



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street

Sacramento, CA 95814-2922

Number: 200500767

Date: December 5, 2006

Comments Due: January 5, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Oro Bay project, which would result in impacts to approximately 5.21 acres of waters of the United States, including wetlands, in or adjacent to 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: Oro Bay Associates, LLC Chris Hawke
5000 Hopyard Road, Ste. 170
Pleasanton, California 94588
(925)467-9900

LOCATION: The project site is located in the City of Oroville in Section 28, Township 19 North, Range 3 East, Butte County, California, and can be seen on the Biggs Quad, USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a master planned community within in the City of Oroville. Based on the available information, the overall project purpose is residential development. The applicant believes there is a need to create a desirable place to live for anticipated growth. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 5.21 acres of seasonal wetlands, vernal pools, and vernal swales wetlands within the project area. The site is characterized by disturbed valley grassland with vegetation comprised mainly of non-native grasses and forbs. Existing development on-site consists of fencing, an abandoned farm compound, a vacant single-story farmhouse, an agricultural well, an unused irrigation piping system, an empty concrete detention pond, a dilapidated chicken coop, and an empty sheet metal out-building. Topography consists of gently sloping hills and flatlands, generally sloping downward in a southwesterly direction towards the Thermalito Afterbay. Project site elevations range from approximately 140 - 180 feet above sea level. In flatter portions of the project site, vernal pools, seasonal wetlands, and

swales form among mound topography. The property is part of a large vernal pool complex that traverses several of the neighbouring properties. Wet areas within the assessment area have been heavily compacted by cattle, which has created deeper areas and slightly altered vernal swales. There are also several man-made ditches that convey water to stock ponds. The primary soil series that occurs within the project site is typically Oroville-Thermalito-Fernandez-Thompsonflat complex. This soil complex typically occurs on highly dissected, intermediate terraces and dissected rolling terraces, respectively. Wetland soil samples performed displayed reduced conditions, concretions, organic streaking and other positive hydric soil indicators. The Oroville soil series is listed on the local hydric soils list.

Alternatives. The applicant has provided information concerning project alternatives. There were seven alternatives reviewed to include two off-site alternatives, four on-site alternatives, and one no-project alternative. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

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.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Redding RWQCB is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat; such as, Vernal Pool Tadpole Shrimp, Vernal Pool Fairy Shrimp, California Fairy Shrimp, Western Burrowing Owl, Western Spadefoot Toad, and White-tailed Kite. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

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 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 200500767, must be submitted to the office listed below on or before January 5, 2006:

Mr. Brian Vierria, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: brian.e.vierria@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 Mr. Brian Vierria, 916-557-7728, brian.e.vierria@usace.army.mil.

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