



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Sponsor  
Mr. David Ross

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**Sacramento District  
Mitigation Bank No. SPK-2024-00226**

TO WHOM IT MAY CONCERN: The Sacramento District of the U.S. Army Corps of Engineers (Corps) has received a prospectus for a Department of the Army mitigation bank pursuant to 33 CFR 332.8(d)(2). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**SPONSOR:** Mr. David Ross  
P.O. Box 556  
Palo Cedro, California 96073

**AGENT:** Ms. Becky Rozumowicz-Kodsuntie  
Area West Environmental, Inc.  
6248 Main Avenue, Suite C  
Orangevale, California 95662

**WATERWAY AND LOCATION:** The proposed mitigation bank would affect waters of the United States associated with Stillwater Creek. The bank property is located on the north side of Dersch Road in Section 1, Township 30 North, Range 4 West and Section 6 of Township 30 North, Range 6 West, Mount Diablo Base and Meridian; at Latitude 40.485175 and Longitude -122.256736; just east of Anderson, Shasta County, California.

**EXISTING CONDITIONS:** The proposed mitigation bank is located south of and adjacent to the approved Stillwater Plains Mitigation Bank. The site consists of a mix of annual grasses and is grazed by cattle. The site is partially bisected by Hunting Club Road and is bordered by Dersch Road to the south. A 15-acre residential property exists adjacent to Dersch Road. Willow Creek, an intermittent stream flows through the northwest corner of the site, and Stillwater creek meanders along the western boundary of the site. A vernal swale flows into an ephemeral drainage in the center of the site. Mixed oak woodland occurs along the western portion of the property and seasonal wetlands and vernal pools occur sparsely within the annual grasslands.

**PROPOSED WORK:** The applicant requests authorization to establish a 339-acre mitigation bank. The project would result in the establishment of 42 acres of vernal pools, 0.215 acres of vernal swales, 9.638 acres of seasonal wetlands, 0.726 acre of seasonal swales and 1.625 acres of freshwater emergent marsh. The project would also preserve 7.636 acres of vernal pools, 1.265 acres of vernal swales, 91.824 acres of

seasonal wetlands, 1.065 acres of ephemeral drainage, and 4.305 acres of intermittent drainage in or adjacent to the Clear Creek-Sacramento River (18020154) watershed. The Bank proposes to offer vernal pool, vernal swale, seasonal wetland, seasonal swale, ephemeral drainage, intermittent drainage, and freshwater emergent marsh Corps credits. The bank also proposes to offer species and habitat credits overseen by the California Department of Fish and Wildlife, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service.

The sponsor proposes to establish vernal pools at a 15% density. The vernal pool, seasonal wetland, and swale establishment would involve grading 6 to 16-inch depressions to mimic the depths of natural features found on site. Side slopes would not exceed five percent. Vegetation would be collected from vernal pools on-site and used as inoculum. Swales would be restored to convey water by excavating somewhat defined narrow (approximately 3-foot wide) channels oriented with the existing slopes.

The proposed Service Area includes the following watersheds: Clear-Creek Sacramento River (18020154), Cow Creek (18020151), Battle Creek (18020153), Cottonwood Creek (18020152), Paynes Creek-Sacramento River (18020155), Thomes Creek-Sacramento River (18020156), Big-Chico Creek-Sacramento River (18020157), Upper Stony (18020115), Sacramento-Stone Corral (18020104), Butte Creek (18020158), North Fork Feather (18020121), and the Honcut Headwaters-Lower Feather (18020159). The attached drawings provide additional details. The full prospectus can be found on the Regulatory In-lieu Fee and Bank Information Tracking System at [https://ribits.ops.usace.army.mil/ords/f?p=107:278:16609116211555:::278:P278\\_BANK\\_ID:6819](https://ribits.ops.usace.army.mil/ords/f?p=107:278:16609116211555:::278:P278_BANK_ID:6819).

## **CULTURAL RESOURCES:**

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the prospectus, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project.

Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
California central valley steelhead and its critical habitat	<i>Oncorhynchus mykiss</i>	Threatened
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	Threatened
Northwestern pond turtle	<i>Actinemys marmorata</i>	Proposed threatened
Western spadefoot	<i>Spea hamondii</i>	Proposed threatened
Monarch butterfly	<i>Danaus Plexippus</i>	Proposed threatened
Suckley's cuckoo bumble bee	<i>Bombus suckleyi</i>	Proposed endangered
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	Proposed threatened
Conservancy fairy shrimp	<i>Branchinecta conservation</i>	Endangered
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	Threatened
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	Endangered
Slender orcutt grass	<i>Orcuttia tenuis</i>	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps has preliminarily determined the proposed project may adversely affect Essential Fish Habitat (EFH). If the Corps' final determination is that the proposed project will adversely affect EFH, the Corps will initiate EFH consultation separately. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NAVIGATION:** The proposed mitigation bank is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification may be required from the Central Valley Regional Water Quality Control Board.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to approve a mitigation bank will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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, considerations of property ownership, and in general, the needs and welfare of the people.

**COMMENTS:** 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 determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA).

The Sacramento District will receive written comments on the proposed work, as outlined above, until **May 25, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to [Laura.B.Shively@usace.army.mil](mailto:Laura.B.Shively@usace.army.mil). Alternatively, you may submit comments in writing to

the Commander, U.S. Army Corps of Engineers, Sacramento District,  
Attention: Ms. Laura Shively, 1325 J Street, Room 860, Sacramento, California 95814.  
Please refer to the application number SPK-2024-00226 in your comments.



