



US Army Corps
of Engineers.

PUBLIC NOTICE

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RESPONSE REQUIRED BY: 10 May 2000

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PROJECT MANAGER: Peter Straub TELEPHONE: (415) 977-8443 E-Mail: pstraub@spd.usace.army.mil

1. **INTRODUCTION:** The California Department of Transportation (CALTRANS), District 4, P.O. Box 23660, Oakland, California 94623-0660 (POC: Chuck Morton, 510-286-5600), has applied to the U.S. Army Corps of Engineers (USACE) for a permit to restore tidal wetlands at Guadalcanal Village, a 53-acre site adjacent to Dutchman Slough, in the City of Vallejo, Solano County, California. This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PURPOSE AND NEED:** The restoration of tidal wetlands at Guadalcanal Village would, in part, provide compensatory mitigation for the loss of wetland habitat associated with the proposed construction of a 4-lane freeway on State Route 37, extending 2.5 miles east from the Napa River Bridge to the existing freeway section that begins near Diablo Boulevard. Compensatory mitigation is typically a requirement of the USACE regulatory program and is mandated by Assembly Bill 719, the "White Slough Protection and Development Act," to restore wetland habitat at a 4:1 ratio for wetland loss attributed to the highway project. Highway construction would result in the loss of 2.98 acres of tidal waters, 3.43 acres of tidal wetlands, and 4.76 acres of seasonal wetlands and other non-tidal waters in the vicinity of White Slough Marsh.

3. **EXISTING SITE CONDITIONS:** The Guadalcanal Village mitigation site is north of Mare Island and west of the Route 37 Napa River Bridge. The mitigation site is bounded by Route 37 to the south and agricultural fields (Cullinan Ranch) to the west. Levees on the north and east separate the mitigation site from the marshes along Dutchman Slough and Mare Island Strait. The mitigation site was leveed and partially filled to accommodate naval housing constructed during World War II. These structures were demolished in the 1960s, but the foundations, utilities, and roads remain in place. The mitigation site is relatively level, with elevations ranging from 6.4 feet to 0.3 feet NGVD, and drains to the northwest. Since construction of the levees, the mitigation site has subsided by several feet to the extent that it would be predominantly subtidal if the levee were breached to Dutchman Slough.

Exotic forbs and trees cover at least 75 percent of the mitigation site and consist primarily of scattered thickets of

fennel (*Foeniculum vulgare*) and Eucalyptus groves along the northern and western boundaries. Green wattle (*Acacia sp.*), Monterey pine (*Pinus radiata*), and assorted landscape remnants are found along the roadways. The mitigation site presently contains 0.85 acre of other waters of the United States and 13.7 acres of seasonal wetlands dominated by Eucalyptus trees that preclude the growth of understory vegetation. The remaining seasonal wetlands are characterized by hydrophytic species, including perennial ryegrass (*Lolium perenne*), Mediterranean barley (*Hordeum marinum*), loosestrife (*Lythrum hyssopifolia*), mint (*Menthe pulegium*), curly dock (*Rumex crispus*), and rabbit-foot grass (*Polygogon monspeliensis*). Wildlife use is limited to common species of birds and small mammals adaptable to disturbed habitat conditions.

4. **PROJECT DESCRIPTION:** As shown in the attached drawings, CALTRANS is proposing to establish up to 14.8 acres of mudflat and subtidal sloughs, 29.1 acres of tidal wetland habitat, and 5.6 acres of upland refugia habitat on the mitigation site. Mitigation construction work would involve extensive site excavation, grading, and importation of fill material to establish substrate elevations that are tidally inundated to a depth and period suitable for the colonization of salt marsh vegetation over a five-year monitoring period. All mitigation construction work would occur between September 1 and February 1 of any year to avoid the breeding season of endangered California clapper rails which are known to inhabit Pritchard Marsh to the east.

