



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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

NUMBER: 25074N DATE: 17 January 2001
RESPONSE REQUIRED BY: 19 February 2001

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

1. **INTRODUCTION:** The City of Vallejo, Economic Development Division (City), 555 Santa Clara Street, Vallejo, California 94590, through its agent Zentner and Zentner (510-596-2690), has applied to the U.S. Army Corps of Engineers (USACE) for a permit to place fill material into approximately 1.50 acres of jurisdictional wetlands to facilitate construction of the Mariner's Cove Housing Project. The housing project would be constructed on a 16-acre development parcel bounded on the north by Mare Island Causeway, on the east by Mare Island Way, and on the south and west by Harbor Way, 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).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, the City proposes to construct approximately 145 units of medium-density, detached or attached housing, with interior roadways, utility infrastructure, and landscaping. Primary vehicular access would be from Harbor Way. These facilities would occupy the entire 16-acre development parcel and necessitate the importation and discharge of approximately 12,100 cubic yards of fill material to raise existing substrate elevations (4.0-7.0 feet NGVD) of the wetland area three feet above the 100-year flood plain (9.0 feet NGVD). The wetlands are non-tidal, brackish and freshwater marsh, portions of which are dominated by pickleweed. Non-native grasses and ruderal vegetation that are frequently mowed by the City for weed control and aesthetic purposes dominate the remaining non-jurisdictional upland areas of the development parcel. These species include ripgut brome (*Bromus diandrus*), wild oat (*Avena fatua*), hairy vetch (*Vicia sativa*), black medic (*Medicago lupulina*), and chicory (*Cichorium intybus*).

The development parcel has been periodically used for the deposition of dredged spoils removed from Mare Island Strait to construct and maintain various naval and marina facilities during the 1950s to 1980. Since 1980, the City has pursued the development of its waterfront properties, including various housing configurations on the development parcel. In May 1989, the USACE issued an individual permit (No. 16212E24) to the City, authorizing the discharge of fill material into 10.30 acres of jurisdictional wetlands to construct a multi-story apartment complex. As dredged material and other sources of fill material became available, the wetlands were partially filled and graded to the present jurisdictional limits until the permit

expired in March 1994. During this period of time, the City was required to create 10.3 acres of tidal salt marsh on a site just north of American Canyon Creek, approximately one mile east of the Napa River, to compensate for wetland losses on the development parcel. The mitigation site was excavated to subtidal elevations and partially backfilled with soils and inoculum salvaged from the development parcel. Since 1994, mitigation site has been monitored on an annual basis and currently exhibits a lush salt marsh habitat that exceeds the five-year performance criteria specified in the Mitigation Plan. The USACE believes the created wetlands provide reasonable compensatory mitigation for the loss of any remainder wetlands on the development parcel.

3. **PURPOSE AND NEED:** The City indicates the housing project is consistent with its goal to promote the development of residential, commercial, and park uses on currently vacant and underutilized parcels along its 117-acre waterfront area. The City believes that a vibrant waterfront area would improve nearby property values, increase the tax base, and promote economic growth of downtown commercial enterprises that have been otherwise severely affected by the closure of the naval facilities on Mare Island and the construction of regional shopping centers in other jurisdictions.

4. **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). The City 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 City 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. 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.

In response to the previous permit application for Mariner's Cove Housing Project, the RWQCB, San Francisco Bay Region, issued a conditional water quality certification under Resolution No. 88-063 in April 1988. It is not currently known whether this conditional certification could apply to the current development proposal.

The development parcel for the Mariner's Cove Housing Project is presumed to be not subject to the jurisdictional purview of the San Francisco Bay Conservation and Development Commission or the California Coastal Commission.

5. PRELIMINARY ENVIRONMENTAL ASSESSMENT:

The USACE has assessed the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 230 and 325. Unless otherwise stated, this preliminary Environmental Assessment describes only the direct, indirect, and cumulative impacts that would result from regulated activities within the jurisdiction of the USACE.

