



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 199400256

Date: September 10, 2001

Comments Due: October 10, 2001

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to place dredge or fill material in the Tormey Drain and adjacent wetlands, as shown in the attached drawings.

APPLICANT: Jerry Knighten
Knighten Construction
P.O. Box 700
Anderson, CA 96007

LOCATION: The approximately 73.2-acre site is located in Township 30 North, Range 4 West, MDBM, the City of Anderson, Shasta County. State Highway 273 and the Union Pacific railroad border the site on the south and Interstate 5 is located to the North.

PROJECT DESCRIPTION: The purpose of previous and proposed activities at the site is to construct a residential subdivision. The applicant proposes to construct a total of 180 homes on the site. At the time of a wetland delineation conducted in 1993, 10.79 acres of waters of the United States, including wetlands, were identified on the property. The waters consisted of 9.02 acres of wet meadow, 0.58 acre of fresh emergent wetland, and 1.19 acres of channel. Since the delineation was verified in January of 1994, development of the site, including the construction of houses and associated infrastructure, proceeded and significant alteration of the topography and hydrology occurred. Currently, based on a July 7, 2000, delineation map, of the 9.6 acres of wetlands previously delineated on the site a total of 1.94 acres remain. Approximately 1.2 acres of wetlands and channels previously not delineated now exist on the site and two ponds totaling 8.43 acres have been excavated. The 1.19-acre of channels delineated in 1993, although modified, remain on the site. Other than 3 road crossings permitted in 1998, all work in waters of the United States on the site occurred without a Department of the Army permit.

The applicant is currently proposing to fill an additional 3.70 acres of wetlands and channels on the site. To mitigate for the past and proposed loss of wetlands and other waters of the United States, the applicant is proposing to establish a 24.63-acre on-site mitigation preserve. The mitigation site is to consist of 8.43 acres of created ponds, 2.2 acres of avoided valley oak woodland, 0.54 acre of avoided emergent wetland, 5.73 acres of created wet meadow, 0.65 acre

of avoided/enhanced wet meadow, 0.06 acre of created riparian scrub, 0.63 acre of created channel, 0.83 acre of avoided channel, and 5.56 acres of upland buffer. Monitoring and maintenance of the wetland preserve area is proposed by the applicant to be the responsibility of the Willow Glen Estates Homeowner's Association.

AREA DESCRIPTION: The project site is located within Anderson, California. Anderson a small, rural town, which has a population of approximately 8,900, is located toward the northern end of the Central Valley approximately 10 miles South of Redding. Lands adjacent to the project site to the northwest, northeast, and southeast are in agricultural use and those along the railroad are zoned commercial.

ADDITIONAL INFORMATION:

Presently unknown cultural resources may be located in the permit area. No cultural surveys or record searches have been conducted by the applicant.

The applicant has not provided sufficient information to determine whether the proposed work might affect threatened or endangered species or designated critical habitat.

The applicant currently has obtained the following approvals: a California Department of Fish and Game Stream Alteration Agreement (May 1998), City of Anderson CEQA compliance and tentative map approval (April 1996), State Water Resources Control Board Construction Activity Storm Water Permit (May 1998). An application has been submitted to the California Regional Water Quality Control Board for water quality certification.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **October 10, 2001**. 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 hearings shall state, with particularity, the reasons for holding a public hearing.

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; among those are 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 and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

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.

If additional information is required, please contact the applicant's agent, Don Burk, at (530) 221-0440, or Mr. William Ness, at the letterhead address, telephone (916) 557-5268.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Enclosures: 5 Drawings