

US Army Corps of Engineers®

PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200200631-JWM

Comment Period: September 7, 2004 through October 7, 2004

Project Manager: John W. Markham (805) 585-2150 john.w.markham@usace.army.mil

Applicant

Lewis Latimer
River Central Investments, LLC
2780 Skypark Drive, Suite 460
Torrance, California 90505

Contact

PCR Services Corporation (agent)
Steve Nelson, Director of Biological Services
One Venture, Suite 150
Irvine, California 92618
(949)753-7002

Location

The proposed project is located on the southwest corner of River Street and Central Avenue, along the northern floodplain of Santa Clara River, in the City of Fillmore, Ventura County, California (at lat: 34-23-39.0120 lon: 118-54-46.0080). See Exhibits A and B.

Activity

The applicant proposes to impact up to 1.8 acres (1.4 acres permanent, 0.4 acres temporary) of waters of the U.S., including 0.10 acre (permanent) of wetlands, associated with site clearance, overexcavation and compaction of existing alluvial fill, importation and compaction of approximately 75,000 of imported alluvial fill, for the construction of up to 110 residential units, two new east-west and two new north-south internal access roads, a southerly extension of Central Avenue to the Santa Clara river, several NPDES basins, and a partially-buried soil-cement and native alluvium levee. See Exhibit C.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - Ventura Field Office
ATTN: CESPL-CO-R-200200631-JWM
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: john.w.markham@usace.army.mil

Evaluation Factors

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. Factors that will be considered include 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 production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

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.

Preliminary Review of Selected Factors

EIS Determination - A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality - The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant would be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management - This project is located outside of the coastal zone and will not affect coastal zone resources.

Cultural Resources - A site-specific Phase 1 archaeological survey has been conducted for the project site and no significant cultural resources were found or noted from previous surveys in the vicinity (McKenna, et al. July 2004). The latest version of the National Register of Historic Places was consulted and this site is not listed. According to the Final Environmental Impact Report (EIR) prepared for the project site (previously "The River Street Courtyard Project" or "The Courtyards Project"), the proposed location is not within an area considered sensitive for cultural resources of historic or prehistoric attribution (City of Fillmore, October 2002). This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species - A protocol-level survey conducted in 2000 recorded one territory of least Bell's vireo (*Vireo bellii pusillus*), a Federally and State-listed endangered species, within the southeastern corner of the project site that would be impacted by the levee permanent footprint; this

is referred to as the “eastern” territory. A second territory occurred approximately 50 feet southwest of the levee permanent footprint, referred to as the “western territory (Zev Labinger, Bio Logic Consulting, August 2000). See Exhibit D for the approximate locations. In 2002, a protocol survey was conducted as a follow-up to the 2000 survey. A single least Bell’s vireo was detected approximately 3,300 feet northeast (upstream) of the proposed project site, in the Pole Creek channel (John Gallo, Gallo Conservation Services, 2002). In 2003, another protocol survey was conducted in the project area, in support of the Heritage Valley Parks Project. During the survey, an adult vireo was observed feeding a juvenile outside of the proposed project site, in a small clump of willows approximately 50 feet riverward of the southwest corner of Phase 2’s (levee) permanent footprint. This observation was made on July 31, 2003. The survey report stated that the project area and surrounding environment appear to be a foraging area; therefore, these individuals were likely from territories further downstream of the Highway 23 Bridge (John Gallo, Gallo Consulting Services, 2003). Lastly, we have recently been informed that an additional set of surveys has been performed by Gallo Consulting Services, but are not available at this time. –Verbal correspondence between Mr. Gallo and Envicom Corporation indicate that for the third year in a row nesting birds were not observed in the eastern territory during protocol surveys (K. Patey, August 8, 2004).

The Santa Clara River watershed is also known to provide suitable migratory, holding and spawning habitat for the southern California Evolutionary Significant Unit (ESU) of the steelhead trout (*Oncorhynchus mykiss*). Focused surveys for the southern steelhead were conducted within the Santa Clara River in 2000 for the entire Southeast Specific Plan area, which includes the proposed project site, were conducted by San Marino Environmental Associates in May and July of 2002 (Envicom, 2002). Additional focused surveys were conducted by Dr. Camm Swift in February and March of 2003 for this proposed project and the Heritage Valley Parks project located immediately upstream (Envicom, 2003). Both sets of surveys confirmed the absence of steelhead within the project vicinity.

A comprehensive biological report, impact assessment, and mitigation proposal has been submitted by the applicant, and will be forwarded to the U.S. Fish and Wildlife Service and National Marine Fisheries Service upon initiation of interagency coordination. We intend to consult with the U.S. Fish and Wildlife Service for potential impacts (direct and indirect) to least Bell’s vireo, and with National Marine Fisheries Service for potential impacts to southern steelhead.

Public Hearing - 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 hearing shall state with particularity the reasons why holding a public hearing is appropriate.

Proposed Activity for Which a Permit is Required - The applicant-preferred location consists of approximately 11.4 acres, and contains approximately 3.7 acres of jurisdictional waters. The applicant proposes to impact up to 1.8 acres (1.4 acres permanent, 0.4 acres temporary) of waters of the U.S., including 0.10 acre (permanent) of wetlands, associated with site clearance, overexcavation and compaction of existing alluvial fill, importation and compaction of approximately 75,000 cubic yards of imported alluvial fill, and construction of up to 110 residential units (consisting of townhomes, duplex units, and several “granny flats”), two new east-west trending lanes, two new north-south trending lanes, a southerly extension to Central Avenue, several NPDES basins, and a partially-buried soil cement levee along the southern (riverside) project boundary. Dewatering of the excavated levee trench may be necessary. At the lowest elevation on site the depth to groundwater is estimated at 38 feet. The methods used for a dewatering, turbidity and erosion control plan would be approved by the Los Angeles Regional Water Quality Control Board and the Corps.

The majority of temporary and permanent (100% temporary, 86% permanent) jurisdictional impacts for this project would be associated with the levee, as most of the project area is above the 100-year FEMA-designated floodplain and outside of Corps geographic jurisdiction. The remaining jurisdictional impacts would result from the placement of fill material immediately landward of the

levee, creating additional building pads, a perimeter road, and the NPDES water quality basins. The NPDES basins would be placed in the southeast corner of the proposed project site, and would eliminate a small freshwater wetland (245 feet long, average of 18 feet wide) located at the base of a 42-inch stormwater outfall pipe.

Vegetation removal and grading would occur over the entire proposed site, and would extend up to an additional 0.2 acres off site immediately west of the proposed project site. Approximately 61,000 cubic yards of on-site alluvial sediment would then be over-excavated, combined, then compacted with approximately 75,000 of imported alluvial fill material. As the site topography is characterized generally by a distinct rise from the southwest (419 feet elevation) to the northeast (441 feet elevation, approximate 1.4% grade), and the southern one-third of the proposed project site currently lies within the Federal Emergency Management Agency (FEMA) 100-year floodplain, the City has required that the housing pad and finished floor elevations be approximately seven to thirteen feet above base-flood (100-year), pre-levee elevations. The importation and compaction of fill material would satisfy this safety requirement and create a level, buildable surface.