The Preliminary Environmental Assessment resulted in the following findings:

Impacts To The Physical Environment:

a. **Substrate:** The 16-acre development parcel would undergo substantial substrate alteration to accommodate the project. After excavating and removing topsoil and other unsuitable soils for construction purposes, areas to contain building slabs, foundations, and roads would require the placement of compacted soil or other suitable engineered fill material to establish intended subgrade elevations. Grading and filling activities specifically occurring in the remaining 1.50 acres of jurisdictional wetlands would raise substrate elevations from four to seven feet to establish a minimum two-foot clearance above the 100-year floodplain, resulting in the discharge of approximately 12,100 cubic yards of impervious fill material for construction purposes. The extensive alteration of substrate conditions of the development parcel would be adverse long-term, and minor to moderate in magnitude.

b. **Streamflow and Drainage Patterns:** The development parcel was former tidal salt marsh habitat bordering Mare Island Strait and subsequently altered by periodic disposal of dredged material. Wetland vegetation more recently colonized portions of the dredged spoils that either subsided or were graded to facilitate drainage to a flap-gate culvert under Harbor Way to Mare Island Strait. The jurisdictional wetlands are principally recharged by direct rainfall and runoff from upland portions of the development parcel; the lowest reaches of these wetlands may be influenced by groundwater due to the relative proximity

of Mare Island Strait and are periodically flooded by backflow from the culvert during extreme high-tide events. Project construction would further alter these drainage patterns by displacing the wetland depressions and swales with concrete gutters, drop inlet structures, and underground storm lines presumably discharging into Mare Island Strait. In view of the altered condition of the development parcel, the effects of project construction on drainage patterns would be adverse, long-term and minor in magnitude.

c. **Water Quality:** The existing wetlands likely contribute to improved water quality by filtering and assimilating various sediments, nutrients, and pollutants during the stormwater retention and recharge cycles. In view of the small watershed and limited storage capacity associated with these wetland areas, the effects of project construction on water quality would be adverse, long-term and minor in magnitude.

d. **Flood Control Function of Wetland:** Project construction would displace the existing wetland depressions and swales with impervious fill material, thereby eliminating any flood control functions of these features. In view of the small watershed and limited storage capacity associated with these wetland areas, the effects of project construction on flood control functions would be adverse, long-term, and minor in magnitude.

e. **Air Quality:** Various project construction activities and operation of construction equipment would generate an array of air pollutant emissions, including fugitive dust, reactive organic gases, and carbon, nitrogen and sulfur dioxides that may degrade ambient air quality. In view of the relative project scale and limited area of affected jurisdictional wetlands, the effects of air pollutant emissions attributed to project construction and equipment usage would be adverse, short-term, and minor in magnitude.

Impacts To The Biological Environment:

a. **Wetlands (Special Aquatic Site):** Grading and filling activities associated with project construction would result in the loss of the remainder 1.50 acres of non-tidal jurisdictional wetlands on the development parcel. These wetlands are dominated by monotypic clumps of pickleweed (*Salicornia virginica*) on the lower portions of the site and characterized by a mixture of alkali bulrush (*Scripus maritimus*), spikerush (*Eleocharis macrostachya*), and saltgrass (*Distichlis spicata*) on the somewhat higher depressional areas. The higher transitional areas contain sparse vegetation comprised of rabbitfoot grass (*Polypogon monspeliensis*), brass buttons (*Cotula coronopifolia*), Mediterranean barley (*Hordeum hystris*), Bermuda grass (*Cynodon dactylon*), fat hen (*Atriplex patula*), and salt marsh sandspurry (*Spergularia marina*). Taking into account the disturbed nature of the development parcel and the relative isolation of these wetlands from other productive

habitat corridors, the loss of wetlands attributed to project construction would be adverse, long-term and moderate in magnitude. The adverse effects of wetland loss have been adequately offset by the creation of approximately 10.30 acres of tidal salt marsh habitat adjacent to American Canyon Creek. These wetlands were constructed in 1993 and presently exhibit dense vegetation cover (>82%), with a diverse mixture of 14 wetland species dominated by pickleweed and salt grass.

