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SPK-1901-09804 - Delta Wetlands NOI

*Posted 3/4/2013*

### **CESPK-RD-D**

**SUBJECT:** Notice of Intent (NOI) to Prepare a Supplemental Environmental Impact Statement (EIS) and Notice of Public Scoping Meeting for the Delta Wetlands Project. This notice is to inform interested parties of the opening of scoping and to solicit comments on the project. This notice may also be viewed at the U.S. Army Corps of Engineers (Corps) website at [www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx](http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx). On February 28, 2013, a NOI was published in the Federal Register (Vol. 78, No. 40, page 13643) Link to the federal register: <https://federalregister.gov/a/2013-04722>.

**APPLICANT:** Delta Wetlands Properties, 1330 Arnold Drive, Suite 142, Martinez, California 94553-6538

**AGENT:** Mr. Jim James, Renewable Resources Group, Inc. , 3065 Samarkand Drive, Santa Barbara, California 93105

**LOCATION:** Bacon Island and Bouldin Island in San Joaquin County and Holland Tract and Webb Tract in Contra Costa County. Places of use of water supply consist of: (1) Semitrophic Water Storage District in Kern County, (2) Metropolitan Water District of Southern California (which also includes Western Municipal Water District of Riverside County) in parts of Los Angeles, Orange, San Diego, Riverside, San Bernardino, and Ventura counties, and (3) Golden State Water Company in portions of Los Angeles, Orange, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura counties.

**PROJECT DESCRIPTION:** Delta Wetland Properties (Applicant) has applied for a Department of Army permit under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (RHA) to develop two Reservoir Islands (Bacon Island and Webb Tract). Applications with the Department of Army under Section 404 of the CWA for the discharge of dredged or fill material into waters of the United States and under Section 10 of the RHA for work in navigable waters were first filed with the Corps in 1987. The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) issued no-jeopardy Biological Opinions (BOs) for the project in May and June, 2000. The Corps issued a Department of the Army Permit under CWA Section 404 and RHA Section 10 (Permit 190109804) for the project on June 26, 2002. Permit 190109804 required that construction be completed by December 31, 2007. The applicant is applying for a new permit for the project because the previously issued permit has expired.

The Corps has determined that a Supplement to the EIS for the Delta Wetlands Project (prepared in 2001) is required and that a Supplemental EIS is the appropriate document to ensure compliance with NEPA. Delta Wetland Properties has applied for a new Department of the Army permit to fill approximately 2,156 acres of potentially jurisdictional waters of the United States, including wetlands, to implement the project.

### **ADDITIONAL INFORMATION:**

**Background Information:** The Applicant's Preferred Alternative is generally the same as described in

the 2001 EIS and Department of the Army permit for the project issued in 2002. Since 2002, the applicant has entered into a partnership with Semitropic Water Storage District (Semitropic) to develop the project, to integrate the project into the operation of the Semitropic Groundwater Storage Bank and the Antelope Valley Water Bank, and to provide project water for agricultural uses within Semitropic's service area.

Activities that would result in the discharge of dredged or fill material into waters of the U.S. on the Reservoir Island's interiors consist of the construction of new intake and discharge facilities, new boat berthing facilities adjacent to each intake and discharge facility, and interior grading and perimeter levee improvements. Activities that would result in the discharge of fill material in the channels adjacent to the Reservoir Islands consist of the placement of new intake facilities and installation of fish screens, new boat berthing facilities adjacent to each intake and discharge facility, and new pumps and outfalls to discharge water stored in the reservoirs into the Delta. Compensation for wetland and wildlife effects of the water storage operations on the Reservoir Islands would be provided by implementing a Habitat Management Plan (HMP) on two Habitat Islands (Bouldin Island and all but the southwestern portion of Holland Tract). Bacon Island and Bouldin Island are located in San Joaquin County and Holland Tract and Webb Tract are located in Contra Costa County.

