

Update on Enforcement Case No. ER1990.026

Item 6

Adrienne Klein

September 10, 2020

Enforcement Committee Meeting

Outline

- Interested Parties
- Project History
- Current Case Status
- Conceptual Design Plan Objectives and Evaluation Criteria
 - July 2020 Conceptual Design
- Next Steps to Promote Resolution
- Enforcement Committee Discussion

Interested Parties

- **U.S. Army Corps of Engineers, San Francisco District**
 - Pamela O. Patton, Project Manager, Programs & Project Management Division
- **Port of Stockton**
 - Jeffrey Wingfield, Director, Environmental & Public Affairs
 - Anchor QEA, LLC, consultant support
 - Lynn Turner, Senior Planner
 - Peter Hummel, Principal Landscape Architect
 - Katie Chamberlin, Principal Planner
- **Rich Island Duck Club, Simmons Island, Solano County**
 - James Waters, Board Member
 - Mark Baeta, Water Manager
- **Suisun Resource Conservation District**
 - Steve Chappell, Executive Director

Project History (1 of 3)

- **Location:** A 1,025-acre managed wetland at the Rich Island Duck Club (RIDC), Simmons Island, Solano County.
- **Authorization:** 1985 consistency determination issued to US Army Corps of Engineers for disposal of one million cubic yards of dredged material from the Stockton Ship Channel at four locations in BCDC's jurisdiction.
- One of the four locations allowed placement of 350,000 cubic yards of the dredged material over 100 acres of RIDC to:
 - Improve habitat.
 - Fill borrow ditches.
 - Maintain levees.