The proposed levee's approximate dimensions are as follows: 26 feet tall, (13 feet above ground, 13 feet below ground), and 1,030 feet long (including a 300-foot-long off-site extension as the western (downstream) terminus and a 210-foot-long north-south trending section as the eastern (upstream) terminus), with a 10-foot-wide top-width and 90-foot-wide bottom-width. The permanent and temporary impact acreage calculations include both on and off-site impacts. The buried soil-cement cutoff wall and the levee side slopes are both considered permanent impacts. The levee would be designed to protect on-site development from a 100-year flood event, as required by the City of Fillmore and Ventura County Watershed Protection District. Following construction, it would be covered with amended native alluvium and landscaped with local native riparian and transitional/upland species on a 5:1 slope for the riverward levee face, and an undetermined slope and vegetative palette for the landward levee face. Construction of the entire Townhomes project would take approximately 2.5 years.

Additional Project Information - The basic project purpose is to provide shelter, whereas the overall project purpose is to develop a viable, above-moderate income, high-density residential project within the City of Fillmore's currently designated city limits, consisting of up to 110 attached-home (shared wall) dwelling units. The development of this residential project would satisfy a current need for primarily "above-moderate income" housing within the City of Fillmore (City of Fillmore, Housing Element, updated August 2003).

The applicant had initially broken the Townhomes project into two phases for CEQA review, but now has chosen to submit the project as a whole for NEPA review. The proposed project therefore consists of the construction of up to 110 residential units and ancillary features (i.e., infrastructure) over approximately 8.5 acres. The proposed riverside levee would be constructed on the remaining 2.9 acres (approximately).

According to the applicant's biological resources assessment, plant communities observed on the proposed project site include transitional/upland scrub, degraded riparian scrub, scattered mature riparian trees and freshwater aquatic vegetation (*Townhomes at the River (Tract 5353) Jurisdictional Delineation* (Envicom Corporation, November 26, 2003)). Much of the river bottom along the southern half of the site consists of alluvial sand and gravel bars interspersed with riparian vegetation and meandering channel braids. The riparian scrub vegetation consists predominantly of mulefat, giant reed, narrow leaf willow, quailbush, sand bur, and sweetclover. The scattered mature riparian trees consist of Fremont cottonwood, black cottonwood, western sycamore, arroyo willow and red willow. As the southern half of this terraced slope of the Santa Clara River's floodplain displays an intermittent (fluctuating) hydrologic regime and is periodically scoured by flows (originating predominantly from Pole Creek), numerous upland and early seral species are also present within and surrounding the sandy deposits. The most prevalent upland species are Russian thistle, Great Basin sagebrush, coyote brush, cliff-aster, croton, Santa Barbara locoweed, black sage, sand bur, sweetclover, castor bean, chaparral yucca, and common sunflower (*Biological Resources Assessment (for) The Courtyards, Tentative Tract #5353, City of Fillmore* (Rachel Tierney Consulting, January 21, 2002)).

Freshwater aquatic (wetland) plant species are limited to a 0.10 acre Corps-defined wetland located along the easternmost boundary of the property, supported mainly by urban runoff. Representative species include broad-leaved cattail, dock, sweetclover, bulrush, tall flatsedge, waterpepper, curly dock, smartweed, cocklebur, and rabbit's-foot grass. The proposed project would involve the direct permanent loss of the following overlapping vegetative communities (acreages are approximate): 2.3 acres of giant reed scrub, 2.0 acres of Russian-thistle scrub, 2.0 acres of sand bur/sweet clover, 1.3 acres of mulefat scrub, and 0.10 acre of freshwater wetland (*River Street Residential Project (The Courtyards) Final EIR*, City of Fillmore, October 2002, and *Vegetation Map, Biological Assessment for the Townhomes at the River*, PCR, June 2004).

The construction of the proposed levee would be contiguous and aligning with a more expansive (linearly) levee design recently approved by the City (Heritage Valley Parks Final EIR, City of Fillmore, October 2002) and under preliminary review by the Corps (file no. 200300081-AJS). According to this EIR and an initial Corps review, the vast majority (i.e., >98%) of the Heritage Valley's proposed levee footprint would be landward of Corps jurisdiction. Therefore, the degree of Corps control over the placement of this structure is limited. Should the Heritage Valley's proposed levee be built concurrently with the proposed Townhomes levee, the north-south trending eastern (upstream) terminus would be removed from the Townhomes design plans. The linking of these two levee sections would ultimately remove the proposed Townhomes location from the 100-year floodplain, as would the incorporation of the eastern terminus. Based upon the larger size, increased complexity, and biological resources of the Heritage Valley project and location, we have found that it is highly improbable that the construction or permitting schedules of these two proposed project would run concurrently. The applicant therefore intends to proceed with the levee design that incorporates the eastern terminus element.

As a result of the anticipated potential changes upon the River's hydrodynamics and existing floodway-line designation, the applicant has requested a Conditional Letter of Map Revision (CLOMR) to the FEMA floodway line. For this request, PACE Engineering performed a HEC-RAS analysis of the site's hydraulic characteristics in January 2002. The modeling conditions included several peak event scenarios (100-year flood), using existing (baseline) conditions, "proposed conditions" (with bank protection in place at the Townhomes project), and "future conditions" (with bank protection in place at the Townhomes project as well as to the east and west of the project to predict future conditions). For the third scenario, the eastern (upstream end) terminus of the levee was designated to run along the entire Heritage Valley project while the western (downstream end) terminus of the levee was designated to run as far as the City's wastewater treatment plant. The results of the HEC-RAS hydraulic models indicated that there would be no significant effects upon the Santa Clara River.

Along the northern (project side) bank, the change in flow velocities associated with the "proposed conditions," as measured from the proposed Townhomes project location, ranged from -0.02 to 0.25 feet per second (fps) (mean of 0.13 fps, standard deviation (S.D.) of 0.11 fps), while the change in velocities associated with "future conditions" ranged from 0.09 to 0.82 fps (mean of 0.32 fps, S.D. of 0.26 fps). The changes in 100-year flood surface water elevations associated with the proposed conditions ranged from -0.02 to 0.03 feet (mean of 0.01 feet, S.D. of 0.02 feet), while the change in elevations associated with future conditions ranged from -0.05 to 0.06 feet (mean of 0.01 feet, S.D. of 0.04 feet).

We have recently learned that an additional HEC-RAS analysis assessed the effects of these several scenarios upon the southern portion of the Santa Clara River, across the floodplain (PACE, April 2004). We have requested a summary of this document from the applicant's consultant, and anticipate receiving this information in the near future.

A single previous development project was identified as being within Corps jurisdiction in the City of Fillmore along the northern bank of the Santa Clara River floodplain. This project is known as the Riverwalk development on Tentative Tract 5099 (Corps' file #200001403), and consists of 144 single family units over approximately 30 acres and a sloped soil cement levee. The levee is of the same design and material as the levee described below for future potential projects.

Alternatives - Several alternatives to the above-mentioned applicant-preferred project have been provided. The primary focus was placed on avoidance and reduction of impacts on jurisdictional waters and listed species. Therefore, the alternatives analysis focused on the relocation and redesign of the proposed Santa Clara River levee, which would be responsible for the majority of impacts, and the availability of off-site locations within the designated "service area."

