



US Army Corps
of Engineers®

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Napa River Rutherford Reach Restoration Project

NUMBER: 2008-00366N

DATE: April 3, 2009

RESPONSE REQUIRED BY: May 3, 2009

PROJECT MANAGER: Sahrye Cohen

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1. **INTRODUCTION:** Mr. Richard Thomasser, Napa County Department of Public Works (1195 Third Street, Room 201, Napa, CA 94559), through his agent (Mr. Kevin MacKay, ICF Jones & Stokes) has applied for a Department of the Army permit to construct and maintain a river channel restoration project to restore riparian and aquatic habitat and stabilize eroding stream banks on 4.5 river miles of the Napa River in Napa, California. This project is proposed to be constructed in phases over ten years and will reduce fine sediment loading and improve habitat by setting back agricultural land uses and associated earthen berms from the top of the river bank, creating vegetated riparian buffers, excavating and re-vegetating inset floodplain benches with native species, creating alcoves as aquatic refugia for native fish, controlling non-native invasive plant species, installing biotechnical bank stabilization, and installing in-stream fish habitat structures to provide aquatic habitats. Approximately 8,426 cubic yards (1.49 acres) over 4.5 river miles of gravel, rock, and logs would be placed in the Napa River below Ordinary High Water (OHW) or in riverine wetlands to restore riparian and aquatic habitat, stabilize stream banks, and to reduce erosion and channel incision rates. 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 Napa River Rutherford Reach Restoration Project (Project) is a comprehensive reach-scale riparian restoration project and stream

bank stabilization on 4.5 river miles of the Napa River, known as Rutherford Reach, from Zinfandel Road in the north to the Oakville Cross Road in the south. The lands surrounding Rutherford Reach are mostly vineyards, with seasonal residences, maintenance buildings, and small reservoirs.

Project Description: The project is a cooperative effort between a group of private landowners, the Rutherford Dust Restoration Team (RDRT), and Napa County Department of Public Works. The project construction is projected to take place in four phases over ten years with a monitoring and maintenance plan extending until 2028.

The proposed project would be constructed over a ten year period with no more than approximately 1 mile under construction at any one time. The project proposes to reduce existing bank erosion rates and enhance riparian and aquatic habitats by setting back earthen berms from the top of bank and creating vegetated buffers between the river and adjacent land uses. This would be accomplished by excavating and planting inset floodplain benches at the 1.5 to 2 year flood recurrence interval, creating channel alcoves to provide high-flow refugia for fish, removing non-native invasive plant species and planting native understory species, installing biotechnical bank stabilization to stabilize excessively eroding banks and installing instream structures to improve aquatic habitat. The proposed project also includes an annual maintenance program to proactively prevent future excessive bank erosion and fine sediment inputs and to maintain the habitat restoration features. Proposed

maintenance activities include trash removal, downed tree stabilization/relocation, in-channel vegetation management, planting native vegetation, invasive and Pierce's Disease host plant removal and repairing instream habitat structures and other constructed features (see examples of project plans; full plan set available upon request).

All in-channel work is proposed to take place in the dry season (June 15 – October 15) and water diversions may be needed for some construction activities. For the whole project 13,500 linear feet of earthen berms would be set back from the top of bank, 13,900 linear feet of inset floodplain benches would be excavated and planted, 18 acres would be cleared of non-native invasive species and replanted with native understory species, 3,500 linear feet of biotechnical bank stabilization would be used and 110 large woody debris structures and 11 rock weirs/constructed riffles would be installed to improve aquatic habitat.

Phase 1: The two northernmost reaches (Reaches 1 and 2) are proposed for construction in 2009-2010. This area extends from Zinfandel Lane south along the Napa River for 6,571 linear feet. Approximately 205 cubic yards (1,925 square feet) of fill composed of rock slope protection, spider log structures, and other in-stream structures would be placed in Reaches 1 and 2 below OHW or in riverine wetlands. Native plants would be planted on the floodplain benches and floodplain slopes and also on the floodplain terrace and levees at top-of-bank (see examples of project plans for Reaches 1 & 2; full plan set available upon request).

Project Purpose and Need: Due to extensive hydromodification in the watershed, agricultural development in Napa Valley, and construction of earthen berms along the top-of-bank, the active river channel within Rutherford Reach is deeply incised and disconnected from the floodplain. As a result the stream banks in the majority of the reach are steep and subject to erosion and bank failure. The Napa River has been listed as impaired by excessive levels of fine sediment under Section 303(d) of the Clean

Water Act and this project has been designated by the State of California as a non-point source pollution control implementation priority. To meet water quality objectives and protect associated beneficial uses, the proposed project is intended to reduce existing bank erosion and associated inputs of fine sediments, and to enhance riparian and aquatic habitats to support native fish and wildlife.

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 Division, 1455 Market Street, San Francisco, California 94103-1398.

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 December 10, 2008, the Corps initiated consultation with the National Marine Fisheries Service (NMFS) for Central California Coast threatened steelhead (*Oncorhynchus mykiss*) and designated critical habitat for this species. The Corps' initial determination is that the proposed action may affect, but is not likely to adversely affect steelhead. Our final determination relative to project impacts

and the need for mitigation measures is subject to review by and coordination with the NMFS.

On December 10, 2008, the Corps also initiated consultation with the U.S. Fish and Wildlife Service (FWS) for impacts that may affect the California freshwater shrimp (CFS) (*Syncaris pacifica*) and the California Red-legged Frog (CRLF) (*Rana draytonii*).

The Corps' initial determination is that the proposed action may affect, but is not likely to adversely affect CFS and CRLF. 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 59,903 acres of EFH utilized by Central California Coast threatened steelhead (*Oncorhynchus mykiss*). 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.

The Regional Water Quality Control Board has established a total maximum daily load (TMDL) for sediment for the Napa River watershed. The proposed Napa River Rutherford Reach Restoration Project is a recommended action in the Napa River Sediment Reduction and Habitat Enhancement Plan.

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.

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 not within the Coastal Zone.

National Historic Preservation Act of 1966 (NHPA): A total of eight archaeological sites are present within the proposed project area. The recorded sites are NAP-32, NAP-141, NAP-146, NAP-148 and four more were identified as a result of the archaeological study completed for the planning of the project. The project has been redesigned to avoid site NAP-32. The Corps has initiated consultation with the State Historic Preservation Office. 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, shoreline erosion and accretion, recreation, water quality, safety, food production, 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 Division, 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 Sahrye Cohen of our office at telephone 415-503-6779 or E-mail: Sahrye.E.Cohen@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.