



# Public Notice

US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Number: 200501110  
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 Grand Avenue Subdivision project, which would result in impacts to approximately 0.69 acres of waters of the United States, including wetlands, in or adjacent to the Unnamed Tributary. 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:** Martin Bloom  
Post Office Box 3044  
Oakland, California 94609  
(510)207-7446

**LOCATION:** The project site is located in Oroville in Section 10 & 15, Township 19 North, Range 3 East, Butte County, California, and can be seen on the 1970, Oroville USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct approximately 141 residential homes including infrastructure improvements, access and internal circulation streets, hook up to City water supply and sanitary sewer services. The project will also subdivide 3 areas of the site to provide an airport business park development in proximity to the Oroville Airport. Based on the available information, the overall project purpose is to construct mixed community of residential and businesses. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 1.419 acres of intermittent, vernal pool, and seasonal wetlands within the project area. The site is characterized by flat plains and mima, or mound-swale, topography with project elevations ranging from 180-200 feet above sea level with 0-9% slopes. Mound-swale formations typically allow for the development of vernal pools, swales, and seasonal wetlands that collect water during precipitation events. Site vegetation consists primarily of disturbed perennial grasses and forbs. The primary soil series occurring within the project area includes Oroville, Thermalito, Fernandez, and Thompsonflat complexes.

This soil complex typically occurs on highly dissected, intermediate terraces and dissected rolling terraces, respectively. The wetland soil samples that were taken within the project area displayed reduced conditions, concretions, organic streaking, and other positive hydric soils indicators. Water from the vernal pool and vernal swale complexes is conveyed in a westerly direction through intermittent drainages that collect sheet flow within the project area. This continuum of wetland features and functions flow off the project area to the west and connects to the Thermalito Afterbay, which is part of the Feather River water shed. This area has been zoned R-1 for residential zoning to the north and M-1 for commercial zoning to the south portions of the project site respectively.

**Alternatives.** The applicant has provided information concerning project alternatives. There were six alternatives that have been reviewed by the Corps to include two off-site alternatives, three 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 Fairy Shrimp, Vernal Pool Tadpole Shrimp, California Fairy Shrimp, 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 200501110, 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](mailto: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](mailto:brian.e.vierria@usace.army.mil).

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