No Project Alternative - The no-project alternative assumes that no Department of the Army permit would be forthcoming. The adoption of this no project alternative would not preclude future development of the project site, but it would result in a project that avoids discharge of fill material in any areas subject to Corps jurisdiction.

Off-Site Alternatives-(See Exhibit J)

Alternate Location #1 - The first alternative site is identified as APNs 053-051-165 and 053-051-155. The site is known as the "Masonic Temple" site and is currently vacant. The site consists of 7,000 square feet. It is currently zoned for residential use at 50 units per acre. Adjacent uses include specialty and general commercial uses, and residential uses. Based on the current zoning, eight units could be accommodated on this site, providing housing for approximately 28 people. Only a small portion of the proposed number of units could be accommodated on this site.

Alternate Location #2 - The second site is identified as APN 043-080-105, and is referred to as the Central Avenue alternative site. The site is approximately 9.86 acres in size. It is currently zoned for industrial use and is currently vacant. Adjacent land uses include residential, industrial, and agriculture. The site is designated for rezoning to medium residential (11 units per acre) as part of the City's current General Plan update. In order to construct a residential project on this site, it would have to be rezoned and a General Plan amendment would be required.

On-Site Alternatives (see Exhibits K-M)

Alternative 3 - On-site 4-acre Development Footprint (Exhibit K). This alternative would place the footprint of development outside (north) of all existing Corps and CDFG jurisdiction, restricting the building envelope to the northern portion of the site, which comprises 4.02 acres. A levee within the Santa Clara River would not be necessary, and the Central Avenue Storm Drain would not be extended. In addition, a future Heritage Valley Parkway extension (City thoroughfare) would not be built, thereby affecting a proposed City circulation element. Therefore, there would be no need for a Section 404 permit. The residential density would be 11 units per developable acre, which is consistent with the RM zone. Given the need for amenities the project site would be capable of supporting 33 to 44 multi-family units, providing only 30-40% of the housing as the applicant-selected project. Direct impacts to least Bell's vireo habitat would likely not occur as this alternative would place the footprint of development outside (north) of all riparian resources. As the building foundation would be raised, development would be outside the 100-year floodplain, thus eliminating the need for levee construction in the Santa Clara River. This would avoid the impacts to riparian and water resources associated with construction of the Santa Clara River levee. Although the land use would be the same as the proposed action, under this alternative the overall site density would be less as 66 to 76 fewer units would be built. The project would remain compatible with surrounding uses.

Four alternative levee alignments were analyzed by the applicant in order to reduce impacts to jurisdictional resources. These included: 1) Alternative 4- "Straight Levee Connecting to Heritage Valley Park's proposed future levee;" 2) Alternative 5- "Straight Levee with Permanent Eastern Terminus;" 3) Alternative 6- "Curved Levee Concept with Temporary Eastern Terminus," and, 4) the applicant-preferred alternative, "Curved Levee Concept with Permanent Eastern Terminus." Each alternate alignment of the levee would have the same dimensions as the applicant-preferred alternative. Impacts to Corps jurisdiction associated with each levee alternative are summarized below in **Table 1**.

Table 1
Santa Clara River Levee
Alternative Alignments Impacts to Corps Jurisdiction

Impacts to Corps Jurisdictional Areas	Permanent Impacts to Waters On Site (acres)	Permanent Impacts to Wetlands On Site (acres)	Temporary Impacts to Waters On Site (acres)	Permanent Impacts to Waters Off Site (acres)	Temporary Impacts to Waters Off Site (acres)	Total Impact (acres)
<i>Alternative 4</i>	2.6	0.1	0.9	0.1	0.1	3.8
<i>Alternative 5</i>	2.2	0.1	0.7	0.1	0.1	3.2
<i>Alternative 6</i>	1.0	0.1	1.1	0.1	0.1	2.4
<i>Applicant-Preferred Project Levee</i>	1.3	0.1	0.4	0.1	0.1	1.8

Alternative 4 - "Straight Levee Connecting to Heritage Valley Park's Proposed Future Levee" City of Fillmore Department of Engineering Preferred Alignment (Exhibit L). This alternative has a levee that runs parallel to the Santa Clara River Floodway line, in direct alignment with the proposed future HVP levee. The levee would eventually connect to the proposed future Heritage Valley Park (HVP) levee, and allow for the continuance of the HVP levee to the east, the southern extension of Central Avenue, and construction of a traffic circle located at the intersection of the Heritage Valley Parkway and Central Avenue. While this alternative was considered in the project site FEIR, the impacts to Corps jurisdiction would be 3.8 acres, of which 3.7 acres would be waters and 0.10 acre of wetland. Impacts to biological resources (including least Bell's vireo) would also be increased under this alternative. As with the other on-site levee alternatives, this design would also include native vegetation plantings along the riverward levee slope. All other issue areas would be very similar to the applicant-preferred action.

While this alternative would meet the applicant's objectives, the increase in impacts was carefully considered during project planning, and resulted in a June 2004 Fillmore City Council decision to allow the applicant-preferred curved alignment to replace this alternative as their favored alternative. In addition, this alternative presumes that the current designs for the HVP levee and residential development would be approved by all regulatory parties "as they stand", and that the HVP project would occur within the same timeframe as the proposed project. It is highly probable that at least one of these presumptions could prove false, rendering this Townhomes project alternative entirely dependent upon the progression of the HVP project. The applicant wishes his project to remain on schedule, and therefore supports an alternative that would allow for greater independence from the HVP project.

Alternative 5 - "Straight Levee with Permanent Eastern Terminus, No Connection to HVP Project (Exhibit M). This alternative has a levee alignment that runs parallel to the Santa

Clara River Floodway line, in direct alignment with the proposed future HVP levee (identical to alternative 4), but would also include a levee terminus that would wrap around the southeast corner of the project site then extend northerly along Central Avenue. The levee would remain on the east side of the project site and would not connect with the HVP Specific Plan levee. In addition, a proposed future Heritage Valley Parkway extension (City thoroughfare) would not be built, thereby affecting a proposed City circulation element. Impacts to Corps jurisdiction would be 3.3 acres, of which 3.2 acres would be waters and 0.10 acre of wetland. This alternative would have slightly lesser impacts to Corps jurisdiction and biological resources than Alternative 4, and more than the preferred action.

Alternative 6 - "Curved Concept with Temporary Eastern Terminus" (Exhibit N). This alternative levee design would have the same levee alignment (i.e., "curved, with a north/south trending terminus on eastern side") as the applicant-preferred project, but would have a temporary levee constructed on the eastern side. Depending upon the viability of the proposed future HVP project and levee design, this temporary levee would be either removed and replaced with a permanent levee or simply removed if the Townhomes levee eventually joins with the proposed HVP levee. Over the short-term, impacts to Corps jurisdiction would consist of 1.0 acre of permanent impact (0.3 acre less than the applicant-preferred alternative) and 1.1 acres of temporary impact (0.7 acre more than the applicant-preferred alternative). Over the long term, additional temporary impacts would result from either the removal, or the removal and replacement of the temporary levee. This additional temporary impact has not yet been calculated. This project alternative exhibits a high level of dependency upon the HVP project, and presumes that the current designs for the HVP levee and residential development would be approved by all regulatory parties "as they stand." The applicant wishes his project to remain on schedule, and therefore supports an alternative that would allow for greater spatial and temporal independence from the HVP project.