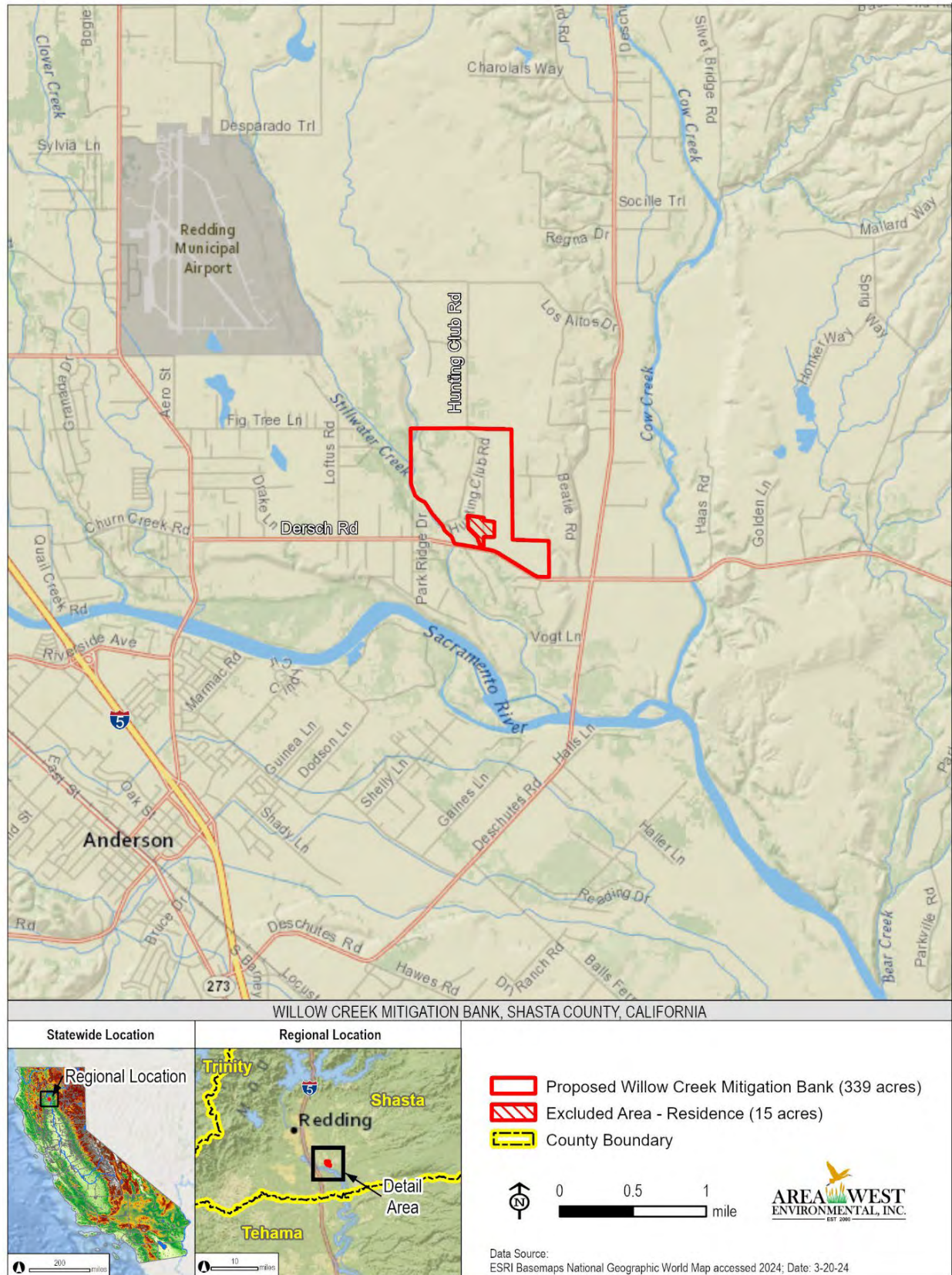


Figure 1. Vicinity



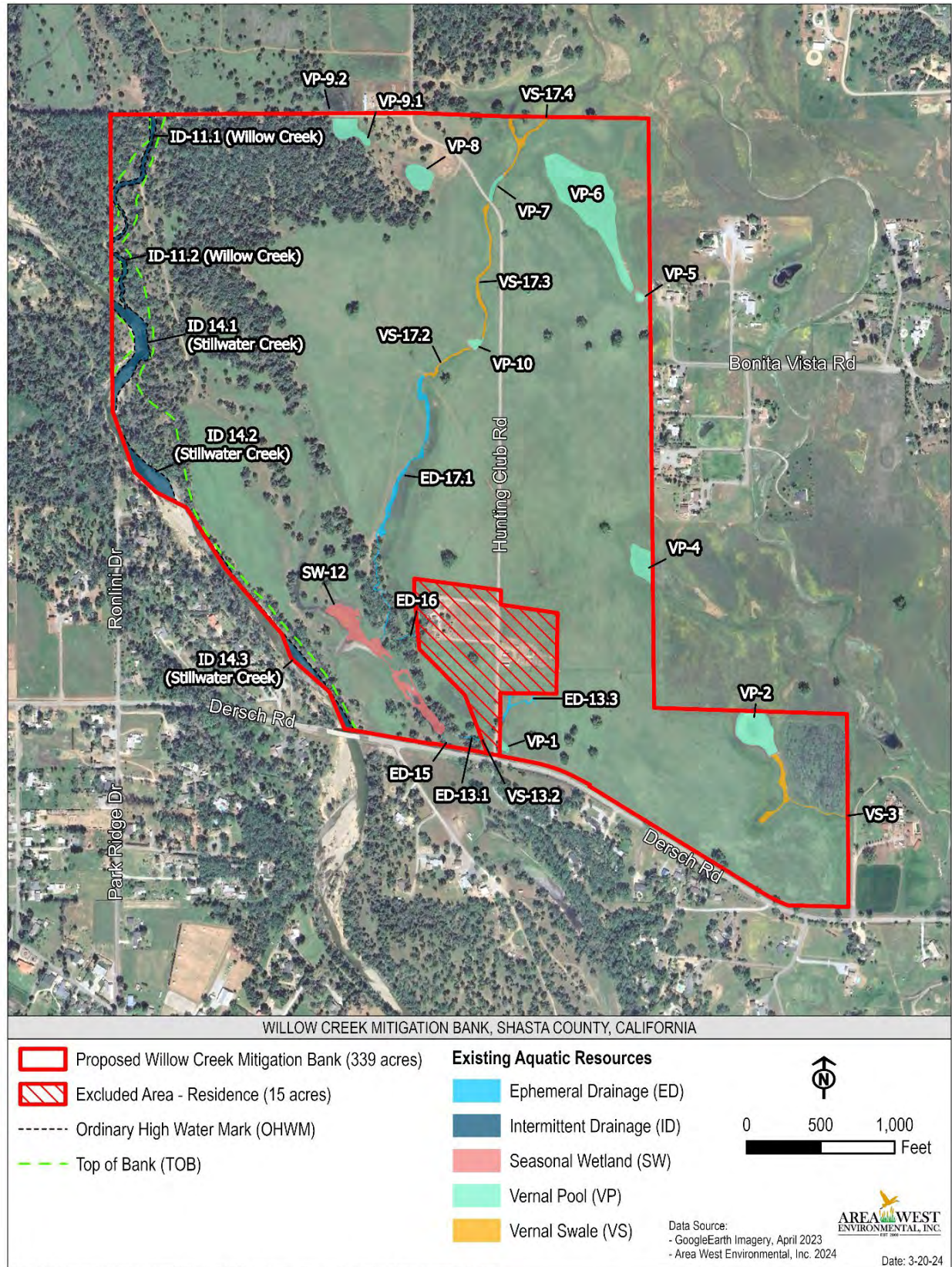


