



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE

PROJECT: Oakville to Oak Knoll Project

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1. **INTRODUCTION:** Napa County Public Works Department (POC: Rick Thomasser, (707) 259-5935), 1195 Third Street, Suite 201, Napa, California, through its agent, Horizon Water and Environment (POC: Jill Sunahara, (510) 968-1854), 180 Grand Avenue, Suite 1405, Oakland, California has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit for bank stabilization and river restoration in the Oakville to Oak Knoll reach of the Napa River located in the Towns of Yountville and Rutherford, Napa County, California This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The proposed Napa River Restoration: Oakville to Oak Knoll Project (Proposed Project) includes 4.8 miles of active channel restoration activities along 9 miles of the mainstem Napa River between the Oakville Cross Road Bridge and the Oak Knoll Avenue Bridge. Located in the Towns of Yountville and Rutherford, Napa County (38°22'56"N, -122°19'06"W to 38°26'18"N, -122°23'30"W).

Project Site Description: The project area is largely comprised of riverine and riparian forest associated with the Napa River, and agricultural lands used primarily for viticulture.

Project Description: As shown in the attached drawings, the applicant proposes 4.8 miles of active channel restoration activities along 9 miles of the mainstem Napa River between the Oakville Cross Road Bridge and the Oak Knoll Avenue Bridge. The purpose of the Proposed Project is to restore and enhance long-term

river and floodplain function, improve the quality and resilience of aquatic and terrestrial riparian habitat, and reduce property damage and sediment delivery associated with ongoing bank erosion processes. The Proposed Project includes restoration elements and features to widen the channel, reduce channel bank erosion, improve the quality and resilience of aquatic and terrestrial habitat, and enhance overall channel and floodplain function along the Napa River and would encompass 108 acres in total. Project impacts would include approximately 83 acres of grading that would impact approximately 55 acres of existing riparian and upland habitat. The Proposed Project also includes removal of approximately 36 acres of vineyards and restoration of 84 acres of transitional riparian and channel habitat. The construction of the entire project is expected to take 5 years.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is bank stabilization and habitat improvement.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to stabilize eroding riverbanks and to restore river function and riparian habitat on the Napa River.

Project Impacts: 21,371 linear feet of waters of the U.S. (the Napa River) would be impacted by the project. 8,293 cubic yards (12.5 acres) of gravel fill from adjacent

alluvial fan tributaries or nearby quarries, would be used in the project. There would be no permanent long-term loss of waters of the U.S. from this project.

Proposed Mitigation: There will be no permanent long-term loss of waters of the U.S. from this project. Short-term impacts to waters and wetlands of the U.S. will be minimized by avoidance, minimization and mitigation measures that are incorporated into the project design. These measures include, but are not limited to: implementation of Best Management Practices; compensation for impacts to California freshwater shrimp habitat; in-channel work will be limited to the dry season (June 15–October 15); and fish and salmonid relocation by qualified biologists.

Project Alternatives: The Applicant submitted an Alternatives Analysis with the following Alternatives: No Project Alternative; Full Geomorphic Restoration; Distributary Channel Restoration. The No Project Alternative assumes that no restoration will occur within the Oakville to Oak Knoll Reach and that the streambanks will continue to erode resulting in further inputs of fine sediments and degradation of aquatic habitat, and loss of productive agricultural land and damage to existing infrastructure. The Full Geomorphic Restoration is similar to the Proposed Project but with more extensive grading for channel widening. This alternative would meet the project purposes concerning channel stability and maintenance, hydrologic, and geomorphic processes and habitat value and complexity. The Full Geomorphic Restoration would result in the loss of 82 acres of agricultural land and would require substantial additional excavation and off-site soil haulage costs. Under the Distributary Channel Restoration alternative approximately 35,000 linear feet of historic distributary channels would be enlarged and re-connected to the main Napa River Channel to convey storm flows and reduce flow volume and velocities in the main channel. This alternative would meet the project purposes concerning channel stability and maintenance, hydrologic, and geomorphic processes and habitat value and complexity. This alternative would require substantial additional excavation and off-site soil haulage costs and would result in the loss of 82 acres of agricultural lands.

