



US Army Corps
of Engineers®

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: WAL-MART SuperCenter/Walters Road Development

NUMBER: 2006-303520N

DATE: January 31, 2008

RESPONSE REQUIRED BY: March 7, 2008

PROJECT MANAGER: Elizabeth Dyer

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INTRODUCTION: Wal-Mart, c/o Todd Anderson, engineer from Robert A. Karns & Associates, 707 Beck Avenue, Fairfield, California 94533, (707) 435-9999, has applied to the United States Army Corps of Engineers (Corps), through their agent Olberding Environmental, Inc (Olberding Environmental) (Point of contact: Jeff Olberding, 1390 Willow Pass Road, Suite 370, Concord, California 94520, 925-825-2111), for a Department of the Army Individual Permit to construct the Walters Road Development Project. The proposed Project is to occur on 20.8 acres of undeveloped land located in southern Suisun City, Solano County, California (Figures 1 through 3). The project purpose is to construct and operate commercial retail development. The project would cause the permanent loss of 2.996 acres of jurisdictional wetlands and waters. The duration of authorization, should the project be accepted, would be for five years from the date of permit issuance. Renewal of the permit would be subject to application review. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

PROPOSED PROJECT:

Project Site: The Walters Road Development Project (Project) will be constructed on a roughly triangularly-shaped property, with Highway 12 forming the southern boundary, Petersen Road forming the northern boundary, and Walters Road forming the eastern boundary. A 1,025-foot long drainage ditch bisects the Property in a north to

south direction, approximately 500 feet west of Walters Road. The drainage ditch conveys surface runoff from portions of the property, Petersen Road and the residential development to the north, to Hill Slough located approximately 0.5 miles south of the property.

The property is situated at approximately 20 feet above sea level, with elevations decreasing slightly in a west to east direction. Fill has previously been deposited over a large portion of the property west of the drainage ditch. The mound of fill is approximately 1.5 to 2 feet higher in elevation than the surrounding areas. This area of fill prevents water from draining from the western portion of the site, creating ponded areas within the shallow depressions that were found throughout this area. These depressions were inundated at the time of the reconnaissance survey in May of 2006. The site supports non-native annual grasslands that are disked on a bi-annual basis. Near the northwest corner of the property is an area where the annual grassland habitat has been disturbed by vehicle traffic, indicating that this area was recently used as a staging area for nearby construction.

The property supports three habitat types: non-native annual grassland, ditch, and seasonal wetland. The drainage ditch has been colonized by disturbance tolerant forbs and emergent vegetation. With the exception of a solitary cottonwood tree (*Populus fremontii*), both the drainage ditch and surrounding grasslands lack any tree or shrub cover.

Within the drainage ditch there are also several sapling willow and cottonwood trees that are approximately three feet tall.

Surrounding land use is a mixture of housing subdivisions developments and undeveloped annual grasslands. Lands to the immediate north, west, and south of the property have all been developed with single-family homes. Immediately northeast of the property are two undeveloped lots, but lands to the north and northeast of these small lots have also been developed with single-family homes and a sports complex. Lands to the east and southeast of the property consist of a large expanse of undeveloped annual grasslands associated with the Travis Air Force Base management area (east of Walters Road).

Project Description: The Project involves the development of the entire 20.8-acre site with a retail and dining venue, as shown in Figure 4. The four main elements of the development include: 1) a nearly 215,000-square foot Wal-Mart retail store; 2) a proposed 1.05-acre fuel station with related uses; 3) a proposed 8,000-square foot sit-down restaurant; and 4) associated parking and infrastructure to support the commercial development. The fuel station and restaurant are currently proposed uses for Parcel A and B; however, the parcels may be developed with any use that is consistent with the General Commercial zoning for the site. Storm water runoff will be directed to a series of oversized detention vaults constructed beneath the parking lots. The underground vaults will serve to remove pollutants from the storm water runoff prior to discharge into the City's storm drain system.

Wal-Mart Supercenter: The main project element consists of the construction of an approximately 214,919 square foot (sf) Wal-Mart Supercenter on about 18.34 acres. (Note: The enclosed building floor area is 200,831 square feet without the outdoor portion of the garden center.) The new Wal-Mart will contain a grocery component of about 45,370 square feet, including a 34,475 square-foot grocery sales area and a 10,895 square-foot

grocery support area. The new Wal-Mart will also contain a garden center of approximately 24,653 square feet (including 14,089 square feet of hard-fenced outdoor garden center and a customer pick-up and loading area). Along the front of the Supercenter will be a series of small internal "shops" occupying a total floor area of approximately 7,007 square feet. Some of these spaces will be occupied by Wal-Mart services such as optical and pharmacy, while others will be leased to non-Wal-Mart vendors and service providers (e.g., bank, hair salon, dry cleaners, etc.), although specific vendors have not yet been identified. A total of 921 parking stalls are proposed for the Wal-Mart. The new Supercenter will be open 24 hours per day, seven days per week.

