**REGULATORY PROGRAM**

**PERMIT ACTION**

APPLICANT: Cargill Inc.

AREA: Cargill’s Redwood City Salt Ponds, San Mateo County, California.

DESCRIPTION: The Redwood City Salt Ponds site consists of 1,400 acres of solar salt concentration and crystallization ponds located primarily in Redwood City, California. The site is a salt plant where highly saline brines precipitate, and salts are harvested on an annual basis. The site is bounded by a system of levees constructed in the early 1900s. Prior to levee construction, the site was mostly of tidal marsh crossed by tidal sloughs. The two main sloughs that entered the area were First Point Slough and Westpoint Slough. In 1940, the Army issued a permit under Section 10 of the Rivers and Harbors Act authorizing the construction of a levee across the two sloughs. At present, the area is diked off from San Francisco Bay, but water is brought into the area through an intake system for the purposes of salt production. In addition, the site receives and retains direct precipitation and a floating dredge plant enters the system through a dredge lock to maintain the outboard levees.

On June 28, 2002 and July 17, 2002, the Corps and EPA respectively wrote Cargill regarding the Redwood City Salt Ponds site and the Regulatory requirements Cargill would have to comply with under Section 404 of the Clean Water Act. Since that time, Cargill has contacted the Corps Regulatory Branch on at least two occasions regarding their plan to develop the Salt Ponds site.

Currently, Cargill Inc. is conducting an extensive public outreach program to inform the public of their proposal to develop the Redwood City Salt Ponds site. The proposed plan would involve a combination of housing and commercial development and wetland restoration. On October 15, 2007, a group of representatives from the San Francisco District Regulatory Branch, the Office of Counsel, and the District Engineer conducted a site visit with representatives from Cargill to gain further understanding of the site and Cargill’s proposal. At that time, the San Francisco District recommended Cargill begin preparation of a jurisdictional delineation for the proposed project site, which is a standard procedure of any proposed project requiring a Corps application. On September 5, 2008, Corps staff from Headquarters, South Pacific Division, and San Francisco District conducted a site visit of the Redwood Salt Ponds with Cargill representatives. The San Francisco District has a long track record of asserting jurisdiction over diked tidal sloughs and areas within Salt Ponds in the San Pablo Bay area at the Napa and Sonoma Marshes Wildlife Area, and at Cargill’s Napa Salt Ponds Site, as well as in former Cargill salt ponds in South San Francisco Bay. The October 2, 2009 Memorandum for the South Pacific Division Commander from Mr. Steven Stockton, Director of Civil Works, directed the Division that the “…site should be evaluated in its current state as a salt production facility with pumps periodically moving water between the different cells and not based on any historical conditions at the site.”

It is expected the proposed project would be an extremely controversial permit action for the Corps given the high visibility and ecological potential of the site. The area is located in South San Francisco Bay adjacent to the U.S. Fish and Wildlife Service’s Don Edwards San Francisco Bay National Wildlife Refuge, and the project could involve consultation on numerous federally threatened and endangered species. In addition, numerous environmental groups have voiced their concern over development of the site.

STATUS: On November 12, 2009, the San Francisco District received a request for a preliminary jurisdictional determination (PJD) for the project site from DMB Redwood City Saltworks (applicant). The District issued the PJD on April 14, 2010. On 30 May, 2012, the District received a follow up request for an approved jurisdictional determination. Cargill provided additional information to the District, including historic and current elevation mapping (at the District’s request), and the District’s coastal engineers are currently working on a final analysis of those materials. The Regulatory Division will then make final determinations of jurisdiction pursuant to the Rivers and Harbors Act and the Clean Water Act. We have not received a permit application. DMB Redwood City Saltworks is a joint venture whose principals are DMB Pacific Ventures, Inc. and Cargill, Inc.

CONGRESSIONAL DISTRICT:

* 14th District, Rep. Jackie Speier

POINTS OF CONTACT:

* Regulatory Division Chief, Jane Hicks (415) 503-6771
* South Branch Chief, Cameron Johnson (415) 503-6773
* Project Manager, Katerina Galacatos (415) 503-6778
* District Counsel, Merry Goodenough (415) 503-6760

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