC  
24532 Del Prado  
Dana Point, California 92629-3838  
310-394-8705

**AGENT:** Kevin Derby  
Foothill Associates  
655 Menlo Drive, Suite 100  
Rocklin, California 95765-3718  
916-435-1202

**LOCATION:** The 52.6-acre project site is located in the City of Galt, California, and is adjacent to State Highway 99 between Simmerhorn Road and Boessow Road. The Project Site is bordered by Simmerhorn Road and residences to the north; agricultural fields to the east; Boessow Road and residences to the south; and Highway 99 to the west. The Project Site is located within Section 26, Township 5 North, Range 6 East, MDB&M, Sacramento County, California, and can be seen on the Galt USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** Based on the available information, the overall project purpose is to construct a 46.22-acre commercial retail site on the 52.6-acre project site. The remaining 6.22 acres, labeled as preserve area on Figure 1, are proposed for dedication to the City for use in completing the planned Central Galt Interchange project. The applicant believes there is a need to provide retail services to the southern Sacramento County area along the Highway 99 corridor. Approximately 470,000 square feet of regional retail space are proposed to be created on 18 saleable commercial lots, and a WalMart Supercenter is planned as the primary building. The remaining buildings will be occupied by three proposed fast-food franchises with drive-through service, three proposed sit-down restaurants, and a variety of commercial sales and services including pharmacy, financial/bank, and professional/business services. There are four proposed entrances to the Project Site, three of which will be provided by the proposed extension of Crystal Way and one on Simmerhorn Road. There are also 2,185 proposed vehicle parking spaces, assuming some shared parking between uses. The applicant states the proposed

development is consistent with the land use designation of the City of Galt General Plan and zoning ordinances. The attached drawings provide additional project details.

**ADDITIONAL INFORMATION:**

**Environmental Setting.** The approximately 52.64-acre site is bordered by Highway 99 on the west and agricultural parcels on the east. Rural residential lots are located north and south of the site. There are approximately 3.90 acres of waters of the United States within the site. The wetlands are dominated by riverine seasonal wetlands (1.59 acres), but also contain vernal pools (0.46 acre), depressional seasonal wetlands (0.27 acre), tributary ditches (0.06 acre), wetland swales (0.79 acre), seasonal wetlands (0.36 acre), and tributary waters of the U.S. (0.37 acre).

The project site currently supports a disturbed, non-native annual grassland community with scattered depressional and riverine seasonal wetlands. The majority of vegetation found within the site is typified by an assemblage of non-native grasses and forbs which are common to the Central Valley. Dominant plant species include Italian ryegrass, rigput brome, foxtail fescue, wild oats, Mediterranean barley and medusa-head grass. Also found on the site are yellow star thistle, woolly mullein, rose-clover, prickly lettuce and dove weed. Within the vernal pools and depressional seasonal wetlands, plants such as western manna grass, coyote thistle, spike-rush and Italian ryegrass dominate. Plant species found within the riverine seasonal wetlands include cattails, curly dock, sedges, Bermuda grass and dallis grass.

**Alternatives.** The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. 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 mitigate for the loss of the 3.90 acres of wetlands impacted by the project by purchasing 3.61 acres of creation credits at an agency-approved mitigation bank or create 3.90 acres of wetlands and vernal pools.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of California is required for this project. The applicant has not indicated they have applied for certification.

**HISTORIC PROPERTIES:** Based on the available information, cultural resources not are within the project's area of potential effect.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The applicant states that the following two federally-listed species have the potential to occur onsite: vernal pool fairy shrimp and vernal pool tadpole shrimp. The applicant states that the property does not contain suitable habitat for other listed species, including slender and Sacramento orcutt grasses, giant garter snake or California tiger salamander. 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 200600512, must be submitted to the office listed below on or before November 4, 2006:

Anna Sutton, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@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 Anna Sutton, 916-557-7759, [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@usace.army.mil).

Attachments: 3 drawings