Fuel Station—Parcel A: Parcel A of the subject site is 1.05 acres and will contain a full-service gas station and related uses. Components of the operation include a 4,100 square-foot retail building; a minimum six fueling islands; car wash and required parking. Housed within the 4,100 square-foot building will be the gas station sales operations and a convenience market. A co-branded quick service restaurant may also be included within the 4,100 square-foot building. Located apart from the retail building and the fueling islands is the drive-through car wash facility. A total of 24 parking spaces are proposed for the Parcel A uses.

Sit-Down Restaurant—Parcel B: Parcel B is 1.40 acres and will contain an 8,000 square-foot building intended for a sit-down restaurant use together with required parking. Alternate uses for the building include a single-tenant general retailer with a use complementary to the anchor tenant, or a multi-tenant building with a variety of general retail and casual food service uses also complementary to the anchor tenant. A total of 69 parking spaces are proposed for the Parcel B restaurant use.

Parking and Internal Circulation: The proposed project would provide 1,014 parking spaces onsite. The proposed project would exceed the City of

Suisun City's Zoning Ordinance minimum parking requirements by 110 spaces. Drive aisles would link the three project components with the access points on Walters Road and Petersen Road. Drive aisles would range from 25 to 52 feet in width. Designated crossing areas would also be located in front of the Wal-Mart Supercenter to alert drivers of the potential of crossing pedestrians.

Purpose and Need: The basic project purpose is a commercial development. The overall project purpose is to construct a commercial development within the limits of Suisun City that will provide for a Wal-Mart retail store, fuel station, sit down restaurant and associated parking.

The applicant states that the Project is needed to increase sales tax revenue to the City of Suisun, increase employment opportunities and increase retail opportunities within the City limits.

Impacts to Corps of Engineers Jurisdiction: The project site contains 2.686 acres of jurisdictional wetlands and 0.310 acres of jurisdictional wetland drainage ditch (see Figure 5). All 2.996 acres of jurisdiction features will be filled as a result of the Project. Discharge material would consist of approximately 13,000 cubic yards of permanent clean earthen fill spread over the entire Project site. It is estimated that 2,000 cubic yards of that fill will be discharged directly into the jurisdictional wetlands. An additional 1,500 cubic yards of culvert and related fill materials will be discharged into the wetland drainage channel.

Mitigation: Impacts associated with the development of the Property would amount to 2.996 acres of permanent fill which would be mitigated through the purchase of mitigation credits at the North Suisun Mitigation Bank. The applicant is proposing wetland mitigation with the purchase of 2.996 acres of seasonal wetland habitat to compensate for the loss of 2.686 acres of adjacent wetland and 0.310 acres of wetland drainage channel.

COMPLIANCE WITH APPLICABLE FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction.

The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat.

The USACE has submitted a letter to the FWS to initiate consultation under the authority of Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 § *et.seq.*), to address project related impacts to the critical habitat for the endangered vernal pool tadpole shrimp (*Lepidurus packardi*) and threatened vernal pool fairy shrimp (*Branchinecta lynchi*).

The information and surveys' for the federally-listed species that have the potential to occur on the site, as determined by the California Department of Fish and Game Natural Diversity Database (NDDDB), and were found not to be present on the site, is written in the applicant's *Revised Biological Resources Analysis Report* (July 2007).

Clean Water Act of 1972 (CWA):

a. Section 401 Water Quality Certification:

Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board.

In a letter dated December 18, 2007, Water Board staff informed the applicant that they had an incomplete application and that it appeared that the project as currently proposed would be in violation of State water quality standards.

No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

b. Section 404(b)(1) – Alternatives Analysis:

Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

As of the date of this Public Notice, the applicant

has not submitted a Section 404(b)(1) Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines.

Section 106 of the National Historic Preservation Act of 1966 (NHPA): Based on a cursory review of survey data on file with various City, State and Federal agencies, the applicant states that no historic or archeological resources are known to occur in the project vicinity.

