

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

US Army Corps  
of Engineers

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

NUMBER: 26141N

DATE: May 15, 2002

RESPONSE REQUIRED BY: May 30, 2002

PERMIT MANAGER Elizabeth Dyer

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1. **INTRODUCTION:** OXY Resources California, LLC (OXY), 28590 Highway 119, P.O. Box 1001, Tupman, California, 93276-1001, [Contact: Armando Gonzalez, 661-763-6632], has applied for a Department of the Army permit to place fill into 0.05 acres of jurisdictional waters of the United States (coastal brackish marsh) for the purpose of preparing an existing drilling pad for an exploratory natural gas well. This 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. **PROJECT DESCRIPTION:** As shown in the attached drawings (figure 1 to 3 of 3), the proposed OXY project would construct a drilling pad from the abandoned Cavanaugh 1-25 well pad. OXY proposes to use high density polyethylene matting to establish a drilling surface. Grading and filling will be required to prepare the area for matting placement. Up to 500 cubic yards of fill could be required to grade the well pad site. This project would extract mineral resources from the ground.

Vertical drilling at this site will occur between 5,000 and 10,000 feet depth. The lateral extent of drilling will be 2,000 feet from the point of ground penetration. Lateral drilling on the project site will occur only to the north of the project site under the marsh. No drilling will occur under the bay proper.

Jurisdictional waters of the United States totaling 0.05 acres on the OXY project site would be filled

to construct the project. To access the proposed drill site, the existing roadway/levee will need to be repaired and in some areas widened. The levee underneath the roadway has eroded from weather and high tides. It is estimated that road work associated with this project will require approximately 800 cubic yards of 6-inch by 18-inch rip rap to widen a levee near the site. In addition, 75 cubic yards of Class II base rock will be imported to cover the riprap on top of the levee. All materials would be compacted as necessary to support required equipment and traffic. The total area of wetland affected measures 222 feet by 6 feet (approximately 1,332 square feet, or 0.03 acres).

In the event that a sufficiently large quantity of natural gas is found to make it economically feasible for long-term production, multiple permanent natural gas extraction wells and associated equipment needed for production would be constructed on the proposed project site. In this instance, a metal platform measuring 50 feet by 100 feet (0.11 acres or 5,000 square feet) would be placed near the well, and pilings would be placed along its edge to stabilize the structure. A small driveway measuring 15 feet by 60 feet (0.02 acres or 900 square feet) would be constructed in the marsh to provide access to the platform from the south. This driveway would require approximately 100 cubic yards of fill material to construct. When production ceases at the proposed site, all equipment, the production platform, and the driveway would be removed, and the remaining portion of the site restored to native salt marsh

habitat. OXY proposes that when the well is completed, gas extracted from the well will be transported to a PG&E or Calpine transmission pipeline via a short flow line. No jurisdictional waters of the U.S. would be affected by the flow line construction.

The immediate region where construction of the OXY project would occur is characterized as marsh and rural residential development/agricultural lands. There are scattered gas extraction facilities scattered throughout the area. Production equipment will be low profile.

Best management practices for the prevention of erosion and the control of loose soil and sediment would be employed during construction to ensure that the movement of unwanted material into off-site waters of the United States does not occur.

**3. SITE DESCRIPTION:** The proposed OXY Exploratory Gas Well project site is located in the Suisun Marsh in Solano County, California. It is approximately ten miles southeast of the community of Fairfield and three miles north of West Pittsburg. The site is located on a 93.58 acre parcel of un-sectioned land in Township 3 North, Range 1 West (Honker Bay 7.5-minute quadrangle). The Solano County Assessor Parcel Number for the project site is 090-050-26.

The site is located in the Suisun Marsh. A majority of the area is high quality salt marsh, with levees leading through it to the above referenced residences and gas facilities. A hunting club is located adjacent to the drill site.

The proposed project site is currently vacant with little vegetation on the proposed well pad site due to prior disturbance by another natural gas well project. The Hershey Oil Company used the proposed project site for the same purpose during the mid-1980's. Restoration was never completed

on the site. The project site has recovered little over the years. Surrounding land is also largely vacant, with scattered residences and natural gas extraction facilities. The soils on the OXY project site are currently in a state of disturbance. Fill was placed at the project site by Hershey Oil Company, and was never removed. As a result, this material subsided into the wetland soils. The soils have further been changed by lack of tidal influence over the years. New clean fill would be placed where the previous drill pad was located.

