



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200300204

Date: February 17, 2004

Comments Due: March 18, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Aspire Homes Mariposa Vista Project, which includes Unit 1 and Unit 2, as well as Jensen Park Subdivision. The proposed project would result in impacts to approximately 2.73 acres of waters of the United States, including wetlands, in or adjacent to the unnamed ephemeral channel, which is a tributary to the Sacramento River. Approximately 0.10 acres have been filled by previously established homes located in the southwest portion of the project site. 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/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: Tony Symmes, Aspire Homes, P.O. Box 617, Chico, California 95927
530-894-6099

LOCATION: The Mariposa Vista Project site encompasses approximately 60.4 acres located in the City of Chico in Butte County, California. The project site is situated north of East Avenue. Approximately 51.1 acres of the proposed project is located between Mariposa Avenue and Ceanothus Avenue and approximately 9.3 acres of the proposed project is located adjacent to the east side of Ceanothus Avenue. The project is located in Section 32, Township 22 North, Range 1 East, MDB&M and can be seen on the USGS 7.5 Minute Richardson Springs Quadrangle. For a vicinity map see Figure Sheet 1 of 3.

PROJECT DESCRIPTION: The applicant is proposing to construct a subdivision. The applicant's stated project purpose is to construct a residential development, which is located in the northeast-planning quadrant of the City of Chico. The applicant believes there is a need to provide affordable housing as defined by the Veterans Administration, Housing and Urban Development, California Department of Housing and Community Development and the City of Chico's Mortgage Subsidy Program. Unit 1 will consist of 113 single-family lots on 18.45 acres, Unit 2 will consist of 208 single-family lots and 10 lots designated for duplexes on 32.65 acres. Jensen Park Subdivision located on the eastside of Ceanothus Avenue will consist of 42 lots for single-family residential development on 9.3 acres. Proposed density for the project is 6.76 units per 1 acre. See Sheets 2 of 3 and 3 of 3, for additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The surrounding area is bounded by a plant nursery and a single family residence, as well as vacant property to the north, vacant grassland and single family residential to the east, commercial uses (East Avenue Marketplace) to the south, and vacant grassland and single-family residential areas. In the proposed project area there are approximately 2.83 acres of wetlands, which include an ephemeral channel with associated vernal pools, as well as seasonal marsh. **At this time, the Corps has not verified the wetland delineation for the proposed project.** The site is characterized by mostly non-native grassland. Herbaceous plant species found in these areas include medusa head, himalayan blackberry, dove weed, yellow star-thistle, italian ryegrass, curly dock, and rush. Dominant plant species in onsite wetlands include coyote thistle, mediterranean barley, and popcornflower.

Alternatives. The applicant has not provided information concerning project alternatives. The applicant has stated that they will submit an alternatives analysis to the Corps that analyzes off-site as well as on-site alternatives in accordance with Section 404(b)(1) and the Guidelines adopted by the Environmental Protection Agency.

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 buy wetland mitigation credits for the proposed project impacts at a Corps and U.S. Fish and Wildlife Service approved mitigation bank, as well as buy mitigation credits for unauthorized fill that occurred in the Unit 1 area of the proposed project. Additionally, wetland credits have already been purchased at an approved mitigation bank for fills that occurred to 0.04 acres of ephemeral drainage and 0.06 acres of riverine seasonal marsh during the development of the southwest portion of the Unit 1 where several homes have already been established.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: There is a potential for known properties to exist within the project site. 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. Potential habitat for species listed under the Federal Endangered Species Act occurs within the project vicinity, including the Federally listed endangered vernal pool tadpole shrimp (*Lepidurus packardi*), the threatened vernal pool fairy shrimp (*Branchinecta lynchii*) and the Federally listed threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). No other listed species or their habitat will be affected by the proposed project. The Corps has initiated consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act.

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

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 200300204, must be submitted to the office listed below on or before March 18, 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 the applicant agent Mr. Kenneth Whitney, Foothill Associates at 916-435-1202 or the Corps' project manager Ms. Laura Whitney, 916-557-7455, Laura.A.Whitney@usace.army.mil.

Attachments: 3 Figures