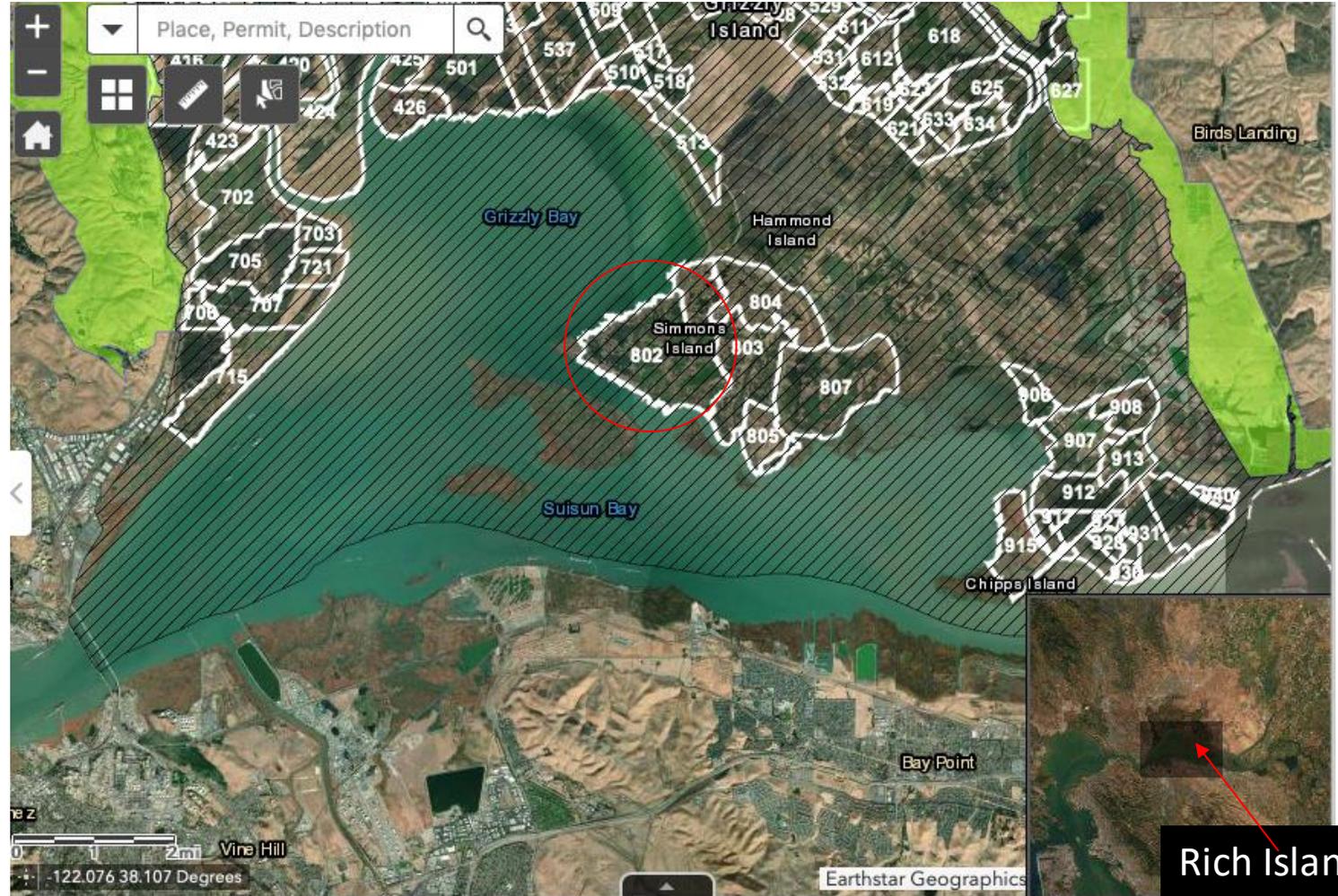
Vicinity Map

Legend:

---- (White lines): Duck Clubs
○ Rich Island Duck Club 802

//// (Black lines) – Primary Management Area

■ – Secondary Management Area



Rich Island Duck Club



Historical Aerial of Simmons Island in July
1978 Before Fill Placement
Source: SCS 1984



Future Fill Placement Area

Aerial of Simmons Island in 1993
After Fill Placement
Source: U.S. Geological Survey on
Google Earth



Fill Placement Area

09.01.2018 Aerial Image of Simmons Island



September 10, 2020

Project History (2 of 3)

- **USACE - BCDC Consistency Determination:** Requires the Corps remove unused material within 10 years of project completion.
- **Violation:** The material was not entirely beneficially reused by July 1996.
 - Port hired a consultant to prepare a beneficial re-use plan presented to the Enforcement Committee on November 21, 2006.
 - Club then hired a consultant and presented an alternate beneficial reuse plan to the Committee on May 10, 2007.
 - Negotiations halted between 2007 and 2019.

Project History (3 of 3)

