



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 199400040

Date: February 4, 2004

Comments Due: March 8, 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 Stonegate Subdivision Project, in Chico, California. This project would result in impacts to approximately 3.77 acres of waters of the United States, including wetlands, in or adjacent to the vernal pools, seasonal 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 website at <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/index.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: Jim Mann, c/o Rural Consulting Associates, 70 Declaration Drive, Suite 101, Chico, California 95973

LOCATION: The project site is located southeast of the City of Chico, in Section 32, Township 22 North, Range 2 East, MDB&M, in Butte County, California.

PROJECT DESCRIPTION: The applicant is proposing to construct a residential and commercial development. The project site consists of approximately 165 acres, which includes 4.64 acres of jurisdictional wetlands under Section 404 of the Clean Water Act. These wetlands occur throughout the project site. Project grading will result in the loss of 3.77 acres of on-site wetlands. The applicant's stated project purpose is to develop single-family residences and multi-family residences. Other project features include a 48-acre Butte County Meadowfoan and wetland preserve, and an onsite open space/stormwater detention facility. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 4.64 acres of jurisdictional wetlands within the project area. The site is characterized by seasonally inundated wetland drainages that cross the property from northeast to southwest. The current land use is agricultural, primarily occasional stock grazing. Surrounding land uses include stock grazing and urban development. The project site is approved for urban development in the City of Chico's General Plan.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives is available from the applicant or their agent.

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 impact, the Corps may require compensatory mitigation. The applicant has proposed to preserve 0.88 acres of wetland habitat in the onsite wetland preserve and to preserve and restore or construct additional wetland habitat in an offsite location, in compliance with the Biological Opinion (1-1-93-F-54) issued for the project on August 31, 1995.

OTHER GOVERNMENT AUTHORIZATIONS:

The applicant has indicated they are concurrently applying for 401 Water Quality Certification from the Regional Water Quality Control Board. No other related permit information has been provided by the applicant.

Historic Properties:

Based on the available information the applicant states that a cultural resources survey was conducted for the project site as part of the Specific Plan Environmental Impact Report. No significant cultural resources or other resources either listed or recommended for listing in the National Register of Historic Places would be affected by the project.

ENDANGERED OR THREATENED SPECIES:

The project site supports vernal pools, habitat for the vernal pool fairy shrimp, vernal pool tadpole shrimp, and Butte County meadowfoam. A Biological Opinion was issued for this project site on August 31, 1995, number (1-1-93-F-54). The Biological Opinion found that the project would not jeopardize the continued existence of any species listed under the Federal Endangered Species Act.

ESSENTIAL FISH HABITAT:

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

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 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

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.

SUBMITTING COMMENTS:

Written comments, referencing Public Notice 199400040, must be submitted to the office listed below on or before **March 8, 2004**:

Ms. Laura Whitney, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Laura.A.Whitney@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 Mr. Kenneth Whitney, of Foothill Associates, telephone 916-534-1202 or Ms. Laura Whitney, at the letterhead address, telephone 916-557-7455, email, Laura.A.Whitney@usace.army.mil.

Attachments: 3 drawings

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

Enclosures: Drawings