b. **Endangered Species:** Due to the lack of suitable habitat conditions, federally-listed species, including endangered California clapper rail (*Rallus longirostris obsoletus*) and endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), are presumed not to inhabit or otherwise occur on the development parcel. If any listed or proposed species for listing were determined to be affected by project construction, the USACE would initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act of 1973, as amended.

c. **Fish and other Wildlife Habitat:** Project construction would result in the loss of habitat for species commonly associated with non-tidal, brackish and freshwater wetlands, including various insects, amphibians, snakes, rodents and other small mammals, and migratory waterbirds. Taking into account the disturbed nature of the development parcel and the relative isolation of the wetland habitat from other habitat corridors, the loss of wildlife habitat attributed to project construction would be adverse, long-term and moderate in magnitude. The adverse effects of habitat loss have been adequately offset by the creation of approximately 10.30 acres of tidal salt marsh habitat adjacent to American Canyon Creek.

Impacts To The Social And Economic Environment:

a. **Economics and Employment:** The project would provide temporary construction jobs, generate an expanded housing stock, promote enhanced employment opportunities within the redevelopment area, and increase tax revenues to the City. The beneficial project effects on economics and employment would be both short-term and long-term, and minor to moderate in magnitude.

b. **Noise Conditions:** Various project construction activities and operation of construction equipment could be audible from nearby marina facilities, commercial office buildings, and residential areas. In view of the relative project scale and limited area of affected jurisdictional wetlands, the effects of noise emissions attributed to project construction and equipment usage would be adverse, short-term, and minor to moderate in magnitude.

Impacts To The Historic And Cultural Environment:

a. **Archaeological Resources:** Due to past land use activities and the resulting disturbed condition of the development parcel, project construction work would not likely encounter intact archaeological resources. If unrecorded archaeological resources were discovered during the conduct of work, these operations would be suspended until the USACE concluded consultation with the State Historic Preservation Officer, pursuant to Section 106 of the Historic Preservation Act of 1966, as amended.

Conclusions and Recommendations: Based on an analysis of the identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the project. This Environmental Assessment has not yet been finalized, and the preliminary determination may be reconsidered if additional information indicates the project would *significantly* affect the aquatic ecosystem.

