



US Army Corps
of Engineers®

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Napa Plant Site Restoration Project

NUMBER: 400258N

DATE: August 30, 2007 RESPONSE REQUIRED BY: September 30, 2007

PROJECT MANAGER: David Wickens

PHONE: 415-503-6787

Email: david.m.wickens@spd02.usace.army.mil

1. **INTRODUCTION:** The California Department of Fish and Game (DFG), [Contact: Mr. Larry Wycoff], 7329 Silverado Trail, Napa, California 94558, through its agent Ms. Francesca Demgen, URS Corporation, 1333 Broadway, Suite 800, Oakland, California 94612, has applied for a Department of the Army permit for a habitat restoration project covering 1,460-acres at the Napa Plant Site, a former salt production facility adjacent to the Napa River at 2983 Green Island Road, American Canyon, Napa County, California (Figure 1). This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) and Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

The Napa Plant Site Restoration Project (Project) would restore tidal action to all salt ponds within the former Cargill Salt Company salt production facility. The remaining area would be a mixture of seasonal wetlands, levees and uplands. Upland areas located in the north-central portion of the site would be utilized for site access, public access facilities, and DFG personnel housing. Project habitat types are summarized in Figure 2. Aquatic features contained on the subject property, (tidal marsh, seasonal wetlands, salt ponds, water conveyance channels, and tidal channels), are subject to Corps jurisdiction pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) and/or Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

For purposes of restoration planning, the site has been divided into three units based on hydrologic connectivity and geography: North Unit (205 acres), Central Unit (175 acres), South Unit (1,080 acres) (Figure 3). The applicant proposes to implement the project in two major phases based on the land transfer agreement between the applicant and the Cargill Salt Company. Phase 1 restoration is proposed to begin in 2007 in the North Unit and likely the Central Unit. The applicant proposes to begin Phase 2 restoration between the years 2010 and 2012 in the South Unit (and the Central Unit if work in that unit is not accomplished in Phase 1). Project implementation would include the following five (5) major components (Figure 4):

1. Excavate a total of 418,000-cubic yards of material to create a total of 24,270-linear feet of exterior levee breach in four (4) locations and excavate channels into the project area at each of the breached areas to provide tidal circulation. The dimensions of the levee breaches and tidal channels are described in Table 2 and depicted in Figure 4. Most of the material generated from the levee breaches and breach channels would be reused on site to raise pond bottom elevations to facilitate wetland restoration. Material would also be placed in upland areas, such as the existing levee crown and/or used to create uplands.

2. Exterior and interior levee lowering to better hydrologically connect the project site to wetlands off site to the north, and to create better hydrologic circulation within the project site. The north and western portions of the perimeter levee would be

lowered to provide greater connectivity between the restored wetlands and the Fagan Marsh and Napa River. Portions of the interior levees would be lowered to Mean High Water (MHW) elevation to provide greater hydrologic circulation within the project.

3. Creation of uplands for construction of an airport runway safety zone. The project proposes habitat improvements that may have a propensity to attract birds and increase the potential for a bird strike hazard. To mitigate for this possible affect, the applicant proposes to place approximately 54,000-cubic yards of fill material over 6.8 acres of waters of the United States to create an upland area (Table 4). This upland area will enable the Napa County Airport to create an extended runway safety area. The runway safety area is also needed to bring about compliance with the Napa County Airport Land Use Compatibility Plan (ALUCP) as required by the Federal Aviation Administration (FAA).

4. Placement of 13.2 acres of fill material into waters of the United States (existing salt ponds) for the creation of wetland transitional zones (ecotones and habitat benches) to accelerate establishment of wetland vegetation. Fill material to create ecotones and habitat benches will be placed along the eastern edge of Ponds B-1, B-2, the proposed access road, and in Pond 10. Placement of the fill material will assist in the conversion of open water salt ponds to tidal wetlands.

