



# Public Notice

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

Number: 200500579  
Date: April 24, 2007  
Comments Due: May 24, 2007

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Mountain View Estates Subdivision project, which would result in impacts to approximately 3.16 acres of waters of the United States, including wetlands, in or adjacent to the Blackburn-Moon Drain. 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:** Foster Corning, LLC  
Mark Weidner  
250A Twin Dolphin Drive  
Redwood City, California 94065-1402  
650-622-2801

**LOCATION:** The project site is located in Corning in Section 15, Township 24 North, Range 3 West, Tehama County, California, and can be seen on the Corning, USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a residential subdivision and associated infrastructure. Based on the available information, the overall project purpose is to single family housing in the Corning, California area. The applicant believes there is an existing need for residential housing in this area. The project will consist of approximately 300 single-family residential units, internal roadways, utility infrastructure, and widen/improve existing roads around the perimeter of the development. These roadways include Highway 99W, Woodson Avenue, Houghton Avenue, and Blackburn Avenue. The project will result in the in impacts to all 3.16 acres of waters of the United States within the project area. These impacts include the permanent loss of 2.87 acres of waters of the United States and the temporary impact to 0.29 acres of water of the United States. The development will also contain an approximately 6 acre open space area where the applicant is proposing to create 3.18 acres of mitigation for impacts to waters of the United States. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 3.16 acres of waters of the United States within the project area consisting of 1.59 acres of seasonal wetlands and 1.27 acres of drainages. The adjacent lands are primarily agricultural with open fields or orchards. The site is characterized as relatively flat open fields that in the past have been used for irrigated and dryland pasture as well as hay production. Portions of the site have regularly spaced berms constructed that are evidence of past flood irrigation. However, they appear well rounded and eroded which suggests that flood irrigation has not occurred for some time. The hydrologic features on the site have been highly manipulated, channelized, and relocated

over time. The main water features on-site are the Blackburn-Moon Drain and seasonal wetland depressions with a number of smaller channelized drainages also occurring in the project area. The Blackburn-Moon Drain is a channelized natural feature that is a tributary to the Sacramento River and has a mapped 100 year flood plain starting just downstream of the project site. The Blackburn-Moon Drain runs along the southern boundary of the project and collects all run-off from the property. The seasonal wetlands within the project area are shallow depressions that are located primarily located in the southern portion of the site. These features discharge into the Blackburn-Moon Drain in the southeast corner of the 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. 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 construct 3.18 acres of seasonal wetlands within the project boundaries as depicted in the attached drawings to mitigate for project impacts to 3.16 acres of waters of the United States.

**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.

**HISTORIC PROPERTIES:** Based on the available information including applicant's report entitled, Cultural Resources Inventory of Assessor's Parcel Numbers 69-15-30, 69-15-40, -41, -42, -43, -44, 69-15-53, and 69-15-72, Near Corning Tehama County California, cultural resources eligible for inclusion on the National Register of Historic Places are not within the project's area of potential effect. The Corps 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. The depression wetlands on site may provide potential habitat for the federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*). The applicant is currently conducting surveys to determine if the listed species are present on the site. The Corps will initiate consultation with the U.S. Fish and Wildlife 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 200500579, must be submitted to the office listed below on or before May 24, 2007:

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: 5 drawings