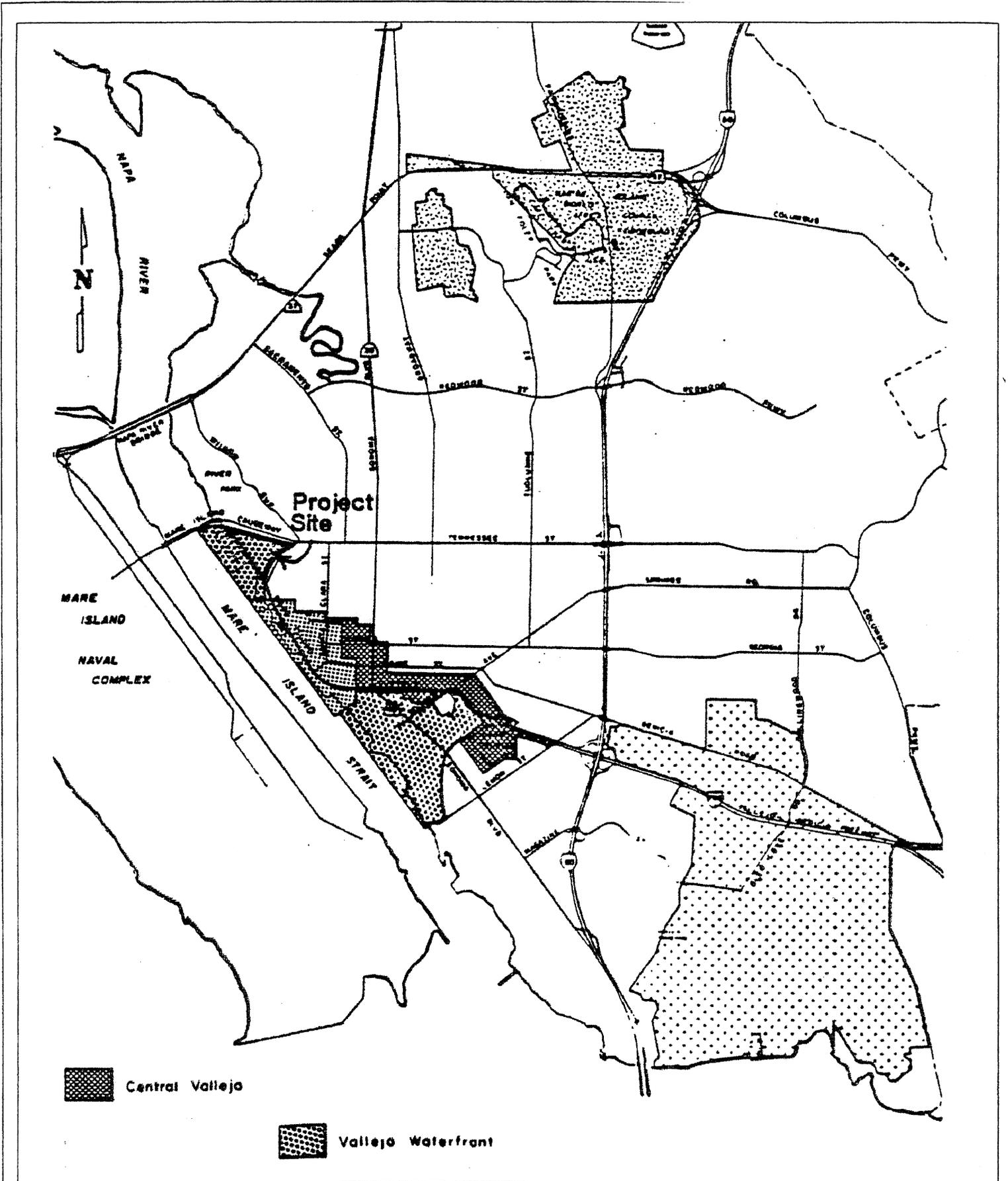
6. **COMPLIANCE WITH THE 404(b)(1) GUIDELINES:** Projects involving fill discharged into waters of the United States must comply with the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the guidelines indicates the project is not dependent on the location in or proximity to waters of the United States to achieve the basic project purpose to construct housing. This conclusion raises the (rebuttable) presumption that there is a practicable alternative to the project that would have less adverse effect to the aquatic ecosystem. The City has been informed to submit an analysis of project alternatives to be reviewed for compliance with the guidelines.

7. **PUBLIC INTEREST EVALUATION:** The decision on 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 requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. 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.

8. **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.

9. 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 the City for resolution or rebuttal. Additional information may be obtained from the agent or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.



Applicant:
 City of Vallejo
 Redevelopment Agency
 Date: 1/12/00
 Purpose:
 Proposed fill for residential development.