**Scoping Meeting:** The Corps will conduct a public scoping meeting on March 11, 2013 from 4pm to 7pm. The scoping meeting will be held at the Tsakopoulos Galleria Library located at 828 I Street, Sacramento, CA 95814.

**Environmental Setting:** A wetland delineation for the project islands was verified by the Corps in April 2002 and identified a total of 860.47 acres of jurisdictional waters. This delineation expired in 2007 and an updated delineation was conducted for the project islands. The updated delineation identifies a total of 3,851.70 acres of potentially jurisdictional features. The primary differences in the verifications consist of the reclassification of "exotic marsh" to freshwater marsh and the addition of two wetland types: agricultural wetlands and forested wetlands. The updated delineation identifies the following acreages of potentially jurisdictional waters for the project islands: Bacon Island 572.69 acres, Webb Tract 1,583.61 acres, Holland Tract 996.28 acres, and Bouldin Island 699.12 acres. The applicant proposes to fill approximately 2,156 acres of potentially jurisdictional waters on the Reservoir Islands.

**Alternatives:** The Supplemental EIS will include alternatives to the Proposed Action that will meet NEPA requirements for a reasonable range of alternatives, and will also meet the requirements of the CWA Section 404(b)(1) Guidelines. The alternatives to be evaluated in the Supplemental EIS are anticipated to consist of the following: (1) an alternative with differing operating criteria for diversion and discharge of stored water, (2) the project as proposed in the 404 permit application (i.e., the Applicant's Preferred Alternative), (3) an alternative in which all four islands would be used as reservoirs with some compensation habitat provided on Bouldin Island, and (4) the No Project Alternative in which the four islands would be used for intensive agricultural operations.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification as required under Section 401 of the Clean Water Act from the Central Valley Regional Water Quality Control Board is required for this project.

**HISTORIC PROPERTIES:** The Corps will reinitiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act.

**ENDANGERED SPECIES:** The project would primarily be implemented in the Sacramento-San Joaquin Delta. The project may affect the following Federally listed endangered or threatened species:

Central Valley spring-run and Sacramento River winter-run Chinook (*Oncorhynchus tshawytscha*), Central Valley steelhead (*O. mykiss*), delta smelt (*Hypomesus transpacificus*), green sturgeon (*Acipenser medirostris*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and the Giant garter snake (*Thamnophis gigas*). The Corps will reinstate consultation with the USFWS and NMFS pursuant to Section 7 of the Endangered Species Act.

**EVALUATION FACTORS:** The Corps' public involvement program includes several opportunities to provide verbal and written comments on the proposed Delta Wetlands Project through the NEPA process. Affected Federal, state, and local agencies, Native American tribes, and other interested organizations and parties are invited to participate. Potentially significant issues to be analyzed in depth in the EIS include loss of waters of the United States (including wetlands), and impacts related to water supply, water quality, utilities and public services, traffic and navigation, fish, vegetation and wetlands, wildlife, land use and agriculture, recreation, visual resources, air quality, climate change, and socioeconomics. The project's impact on the public interest will include application of the CWA Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency (40 CFR Part 230). Comments will also be used to determine the effect of the proposed activity on the public interest.

**SUBMITTING COMMENTS:** Interested parties are invited to submit written comments on the permit application on or before **March 29, 2013**. Scoping comments should be submitted to the address below within the next 60 days, but may be submitted at any time prior to publication of the Supplemental EIS. Marc Fugler, Project Manager  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350  
Sacramento, California 95814  
Email: [Marc.A.Fugler@usace.army.mil](mailto:Marc.A.Fugler@usace.army.mil)

The Corps is particularly interested in receiving comments related to alternatives to the proposed project, the proposal's probable impacts on the affected aquatic environment, and the secondary and cumulative effects. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act and will be addressed within the Supplemental EIS. If you have questions or need additional information please contact the applicant or the Corps' project manager Marc Fugler, 916-557-5255, [Marc.A.Fugler@usace.army.mil](mailto:Marc.A.Fugler@usace.army.mil).