



US Army Corps
of Engineers®

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Biagi Brothers Distribution Center Project, Napa County

NUMBER: 08-00080N

DATE: 2 September 2008

RESPONSE REQUIRED BY: 1 October 2008

PROJECT MANAGER: David Wickens

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1. **INTRODUCTION:** Mr. Tim Elam, Scannell Properties, 800 East 96th Street, Suite 175, Indianapolis, IN 46240, (317) 843-5956, has applied to the United States Army Corps of Engineers (Corps), through his agent, Steve Foreman, LSA Associates, Inc., 157 Park Place, Pt. Richmond, CA 94801, (510) 236-6810, for a Department of the Army Individual Permit to construct the Biagi Brothers Distribution Center. The project would be located on a 36.52-acre parcel within the Green Island Industrial Area, north of Green Island Road, American Canyon, Napa County, California (Figures 1-2). The project purpose is to construct a wine storage and distribution facility. The proposed project would cause the permanent loss of 0.76-acre of jurisdictional wetlands.

The duration of authorization, should it be accepted, would be for five (5) years from the date of the permit issuance. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The Biagi Brothers Distribution Project (Project) is located on approximately 36.52-acres in American Canyon, Napa County, California (Figures 1-2). Scannell Properties is proposing to build a new wine distribution and warehouse facility. The project would consist of approximately 650,000-square feet of office space and 637,000-square feet of warehouse space. There would be 110 associated private vehicle parking spaces. Other proposed improvements associated with the project include loading docks, trailer storage, site circulation roads

and access, a rail spur from the nearby railroad, axle scale, fuel island, guard shack, picnic area, and landscaping (figures 4, 5, and 6).

The Project site consists of a 36.52-acre triangular parcel (APN 057-090-007) of moderately flat grasslands. It is located north of Green Island Road and the Southern Pacific/California Northern Railroad, and approximately half mile south of the Napa County Airport. The site has historically been used as rangeland for cattle. The site falls within the Green Island Industrial Area, a planned Industrial Development. The neighboring properties to the south have compatible local land uses.

Purpose and Need: The basic project purpose is to construct and operate a wine distribution and warehouse facility. The overall project purpose is to develop a consolidated and cost-competitive wine storage and warehousing facility with accessory office space to serve the Jackson Family Wines' needs to store in excess of five million (5,000,000) cases of wine in a manner consistent with the County of Napa and the City of American Canyon's general plans.

The applicant states that the project would satisfy the need for a large distribution facility to serve the wine industry in southern Napa County. The size of the facility will allow the Jackson Family Wines to consolidate storage to a single location, thus reducing labor and transportation costs. In addition, the location of the facility would allow interstate distribution of outbound goods by rail via a

proposed spur line from the Union Pacific Railroad at the south end of the site. The applicant states that this will allow interstate distribution of 70% of the wine warehoused at the facility, further reducing transportation and distribution costs and eliminating the need for interstate transport via roads and highways.

Impacts to Corps of Engineers jurisdiction: The project site contains 3.03-acres of jurisdictional wetlands. The proposed project would result in the permanent loss of 0.76-acre of jurisdictional wetlands (Figure 4). Impacts to wetlands would include construction of the warehouse and appurtenant features, the railroad spur, and the access drive onto the site.

Mitigation: To compensate for the direct loss of 0.76-acre of jurisdictional wetlands, the applicant would preserve the remaining 2.27-acres of wetlands and create 0.83-acre of seasonal wetlands on site (Figure 3).

The created wetlands and preserved wetlands would be protected “in-perpetuity” through a conservation easement and/or fee title transfer to an appropriate governmental agency and/or held in trust by an appropriate third party.

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.

The Corps has made a determination that the proposed action will have no effect on any Federally listed threatened or endangered species or its designated critical habitat.

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). The Corps has made a determination that the proposed action would have no effect on EFH or federally managed fisheries in California Waters.

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 not 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(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to furnish a certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be issued until the appropriate State agency has concurred with the certification statement or has waived its right to do so. The project does not occur in the coastal zone, and a preliminary review by the USACE indicates that the project would not likely affect coastal zone resources. This presumption on effect, however, remains subject to a final determination by either the California Coastal Commission or the San Francisco Bay Conservation and Development Commission.

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, 1455 Market Street, San Francisco, California 94103-1398. 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 Bryan Matsumoto of our office at telephone 415-503-6787 or E-mail: David.M.Wickens@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.