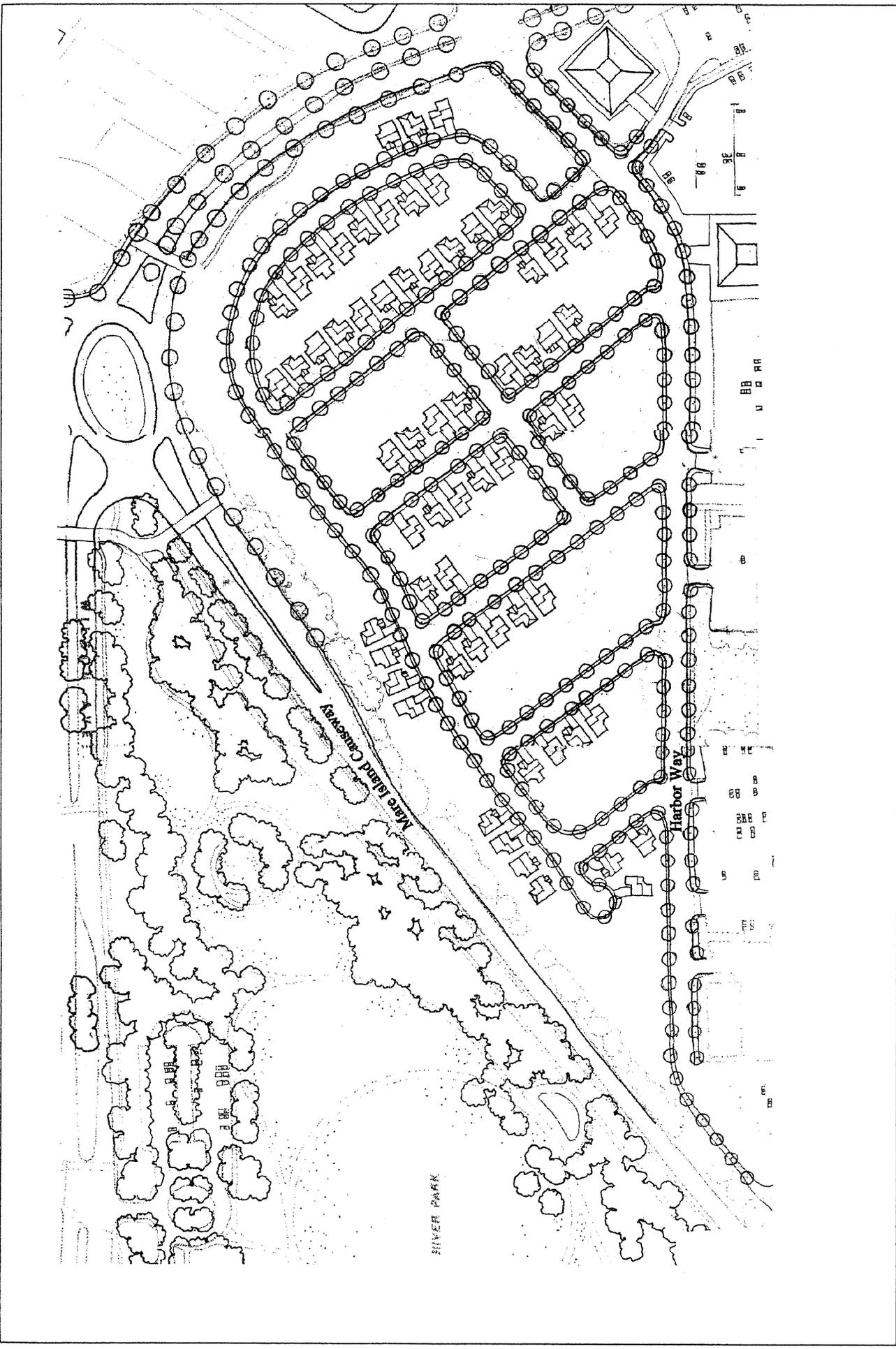
Datum: NGVD
 Adjacent to:
 1. Mare Island Causeway
 2. Vallejo Marina
 In:
 Vallejo

At:
 Solano County

Site Map
 Mariner's Cove Mitigation site
 Solano County, California
 Sheet 1 of 3