The Corps has not endorsed the submitted alternatives analysis at this time. The Corps will prepare its own 404(b)(1) alternatives analysis prior to reaching a final permit decision.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed 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.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so. The project does not occur in the coastal zone, and a *preliminary* review by USACE indicates the project would not likely affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the San Francisco Bay Conservation and Development Commission.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, by the close of the comment period.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army permit application

and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to ensure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. As the Federal lead agency for this project, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant, to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE has made a preliminary determination that the following Federally-listed species and designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation. The project may affect, and adversely affect California freshwater shrimp (*Syncaris pacifica*). Approximately 135 linear feet of California freshwater shrimp habitat would be directly affected during construction of the Proposed Project. Construction of the Proposed Project could potentially result in take of CFS, if this species were to occur in the action area. Take may occur during dewatering, vegetation removal, grading for bank stabilization, and other associated construction

activities that take place in aquatic habitat and along the margins of the channel. The Proposed Project is likely to have long-term beneficial effects on CFS by reducing streamflow velocities and erosion, and enhancing habitat. The project may affect, and is not likely to adversely affect California red-legged frog (*Rana draytonii*). California red-legged frog is not likely to occur in the action area. No direct effects are likely to occur. The project may affect, and may adversely affect Central California Coast (CCC) steelhead Distinct Population Segment (DPS) (*Oncorhynchus mykiss*) and their designated critical habitat. The project may affect, and may adversely affect Central Valley fall-/late-fall run Chinook Salmon Evolutionary Significant Unit (ESU) (*Oncorhynchus tshawytscha*). The Proposed Project is expected to have direct short- and long-term effects on the designated critical habitat of CCC steelhead and fall-run Chinook salmon. Potential project effects include temporary water quality degradation from localized increases in turbidity and suspended sediment, and potential discharges of contaminants in the Napa River during construction. Long-term direct effects on designated critical habitat and species are expected to be beneficial including: increased channel complexity, reduced sedimentation and turbidity, increased shallow water habitat, and increased riparian and native vegetation along the banks. The Project Area would continue to function as a freshwater migration corridor by providing adequate passage for adults and juvenile salmonids. Restoration activities would provide additional spawning and rearing habitat for CCC steelhead and Chinook salmon. The net direct effect of the project on Critical Habitat and listed species would be beneficial.

To address project related impacts to these species and designated critical habitat, USACE will initiate formal consultation with USFWS and NMFS, pursuant to Section 7(a) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the NMFS on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish*

FMP, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE has made a *preliminary* determination that EFH is present at the project location or in its vicinity, and that the critical elements of EFH may be adversely affected by project implementation. The Corps has determined that the proposed action would not have a substantial adverse impact on EFH for species managed under the Pacific Coast Salmon Fishery Management Plan, pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1855(b). This determination is based on the avoidance, minimization, and mitigation measures in the proposed project that would reduce the short and long term impacts of project construction and project maintenance. Long-term direct effects on EFH are expected to be beneficial, including: increased channel complexity, reduced sedimentation and turbidity, increased shallow water habitat, and increased riparian and native vegetation along the banks. These modifications would result in a beneficial change to freshwater rearing fish because of the existing low quality nearshore and riparian habitat in the Project Area and the increased quality of the restored habitat. The Project Area would continue to function as a freshwater migration corridor by providing adequate passage for adults and juvenile salmonids. Restoration activities would provide additional spawning and rearing habitat for CCC steelhead and Chinook salmon. The net direct effect of the project on Essential Fish Habitat would be beneficial. To address project related impacts to EFH, USACE will initiate consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The

project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. As the Federal lead agency for this undertaking, USACE has conducted a review of latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant, to determine the presence or absence of historic and archaeological resources within the permit area. Based on this review, USACE has made a *preliminary* determination that historic or archaeological resources are present in the permit area, and that such resources may be adversely affected by the project. No known Native American resources are on file as occurring within the project areas. There are documented prehistoric resources within the project boundaries. These sites are predominately described as lithic scatter and/or low mounds with associated obsidian flakes. To address project related impacts to historic or archaeological resources, USACE will initiate consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer, pursuant to Section 106 of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation

Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES: Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a practicable alternative to the project that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences. The applicant has submitted an analysis of project alternatives which is being reviewed by USACE.

6. PUBLIC INTEREST EVALUATION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include 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.

7. CONSIDERATION OF COMMENTS: USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts

on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Sahrye Cohen, San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/Missions/Regulatory>.