5. Placement of 0.10 acre of fill material in wetlands and 0.80 acre in other waters of the United States to realign an access road located between Ponds W1 and W2 to a location south of Pond 3 to allow creation of a more effective hydrologic unit in the northern portion of the site.

Purpose and Need: Historically, the project area was predominantly tidal marsh in the floodplain of the Napa River. Around the turn of the century, levees were constructed to isolate the project area and facilitate agriculture. Commercial salt production began in the early 1950s and continued into the

1990s. The applicant states that the purpose of the project is to restore a mosaic of wetland and associated habitats to benefit estuarine biota including waterfowl, shorebirds, fishes, and small mammals. It would re-establish wildlife corridors and connectivity of habitats at the landscape level. The proposed project would also include public access for recreation and education opportunities.

In addition to the project's primary purpose, aquatic habitat restoration, the applicant will be required to place fill in waters of the United States to allow Napa County Airport to create an airport runway safety area to comply with the ALUCP, pursuant to airport runway safety regulations as required by the FAA.

Summary: The project proposes to convert a total of 7.7 acres of waters of the United States to upland area. However, project activities would result in a net gain of 88 acres of waters of the United States (Table 5).

Mitigation: The project site and the mitigation site are one and the same. The primary purpose of the project is wetland creation/restoration. The total amount of impact to waters of the United States is offset by the net gain of jurisdictional waters proposed by the project.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers,

San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat.

On March 22, 2007, the Corps initiated consultation with National Marine Fisheries Service (NMFS) for the following federally listed species: Central California Coast threatened steelhead (*Oncorhynchus mykiss*), Central Valley threatened steelhead (*Oncorhynchus mykiss*), Central Valley Spring-Run Chinook (*Oncorhynchus tshawytscha*), Sacramento Winter-Run Chinook (*Oncorhynchus tshawytscha*), North American green sturgeon (*Acipenser medirostris*), and designated critical habitat for these fish species. The Corps' initial determination is that the proposed action may affect, but is not likely to adversely affect any of the species listed above. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

On March 22, 2007, the Corps also initiated consultation with the U.S. Fish and Wildlife Service (FWS) for impacts that may affect the following federally listed animal species: delta smelt (*Hypomesus transpacificus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), and California clapper rail (*Rallus longirostris obsoletus*). The Corps' initial determination is that the proposed action may affect, but is not likely to adversely affect any of the above listed species. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the FWS.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to

consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 1,460-acres of EFH utilized by *Oncorhynchus mykiss*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, and *Acipenser medirostris*. The Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California Waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue 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 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this

office under the guidelines and it was determined that the proposed project is water dependent. The applicant has submitted an Analysis of Alternatives as required. The Analysis of Alternatives to the proposed project is being reviewed by Corps for compliance with the guidelines.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is within the Coastal Zone.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic 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.

5. 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 to determine whether to issue, 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 Assessment and/or 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 in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the 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 Public 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 name and address are indicated in the first paragraph of this Public Notice or by contacting Mr. David Wickens of our office at telephone 415-503-6787 or E-mail: david.m.wickens@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

**Table 2
Dimensions of Levee Breaches and Tidal Excavation**

Restoration Unit	Bottom Width of Breach (Feet)	Channel Excavation ^{a,b} (Linear Feet/cubic yards)	Associated Drainage Area (Acres)
North Unit	200	6,500/45,460	167
Central Unit	150	2,170/37,400	94
South Unit (CB 8 Breach)	660 ^a	13,000/287,000	700
South Unit (Pond B-3 Breach)	130 ^a	2,600/48,000	146