ZENTNER  4240 Hollis St, #300
 Emeryville
 California
 94608
 510.506.2800

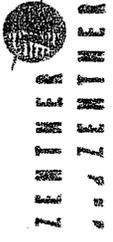
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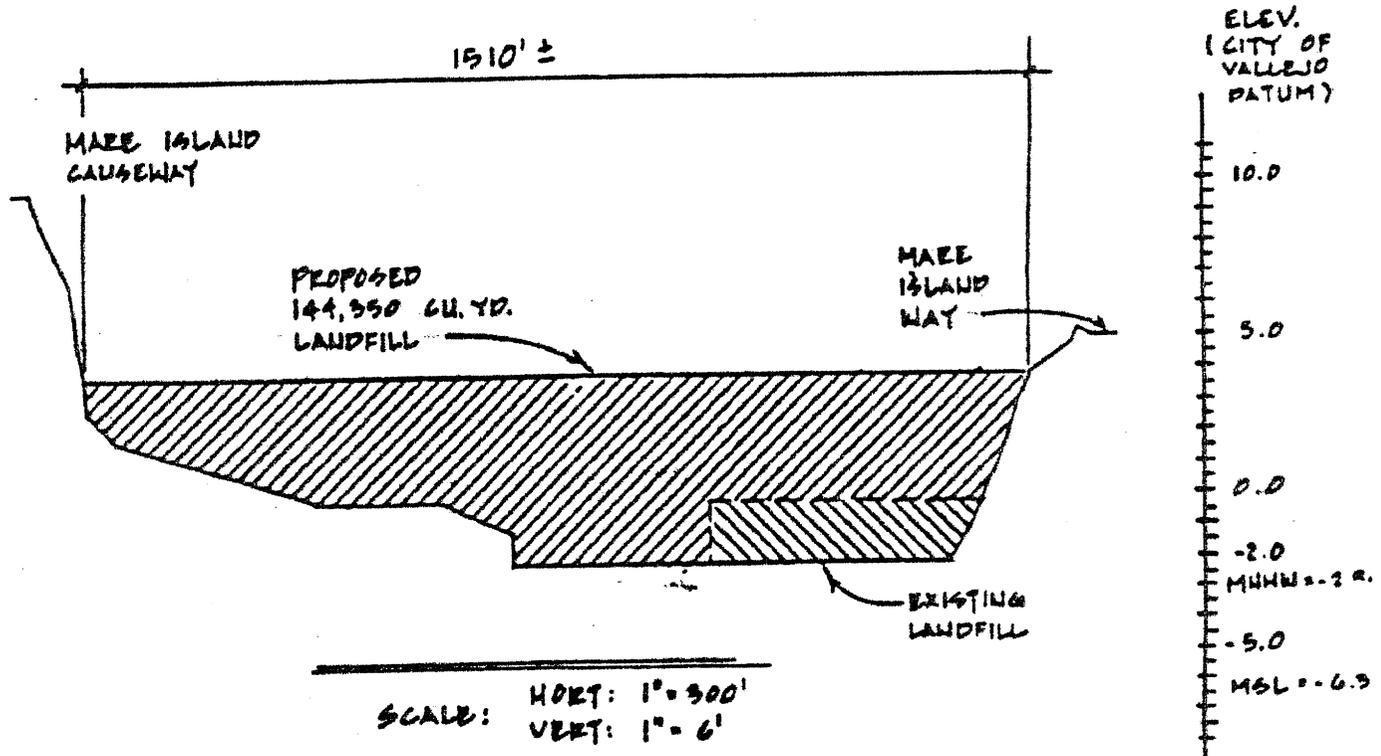
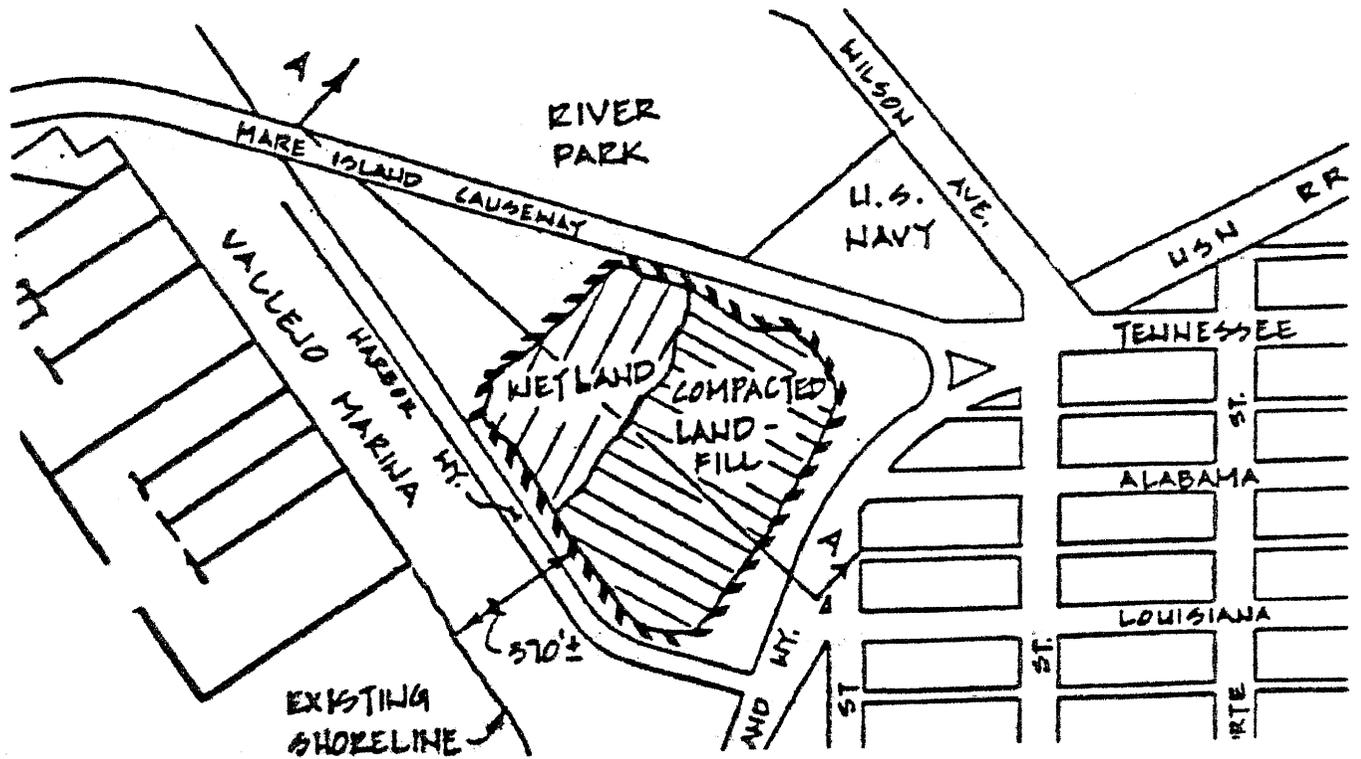
Applicant: City of Vallejo
Redevelopment Agency
Date: 1/12/00
Purpose: Proposed fill for residential development.
Datum: NGVD
Adjacent to: I. Mare Island Causeway
In: Vallejo
At: Solano County



