



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Number: 200300818

Date: May 10, 2004

Comments Due: June 10, 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 High Street Parcel project, which would result in impacts to approximately 0.253 acres of waters of the United States, including wetlands, in or adjacent to the unnamed drainage. 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/cespk-co/regulatory/PNs/index.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:** John Kiefer, 4607 Balls Ferry Road, Anderson, California 96007, 530-365-3215

**LOCATION:** The project site is located in Cottonwood in Section 11, Township 29 North, Range 4 West, Shasta County, California, and can be seen on the Cottonwood USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a multi-family residential housing development. The 0.98 acre project will result in direct fill of 0.253 acres (550 lineal feet) of perennial drainage. The proposed project entails the construction of three apartment buildings, parking areas, and appurtenant facilities on the site. Due to the small size of the project site and the location of the features within the site the applicant contends that it is not practicable to avoid these features.

The applicant's stated project purpose is to develop residential housing. The applicant believes there is a need for multi-family residential housing in the area. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** The project site is surrounded on all sides by existing development which consists of an apartment complex, residential housing, and several small businesses. The onsite features are part of a channelized drainage system that enter the site through a culvert under First street immediately to the North of the project site. Flows to this feature originate from northwest of the project site West of Interstate 5(I5) near Gas Point Road. The feature drains a large wet meadow and proceeds South in a channel along I5 where it then enters a pipe under I5 and an apartment complex then entering the site. The feature then exits

the site and proceeds to the South through back yards of numerous residences before flowing into Cottonwood Creek. The small defined perennial channel is surrounded on both sides by a combination of emergent marsh and riparian habitat. The majority of this feature including onsite have been impacted by historic development.

**Alternatives.** The applicant has provided information concerning project alternatives. The applicant has evaluated three alternate 0.5 to 1.0 acre sites for this project in southern Shasta County. All three alternative sites were within the Redding City limits. Site 1 and 2 both contained potential wetlands and site 3 contained a portion of an intermittent stream, Boulder Creek. Site 1 was rejected due to the depressed nature of the surrounding neighborhood. The applicant felt that the local conditions would make it too difficult to attract tenants and receive sufficient rent to make the development economically feasible. Site two was rejected due to the city requiring improvements to the infrastructure including a road widening project that would increase the cost to construct to the point of making the project infeasible. Site 3 was rejected due to the substantial grading necessary to level the property including the large import of fill material increasing the cost making this alternative infeasible. Additional information concerning project alternatives is 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. The applicant has proposed to purchase mitigation credits at the Department of Fish and Game's Battle Creek Riparian Forest Mitigation Bank or pay into the Corps' in-lieu fee program.

**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. The applicant has also applied for a Stream Alteration Agreement from the California Department of Fish and Game(CDFG) and an NPDES permit from the RWQCB. Shasta County is preparing a negative declaration under CEQA.

**HISTORIC PROPERTIES:** Based on the available information (including applicant's permit application), no cultural resources are within the project's area of potential affect.

**ENDANGERED SPECIES:** The project will not affect any federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

**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 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

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 200300818, must be submitted to the office listed below on or before June 11, 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](mailto: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](mailto:Matthew.P.Kelley@usace.army.mil).

Attachments: 3 drawings