



US Army Corps  
of Engineers

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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

NUMBER: 25148N      DATE: March 1, 2002  
RESPONSE REQUIRED BY: March 31, 2002

PERMIT MANAGER: Elizabeth Dyer

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**1. INTRODUCTION:** On behalf of the City of Vallejo, Roy F. Weston, Inc. (Weston), Suite 212, 1575 Treat Blvd., Walnut Creek, CA 94598, (contact: Peggy Lobnitz, 818 382-1800) has applied for a Department of the Army permit to deposit up to 11.4 million cubic yards of regionally-dredged material into seven dredge disposal ponds covering an area of 359 acres on the western side of Mare Island in the City of Vallejo in Solano County, California. This individual permit 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 (33 U.S.C. 403).

The Corp of Engineers and the City of Vallejo will be preparing a joint Environmental Impact Statement and Environmental Impact Report for the proposed project. A scoping meeting to obtain input from the public and affected agencies will be held at 7:00 PM on Tuesday March 13th, 2002 at the Vallejo City Hall, located at 555 Santa Clara in the City of Vallejo.

**2. PROJECT DESCRIPTION:** The project is limited to Weston's commercial operation of the former Naval dredge disposal ponds through a 50-year sublease from the City of Vallejo under the City's long-term lease of the property from the State Lands Commission. Individual dredging projects that select the proposed facility as a disposal site are not the subject of this permit application and would require separate review and authorization by the Department of the Army.

The scope of this project is limited to using the seven ponds during Weston's operation of the site. If alternative future uses for the ponds, such as community recreational uses or rehandling facilities are proposed, separate environmental assessments and permit evaluations will have to be conducted for those uses.

As shown on the attached figures (sheets 1 through 3), the proposed commercial uses of seven ponds (2N, 2M, 2S, 4N, 4M, 4S, and 7) at Mare Island include the following measures.

a) Install a permanent slurry pipeline from the Carquinez Straights near Pier 35 to Ponds 4S and 2S along the rights-of-way for Tyler and Ribeiro Roads.

b) Maintain existing roadways and improve infrastructure that may include roadway upgrades, pump facilities, piping and appurtenances.

c) Use dredge material to increase pond capacity by raising the levees of the seven ponds. Increasing pond capacity will result in pond area loss of up to 17.9 acres of waters of the United States. No mitigation has been proposed for this permanent fill.

d) Transport material in sealed trucks from Pier 35 and mechanically place material from smaller projects into the one existing separate pond closest to the offloading area (Pond 7).

e) Offload hydraulically or with a mechanical crane dredged material from scows in the vicinity of Pier 35. For large projects, the use of dilution water pumped from the Carquinez Straights would involve the temporary and periodic installation of hydraulic off-loading equipment and a floating slurry discharge pipe in the waters of Carquinez Strait near Pier 35.

f) Hydraulically place dredged material slurry into six contiguous ponds (2N, 2M, 2S, 4N, 4M, 4S) using a combination of existing and new distribution piping from the offloading area to the six contiguous ponds.

g) Use of gravity settling methods on the placed dredged material slurry to allow solids to separate from excess water in the six contiguous ponds.

h) Discharge clarified decant water by gravity to San Pablo Bay that will meet Regional Water Quality Control Board (RWQCB) waste discharge requirements for effluent.

**3. SITE DESCRIPTION:** Mare Island is located on the western edge of the City of Vallejo in Solano County, California, about 30 miles northeast of the City of San Francisco.

The western side of Mare Island is composed of wetlands, dredge material disposal ponds, and submerged lands. The

shoreline provides habitat for fish spawning in the salt marshes that extend the length of the western side of the island and are contiguous with marshes in the San Pablo Bay National Wildlife Refuge.

During normal rainfall years the ponds provide aquatic habitat for Pacific Flyway waterfowl. As the ponds dry out, seasonal annual wetland vegetation provides cover to small mammals for a few months. The ponds have been managed for the last 12 years to eliminate suitable habitat for the State and Federal Endangered salt marsh harvest mouse per a Memorandum of Understanding between the U.S. Navy and the U.S. Fish and Wildlife Service. Pond management involved extensive annual disking after the pond bottoms have dried enough to support a tractor.

**4. PURPOSE AND NEED:** According to the applicant, millions of cubic yards of dredged material are removed annually from the San Francisco and San Pablo Bay area to maintain and deepen the existing ship channels. However, once the dredging is complete, the sediment must be disposed in some manner. Historically, sediment was placed in deeper areas of the Bay, the ocean, or in areas where no shipping was anticipated. However, due to the fishing community concern for the decrease of catch in the bay, public concern about sediment pollution levels, and the loss of aquatic habitat functions, the review of in-water disposal options revealed that there is currently a preference for land disposal options. Locations for land placement in the Bay Area are limited. This project would help to resolve the need for land dredge disposal sites in the San Francisco and San Pablo Bay area.

**5. STATE APPROVALS:** The applicants state that they have notified the Regional Water Quality Control Board, Francisco Bay Region, to determine the need for State water quality certification. If the State Water Resources Control Board determines that this project is consistent with the California Water Quality Control Plan, requirements adopted by the Regional Board and Sections 301, 302, 303, 306 and 307 of the Clean Water Act, the State will issue a Certificate of Conformance with Water Quality Standards to the project proponent. Those parties concerned with any water quality problems that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California, 94612.

The project is also within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The applicant plans to obtain a BCDC permit.