Site Plan
Mariner's Cove Mitigation site
Solano County, California
Sheet 2 of 3



4240 Hill St., #100
 Emeryville
 California
 94608
 510.962.3800



Applicant: City of Vallejo
 Redevelopment Agency
 Date: 1/12/00
 Purpose: Proposed fill for residential development.

Datum: NGVD
 Adjacent to: 1. Mare Island Causeway
 In: Vallejo
 At: Solano County

Typical Cross Section
 Mariner's Cove Mitigation site
 Solano County, California
 Sheet 3 of 3

ZENTNER
 and ZENTNER
 4240 Hollis St., #300
 Emeryville
 California
 94605
 510.594.2890

U.S. Army Corps of Engineers
 Zentner and Zentner request for the extent of U.S. Army Corps of Engineers jurisdiction on the 33-acre Mariner's Cove Project site (APNs 55-071-010, 040) near the intersection of Mare Island Causeway and Mare Island Way in the City of Vallejo, Solano County, California
 21 Engineers

Areas subject to Section 404 Clean Water Act Jurisdiction. Refer to Legend on map.

Project Boundary
 File No. 2507/40N Sheet 1 of 1 November 2000

Legend

	Project Boundary	
	Jurisdictional Area	
	Sample Points	
Section 404 Jurisdictional Areas		
Habitat Type	Area	Acreage
Non-tidal Salt Marsh	A	1.51
TOTAL		1.51 ACRES

