



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200100388

Date: September 13, 2004

Comments Due: October 13, 2004

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Stonecreek Residential Development project, which would result in impacts to approximately 2.156 acres of waters of the United States, including wetlands, in or adjacent to Clover Creek a tributary to the Sacramento 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: Scott Schellinger, Schellinger Brothers, 1270 Airport Boulevard, Santa Rosa, California 95403, 707-545-1600

LOCATION: The project site is located in Redding in Section 21, Township 31 North, Range 4 West, Shasta County, California, and can be seen on the Enterprise USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a 50 acre residential subdivision to consist 155 single family residences, internal roadways, other appurtenant features, and a southern extension of Shasta View Drive from Rancho Road. The project proposes to retain fill material placed in violation of the Clean Water Act, into previously verified jurisdictional waters of the United States. The existing fill material placed in jurisdictional features appears to have been placed prior to the applicant's purchase of the property. However, the has proposed to retain the fill in order to construct the Stoncreek Subdivision. Based on the available information, the overall project purpose is to construct a residential subdivision within the City of Redding. The applicant believes there is an existing need for residential housing within the Redding area that this project will fulfill. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 0.616 acres of existing seasonal wetland/vernal pool habitat and approximately 1.54 acres of previously filled seasonal wetland /vernal pool habitat within the project area. The site is characterized by annual grassland, and is currently utilized for grazing livestock. Currently, there exists rural residential development to the East and the West, open land to the South and a residential subdivision to the North. There are tentative proposals to develop residential subdivisions to the South and southeast in the remaining open lands. The project area and the surrounding lands are located within the Clover Creek drainage area and the project site drains in several locations directly into Clover Creek which is located just to the East of the project site.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent.

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 Regional Water Quality Control Board (RWQCB), is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled An Archaeological Evaluation of the Stone Creek Project, Redding California), cultural resources are not within the project's area of potential effect.

ENDANGERED SPECIES: The proposed activity will affect Federally-listed endangered or threatened species or their critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act. Specifically, the project falls within the USFWS, designated vernal pool critical habitat range and will affect the Federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), slender Orcutt grass (*Orcuttia tenuis*), and their critical habitat.

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 200100388, must be

submitted to the office listed below on or before October 13, 2004:

Matthew Kelley, Project Manager
US Army Corps of Engineers, Sacramento District
Redding Regulatory Office
152 Hartnell Avenue
Redding, California 96002-1842
Email: Matthew.P.Kelley@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 Matthew Kelley, 530-223-9534, Matthew.P.Kelley@usace.army.mil.

Attachments: 2 drawings