Initial construction work would require the removal and disposal of 10,000 cubic yards (cys) of unsuitable material, including asphalt pavement, concrete, utility lines, and vegetative matter. On-site grading would involve the widening and heightening of the levee along State Route 37, excavating the slough channels to design subtidal elevations, and depositing up to 3 feet of fill material over remaining portions of the mitigation site to design marsh plain elevations; these grading operations would require the importation of 56,000 cys of material (from an undefined source) for use as topsoil in the restored salt marsh and upland refugia habitats. In addition, a portion of the west levee between Guadalcanal Village and Cullinan Ranch would be excavated to a design subtidal elevation, armoured with rock rip-rap, and backfilled to the levee crest elevation to accommodate future tidal exchange between the properties. These construction activities would

result in the discharge of approximately 70,500 cys of fill material into 14.55 acres of seasonal wetlands and other waters occurring on the mitigation site.

Disturbed soils on the mitigation site would be allowed to settle over the next 9 to 12 months; at that time, field elevations would be compared to the target design elevations and, if required, further grading would take place to establish final elevations consistent with the design grade tolerances. In turn, a 100-foot long portion of the north levee separating Guadalcanal Village and Dutchman Slough would be breached during low-tide conditions to allow tidal flow in the constructed slough channels. Levee breaching would require excavation and removal of approximately 500 cys of material over 1.25 acres of substrate below current mean high water of the slough.

Establishment of salt marsh vegetation, including Pacific cord grass (*Spartina foliosa*), bulrush (*Scirpus californicus*), pickleweed (*Salicornia virginica*), and salt grass (*Distichlis spicata*) is presumed to occur by natural colonization over the next two years after levee breaching. If natural colonization did not take place during this period, salt marsh vegetation would be planted in areas of low colonization in the third growing season, utilizing plant stock salvaged from tidal wetlands impacted by the levee breaching or highway widening. The upland refugia habitat would be planted or seeded with Coyote brush (*Baccharis pilularis*) and grasses. Annual maintenance and monitoring of the mitigation site would be performed for a minimum five-year period, or until specific performance criteria were attained; at that time, CALTRANS could transfer the mitigation site to another public agency to manage in perpetuity as a wildlife preserve.

Over the next several years, tidal wetlands would be restored on the Cullinan Ranch by breaching other portions of the levee along Dutchman Slough. At that time, the armoured portion of the levee between Cullinan Ranch and Guadalcanal Village may be breached to tidally connect the properties. These events would initially cause increased scouring in Dutchman Slough and reduce the tidal prism on the mitigation site, until sufficient sediments were deposited on Cullinan Ranch to establish a hydrologic equilibrium. During this transitional period, upland refugia habitat, mudflats, and tidal sloughs on the mitigation site would tend to increase in size with a corresponding reduction in tidal wetland acreage.

5. STATE APPROVALS: State water quality certification or waiver is a prerequisite for the issuance of a permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341). CALTRANS is hereby notified that, unless the USACE is provided a valid request for State water quality certification by the Regional Water Quality Control Board (RWQCB) within 30 days of the date of this

Public Notice, the District Engineer may consider the permit application to be withdrawn. No permit will be issued until the applicant obtains the required certification or waiver. A waiver will be explicit, or it may be presumed if the State fails or refuses to act on a valid request for certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is reasonable for the State to act. If the State Water Resources Control Board determines that the project is consistent with the California Water Quality Control Plan, requirements adopted by the RWQCB, and Sections 301, 303, 306, and 307 of the Clean Water Act, the State will issue a Certificate of Conformance with Water Quality Standards. Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period.

Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)), requires an applicant for a federal license or permit to conduct any activity occurring in or affecting the coastal zone to furnish a certification of conformance with the State's coastal zone management program. Generally, no permit will be issued until the appropriate State agency has concurred with the certification or has waived its right to do so. Since the project occurs in the coastal zone or may affect coastal zone resources, CALTRANS is hereby advised to apply for a permit from the San Francisco Bay Conservation and Development Commission.

