



US Army Corps
of Engineers

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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RESPONSE REQUIRED BY: **May 7, 2003**

PERMIT MANAGER Mark D'Avignon

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1. INTRODUCTION: Mr. Carl Wilcox of the California Department of Fish and Game, P.O. Box 47, Yountville, California, 94599 ((707) 955-5525) through its agent, Robert Douglass of Cargill Salt, 7220 Central Avenue, Newark, California 94560-4205 ((510) 790-8156) has applied for a Department of the Army (Corps) permit to conduct maintenance dredging and place fill material into Corps jurisdiction in order to stockpile and transport the remaining salt within the former Napa Salt Plant for the purpose of preparing the area for wetland restoration. The applicant will conduct maintenance dredging of an existing barge canal (75,000 CY) and place the dredged material within an existing disposal area resulting in the fill of 0.38 acre of wetlands and 0.51 acres of other "waters of the United States" that have formed on top of previously dredged materials. In addition, the applicant will be placing thirty-two (32) steel mooring pilings within the barge canal. Finally, the applicant will be constructing containment levees within an existing salt crystallizer pond to contain harvested salt resulting in the temporary fill of approximately 13.5 acres of non-wetland "waters of the United States" (Figures 1 & 2). This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. PROJECT DESCRIPTION: As shown in attached Figure 1, the project site is located on the east bank of the Napa River approximately 2,899 feet south of Brazos Bridge in Napa County. It is within the existing Napa salt production plant site, which

now is owned by the Department of Fish and Game, and includes the existing barge canal, dredge disposal areas to the north of the canal, a crystallizer pond south of the canal, and associated levees and other upland areas. The project site is bounded by brine storage ponds to the north, plant facilities to the east, crystallizers to the south, and the Napa River to the west. The project site has been functioning as a salt production facility since the 1950s, but has been in disuse for over ten years.

The purpose of the project is to remove salt from a former industrial salt production facility over a seven (7) year period in order to prepare the property for wetland and habitat restoration. The unrefined harvested salt will be shipped and sold by Cargill Salt for international commerce. The project is considered to be environmentally beneficial because removal of the salt will expedite the eventual restoration of the area to wetlands by the Department of Fish and Game.

The salt will be transported from the Napa plant by barge. However, the existing barge canal will require dredging to allow for salt to be loaded. Alternative dredging options were evaluated and it was determined that the amount of dredging could be reduced significantly by shortening the length of the channel to be maintained. This would reduce the disturbance of bay bottom as well as the amount of dredged material to be disposed within the on-site disposal area. The new dredging design would provide for a barge-loading basin 120 feet wide by 450 feet long, with a project depth of -16 feet MLLW

and a 2-foot over-depth allowance. Additionally, the connecting channel between the existing 100-foot wide federal channel and the barge channel would be widened to accommodate the navigation of scows into and out of the barge channel (Figures 4 and 5). The quantity that would be dredged to project depth is 63,300 CY, with a 20% contingency totaling 75,000 CY. New mooring dolphins consisting of steel piles would need to be installed to stabilize barges at the loading point.

The dredged materials would be placed in an existing disposal site adjacent to and north of the barge canal. The anticipated work would include the use of a clamshell dredge placing material into the disposal site. Once in the disposal site, the material would be evenly distributed using low ground pressure dozers and front-end loaders. Containment levees would be constructed on upland areas around the entire perimeter of the disposal area with geometry including a 4-foot high crown, a 2-foot crown width and 2H:1V sideslopes. Material dredged during the previous maintenance-dredging episode in 1986 would be beneficially re-used as borrow material for levee construction. The area proposed for disposal is approximately 13.5 acres.

The harvested salt would be loaded on barges via a conveyor belt system. A conveyor belt system will be constructed from the proposed salt pile to the new barge canal loading area (Figure 2). The area of disturbance for conveyor construction would be approximately 300 square feet; this area would be contained within upland portions of the project site, such as existing levees and roads. The conveyor would not impact any jurisdictional wetlands; however, conveyor support piles would be required in the canal at the barge loading point. A total of 32 piles would be installed using water borne equipment (Figures 4-6).

The previous salt pile was located at the end of the barge canal; however, under the reduced dredging

plan, the canal would not be dredged to this point. Given the distance between the previous salt pile and the new barge loading point, it would not be environmentally or economically practicable to design a conveyor system between them. Therefore, the salt storage pile would be moved closer to the new barge loading area. A crystallizer bed adjacent to the barge canal would be used for temporary salt storage. The substrate of the crystallizer pond presently contains only crystallized salt and is unvegetated; therefore, the adverse effects of the temporary salt storage would be minimal. Two small levees would be constructed to contain the salt within a 13.5-acre area of the crystallizer bed (inclusive of the levees) (Figures 2 and 3). The total surface area where fill would be placed during construction of the levees is approximately 0.62 acre; the total volume of fill material would be approximately 2,471 CY. Salt would be stored in all or a portion of the remaining 12.9 acres as needed during seven-year salt harvest and removal period.

3. CORPS OF ENGINEER'S JURISDICTION:

The Corps exerts both Section 10 and Section 404 jurisdiction within the project site. Section 10 jurisdiction occurs within the barge canal in all areas below MHW (+5.95 ft above MLLW). The dredging area within Section 10 jurisdiction is approximately 2.56 acres.

Section 404 jurisdiction occurs within the barge canal in all areas below the HTL (+8.2 ft above MLLW). Because of the steepness of the canal levee, the area of Section 404 jurisdiction in the canal is similar to that of Section 10. In addition, approximately 0.35 acres of vegetated tidal marsh vegetation consisting primarily of tules (*Scirpus robustus*) that has colonized the edge of the canal will be dredged.