If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION:

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and use of "important" resources. The benefits that *reasonably* may be expected to accrue from the proposed activity must be balanced against its *reasonably foreseeable detriments*. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: 1) conservation, 2) economics, 3) aesthetics, 4) general environmental concerns, 5) wetlands, 6) historic properties, 7) fish and wildlife values, 8) flood hazards, 9) floodplain values, 10) land use, 11) navigation, 12) shoreline erosion and accretion, 14) recreation, 15) water supply and conservation, 16) water quality, 17) energy needs, 18) safety, 19) food and fiber production, 20) mineral needs, 21) considerations of property ownership, and, in general, 22) the needs and welfare of the people.

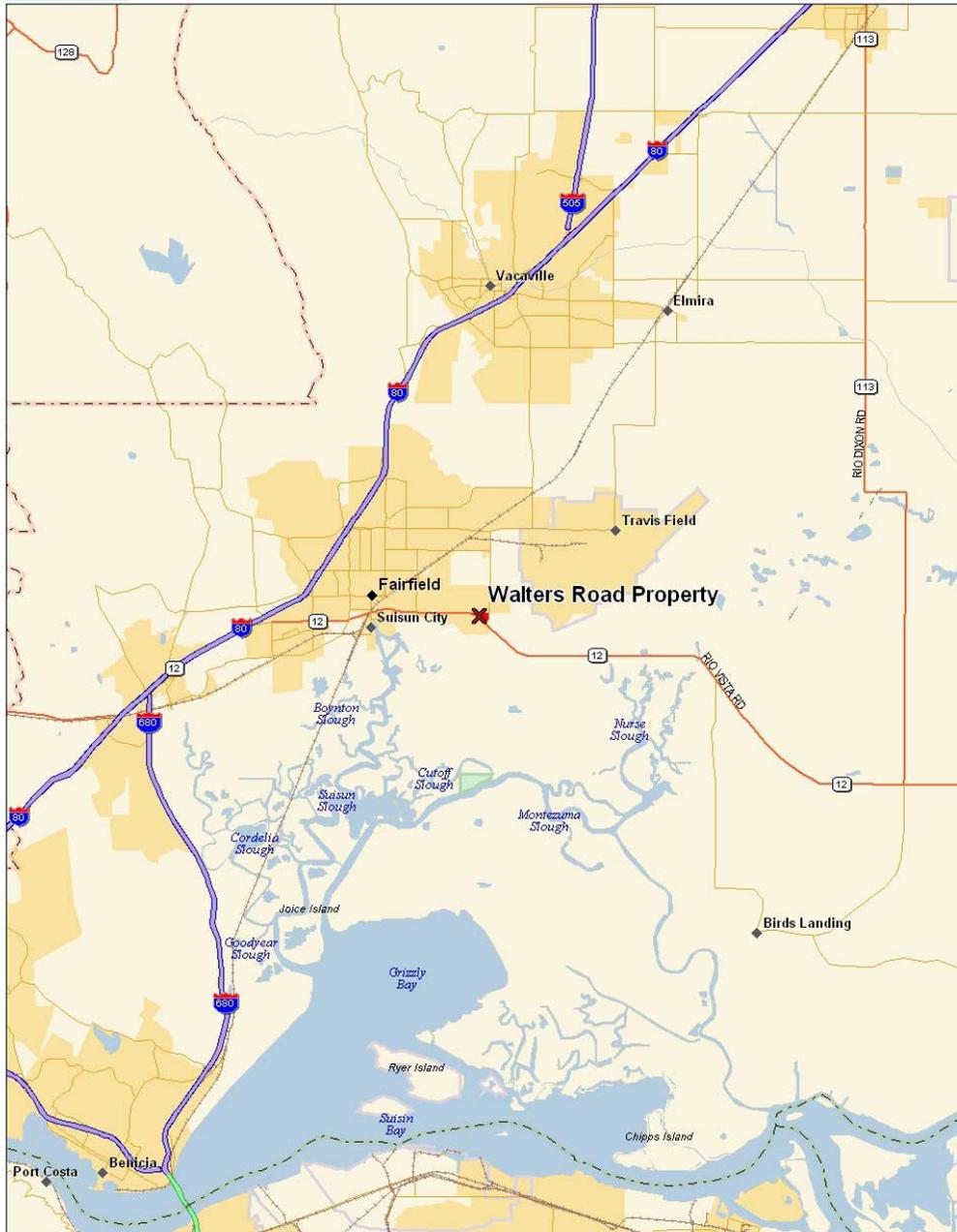
5. CONSIDERATION OF COMMENTS:

The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and

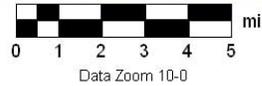
officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to 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 in the proposed activity.