Mitigation for Permanent Impacts to Jurisdictional Areas

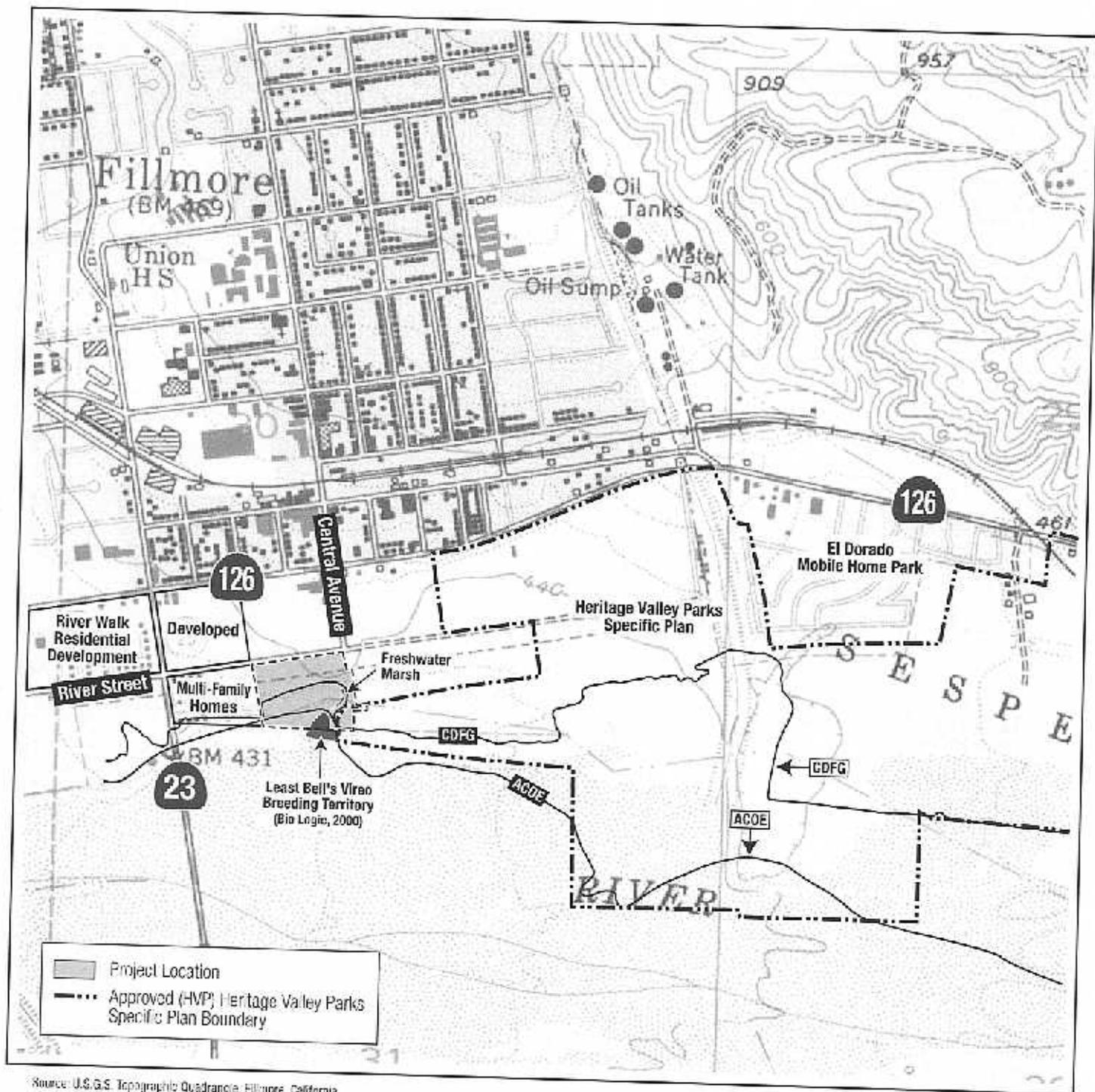
The applicant proposes to compensate for unavoidable impacts to LBV and sensitive habitat through: 1) the implementation of an on-site native riparian restoration plan; 2) the acquisition, restoration, and preservation of suitable off-site LBV habitat within the upper Santa Clara River floodplain corridor; and 3) the funding of an annual brown-headed cowbird trapping program.

Specifically, the applicant proposes to submit a native habitat on-site restoration plan that incorporates native riparian plants (e.g., cottonwood, sycamore, arroyo willow, mulefat, walnut, elderberry) in the temporary impact areas adjacent to the riverward levee slope; totaling approximately 0.35 acres. Mitigation credit would not be given to the applicant for re-vegetating the levee side slopes with native species, as the alluvial slopes would be maintained by the City in perpetuity, and the vegetation would be distributed in a traditional landscape pattern (i.e., "rows"). The restoration plan would also include the following components: 1) short-term (three to five year) annual performance criteria; 2) monitoring strategy; 3) contingency planning; 4) short-term irrigation method/schedule; and 5) provisions for the removal of non-native invasive species.

In addition, the applicant proposes to purchase and permanently protect 40 acres of the Santa Clara River floodplain located approximately 4.0 miles westerly (off site, downstream) of the proposed project site and 1.9 miles westerly of the confluence between the River and Sespe Creek. The north-south extent of the off-site mitigation parcel spans approximately two-thirds of the width of the Santa Clara River's floodway, and is bisected by a dominant, perennial low-flow channel. The riparian community within this parcel has been identified as suitable for LBV, and the property itself is considered a "key parcel" by the Nature Conservancy (the future title recipient) that would consolidate the Conservancy's larger land holdings in the Santa Paula region.

