



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200400358

Date: March 14, 2005

Comments Due: April 13, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Calle Vista Estates project, which would result in impacts to approximately 0.89 acres of waters of the United States, including wetlands, that are tributary or adjacent to tributaries of the Feather River. 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 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Jim Copeland, Copeland Development Group Company
1147 Bush Court
Placerville, California 95667

LOCATION: The project site is located in Oroville in Section 13, Township 19 North, Range 3 East, Butte County, California, and can be seen on the Oroville, California USGS Topographic Quadrangle. A vicinity map is provided in Attachment A.

PROJECT DESCRIPTION: The applicant is proposing to construct a residential development on approximately 28 acres, impacting 0.89 acres of waters of the United States. Based on the available information, the overall project purpose is to provide single-family residences in the Oroville area. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 0.89 acres of seasonal wetlands, vernal pools, and other waters of the United States within the project area. The site is predominately perennial grasslands and forbs. No trees exist on the site. Surrounding land uses include single-family residential developments to the east and north, rural residential development and open space to the south, and open space to the west. See Attachment A for a vicinity map and Attachment B and C for copies of the wetland delineation map and table of the acreage and type of waters present onsite.

Alternatives. The applicant has not provided information concerning project alternatives.

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 fill 0.89 acres of existing seasonal wetlands, vernal pools, and to culvert other waters of the United States, but has not proposed mitigation for these impacts.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, 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: Based on the available information (including applicant's report entitled An Archaeological Evaluation of of the Calle Vista Subdivision, dated February 2004), cultural resources not are within the project's area of potential effect.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered species including vernal pool tadpole shimp (*Lepidurus packardi*) and the threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and their critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate (Service file number 1-1-05-F-0042). The U.S. Fish and Wildlife Service has required that the applicant purchase 0.75 preservation credits and 0.375 creation credits at a Service-approved bank or purchase credits from a Service-approved in-lieu fee fund. The U.S. Fish and Wildlife Service Biological Opinion is included in Attachment D.

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.

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 200400358, must be submitted to the office listed below on or before April 13, 2005:

Andrea Jones, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Andrea.J.Jones@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 Andrea Jones, 916-557-7745, Andrea.J.Jones@usace.army.mil.

Attachments:

- A - Vicinity Map
- B - Wetland Delineation Map
- C - Table of Acreage and Types of Waters of the United States Present Onsite
- D - U.S. Fish and Wildlife Service Biological Opinion
- E - Subdivision Map