



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

Public Notice

Public Notice Number: SPK-2005-00819

Date: December 13, 2007

Comments Due: January 12, 2008

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 retain fill material placed in waters of the United States without authorization and place additional fill material to complete the Churn Creek Park project, which would result in direct impacts to approximately 0.694 acres and indirect impacts to 0.255 acres for impacts totaling 0.949 acres of waters of the United States, including wetlands, in or adjacent to Churn Creek. 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: Jay Meyer
Willow Creek Development, Incorporated
979 F Street, Suite A
Davis, California 95616
Attn: Aubrey Moore Jr. (530)758-0658

LOCATION: The project site is located in The City of Redding along Churn Creek, Section 18, Township 32 North, Range 4 West, MDB&M, Shasta County, California, and can be seen on the Project City USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a single family residential housing development. Based on the available information, the overall project purpose is to construct a residential housing development in the Redding, California area. The applicant believes there is a need for additional housing in the Redding market area.

The project consists of installing two 72 in. pipes into the channelized intermittent stream along the northern project boundary. This will result in the fill of approximately 1200 ft of the channel to pipe the stream through the development. The piping is proposed to discharge into Churn Creek North of its current location through a short rock lined ditch. The applicant also is proposing to retain previously placed fill material in approximately 975 ft of intermittent stream. This fill was completed to place a channelized intermittent stream through the development into a 54 in. pipe and to convey collected storm water into Churn Creek. The 54 in. pipe continues across the 100 year flood plain and discharges directly into Churn Creek. Due to elevation of the development and Churn Creek, the pipe and associated outfall resulted in above grade fills within the flood plain. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There were approximately 1.478 acres of perennial stream, intermittent stream, freshwater emergent wetland and wetland meadow habitats within the project area. Currently 1.282 acres of waters of the United States remain in the project area. Approximately 0.179 acres of channelized intermittent stream and 0.017 acres of perennial stream habitats were impacted as a result of storm drain and outfall construction conducted between 2000 and 2002. This work was conducted without a Department of the Army permit.

The site is characterized by a flat terrace above the 100 year flood plain to the West of Churn Creek. Churn Creek is a perennial stream that is a direct tributary to the Sacramento River and flows, north to south, along the eastern project boundary. The previously constructed Phase I and the currently under construction Phase II are located on this terrace. The project and Churn Creek are separated by an approximately 150 foot wide flood plain which contains emergent wetland and wetland meadow habitat. The storm drain pipe and outfall structure completed during Phase I were constructed across this flood plain. This resulted in a 2 to 3 foot high berm across approximately 150 feet of the flood plain along the West bank of Churn Creek.

Alternatives. The applicant has provided information concerning off-site project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Currently the applicant is reviewing on-site alternatives to pull the pipe and outfall structure, constructed in 2000, back away from Churn Creek. This will reduce impacts to listed species and remove the obstruction created within the 100 year flood plain. 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 plant 1.388 acres of native upland and riparian vegetation along the on-site reach of Churn Creek. Alternatively, the applicant has proposed to purchase 0.694 credits at Stillwater Plains Mitigation Bank, or fund a Western Shasta Resources Conservation District stream restoration project.

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 is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: The applicant is currently evaluating whether any Historic Properties existed or remain within the project 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. Churn Creek provides spawning and rearing habitat for Central Valley steelhead (*Oncorhynchus mykiss*), spring-run Chinook salmon (*Oncorhynchus tshawytscha*), and fall-run Chinook Salmon (*Oncorhynchus tshawytscha*). Central Valley steelhead and spring-run Chinook are Federally-listed threatened species. Churn Creek is designated critical habitat for Central Valley steelhead and spring-run Chinook salmon occurs 2.2 and 8 miles downstream of the project respectively. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

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-2005-00819 must be submitted to the office listed below on or before January 12, 2008.

Matthew Kelley, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814 2922
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: 5 drawings