6. NATIONAL ENVIRONMENTAL POLICY ACT: Pursuant to the requirements of the California Environmental Quality Act and the National Environmental Policy Act of 1969 (Public Law 91-190), a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) entitled, "State Route 37 Project (Post Mile 8.0 to 10.5) in Vallejo, Solano County, California," was completed in May 1998. The Federal Highways Administration (FHA), Region 9, and the California Department of Transportation, District 10, were the respective Federal and State lead agencies in the preparation of this document. The FHA issued a Record of Decision in June 1998, thereby concluding the environmental review process for this project. If the project is determined to be fully compliant with the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and Department of the Army Regulations at 33 CFR 230 and 325, the USACE may adopt the EIR/EIS for the purpose of exercising its regulatory authority

7. ENDANGERED SPECIES: Several federally listed endangered fish and wildlife species are known to occur in the White Slough project area. As the federal lead agency, the FHA determined that the highway project may affect several of these species and initiated Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS), pursuant to the Endangered Species Act of 1973, as amended. In July 1997, the USFWS

issued Biological Opinion 1-1-97-F-38 that concluded the project is not likely to jeopardize the continued existence of the endangered California clapper rail (*Rallus longirostris obsoletus*), endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), threatened delta smelt (*Hypomesus transpacificus*), and threatened Sacramento splittail (*Pogonichthys macrolepidotus*). The USFWS further determined that the highway project is not likely adversely affect the endangered California brown pelican (*Pelecanus occidentalis californicus*), endangered American peregrine falcon (*Falco peregrinus anatum*), endangered California least tern (*Sterna antillarum browni*), and threatened western snowy plover (*Charadrius alexandrinus novosus*). In September 1997, the National Marine Fisheries Service (NMFS) concurred with FHA's determination that the highway project is not likely to adversely affect threatened steelhead (*Oncorhynchus mykiss*), threatened chinook salmon (*Oncorhynchus tshawytscha*), or their habitat.

8. CULTURAL RESOURCES: CALTRANS conducted an extensive literature review and field investigation to determine the presence of archaeological and historic resources in the White Slough project area. Based on the survey results, the FHA determined that the highway project would not affect properties listed or eligible for listing in the National Register of Historic Places. This determination was conveyed to the Office of Historic Preservation (SHPO), pursuant to Section 106 of the National Historic Preservation Act. In January 1992, the SHPO concurred with the no effect determination.