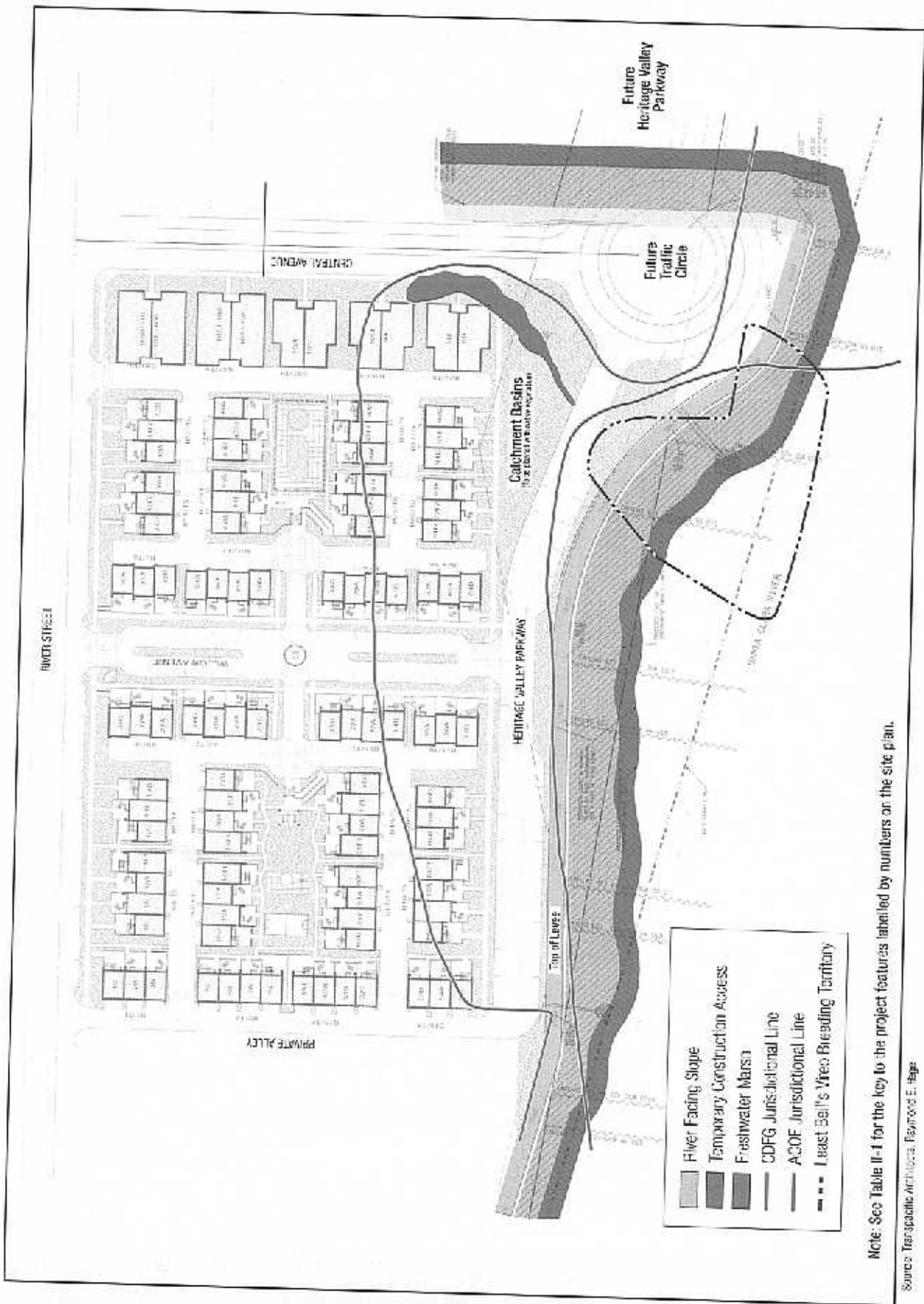
Furthermore, the applicant also proposes to fund an annual brown-headed cowbird trapping program, overseen by the U.S. Fish and Wildlife Service or another appropriate public agency. We would appreciate input from the Service regarding the appropriate amount and duration of payment.

For additional information please call John W. Markham of my staff at (805) 585-2150. This public notice is issued by the Chief, Regulatory Branch.



Project Location





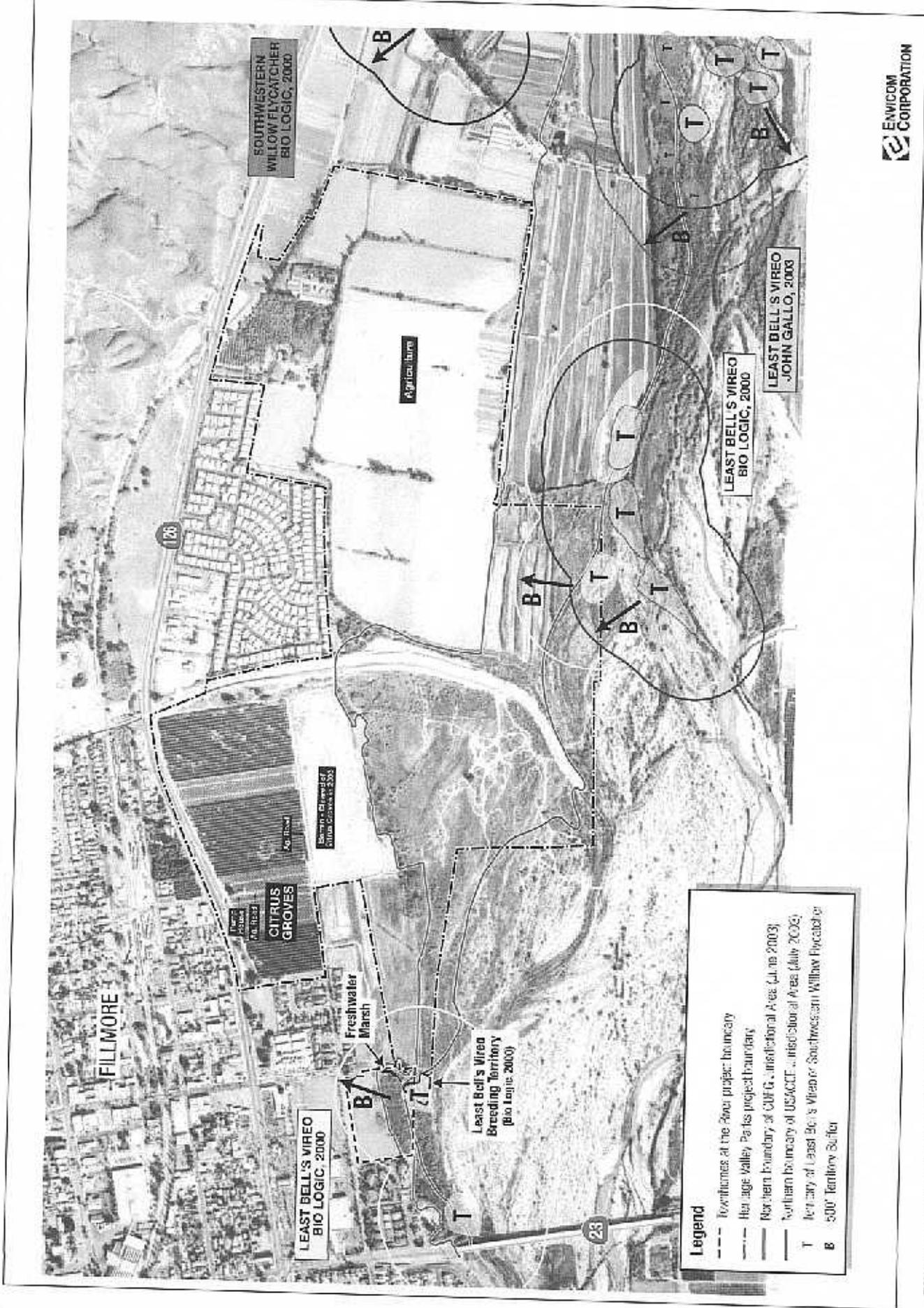
Note: See Table II-1 for the key to the project features labeled by numbers on the site plan.

