



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102-3406

PUBLIC NOTICE

PROJECT: HdV Streambank Erosion Control and Restoration Project

PUBLIC NOTICE NUMBER: SPN-2011-00382

PUBLIC NOTICE DATE: May 5, 2020 May 4, 2020

COMMENTS DUE DATE: June 4, 2020

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1. **INTRODUCTION:** HdV Wines (POC: Mr. Rick Hyde (707) 251-9121), 588 Trancas Street, Napa, California, through its agent, Horizon Water and Environment (POC: Mr. Brian Piontek, (510) 899-4808), 266 Grand Avenue, Suite 210, Oakland, California, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to discharge fill material into jurisdictional waters of the United States associated with streambank stabilization activities located in the City of Napa, 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.*) and Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: 588 Trancas Street (APN 039-270-020) in the City of Napa, Napa County, California; Latitude 38.32647°, Longitude -122.28367°.

Project Site Description: The proposed project site is located on the Napa Valley floor immediately east of the Napa River and approximately 650 feet upstream of the Trancas Street bridge. Much of the upland portion of the Project area is relatively flat, gently sloping west toward the Napa River. The river corridor through the Project reach maintains a steep left bank with some near vertical areas and a relatively more gradual right bank. Elevations in the Project area range from approximately 30 feet above mean sea level along the top-of-bank to -7 feet at the river thalweg.

Project Description: As shown in the attached drawings, the applicant proposes to implement

biotechnical treatment techniques across 250 linear feet of streambank to prevent further erosion and bank loss at the site. Work would include installation of rock slope protection (RSP) and large wood with root wads; fabric encapsulated soil (FES) lifts; riparian habitat enhancement; and revegetation of upland areas.

RSP would be placed at the toe of the streambank after the completion of minor bank grading to conform with the contours of the upper and lower ends of the eroded area. The purpose of the RSP is to stabilize the toe of the streambank and prevent further erosion, slumping, or shearing of the earthen bank materials. The rock is being designed with a “launchable toe” approach such that some rock at the toe is expected to adjust and settle over time as the native riverbed material erodes. A portion of the RSP treatment at the upstream side of the restoration area would be buried. RSP would be placed at the toe of slope to protect against scour to an estimated depth of up to 6.5 feet below the bed elevation. The transition area from RSP to native ground would include a combination of fabric and revegetation to help stabilize the native material at the interface with the rock.

A series of tree trunks and root wads would be anchored to the RSP along the bank toe and would extend into the Napa River to help dissipate fluvial energy at that location and provide aquatic habitat. The trunks would be approximately 20 feet long with a 14-inch diameter at breast height and would be stabilized via wrapped cables sealed with epoxy into holes drilled into the boulders. Twelve root wads would be installed using spacing that varies from 5 to 30 feet. The spacing of root wads would be variable as they are overlapping and angled to extend out into the low flow channel.

FES lifts would be installed on the mid-bank above the RSP to create a slope of 1.5-2 horizontal units per one vertical unit. The FES lifts would be used to rebuild the streambank with earthen material that is plantable. Each FES lift would be backfilled with native soil and would have a minimum four feet embedment of biodegradable fabric on the bottom of each lift, secured by 12-inch long wooden stakes. Live stakes of various tree species, such as arroyo willow (*Salix lasiolepis*), red willow (*S. laevigata*), and Fremont cottonwood (*Populus fremontii*), including a minimum of 20 percent white alder (*Alnus rhombifolia*), would be installed between the lifts at intervals of one foot on center and staggered vertically between lifts. The number of FES lifts would vary based on location and exposure to river flow, but lifts would generally be installed from the ordinary high water mark elevation upslope approximately 15 feet.

The low terrace and upper bank areas from approximately elevation 20.5 feet to the top of the riverbank would be recontoured at a more gradual slope angle, reseeded with a native seed mix, and covered with biodegradable fabric secured using 12-inch wooden stakes. Native tree and shrub species would be planted throughout the upper riparian zone. All upland areas disturbed during project-related activities would be revegetated with a variety of upland species native to the Napa River Watershed.

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 to stabilize the left bank of the Napa River.

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 areas of severe streambank erosion and preserve the integrity of existing structures adjacent to the project area.

Project Impacts: The proposed project would result in the discharge of approximately 1,545 cubic yards of fill material along 250 feet of the left bank of the Napa River, permanently impacting 0.0174 acre of jurisdictional waters of the U.S.

Proposed Mitigation: The Project has been designed to reduce impacts to special-status species, waters of the U.S., and other sensitive habitats through the implementation of best management practices, including measures to prevent erosion and siltation. A turbidity curtain would be installed to isolate the work area thereby containing and confining direct impacts to the construction footprint. Additionally, existing trees and riparian habitat will be avoided and preserved to the extent feasible.

Project Alternatives: USACE has not endorsed an alternatives analysis at this time. USACE will conduct an independent review of the project alternatives prior to reaching a final permit decision.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver thereof 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: The project does not occur in the coastal zone, and a *preliminary* review by USACE indicates the project is not likely to 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, 375 Beale St., Suite 510 San Francisco, CA 94105

Other Local Approvals: The applicant will be applying for the following additional governmental authorizations for the project: A Lake and Streambed Alteration Agreement to be issued by the California Department of Fish and Wildlife.

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. § 1500-1508, and USACE regulations at 33 C.F.R. § 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 Database, 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 reach of the Napa River contains Federally-listed threatened Central California Coast DPS Steelhead (*Oncorhynchus mykiss*) and its critical habitat. Designated critical habitat consists of the water, streambed, and the adjacent riparian zone. The overall project may induce changes in channel morphology, including the loss of pool and riffle habitat and degradation of the riverbed; cause the loss of riparian vegetation and large wood debris; and generate turbidity and downstream sedimentation, the deposition of which would likely contribute to the degradation of spawning gravels. To address project related impacts to this species and designated critical habitat, USACE will initiate formal consultation with 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*, or 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 proposed project is located within an area managed under the Pacific Coast Salmon FMP which may be impacted by the mobilization of suspended sediments, destruction of pool and riffle complexes, and modification of the riparian overstory. 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 MPRSA 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 any required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project is not likely to 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 the 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 not likely to be present in the permit area and that the project either has no potential to cause effects to these resources or has no effect to these resources. USACE will render a final determination on the need for consultation at the close of the comment period, considering any comments provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and Native American Nations or other tribal governments. 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 not 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 less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The applicant has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

6. PUBLIC INTEREST EVALUTION: 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 in the project.

8. **SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to William M. Connor either electronically, or by letter to, San Francisco District, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, Suite 1111, San Francisco, California 94102-3404; 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: <https://www.spn.usace.army.mil/Missions/Regulatory>.