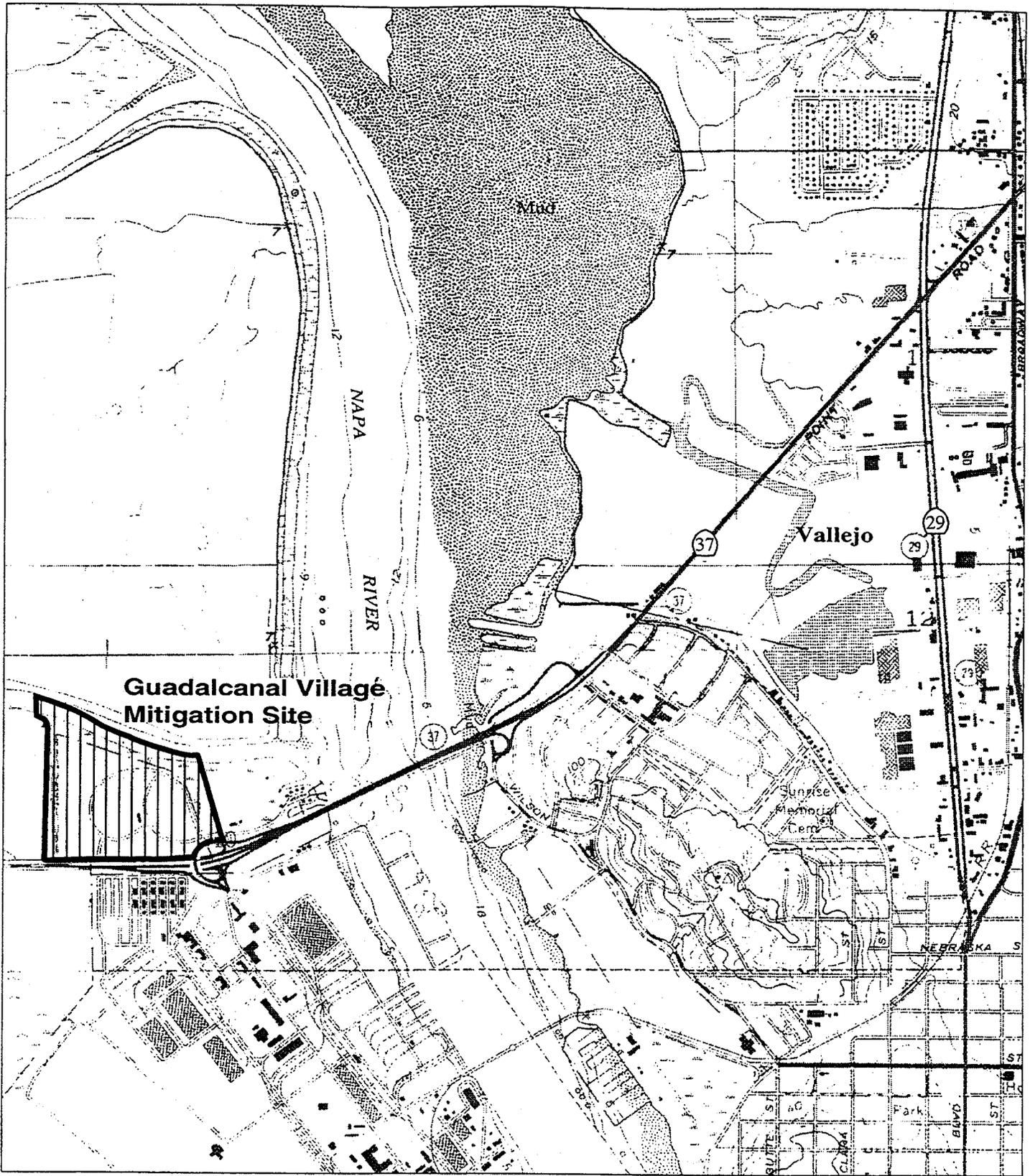
9. COMPLIANCE WITH THE 404(b)(1) GUIDELINES: Projects involving fill discharged into waters of the United States must comply with the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the guidelines indicates the mitigation project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose. CALTRANS has submitted an analysis of project alternatives to be reviewed for compliance with the guidelines.

10. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts which the project may have on the public interest requires a careful weighing of all factors relevant in each particular case. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general

environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

11. CONSIDERATION OF COMMENTS: The USACE 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 the project. All comments received by the USACE will be considered in the decision whether to issue, modify, condition, or deny a permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and the other environmental factors addressed in the final Environmental Assessment or Environmental Impact Statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

12. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and public notice number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to CALTRANS for resolution or rebuttal. Other information may be obtained from CALTRANS or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.



Not to Scale

ROUTE 37 IMPROVEMENTS

CONCEPTUAL MITIGATION PLAN

CALTRANS DISTRICT 10

Figure 4.1-1

**Guadalcanal Village
Location**

WETLANDS RESEARCH ASSOCIATES, INC.
PHILIP WILLIAMS & ASSOCIATES, LTD.
BRADY AND ASSOCIATES, INC.