Source: Transpacific Architects; Raymond E. Sage

TOWNHOMES AT THE RIVER - ENVIRONMENTAL ASSESSMENT

Site Plan





TOWNHOMES AT THE RIVER - ENVIRONMENTAL ASSESSMENT

Sensitive Bird Territories

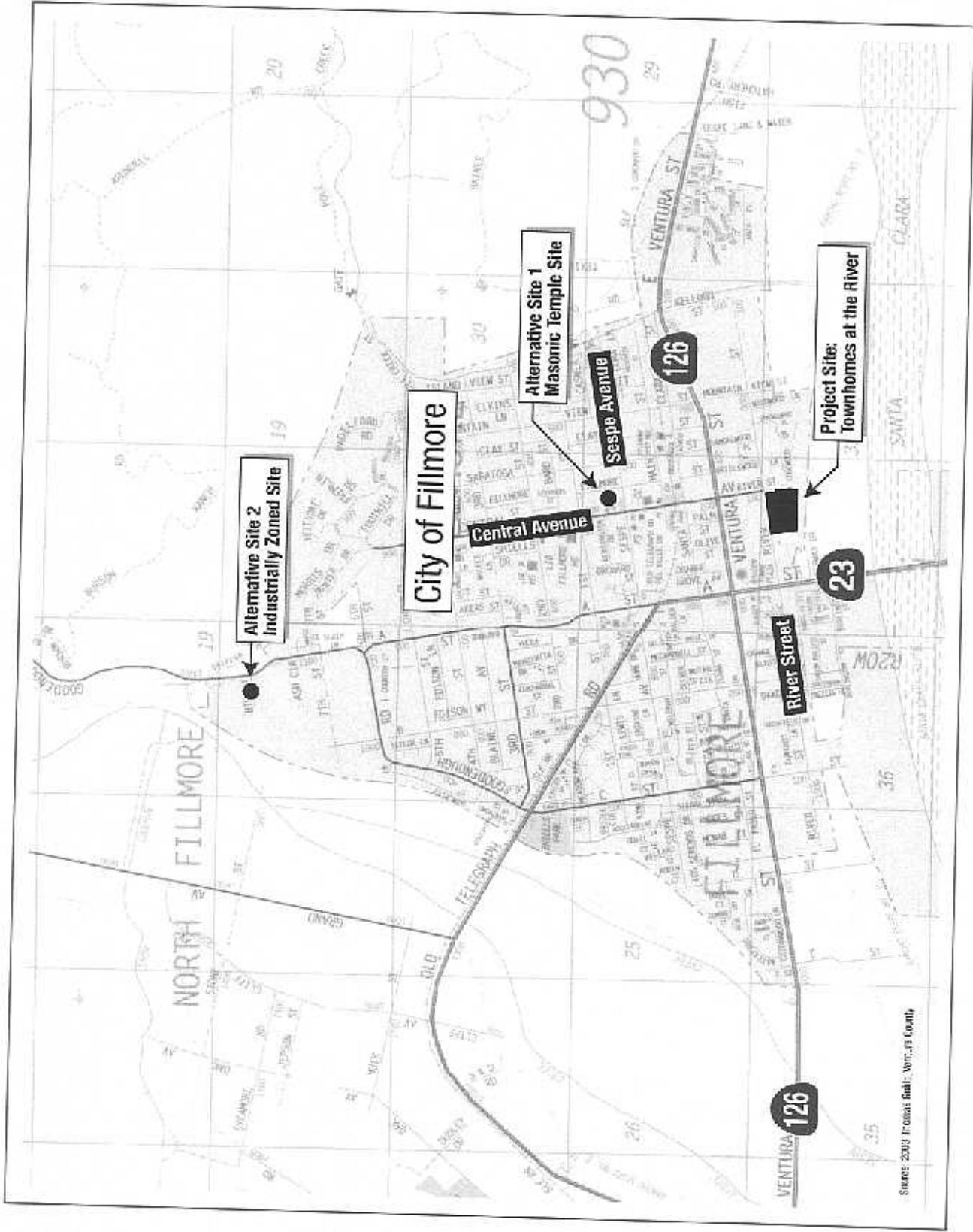


650

325

0
feet

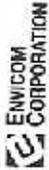
D

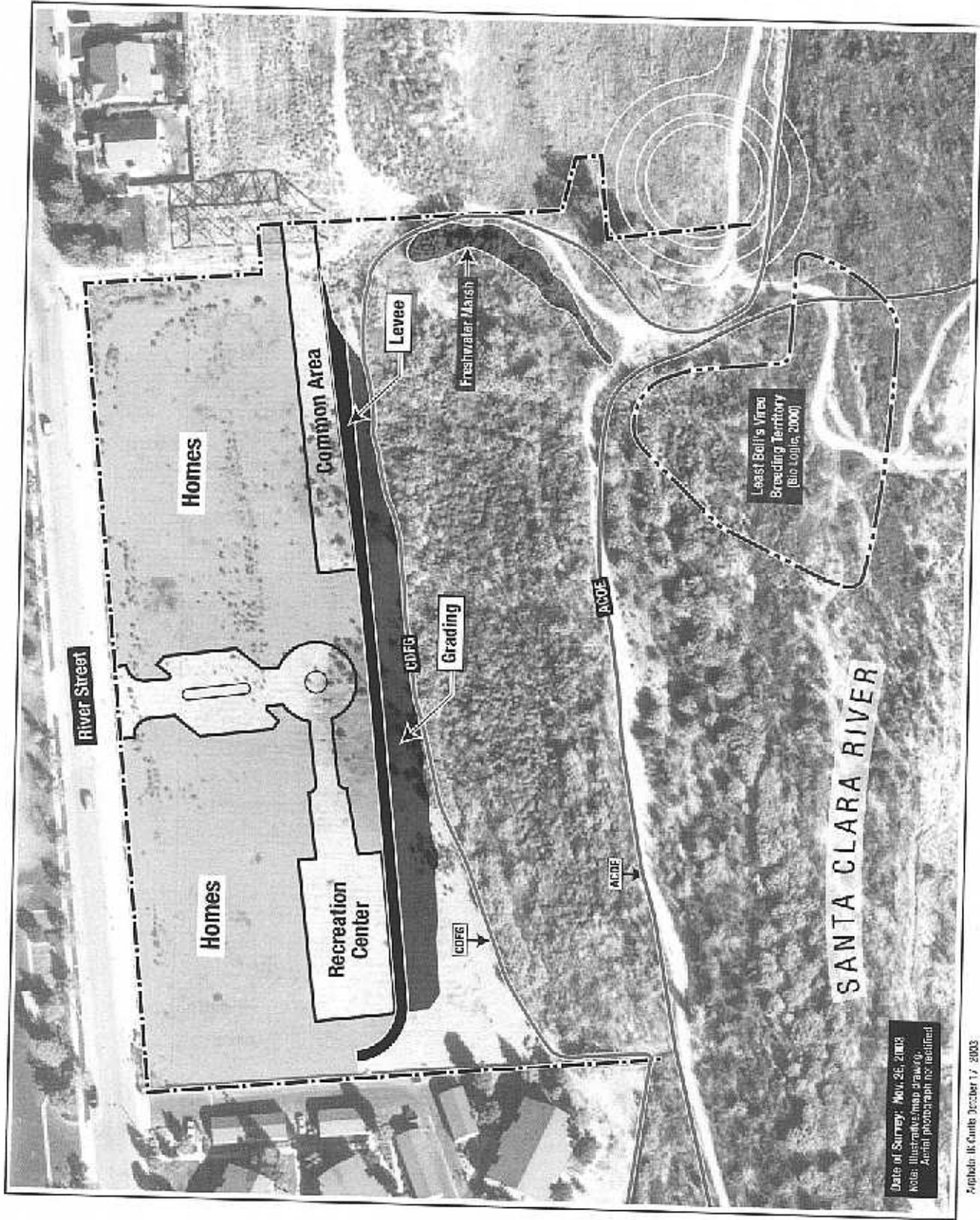


SOURCE: 2002 FILLMORE MAP, VENTURA COUNTY

TOWNHOMES AT THE RIVER - ENVIRONMENTAL ASSESSMENT

Off-Site Alternatives - 1 and 2



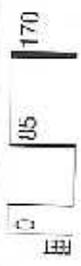


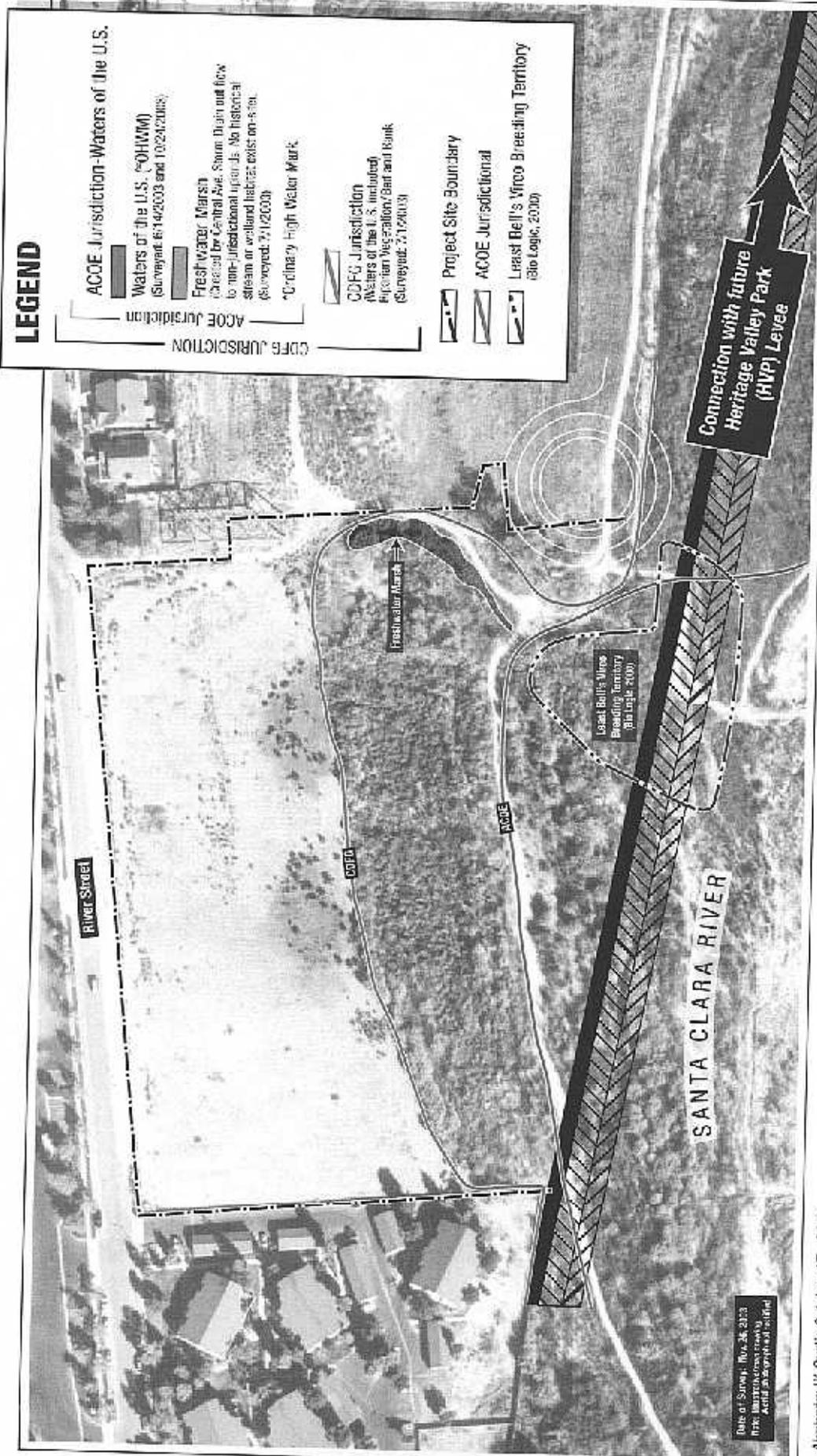
Date of Survey: May 26, 2003
 Aerial Illustration: Frank O.
 Aerial photographs not redlined

Archibald & Curtis December 17, 2003

TOWNHOMES AT THE RIVER - ENVIRONMENTAL ASSESSMENT

Alternative 3 - On-Site 4-Acre Development Footprint





LEGEND

ACOE Jurisdiction - Waters of the U.S.
 Waters of the U.S. (FOHWM)
 (Surveyed 6/14/2003 and 10/24/2003)

ACOE Jurisdiction
 Freshwater Marsh
 Channel by Central Ave. Stream drain out flow
 to non-jurisdictional uplands. No historical
 stream or wetland habitat exists on-site.
 (Surveyed 7/1/2003)

*Ordinary High Water Mark

CDFG Jurisdiction
 CDFG Jurisdiction
 Waters of the U.S. (including
 Riparian Vegetation/Belt and Bank
 (Surveyed 7/1/2003)

Project Site Boundary

ACOE Jurisdictional

Least Bell's Vireo Breeding Territory
 (Bio Logic, 2000)

