



SAN FRANCISCO DISTRICT

US Army Corps  
of Engineers

# PUBLIC NOTICE

NUMBER: 27260N      DATE: November 14, 2003  
RESPONSE REQUIRED BY: December 14, 2003

PERMIT MANAGER: Elizabeth Dyer PHONE: 415-977-8451      Email: edyer@spd.usace.army.mil

1. **INTRODUCTION:** Reclamation District 1607 (Attn: Mr. Chris Lanzafame), P.O. Box 350; Pittsburg, CA 94565, ((925) 432-4757) has applied for a ten-year Department of the Army permit through its agent MBK Engineers (Attn: Mr. Mark Fortner) 2450 Alhambra Boulevard, 2nd Floor, Sacramento, California 95817, ((916) 456-4400), to place dredged material from the Decker Island Phase II Habitat Enhancement Project and other off-site sources on 7.1 miles of levees around Van Sickle Island, Solano County, California in order to rehabilitate them. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. **PROJECT DESCRIPTION:** As shown in attached drawings, (Sheets 1-11) the applicant plans to use dredge or stockpiled material taken from various outside sources such as Decker Island, the J.F. Baldwin Ship Channel, New York Slough, and Suisun Bay in order to rehabilitate the failing levees surrounding Van Sickle Island. The material would be placed on the interior side of the levees and contoured to raise and strengthen the levee system of the island. Five hundred thousand to one million cubic yards of material would be placed on the levees.

3. **PURPOSE AND NEED:** The basic purpose of this project is to reinforce the existing levees, which have failed numerous times in recent years and continue to be in a state of decline. Rehabilitating the levees would serve to protect the wetland habitat and associated species existing on the island. The overall purpose of this project is to accept dredge material for placement on the levee section to raise and strengthen the existing levees.

4. **SITE DESCRIPTION:** Van Sickle Island is a 2,362-acre island located on the western edge of the Sacramento-San Joaquin Delta, north of the Stockton Deepwater Ship Channel and within the Suisun Marsh in Solano County. Van Sickle Island has been managed as a waterfowl area for over fifty years. Water levels within the island are controlled by manually operated gated structures and low lift pumps at various locations along the levee. Land elevations within the island are predominately at sea level with higher ground located in the northern area near Roaring River. The island is comprised of approximately 182 acres of fresh water marsh, 1,430 acres of brackish marsh, 423 acres of open water habitat consisting of scattered ponds and the main water canals, 1.8 acres of riparian habitat along the levees, 175 acres of roads, urban and open ground, and 216 acres of upland habitat made up of grasslands and upland vegetation. The island

provides important habitat to numerous species of waterfowl such as mallards, cinnamon teal, canvas backs, pied-billed grebes, and America coots. The island also provides habitat for bird species such as American crows, killdeer, marsh wrens, red-winged blackbirds, common yellow throat, song sparrows, egrets, and herons. Mammal species found on the island include black-tailed jackrabbits, California ground squirrels, pocket gophers, river otter, beaver, muskrat, striped skunks, and raccoons. Van Sickle Island formed as Reclamation District 1607 in 1914 and has maintained their levees as required to manage interior wetlands.

## 5. PROPOSED MITIGATION:

**Impact:** The project will result in 500,000 to 1,000,00 cubic yards (cy) of fill over the course of the ten-year permit to be used for levee rehabilitation. The unavoidable impacts to wetlands resulting from the permitted levee rehabilitation equal 34 acres of permanent impacts and 18 acres of temporary impacts.

**Mitigation:** The applicant has proposed to mitigate for unavoidable loss of wetlands and salt marsh harvest mouse habitat as a result of the Phase II levee reinforcement work. The areas would be prioritized based on their potential for hydrologic connectivity with adjacent wetlands, potential for restoration of appropriate salt marsh harvest mouse habitat, and landowner willingness to dedicate the property. The proposed onsite mitigation area is located at the northern end of the island. In addition, the Reclamation District is proposing 45.8 acres of offsite mitigation through the Department of Water Resources as part of a programmatic mitigation site (See Sheet 11).

## 6. 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 CFR Sections 1500-1508, and Corps' Regulations, 33 CFR Sections 230 and 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. Species and critical habitat currently identified as potentially impacted by the proposed project include the salt marsh harvest mouse and California clapper rail, though no California clapper rails were observed during the undated reconnaissance survey.

### **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. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. 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 issues 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.

**Coastal Zone Management Act of 1972 (CZMA):** Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be directed to the San Francisco Bay Conservation and Development Commission (BCDC), 50 California Street, Suite 2600, San Francisco, California 94111.

**7. 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, historical 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.

**8. 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.

**9. 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 Elizabeth Dyer of our office at telephone 415-977-8451 or E-mail: edyer@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided upon request.