



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street

Sacramento, CA 95814-2922

Number: 200000620

Date: December 18, 2006

Comments Due: January 16, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Stillwater Business Park project, which would result in impacts to approximately 7.55 acres of waters of the United States, including wetlands, (waters) in, tributary, or adjacent to Stillwater Creek. A joint Environmental Impact Report (EIR)/Environmental Impacts Statement (EIS) was completed by the City of Redding acting as the Federal Lead Agency as designated by the Department of Housing and Urban Development (HUD). That document is available from the City of Redding. This notice is to inform interested parties of the request for a Department of the Army permit to authorize the proposed activity in waters of the United States 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 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Jonathan Oldham, City of Redding, 777 Cypress Avenue, Redding, California 96001-2718, telephone: (530) 225-4046.

LOCATION: The approximately 678-acre project site is located along Stillwater Creek within Sections 2, 3, 10, and 11, Township 30 North, Range 4 West and Sections 3, 4, 10, 13-17, 20-27, 29, 34-36, Township 31 North, Range 4 West, Shasta County, California. The site is within the Enterprise and Cottonwood, California, USGS Topographic Quadrangles.

PROJECT DESCRIPTION: The applicant states the project as proposed will result in approximately 2.35 acres of direct, 2.48 acres of temporary and 2.72 acres of indirect fill material into waters of the United States, including wetlands, to construct a business park and associated infrastructure. Direct, temporary and indirect impacts will be independently evaluated by the Corps.

Proposed development includes road construction, two bridges, utility lines, culvert drains, parking lots, two electrical substations, and buildings. Fill material would consist of clean dirt, rock, stone, pavement, and concrete. Infrastructure improvements required by this project will include an overhead electrical transmission line. Approximately 2.5 miles of 115kV transmission line would run from approximately .5 mile north of Highway 44, south to the project site. The power poles would be placed using excavation and backfill. Rancho Road would be extended east across Stillwater Creek to serve the business park. Rancho Road would continue south through the business park connecting with Airport Road in the vicinity of Fig Tree Lane. The business park would consist of sixteen parcels of various acreage and configurations to meet the development needs. The attached drawings illustrate the approximate locations of the parcels within the business park.

Based on the available information, the overall project purpose is to construct a medium to large sized regional business park with associated roads, utilities and infrastructure within the City of Redding's sphere of influence. The applicant states there is an economic need to construct a business park development. The attached drawings provide additional project details. (See Attachments 1-14)

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 108 acres of waters within the 2385-acre survey area of this project (Figure 2). These jurisdictional waters include Stillwater Creek, intermittent streams, vernal pools, seasonal and riparian wetlands, and ponds. The site is characterized by blue oak and gray pine woodland, annual grassland, riparian forest, stream corridor, pasture, and scrub shrub habitat. Currently, the site is rural open space that receives periodic grazing and has little available access or disturbance. The Redding Airport is adjacent to the west. The Stillwater Plains Conservation Bank is directly adjacent to the east of this site. The conservation bank not only provides mitigation for wetlands, but also threatened and/or endangered species.

Alternatives. The applicant has provided information concerning project alternatives. These include both on-site and off-site alternatives to the proposed development. Ten off-site alternatives were initially considered, of which two were considered in further detail by the applicant. Additionally, three on-site alternatives were evaluated to reduce impacts to aquatic resources within the proposed development. Additional information concerning project alternatives is available from the applicant. 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 would require compensatory mitigation. The applicant is evaluating potential mitigation options both on and off the Stillwater Business Park site. The boundary of their proposed on-site preserve is denoted on Figure 3. The City is currently locating potential alternatives for off-site mitigation. Within these preserves the applicant has stated that both direct and indirect impacts will be mitigated in the forms of wetland creation, restoration, enhancement and preservation to offset impacts to the aquatic environment. The applicant will submit a mitigation plan to the Corps for review and approval.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board, is required for this project. On September 29, 2006, the City applied for certification for the proposed project.

HISTORIC PROPERTIES: Potentially eligible cultural resources may be affected by the proposed project. The City of Redding (City) as the lead Federal Agency, designated by the HUD, 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. A portion of the proposed business park and a portion of the transmission line are within vernal pool designated critical habitat.

On October 16, 2006, the City initiated consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate. A draft *Biological Evaluation/Essential Fish Habitat Assessment for Anadromous Fish* was submitted to National Marine Fisheries Service (NMFS) in January 2006. A final report will accompany consultation pursuant to Section 7 of the ESA.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat in Stillwater Creek. When the final version of the *Biological Evaluation/Essential Fish Habitat Assessment for Anadromous Fish* is complete, the City will initiate consultation with NMFS, pursuant to 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 200000620, must be submitted to the office listed below on or before January 16, 2007:

US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1480
Sacramento, California 95814-2922

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 (information above) or Nancy Haley at the Corps, (916) 557-7731.

Attachments: 16 drawings