



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

Public Notice

Public Notice Number: SPK-2002-742

Date: November 13, 2007

Comments Due: November 28, 2007

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 Los Robles Residential Development project, which the applicant has indicated would result in impacts to approximately 0.382 acres of waters of the United States (waters), including wetlands, in or adjacent to Boulder Creek. These impacts include 0.214 acres of direct impacts and 0.16 acres of indirect impacts. 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 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Gary Larson
448 Redcliff Drive, Suite 210
Redding, California 96002
Phone # (530) 241-3600

LOCATION: The project site is located in Redding, Section 24, Township 32 North, Range 5 West, Shasta County, California, and can be seen on the Redding, California, 7.5' USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a 90 lot residential development and associated infrastructure, including roadways, utilities, and storm water management structures, within the City of Redding.. Based on available information, the overall project purpose is to construct residential housing within the City of Redding, California market area. The applicant believes there is a need for additional housing in the Redding area to accommodate current housing needs. The current 23.7 acre project proposal was evaluated for the presence of waters as a part of a larger 30 acre study. Within the larger 30 acre area there were approximately 0.75 acres of jurisdictional waters verified on-site. The applicant has stated that 0.555 acres of waters are contained within the smaller 23.73 acre project area. The remaining 6.27 acres of the original 30 acre study area have been transferred to the City of Redding prior to their application. As a part of project development the applicant proposes to avoid portions of features WF-07 and WF-10. These features consist of Boulder Creek and a riparian wetland adjacent to Boulder Creek within the project area. All other waters and wetlands within the new project area will be impacted. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 0.555 acres of wetlands and other waters within the project boundary, consisting of 0.104 acres of fresh emergent wetlands, 0.07 acres of riparian wetlands, 0.125 acres of seep, 0.106 acres of intermittent pools, and 0.098 acres of seasonal wet

meadow, in addition to 0.052 acres of intermittent/ephemeral creek. This site is characterized by pine-oak woodland north of Boulder Creek. Portions of the site have been disturbed from surrounding construction/development. Surrounding development occurs along the entire northern and southern boundary, as well as portions of the western boundary. Highway 273 borders the existing property to the east. Portions of the site are on steep, hilly terrain with slopes over 20% and topography ranges from 640 feet to 700 feet above sea level.

Alternatives. The applicant has provided information concerning project alternatives. The applicant has proposed 4 on-site alternative sites (including the applicants preferred site) and 5 off-site alternate locations (see figure 4). The on-site alternatives include 2 alternatives for the larger 30-acre parcel and one alternative within the smaller 23.73 acre project area. The off-site locations are all within the city of Redding, of sufficient size (20+ acres), and zoned for development. Additional information concerning project alternatives may be available from the applicant or their agent. The attached drawings provide additional information. 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. The applicant has proposed to mitigate for project impacts by purchasing credits at a Corps approved mitigation bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board is required for this project. The applicant has indicated they have applied for certification. A Streambed Alteration Agreement obtained from the California Department of Fish and Game is required for this project. The applicant has indicated they have applied for it.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled Los Robles Residential Development Individual Permit Application, dated October, 2007), cultural resources are not present within the project's area of potential effect.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and 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 SPK-2002-742 must be submitted to the office listed below on or before November 28, 2007.

Matt Rabbe, Project Manager
US Army Corps of Engineers, Sacramento District
Redding Office
152 Hartnell Avenue
Redding, California 96002
Email: matt.r.rabbe@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 Matt Rabbe, (530) 223-9534, matt.r.rabbe@usace.army.mil.

Attachments: 6 drawings