Date of Survey: Nov. 28, 2003
 File: HAVM03001.dwg
 Author: K. Currie

Author: K. Currie October 17, 2003

Rev Number: 08/28, 2003

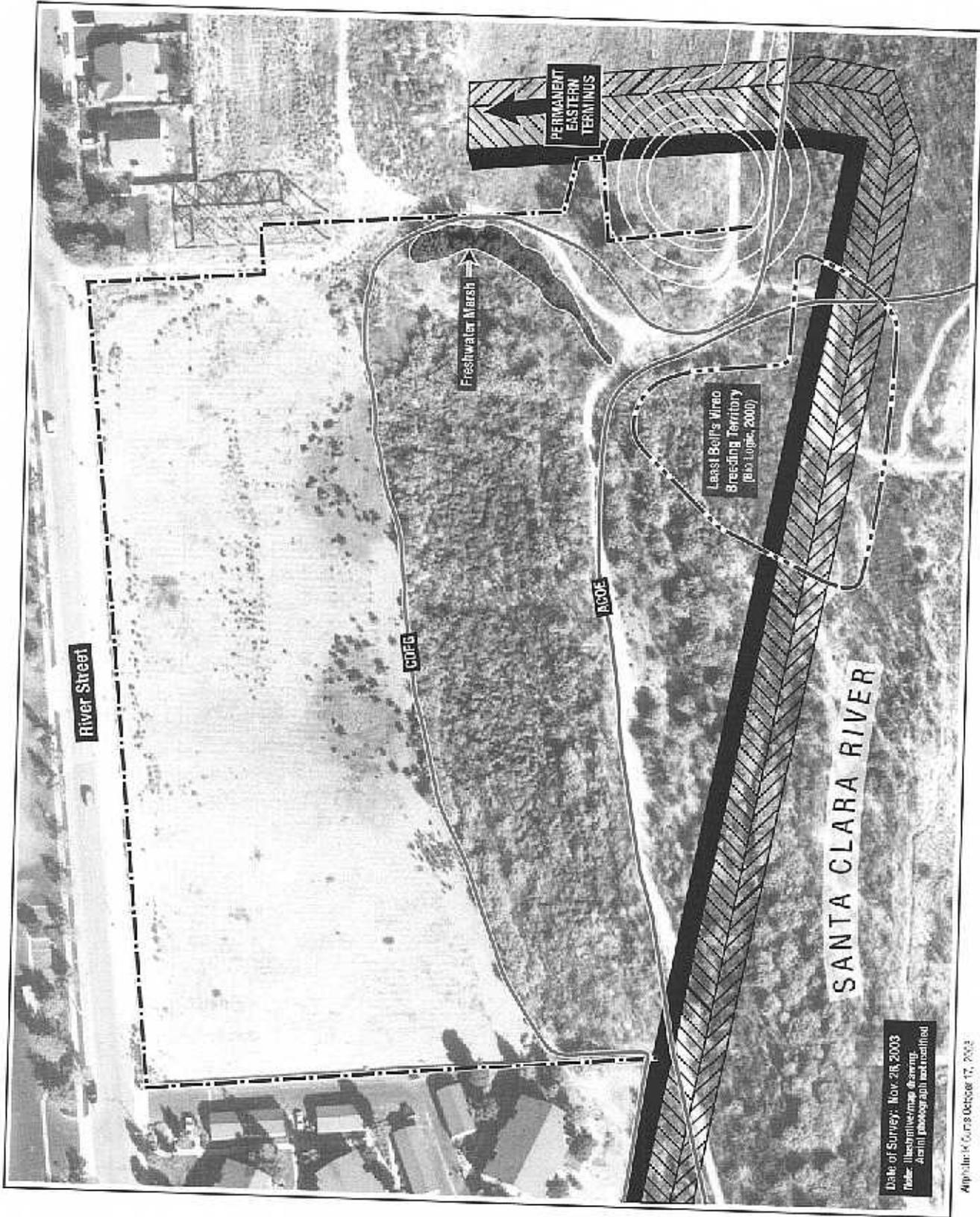
TOWNHOMES AT THE RIVER, CITY OF FILLMORE

Alternative 4 – Straight Levee Connecting to HVP's Proposed Future Levee

(City of Fillmore Preferred Alignment)



ENVIROM CORPORATION

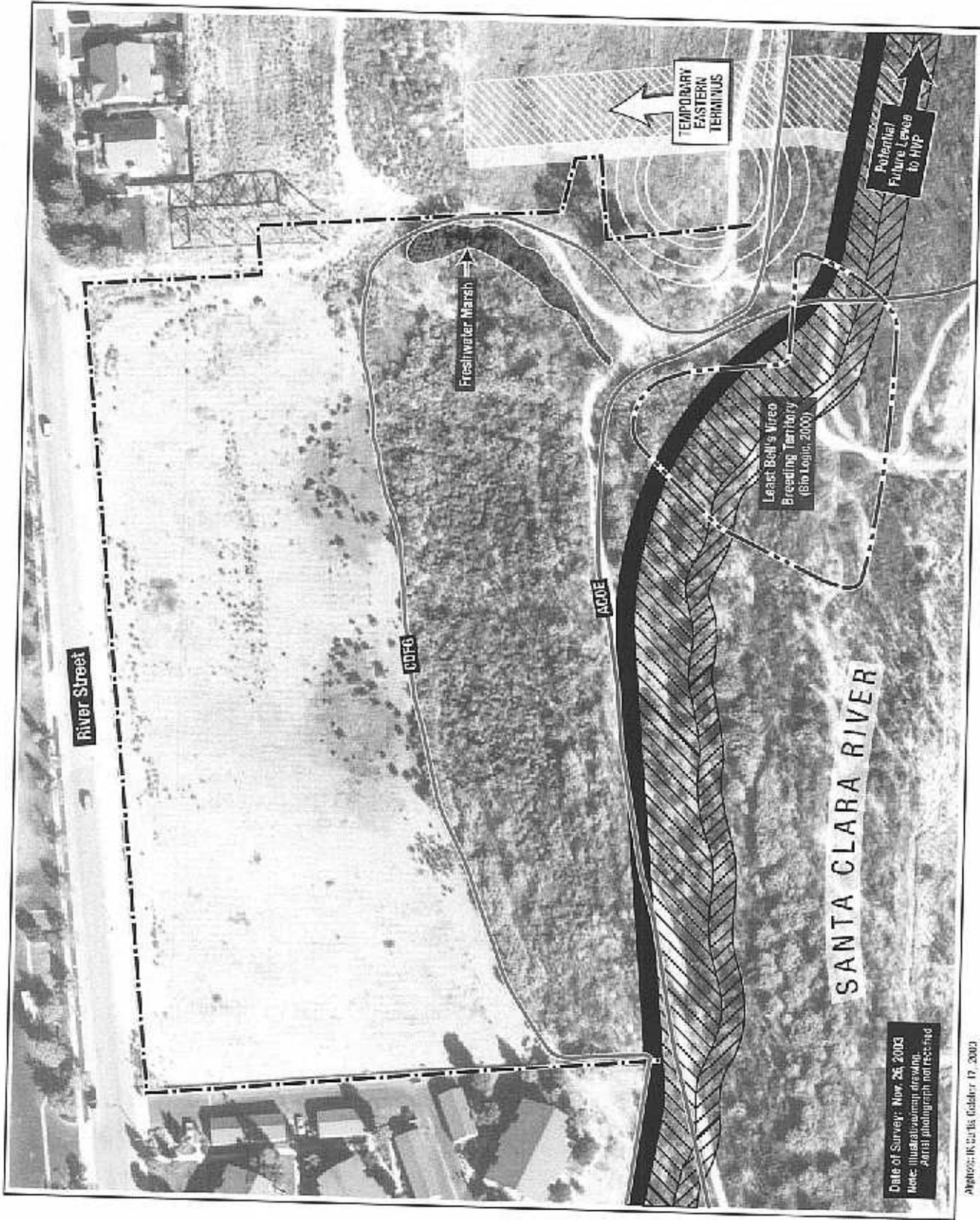


Date of Survey: Nov 28, 2003
 Photo: Illustration/Map & Survey
 Aerial photograph not georeferenced

AlphaGraphics October 17, 2003

TOWNHOMES AT THE RIVER - ENVIRONMENTAL ASSESSMENT

**Alternative 5 - Straight Levee (Floodway Limit) with Permanent Eastern Terminus
 (No Future Connection to HVP Levee)**



Date of Survey: Nov 26, 2003
 Note: Illustration drawing
 aerial photograph not to scale

Project: IR-0116, October 17, 2003

TOWNHOMES AT THE RIVER - ENVIRONMENTAL ASSESSMENT



Alternative 6 - Curved Concept with Temporary Eastern Terminus



ENVIROM CORPORATION