



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200200354

Date: April 16, 2004

Comments Due: May 16, 2004

---

In reply, please refer to the Public Notice Number

---

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Clement Corporation Sod Manufacturing project, which would result in direct impacts to approximately 0.003 acres of waters of the United States, in Holland Cut. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/index.html>.

**AUTHORITY:** This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States.

**APPLICANT:** Michael Clement  
Michael H. Clement Corporation  
3500 Wilbur Avenue  
Antioch, California 94509-8537  
925-778-3994

**LOCATION:** The project site is located on Holland Tract in an Unsurveyed Section, Township 1 North, Range 3 East in the Sacramento/San Joaquin Delta in Contra Costa County, California.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a barge loading dock and other structures, including an agricultural building and levee work, for a new sod manufacturing facility. The dock will be driven piles topped with wood. The applicant's stated project purpose is to facilitate the shipping of the sod by barge to various bay area locations. The proposed construction includes raising the elevation of the levee to +9.00 USGS Datum, installing two 20 foot wide walkways from the levee edge, installing concrete walkway cubs at the levee edge, installing 18" steel building foundation piling, installing an access road from the levee to elevation 1.02, paving the levee road from the end of the county road to 260 feet north of the proposed agricultural building and installing a 75-foot x foot helicopter pad. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** Based on the available information, there are no jurisdictional wetlands within the project area. The site is primarily agricultural land. Surrounding land uses are agricultural and part of the Delta Wetlands project.

**Alternatives.** The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives is available from the applicant or their agent.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Based on the available information, the project will not result in any discharges into waters of the United States. Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board may not be required for this project. The applicant has not indicated they have applied for certification. The applicant has applied for a permit or approval from the Holland Island Reclamation District 2025, the Iron House Sanitary District, the California Department of State Fish and Game, and the Contra Costa County Building Inspection Department.

**HISTORIC PROPERTIES:** Based on the available information, no cultural resources are within the project's area of potential affect.

**ENDANGERED SPECIES:** The proposed activity may affect federally-listed endangered or threatened species or their critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

**ESSENTIAL FISH HABITAT:** The proposed project may adversely affect Essential Fish Habitat. The Corps has initiated consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

The Corps 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 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 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 need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200200354, must be submitted to the office listed below on or before April 22, 2004:

William Guthrie, Project Manager  
US Army Corps of Engineers, Sacramento District  
Delta Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [William.H.Guthrie@usace.army.mil](mailto:William.H.Guthrie@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager William Guthrie, 916-557-5269, [William.H.Guthrie@usace.army.mil](mailto:William.H.Guthrie@usace.army.mil).

Attachments: 4 drawings