GUADALCANAL VILLAGE

LOCATION MAP

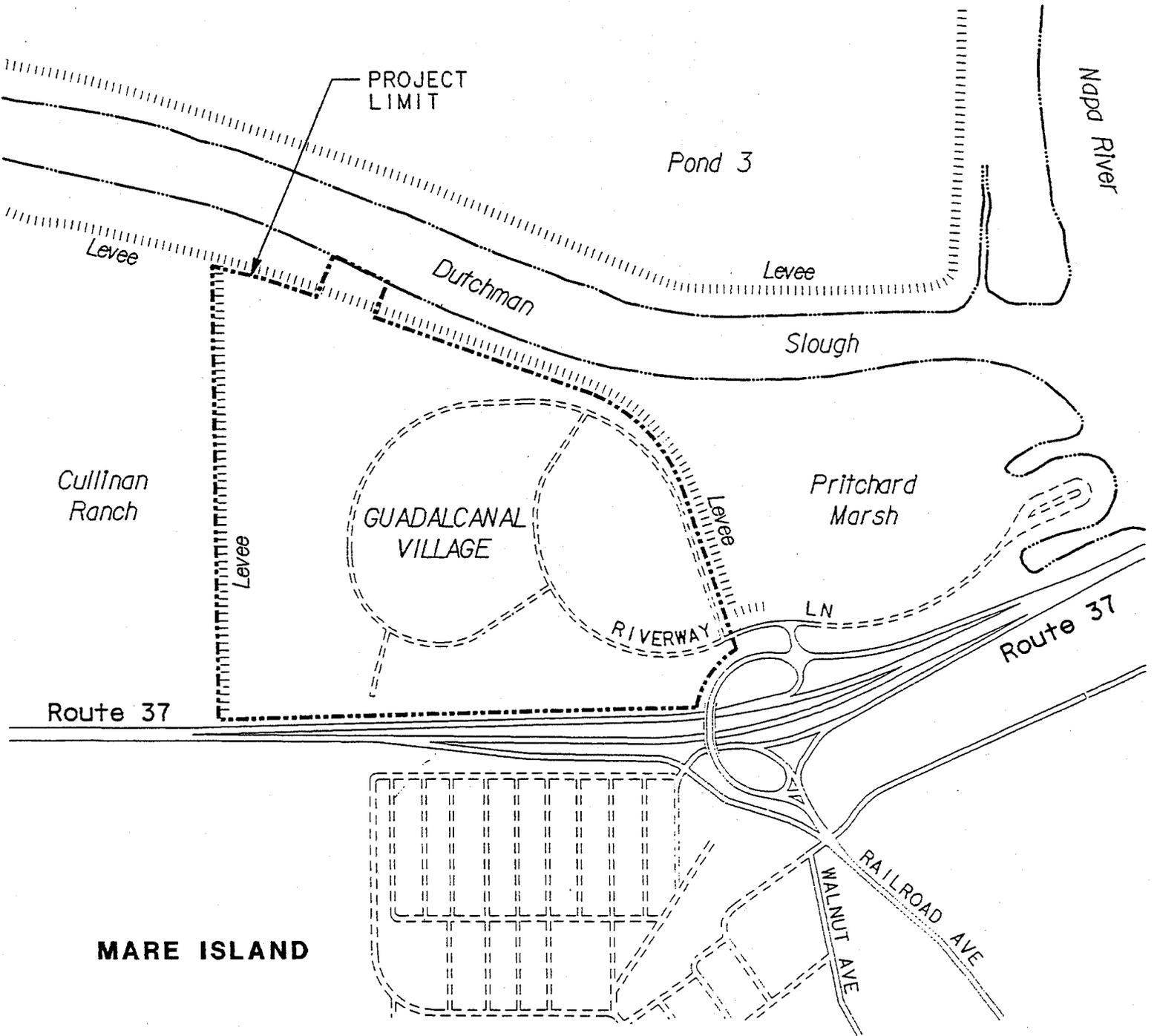
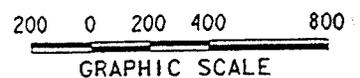