Figure 16. Aquatic Resources at the Bank



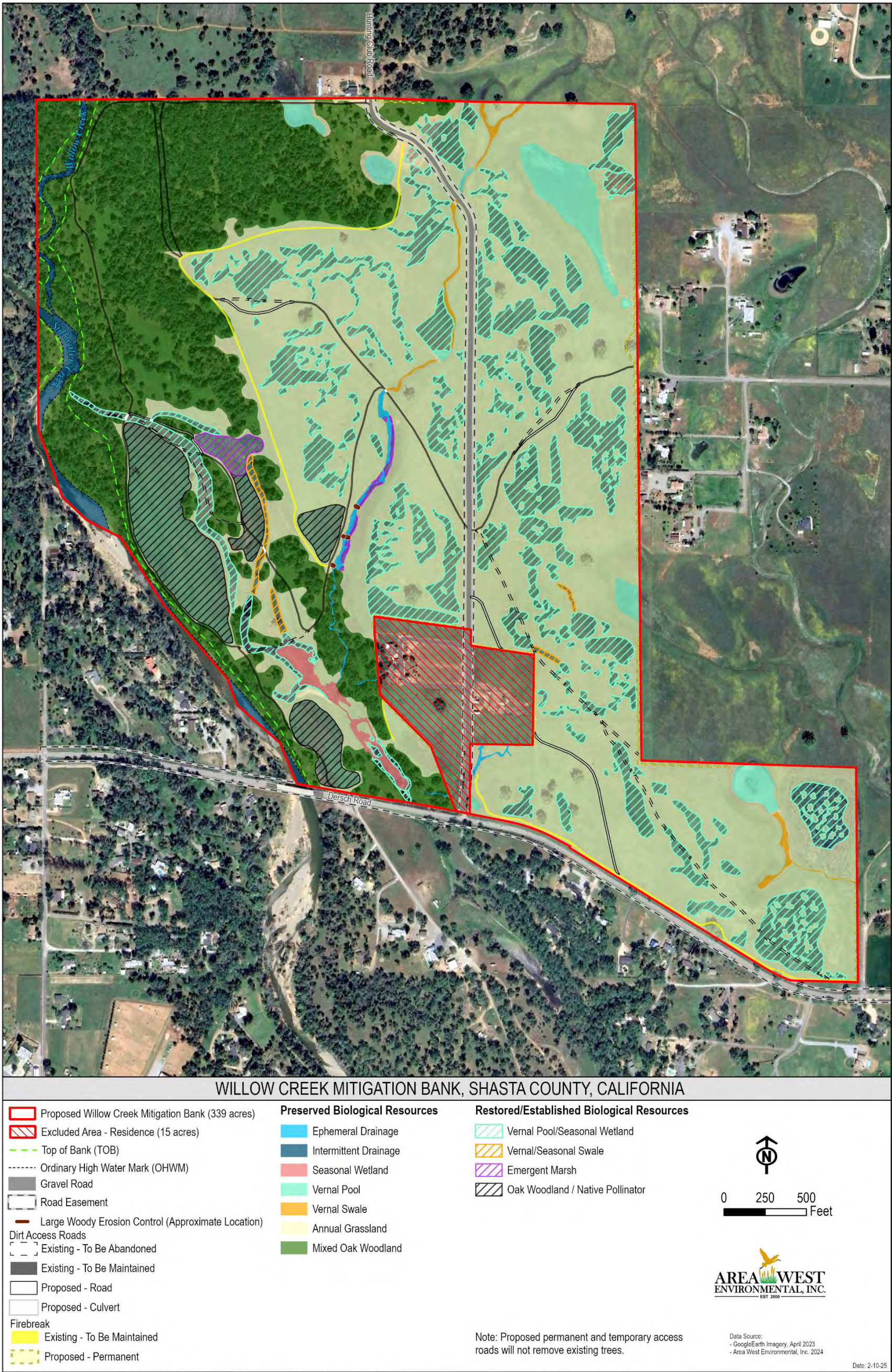


Figure 21. Conceptual Design Plan