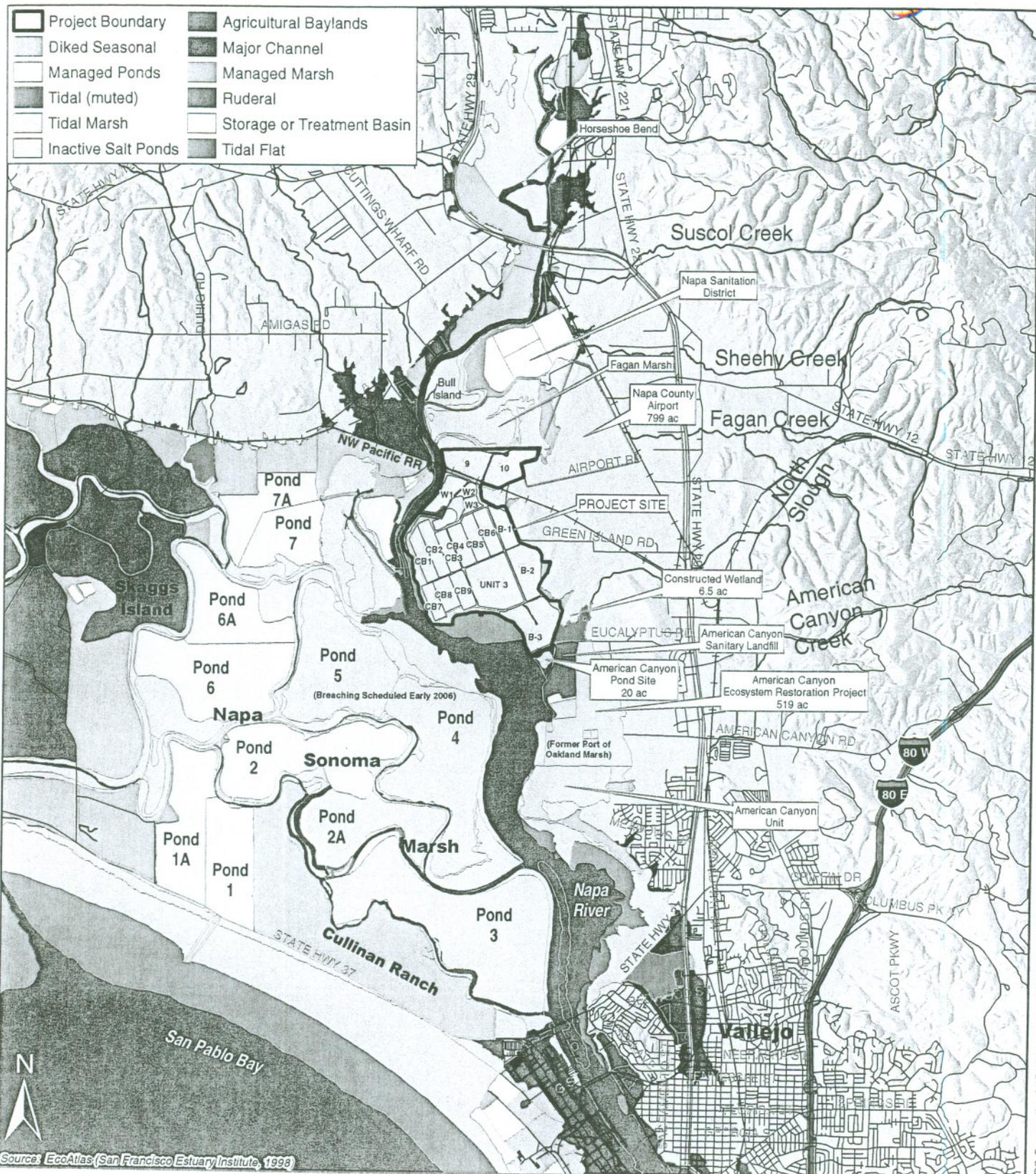
^a Breach widths and channel excavation are based on preliminary calculations and modeling, and are estimates of the maximum that would be required for restoring tidal circulation. The actual breach dimensions and channel excavation volumes will be determined in further hydrodynamic analysis and detailed design of the proposed project.