**6. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**  
**National Environmental Policy Act of 1969 (NEPA):** Pursuant to 40 CFR Section 1507.1, a scoping meeting for the project will

be held at **7:00 PM on Tuesday March 13th, 2002 at the Vallejo City Hall, located at 555 Santa Clara in the City of Vallejo.** The purpose of the meeting will be to obtain input from the public and affected agencies regarding the scope of the Environmental Impact Statement and Environmental Impact Report.

The Corps of Engineers will assess 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, 40 CFR 1500-1508, and Corps of Engineers' Regulations 33 CFR 230 and 325. The final NEPA analysis will address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the Corps of Engineers and other non-regulated activities the Corps of Engineers determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of Army permit for the project.

**Endangered Species Act of 1973:** The following listed threatened or endangered species are known to occur on site or in the project vicinity. The Corps will be consulting with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service concerning the project effects on these species.

**Salt Marsh Harvest Mouse (*Reithrodontomys raviventris*):** The salt marsh harvest mouse (SMHM) is a federal and state endangered species. Historically, populations of SMHM were present in the disposal ponds. Following implementation of pickleweed control within the ponds, as specified by the 1988 Memorandum of Understanding between the Navy and U.S. Fish and Wildlife Service, there has been no available habitat and no documented occurrences of SMHM within the ponds. Populations of SMHM are known to occur within the tidally influenced wetlands to the west of the disposal ponds as well as within the SMHM Refuge to the south of the six contiguous disposal ponds. This species would be expected to utilize the outer slopes of the pond levees as high tide and storm refuge.

**California Clapper Rail (*Rallus longirostris obsoletus*):** The California clapper rail is a state and federal endangered species. California clapper rails are known to use the western tidal wetlands of Mare Island.

**Western Snowy Plover (*Charadrius alexandrinus nivosus*):** The western snowy plover is a federal threatened species with critical habitat. Western snowy plover were identified as a

transient species on Mare Island tidal flats.

**Chinook Salmon (*Oncorhynchus tshawytscha*):** The National Marine Fisheries Service recognizes three Evolutionary Significant Units (ESU) of Chinook spawning in the Sacramento and San Joaquin River system. Based on timing of the spawning runs, the Sacramento winter-run, Central Valley fall-/late fall-run, and the Central Valley spring run may be present in the Mare Island/Carquinez Strait anytime from late August to the end of May. Juveniles may be present in the project vicinity anytime from September through the end of May. All waters of San Pablo Bay, which includes the Mare Island area, are included within the critical habitat designated for the Sacramento winter-run and Central Valley spring-run Chinook.

**Steelhead (*Oncorhynchus mykiss*):** The National Marine Fisheries Service recognizes two Evolutionary Significant Units of steelhead in the San Pablo Bay, the Central California Coast and the Central Valley steelhead. Central California Coast steelhead spawn in the Napa River and in streams that enter the San Pablo Bay, Suisun Bay and San Francisco Bay. Central Valley steelhead spawn in the Sacramento/San Joaquin system. Adults could be in the vicinity of Mare Island anytime between August and May, and juveniles from December through May.

**Delta smelt (*Hypomesus transpacificus*):** The Delta smelt is a threatened species of fish that spawn in the Napa River system. The Napa River system is not included in the designated critical habitat, which includes all of Suisun Bay and Grizzly Bay. This species is dependent on the salinity/freshwater-mixing zone, which moves up and down the estuary. When the zone is within the Suisun Bay, smelt disperse throughout shallow-water and marsh habitat and may remain there after the mixing zone moves upstream out of Suisun Bay. Delta smelt are not ordinarily found in Carquinez Strait or San Pablo Bay, but do appear there during unusually wet winters or unusually heavy rainfall events in average winters.

**Magnuson-Stevens Fishery Conservation and Management Act of 1966:** The project occurs within designated Essential Fish Habitat for the Pacific Salmon Fishery and other species. The Corps will coordinate with the National Marine Fisheries Service concerning project effects on Essential Fish Habitat.

**National Historic Preservation Act of 1966:** Mare Island Naval Shipyard was designated a National Historic Landmark by the Secretary of the Interior in 1975. National Historic Landmark status is the highest honorary designation that may be conferred upon a historic property. Mare Island's historical status therefore is equivalent to that of the Presidio of San

Francisco, the Empire State Building, New Orleans's "French Quarter" and other well-known historic properties.

The Mare Island National Historic Landmark, as originally defined, consists of four historic areas that include the shipyard industrial area, and the historic housing, the Marine barracks, the Naval Hospital, and the Naval Ammunition Depot. Loss of historic integrity in any of these areas could lead to removal of Landmark designation. Therefore, preservation of the historic character of the district as a whole must be considered in any planning effort. Loss of a large number of contributing resources, even if scattered throughout the district, could affect the integrity of the Landmark.

The western edge of the Western Magazine Area, a part of the Naval Ammunition Depot Historic District, is in the project area. The Corps will consult with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act to take into account any project effects.

#### **7. COMPLIANCE WITH THE 404(b)(1) GUIDELINES:**

Projects resulting in dredged or fill material discharges 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 location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The applicant will submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

#### **8. 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 proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among

those are 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.

**9. CONSIDERATION OF COMMENTS:** The Corps of Engineers 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 of Engineers 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 the other public interest factors listed above. Comments are used in the preparation of 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.

**10. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Elizabeth Dyer ([edyer@spd.usace.army.mil](mailto:edyer@spd.usace.army.mil)) of our office at telephone 415-977-8451. Details on any changes of a minor nature that are made in the final permit action will be provided on request.