



US Army Corps
of Engineers®

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Napa Park Marina

NUMBER: 22415N

DATE: March 18, 2009

RESPONSE REQUIRED BY: April 30, 2009

PROJECT MANAGER: Cameron Johnson

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1. **INTRODUCTION:** The City of Napa (Mr. Mark Tomko, Public Works Department, 1600 First Street, Napa, California 94559), through its agent (Winzler and Kelly) has applied for a Department of the Army permit to conduct maintenance repairs on failing canal banks and rock slopes located within the River Park Marina in the City of Napa, Napa County, California. 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 canal and waterways comprising the River Park Marina were constructed in 1962 as part of the River Park Estates development and includes approximately 12-acres of navigable waterways. The entrance to the main channel opens directly to the Napa River, thus subjecting the canals to daily tidal action. The original canal depth was constructed at -12.5 ft Mean Sea Level (MSL), with canal banks excavated at a slope of 1.5:1 (horizontal to vertical). Canal bank failures consist of slumping banks and sloughing of rock slope which has resulted in loss of water depth required for navigation and in damage to personal property.

Proposed repair and stabilization work will consist of the following:

- Removal of silt, rock, rip-rap, and earth from failing slopes, both above and below the Ordinary High Water Mark (OHWM).

- Reshaping of damaged bank slope areas
- Installation of a footing trench or sheet pile bulkheads at the toe of slope (below OHWM)
- Placement of geotextile fabric and salvaged rock or riprap to stabilize slopes (below OHWM)

The project proposes to repair and re-stabilize approximately 2,855 linear feet (2,495 slope repair with footing trench and 360 LF sheet piling). The project proposes to remove existing rock and rip-rap and to replace it with new and usable (recovered) rock. The engineer's estimate is for a net increase in fill material equaling 1.8 cubic yards per linear foot of repaired bank (i.e. engineer estimate of placement of a net addition of 5,072 cubic yards below the ordinary high water mark).

Project implementation is proposed to occur in 5 phases currently estimated to occur over a twelve year period (2009-2021). The Corps of Engineers is proposing a phased Individual Permit to authorize maintenance and repair of the banks of the Napa Park Marina over the proposed 12 year period.

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 US Fish & Wildlife Service 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 proposed project may adversely impact listed fish species or designated critical habitat for listed species, in particular the Central California Coastal steelhead (*Oncorhynchus mykiss*), and Central Valley fall run Chinook salmon (*Oncorhynchus tshawytscha*), and designated critical habitat for steelhead. Authorization of a phased Individual Permit will require consultation with the NMFS prior to each proposed phase of the project. In addition, consultation with the US Fish & Wildlife Service may be required during the proposed life of the permit.

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). There are no EFH concerns with this proposed project.

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.

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): 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.

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 Cameron Johnson of our office at telephone (415) 503-6790 or E-mail: cameron.l.johnson@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

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,