^b Volumes do not include breach excavation

**Table 4
Surface Area of Wetlands and Non-wetland Waters to be Filled**

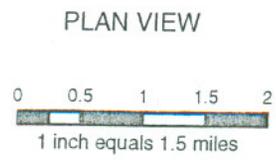
Activity	Fill in Wetlands	Fill in Waters	Total Fill	Area converted to uplands
	(acres)			
Raise elevation of Pond 10	0	79.9	79.9	0
Ecotone habitat transitions	0	13.2	13.2	0
Sidecast of channel excavation material	0	68.8	68.8	0
Runway Safety Area (RSA)	0	6.8	6.8	6.8
Realigned access road	0.1	0.8	0.9	0.9
Total	0.10	169.5	169.6	7.7

Table 5	Wetlands (acres)	Waters (acres)	Total Jurisdictional Area (acres)	Upland (acres)	Total Site (acres)
Pre-project condition	8.8	1,237.40	1,246.20	213.8	1460
Post construction	1236	99	1335	125.00	1460



Source: EcoAtlas (San Francisco Estuary Institute, 1998)

PURPOSE: WETLAND RESTORATION
 DATUM: NAVD88
 ADJACENT PROPERTY OWNERS: SEE TABLE 5 OF USACE PERMIT APPLICATION