6. SUBMISSION OF COMMENTS:

Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public 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. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Elizabeth Dyer of our office at telephone 415-503-6780 or E-mail:elizabeth.Dyer@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



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 1390 Willow Pass Road, Suite 370
 Concord, CA 94520
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Figure 1
Regional Map of the
Walters Road Property
 Solano County,
 California

This document is not intended for detail design work.

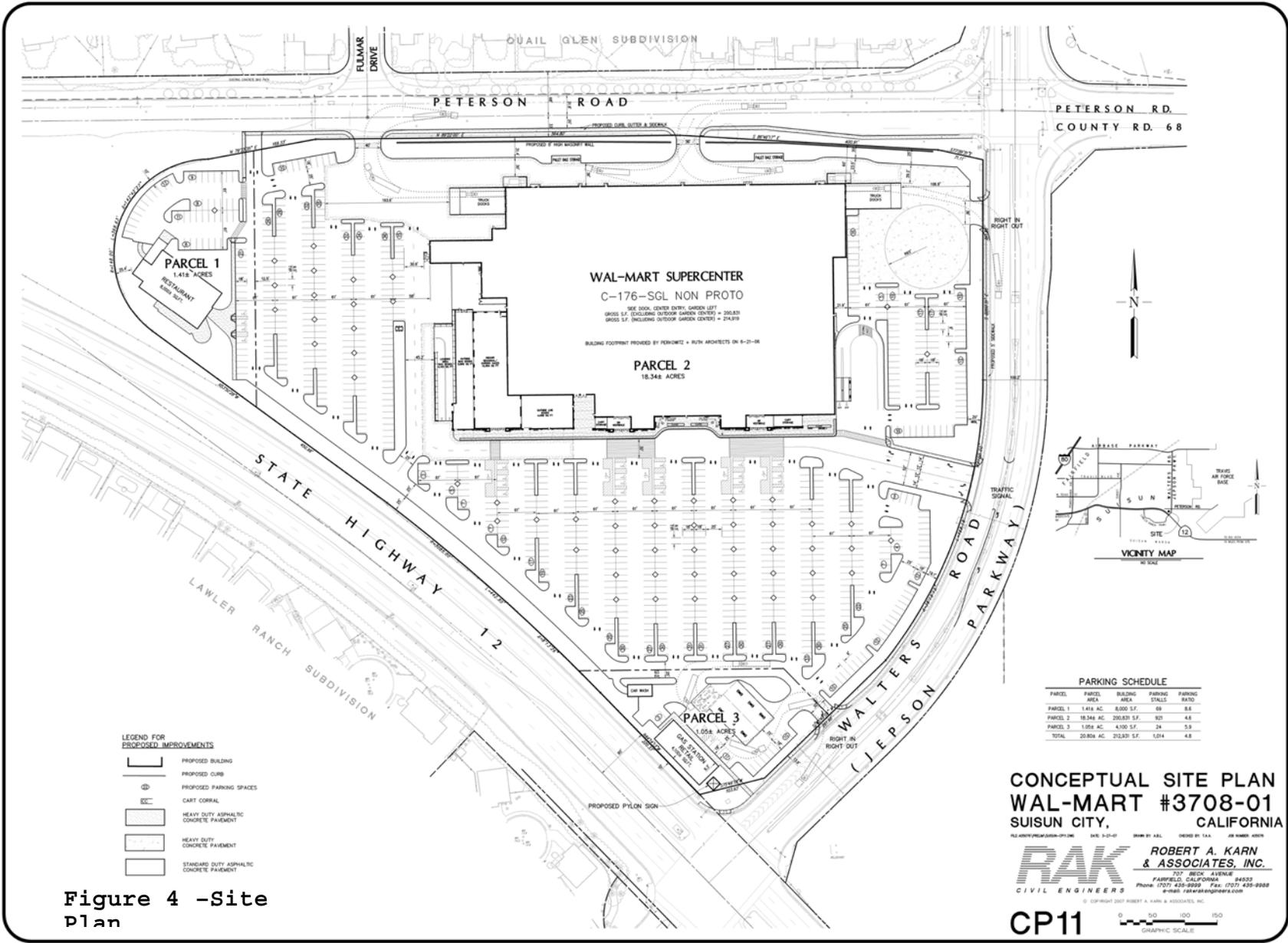


Figure 4 -Site Plan

Walters Road Wetland Delineation Map