Coastal Brackish Marsh is dominated by perennial, emergent, herbaceous monocots to 6 feet tall. Cover is often complete and dense. It is similar to salt marshes and to freshwater marshes with some plants characteristic of each. Salinity may vary considerably, and may increase at high tide or during seasons of low freshwater runoff or both. It usually intergrades with coastal salt marshes toward the ocean and occasionally with freshwater marshes at the mouths of rivers. It usually occurs at the interior edges of coastal bays and estuaries or in coastal lagoons. Characteristic plant species found at the site include several species of sedges (*Carex* spp.), spearscale (*Atriplex triangularis*), coyote brush (*Baccharis pilularis*), ripgut (*Bromus diandrus*), brassbuttons (*Cotula coronopifolia*), bull rush (*Juncus balticus*), bristly ox-tongue (*Picris echioides*), saltgrass (*Distichlis spicata*), pickleweed (*Salicornia virginica*), and broadleaf cattail (*Typha latifolia*).

**4. ON-SITE MITIGATION:** Jurisdictional waters of the United States on the OXY site consist of coastal brackish marsh. Inundation at the site is irregular due to the impediment of tidal flows by levees. The total area of habitat that would be filled to construct the project totals 0.05 acres including 0.02 acres for a driveway to the production facility and 0.03 acres for the road levee widening.

The loss of jurisdictional wetland habitat would

total 0.05 acres. The applicant proposes to mitigate for the loss of this habitat by one or more of the following methods: 1) construction of new salt marsh on the project site, 2) purchase of salt marsh through a mitigation bank, 3) creation of salt marsh elsewhere on the immediate vicinity of the Suisun Marsh.

**5. PURPOSE AND NEED:** The purpose of the OXY project is to locate an economically feasible source of natural gas. The OXY project would produce natural gas for power production in the state of California. It would not increase regional consumption of energy substantially.

**6. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant shall provide the Corps with evidence that a valid request for State water quality certification has been submitted to the San Francisco Bay Area Regional Water Quality Control Board (RWQCB). No Corps permit will be granted until the applicant obtains the required certification.

Those parties concerned with any water quality issues associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Area Region, at 2101 Webster Street, Suite 500, Oakland, California, 94612, by the close of the comment period of this public notice.

The project is also within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). A coastal zone consistency determination must be obtained from the BCDC by the applicant prior to the issuance of any Department of the Army permit.

## **COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** At the conclusion of the 15-day public comment period, the Corps of Engineers will assess the environmental impacts of the project in accordance with the requirement for the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulation at 40 CFR 1500-1508, and the USACE Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the USACE and other non regulated activities the USACE 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 (ESA):** A survey of the project site was conducted on February 13, 2001, and it was determined that no listed endangered or threatened wildlife species occur on the site. Habitat is adjacent to the project site that is suitable habitat for listed species. Surveys for special status plant species were conducted on June 8 and July 27, 2001. No special status plant species were found during the survey of the project site. Water level and inundation does not occur on a regular basis on the project site; therefore, the site is not inundated for long enough periods during the wet season to support aquatic vertebrate organisms.

**National Historic Preservation Act of 1966:** A literature survey by the California Historical Resources Information System indicates that no historic or cultural resources are known to occur on the OXY site. Standard construction-related

measures to preserve cultural resources would be followed if buried materials are exposed during construction. All contractors and subcontractors will be informed in writing of the potential for unearthing culturally significant resources. If artifacts are found during construction, work in that area will cease until an archeologist can investigate the artifacts and assess their archeological value.

If cultural resources listed, or eligible for listing, on the National Register of Historic Places are identified during construction activities, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

**8. COMPLIANCE WITH THE 404(b) 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 raised 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 has submitted an analysis for project alternatives to be reviewed for compliance with the Guidelines.

**9. 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 required 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, land use, navigation, shore 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.

**10. CONSIDERATION OF COMMENTS:** The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this proposed project. Any comments received by the Corps 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 other public interest factors listed above. Comments are used in the preparation of an environmental assessment and/or 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.

**11. SUBMITTING 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 addressed to the Regulatory Branch, Attn: Ms. Elizabeth Dyer. It is Corps policy to forward any such comments, which may 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 of our office at telephone number (415) 977-8451, or by email at Elizabeth.Dyer@spd02.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided on request