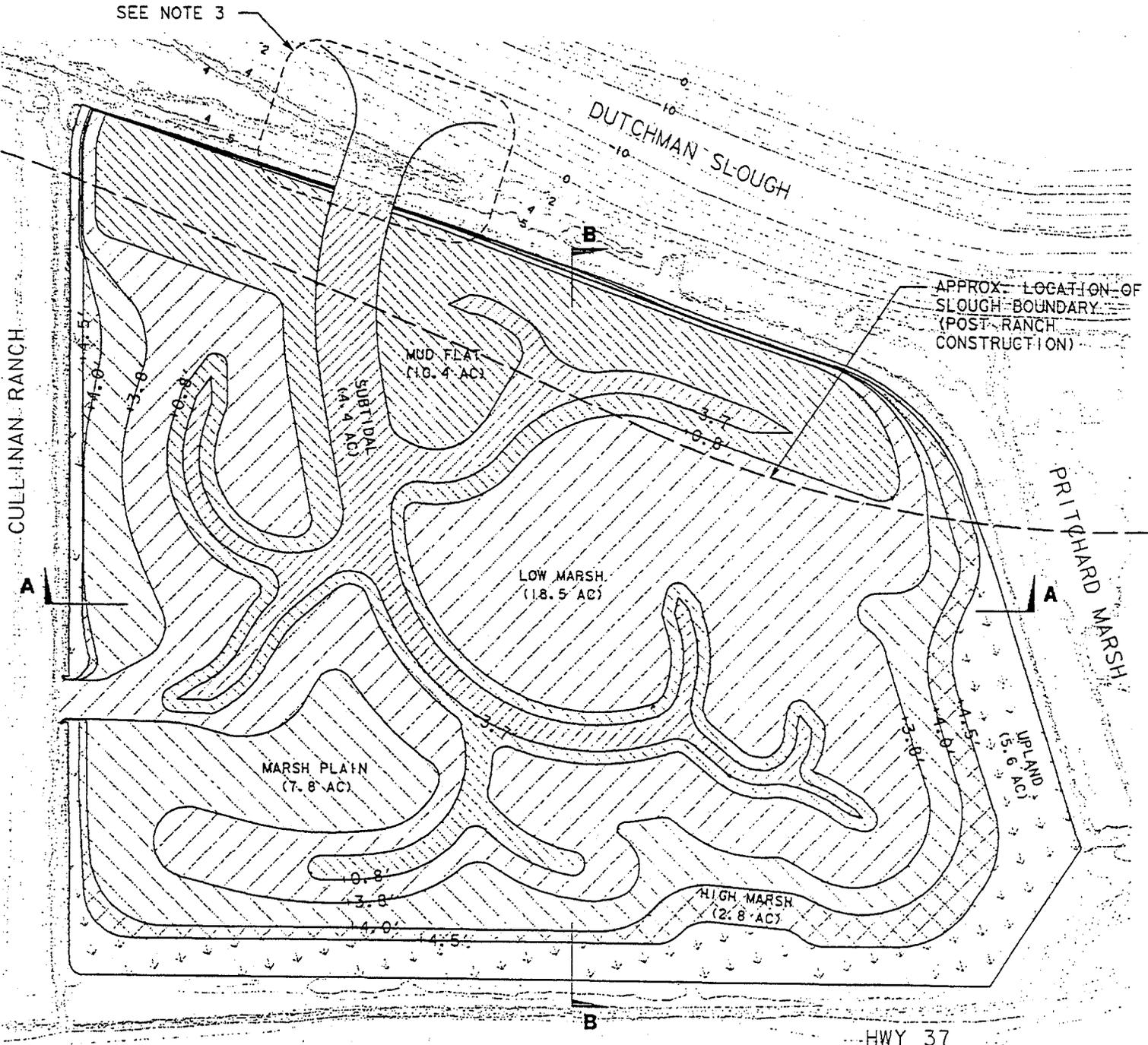
FIG 1



GUADALCANAL VILLAGE

PROPOSED GRADING PLAN

SEE NOTE 3



HABITAT AREAS

ELEVATION RANGE	HABITAT TYPE
> +4.5'	UPLAND
+4.0' to +4.5'	HIGH MARSH
+3.8' to +4.0'	MARSH PLAIN
+0.8' to +3.8'	LOW MARSH
-3.7' to +0.8'	MUD FLAT
< -3.7'	SUBTIDAL

NOTES:

- ALL ELEVATIONS REFERENCED TO NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929.
- FOR SECTION A-A & B-B, SEE FIG 3 & FIG 4.
- AREA OF MARSH AFFECTED BY PROPOSED DESIGN:

< 0'	7,450 SF	(0.17 AC)
0' - 1'	9,475 SF	(0.22 AC)
1' - 2'	5,525 SF	(0.13 AC)
2' - 3'	9,800 SF	(0.22 AC)
> 3'	22,090 SF	(0.51 AC)
TOTAL	54,340 SF	(1.25 AC)

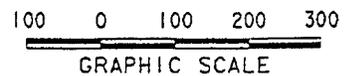
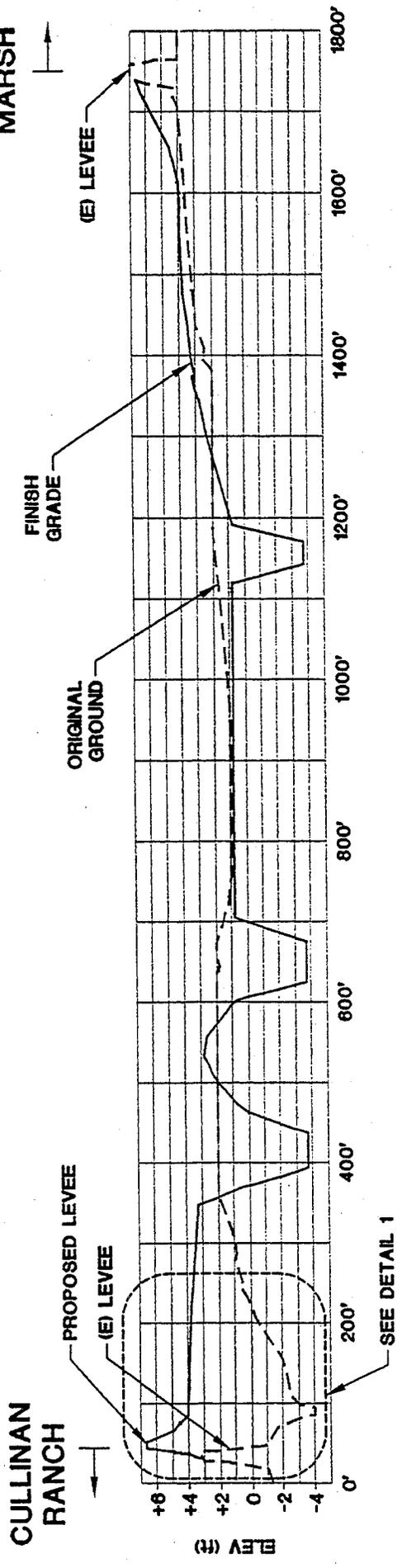