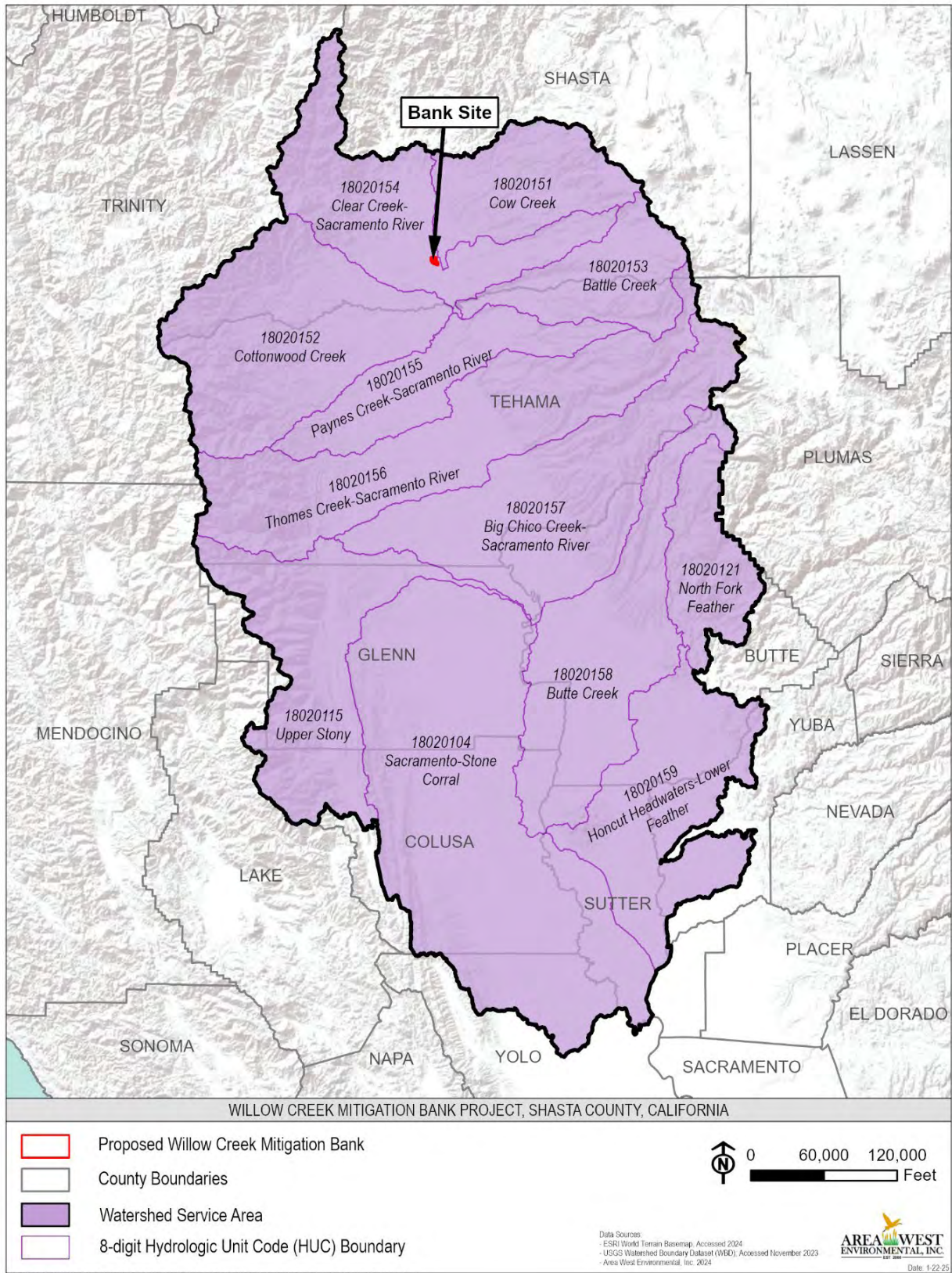


Figure 22. Waters of the U.S., Waters of the State, and CDFW 1600 Service Area