



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200000612

Date: November 7, 2000

Comments Due: December 7, 2000

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge fill material into waters of the United States, including wetlands, during construction of the Canyon High School/Bruce Road South project in Chico, California, as shown in the attached drawings.

APPLICANT: Bruce Road Associates, LP
c/o Jim Mann, Rural Consulting
70 Declaration Drive, Suite 101
Chico, CA 95973

LOCATION: The Canyon High School/Bruce Road South site is located in southeastern Chico (Sheet 1). The project is located on both sides of Bruce Road north of Skyway and south of 20th Street, approximately 1.5 miles south of State Highway 32 and approximately 0.5 miles east of the intersection of State Highway 99 and Skyway. The site is within the U.S.G.S. Chico 7.5' quadrangle and includes a portion of Sections 31 and 32, T 22N, R2E.

PURPOSE: This project has 2 separate purposes:

1. To provide residential development with support facilities to meet the City of Chico's demand for housing.
2. To provide a high school facility for an expanding population of high school age children in the region.

PROJECT DESCRIPTION: The approximately 347 acre project proposed would result in the fill of approximately 6.85 acres of waters of the United States, consisting of 2.69 acres of vernal pools and 4.16 acres of seasonal wetland. The proposed fill would be from grading on 217 acres that would allow construction of Bruce Road Associates, LP's project, known as the Canyon High School/Bruce Road South, consisting of a high school servicing 1,800 students, approximately 700 single family residential units, and approximately 300 multi-family residential units.

As part of project development, approximately 130 acres of the project site is proposed to be maintained as an open space preserve, including 10.27 acres of jurisdictional waters of the United States, including wetlands (see Table 1). As part of project development, the applicant proposed to develop a management plan and long-term funding mechanism to ensure protection of the open space preserve in perpetuity. The proposed preserve will be contiguous with the existing Doe Mill Preserve east of the adjacent Little Chico Creek Diversion Channel. The open space preserve will include populations of Butte County meadowfoam (*Limnanthes floccosa ssp. californica*), vernal pool habitat for vernal pool tadpole shrimp (*Lepidurus packardi*) and vernal pool fairy shrimp (*Branchinecta lynchi*). All three are Federally listed threatened or endangered species.

AREA DESCRIPTION: The site is bordered on the south by Skyway, on the west by residential and commercial development, on the north by East 20th Street/Warfield Drive, and on the east by rangeland. The project is divided by Bruce Road running north to south through the site. The site is located in a rapidly urbanizing portion of the City of Chico.

The project area drains predominately from the northeast to the southwest. The portion of the site west of the Little Chico Creek bypass channel (shown as "creek" on attached drawings) drains beneath Bruce Road, across the site west of Bruce Road, and into existing residential and commercial development. The remainder of the site drains into the bypass channel. Stormwater from the proposed development will be collected in a storm drain system and conveyed to the City of Chico's Fair Street Regional Stormwater Detention Facility.

The project site supports a wide variety of native and non-native grasses and forbs, interspersed with seasonally inundated wetlands. Some riparian woodland vegetation occurs along portions of the Little Chico Creek bypass channel. The seasonal wetlands on the project site are dominated by vernal pool seasonal swale complexes.

ADDITIONAL INFORMATION: Based on the information supplied by the applicant the high school and residential development appear to have separate and independent utility. The projects appear not to be dependant or interrelated with each other and may constitute two separate projects.

Although the applicant has proposed the preservation of 10.27 acres of jurisdictional waters of the United States the Corps of Engineers has not received or verified a wetland delineation for those portions of the preserve that are east of and including the Little Chico Creek bypass channel. A verified wetland delineation for the proposed preserve area will be required for permit evaluation.

The permit evaluation process will include the review of a complete alternatives analysis of sites considered for the residential development as well as the high school. The applicant is preparing this information for submittal. This is necessary to show that the sites for the projects, as proposed, are the least environmentally damaging practicable alternatives.

The applicant has stated that there are no known cultural resources in the project area that are listed or eligible for listing under the National Historic Preservation Act.

Presently unknown cultural resources may be located in the permit area.

Butte County meadowfoam (*Limnanthes floccosa* spp. *californica*), vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepidurus packardii*) are Federally listed as threatened or endangered, are present on the site and may be affected. Consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act will be initiated for all three of these species once all information has been submitted by the applicant.

The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **December 7, 2000**. Any person may request, in writing, within the comment period specified in this 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.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain 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 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.

If additional information is required, please contact Bruce Road Associates, LLP, telephone (530)899-9849, or Mr. Matthew Kelley, at the letterhead address, telephone (916) 557-7724.

Michael J. Walsh
Colonel, Corps of Engineers
District Engineer

Enclosures: Drawing(s)