Project Number: 663 COV
 Topo Source: City of Vallejo
 Date: 09/11/00

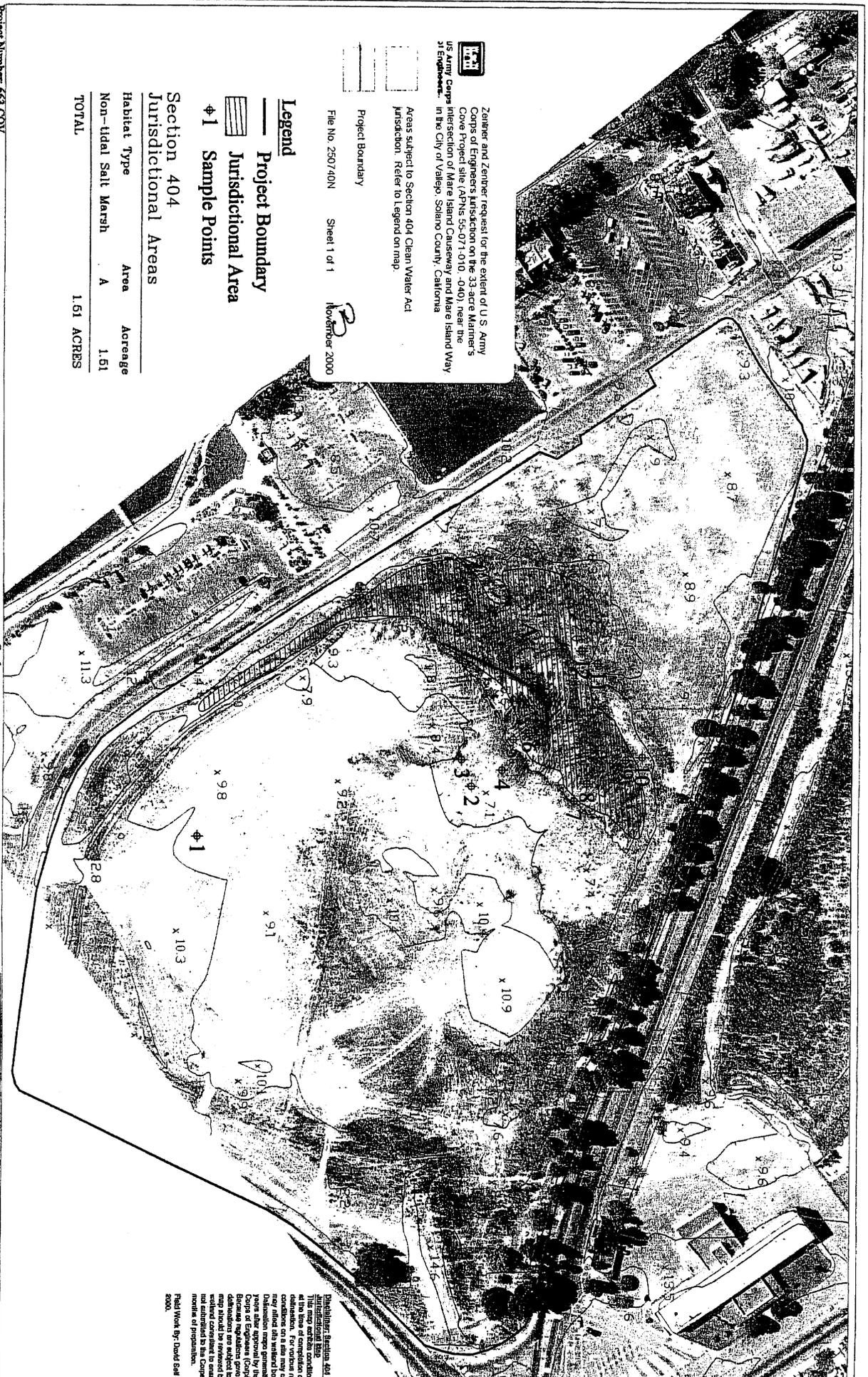
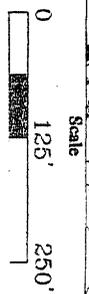
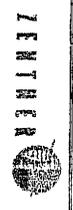


Figure 2
 Section 404 Jurisdictional Delineation
 Mariner's Cove Project



200 West 3rd Street
 San Francisco, CA 94111
 (415) 774-1100

Disclaimer: Section 404
 This map indicates conditions on the site delineated for jurisdiction of the Corps of Engineers. For verification of the conditions on a site may change, which may affect the wetland boundaries. Delineation maps generally require two copies of Engineers (2000), U.S. Army Bureau of Reclamation governing definitions are subject to change, this map should be reviewed by a qualified professional to determine if the map is not substituted to the Corps within 60 months of preparation.
 Plotted West by David East on August 25, 2000.