CALIFORNIA DEPARTMENT OF FISH AND GAME

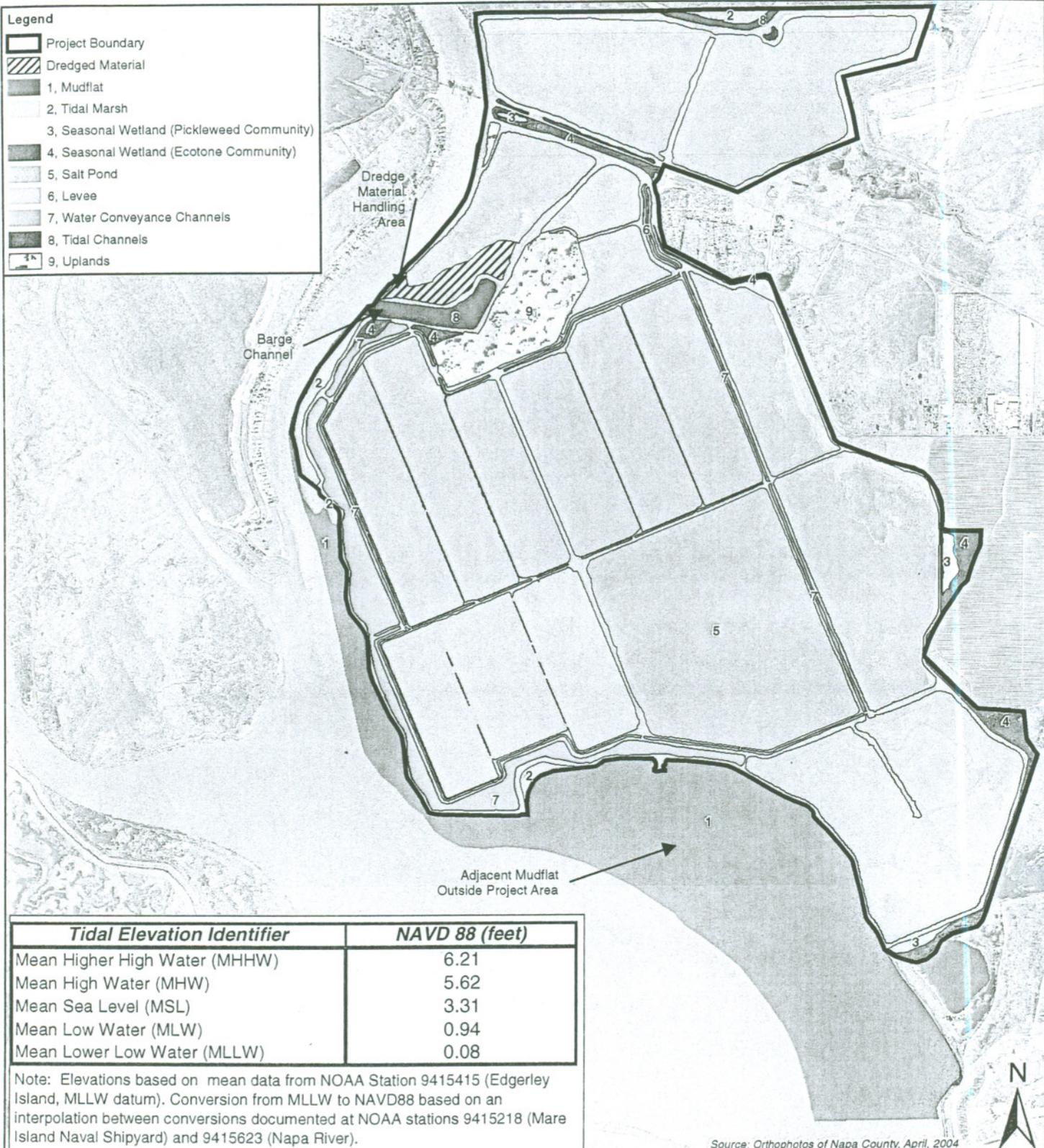
FIGURE 1 VICINITY MAP

IN: CITY OF AMERICAN CANYON
 AT: 2983 GREEN ISLAND RD.
 COUNTY OF: NAPA STATE: CA

APPLICATION BY: CALIFORNIA DEPARTMENT OF FISH AND GAME

DATE: 11/10/06

UHS Corporation L:\Projects\Napa_Plant_Site_2681504\MXD\Current Working Documents\USACE\Wetland_delineation\Fig 1 Vicinity.mxd Date: 11/8/2006 9:54:02 AM Name: smlewiso



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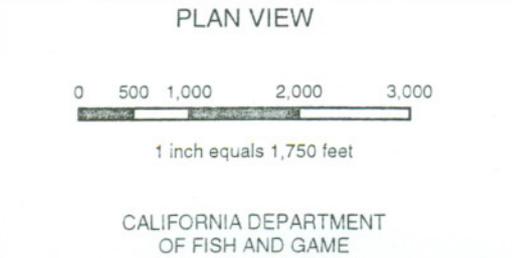


FIGURE 2
EXISTING PROJECT AREA HABITATS

IN: CITY OF AMERICAN CANYON
AT: 2983 GREEN ISLAND RD.
COUNTY OF: NAPA STATE: CA

APPLICATION BY: CALIFORNIA DEPARTMENT OF FISH AND GAME

DATE: 11/10/06

Legend

-  Potential Boat Launch
-  Potential Public Access Staging Area
-  Proposed New Access Road
-  Proposed Trails
-  Existing Local roads
-  Project Boundary