Within the disposal area, the Corps has determined that Section 404 jurisdiction includes 0.38 acres of wetlands and 0.51 acres of non-wetland "waters of the United States".

Within the area of the proposed salt pile, the Corps has jurisdiction over crystallizer pond. The proposed containment levees will fill approximately 0.62 acres of crystallizer pond. The salt pile will be placed over a total of 12.9 acres of crystallizer pond.

4. WETLAND IMPACTS: Two small seasonal wetlands (0.38 acre) and two non-vegetated ponded areas (0.51 acre) that have formed in depressions on top of dredged material since the last disposal episode will be filled (Figure 7). Approximately 0.35 acres of tidal marsh fringe, consisting primarily of tules (*Scirpus californicus*), within the barge canal will be removed as part of the maintenance dredging.

5. PROPOSED MITIGATION: Equivalent areas of non-vegetated open water and vegetated seasonal wetland would be created on top of the disposal area to replace those areas to be filled by placement of dredged disposal materials. A 0.38 acre of seasonal wetland and a 0.51 acre pond would be created in the northeast portion of the disposal area (Figures 8 and 9). The water source for these depression areas is precipitation. Topography would be re-contoured following completion of dredged material disposal. Dredged disposal materials are fine-textured and readily pond water when found in depressions. Wetland vegetation would be planted on 0.38 acre of the upper slope of the ponded area in the fall, prior to winter rains, to facilitate plant establishment.

The containment levees and the salt pile will be removed entirely at the end of the salt removal process so that these areas can be restored. Since the crystallizer pond is unvegetated and will not be permanently filled, no compensatory mitigation is being required for the temporary loss of this area. The fringing tidal marsh along the barge canal is expected to restore itself after the canal is no longer needed and is abandoned.

6. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an

applicant for a Corps permit must obtain a State water quality certification or waiver 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 Bay Area Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred 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.

The project may be subject to the jurisdiction purview of the San Francisco Bay Conservation and Development Commission. If required, the applicant must show valid compliance with California's Coastal Zone Management Act (CZMA) prior to issuance of a permit. Coastal development issues should be directed to SF BCDC, 50 California Street Suite 2600, San Francisco, CA 94111.

7. COMPLIANCE WITH OTHER FEDERAL LAWS: The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' regulations, 33 CFR 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 jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California 94105.

Endangered species – The project is located on the Napa River. The Napa River is a migratory and rearing corridor for steelhead (*Oncorhynchus mykiss*), which is listed as threatened by the National Marine Fisheries Service. The river is also used by Sacramento splittail (*Pogonichthys macrolepidotus*), which is listed as threatened by the U.S. Fish and Wildlife Service. The dredging activities are proposed to start on July 1, which is outside the environmental windows approved by the Services in their Programmatic Biological Opinion on dredging within San Francisco Bay (September 18, 1998). Therefore, the Corps of Engineers will initiate Section 7 consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NOAA Fisheries) to avoid any adverse effects to these listed fish species as a result of dredging or pile-driving activities. In addition, the Corps will consult with NOAA Fisheries on any adverse impacts to essential fish habitat pursuant to the Magnuson-Stevens Fishery Conservation and Management Act for various life stages of fish species occurring in San Francisco and San Pablo Bays and federally managed under the Pacific Groundfish Fishery Management Plan and the Coastal Pelagics Fishery Management Plan.

The project site contains only a small amount of emergent wetland habitat along the barge canal that may be used as foraging habitat by shorebirds. The applicant would conduct pre-construction surveys for the federally listed California clapper rail (*Rallus longirostris obsoletus*) and western snowy plover (*Charadrius alexandrinus nivosus*) prior to beginning any dredging in the barge canal. If species are observed, no work will occur until they have left the area. Therefore, no adverse impacts to populations of

these species are expected from the project.

The federally listed salt marsh harvest mouse is found within areas of dense pickleweed marsh that is not present within the project area. No adverse impacts to populations are expected from the project.

The federally listed endangered and state listed rare soft bird's-beak (*Cordylanthus mollis* ssp. *mollis*) and the state listed rare Mason's lilaepsis (*Lilaeopsis masonii*) are present in marshlands in close proximity to the project site. Emergent marsh habitat is limited within the project site; however, surveys for Mason's lilaepsis will be conducted along the barge canal and in adjacent wetland areas prior to beginning any work. Soft bird's-beak was blooming during the time of the wetland delineation and was not observed in on-site wetlands. It is normally found in high marsh areas that are tidally influenced. Due to the lack of suitable habitat and the fact that it was not observed during previous surveys, it is not thought to be present within the project area. No adverse impacts to these plant species are expected from the project.

National Historic Preservation Act of 1966 (NHPA). The project site is part of an industrial plant site that was constructed in the 1950's and all activities are being conducted within existing facilities. Impacts to cultural or archeological resources are not expected to occur; however, if necessary, a Corps archaeologist will be requested to conduct a cultural resources assessment of the permit area, involving a review of published and unpublished data on file with city, state, and federal agencies. If, based on assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

8. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impacts on the public interest will also include 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 pursuant to the 404 (b)(1) Guidelines indicates the project is not water dependent.

9. PUBLIC INTEREST EVALUATION:

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

10. 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 of Engineers to determine whether to issue, modify, 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 overall public interest of the proposed activity.

11. SUBMISSION OF COMMENTS:

Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments, which include objections to the applicant for resolution or rebuttal. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Mark D'Avignon of our office at telephone (415) 977-8507 or E-mail: mark.r.davignon@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.