FIG 2

SECTION A-A

CULLINAN RANCH
PRITCHARD MARSH



DETAIL 1 - CULLINAN RANCH LEVEL

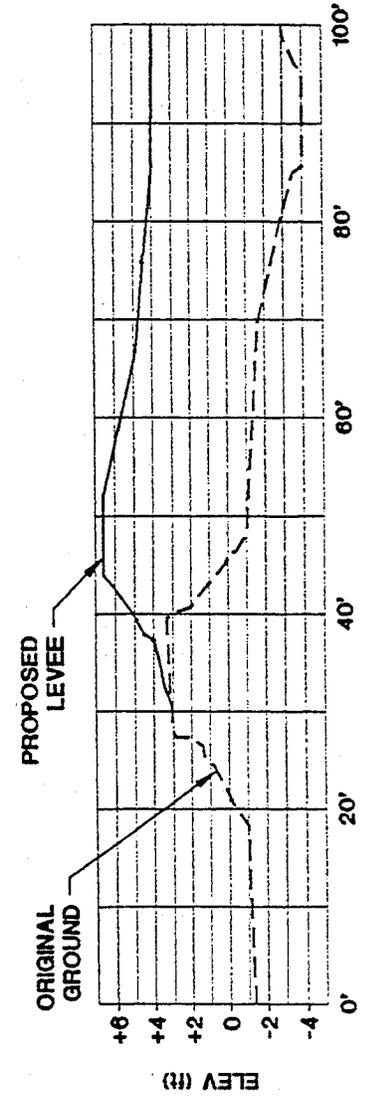
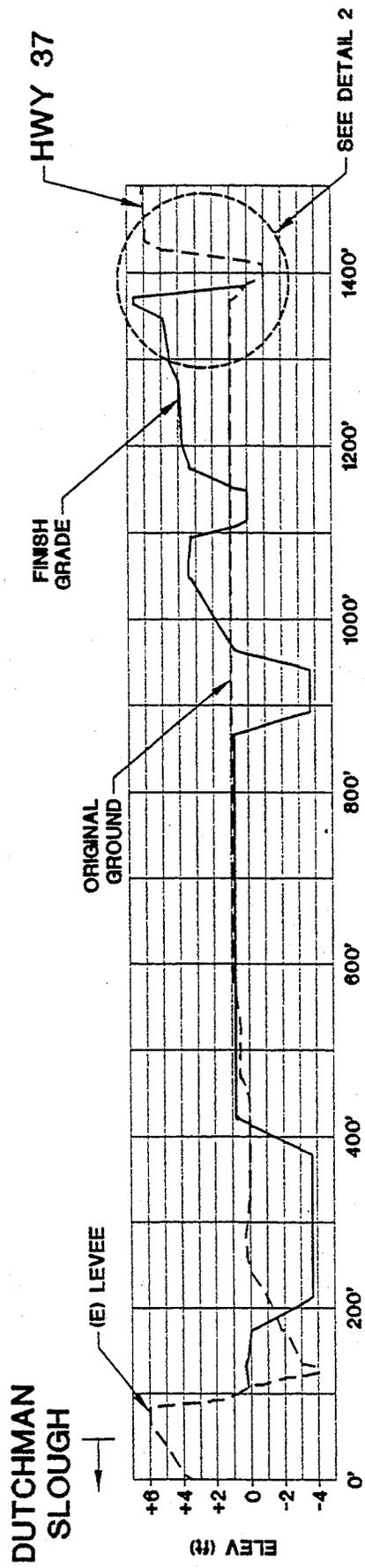


FIG 3

SECTION B-B



DETAIL 2 - SOUTH LEVEE

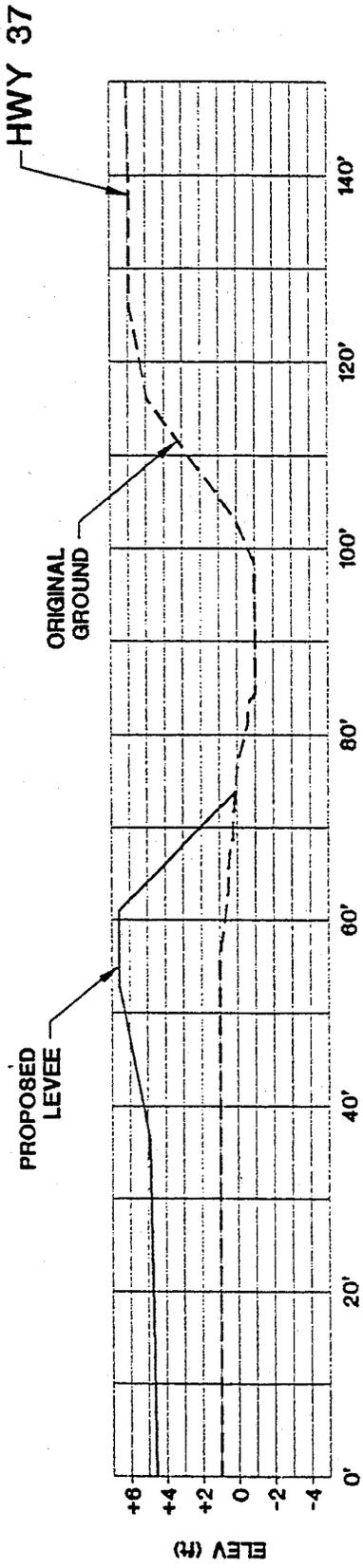


FIG 4