Source: Orthophotos of Napa County, April, 2004

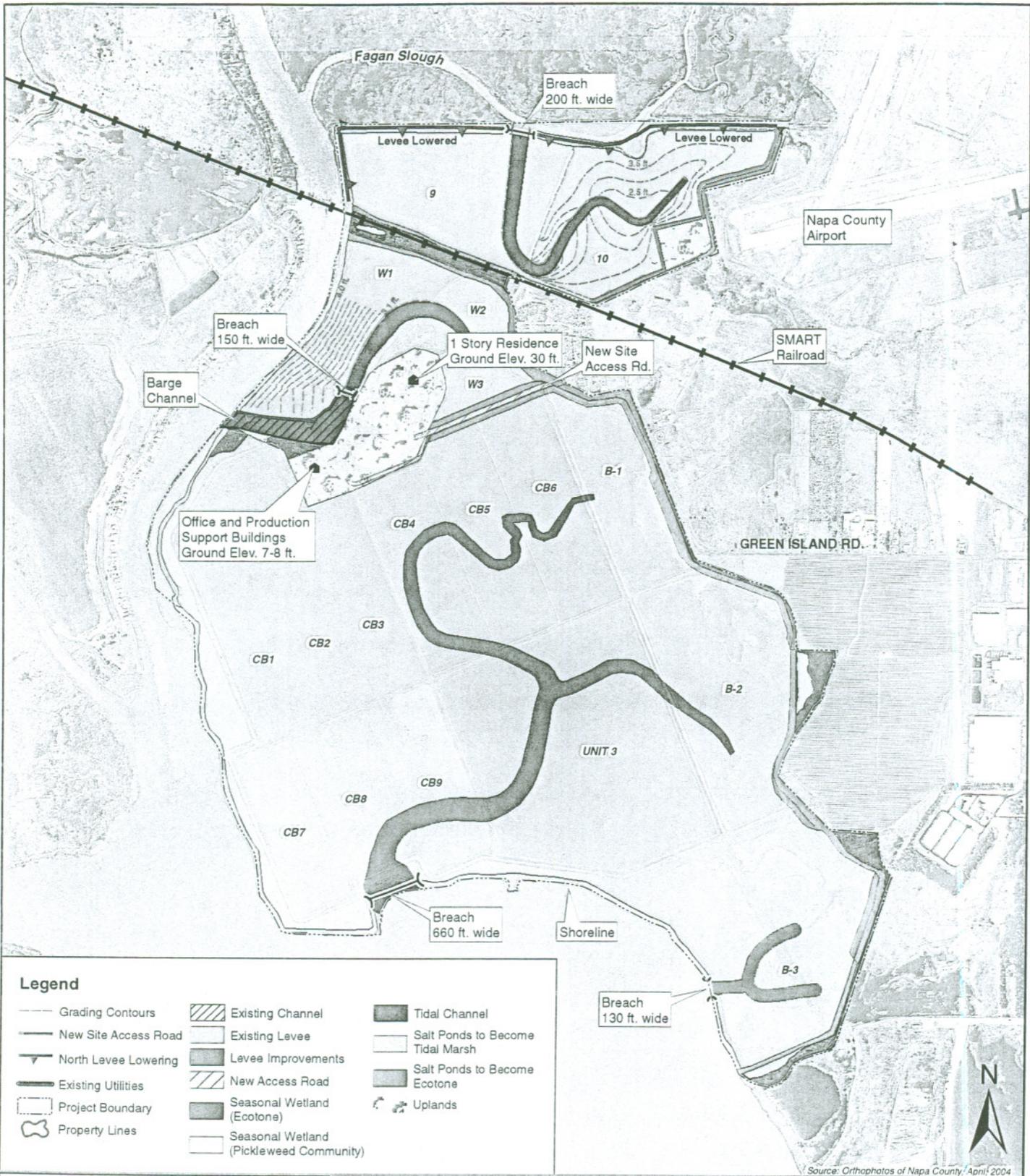


Napa Plant Site
Restoration Project
26815044

Planning Units and
Public Access Features

Figure
3

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<p>PURPOSE: WETLAND RESTORATION</p> <p>DATUM: NAVD88</p> <p>ADJACENT PROPERTY OWNERS: SEE TABLE 5 OF USACE PERMIT APPLICATION</p>	<p>PLAN VIEW</p> <p>0 500 1,000 2,000 3,000</p> <p>1 inch equals 1,750 feet</p> <p>CALIFORNIA DEPARTMENT OF FISH AND GAME</p>	<p>FIGURE 4 PROPOSED PROJECT</p> <p>IN: CITY OF AMERICAN CANYON AT: 2983 GREEN ISLAND RD. COUNTY OF: NAPA STATE: CA</p> <p>APPLICATION BY: CALIFORNIA DEPARTMENT OF FISH AND GAME</p> <p style="text-align: right;">DATE: 11/10/06</p>
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