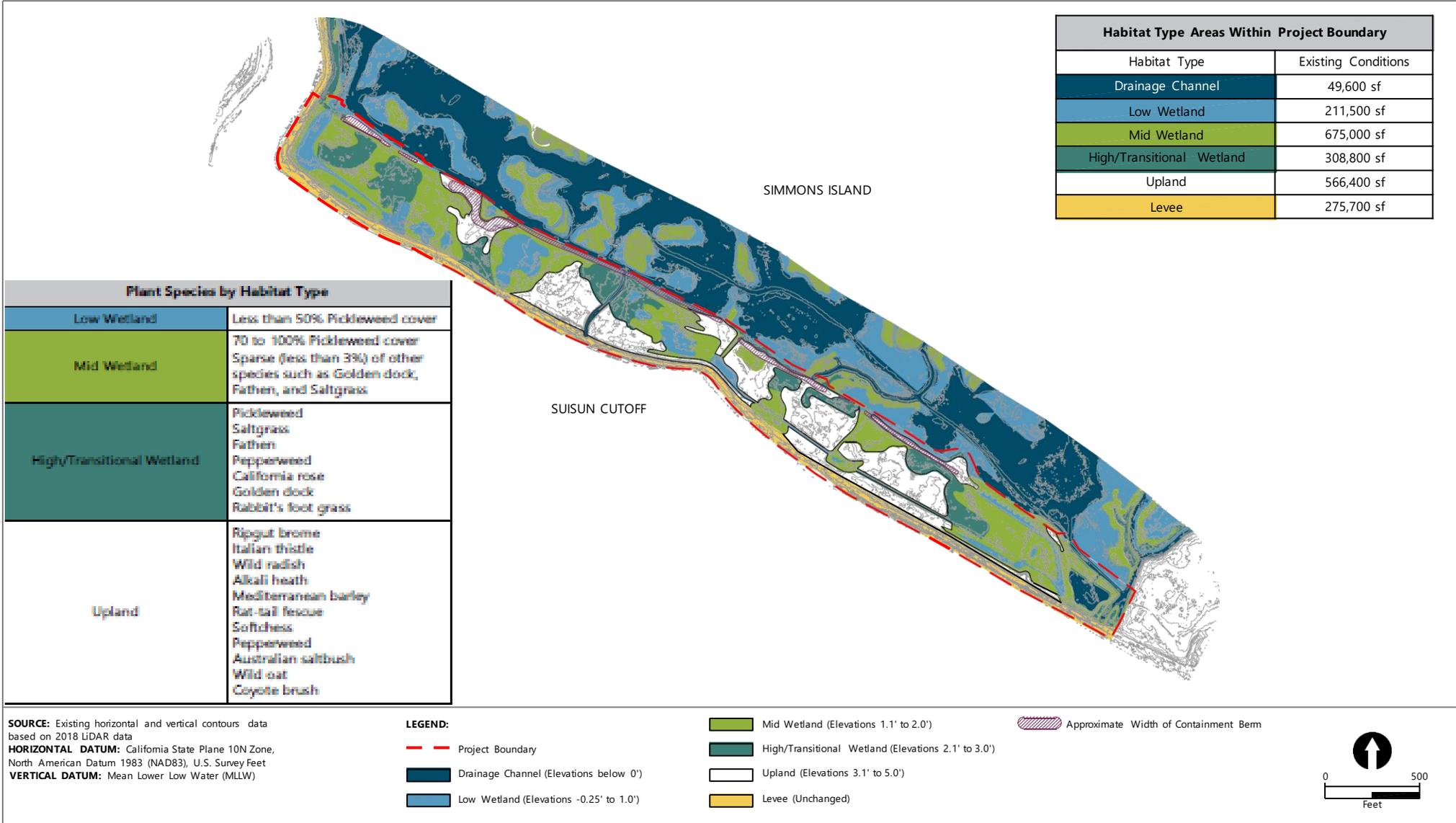
- In 2019 EC directed staff to resolve cases opened prior to 2000.
- August 8, 2019 Enforcement Committee Meeting:
 - Staff presented a plan to re-engage with interested parties to assess funding availability and capacity to finalize a site restoration plan within a specified timeframe.
 - If agreement between the USACE, Port and Club could not be achieved within a specified timeframe then Staff would work with the Office of the Attorney General to consider commencing litigation.

Current Case Status

- On December 12, 2019 BCDC Staff met with the interested parties who agreed to work to resolve the matter.
- Port of Stockton retained AnchorQEA, LLC, as its consultant.
- Five follow up meetings in 2020 have occurred resulting in development of a new conceptual design plan for beneficial reuse of material.
- On June 29, 2020 a site visit to Rich Island Duck Club was completed to validate data assumptions and modify the conceptual plan.

Conceptual Design Plan Objectives

- Meet identified club management goals consistent with relevant policies of the Suisun Marsh Protection Plan.
- Protect and support short and long-term stability of existing levee.
- Protect and conserve existing habitat for salt marsh harvest mouse including existing pickleweed habitats with dense coverage and provide suitable conditions for expansion of these areas where compatible with other objectives.
- Maximize habitat for migratory waterfowl.
- Avoid off-site hauling to reduce potential for levee damage from construction equipment.



Habitat Type Areas Within Project Boundary	
Habitat Type	Existing Conditions
Drainage Channel	49,600 sf
Low Wetland	211,500 sf
Mid Wetland	675,000 sf
High/Transitional Wetland	308,800 sf
Upland	566,400 sf
Levee	275,700 sf

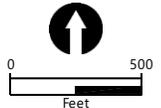
Plant Species by Habitat Type	
Low Wetland	Less than 50% Pickleweed cover
Mid Wetland	70 to 100% Pickleweed cover Sparse (less than 3%) of other species such as Golden dock, Fathen, and Saltgrass
High/Transitional Wetland	Pickleweed Saltgrass Fathen Pepperweed California rose Golden dock Rabbit's foot grass
Upland	Ripgut brome Italian thistle Wild radish Alkali heath Mediterranean barley Rat-tail fescue Softchess Pepperweed Australian saltbush Wild oat Coyote brush

SOURCE: Existing horizontal and vertical contours data based on 2018 LiDAR data
HORIZONTAL DATUM: California State Plane 10N Zone, North American Datum 1983 (NAD83), U.S. Survey Feet
VERTICAL DATUM: Mean Lower Low Water (MLLW)

LEGEND:

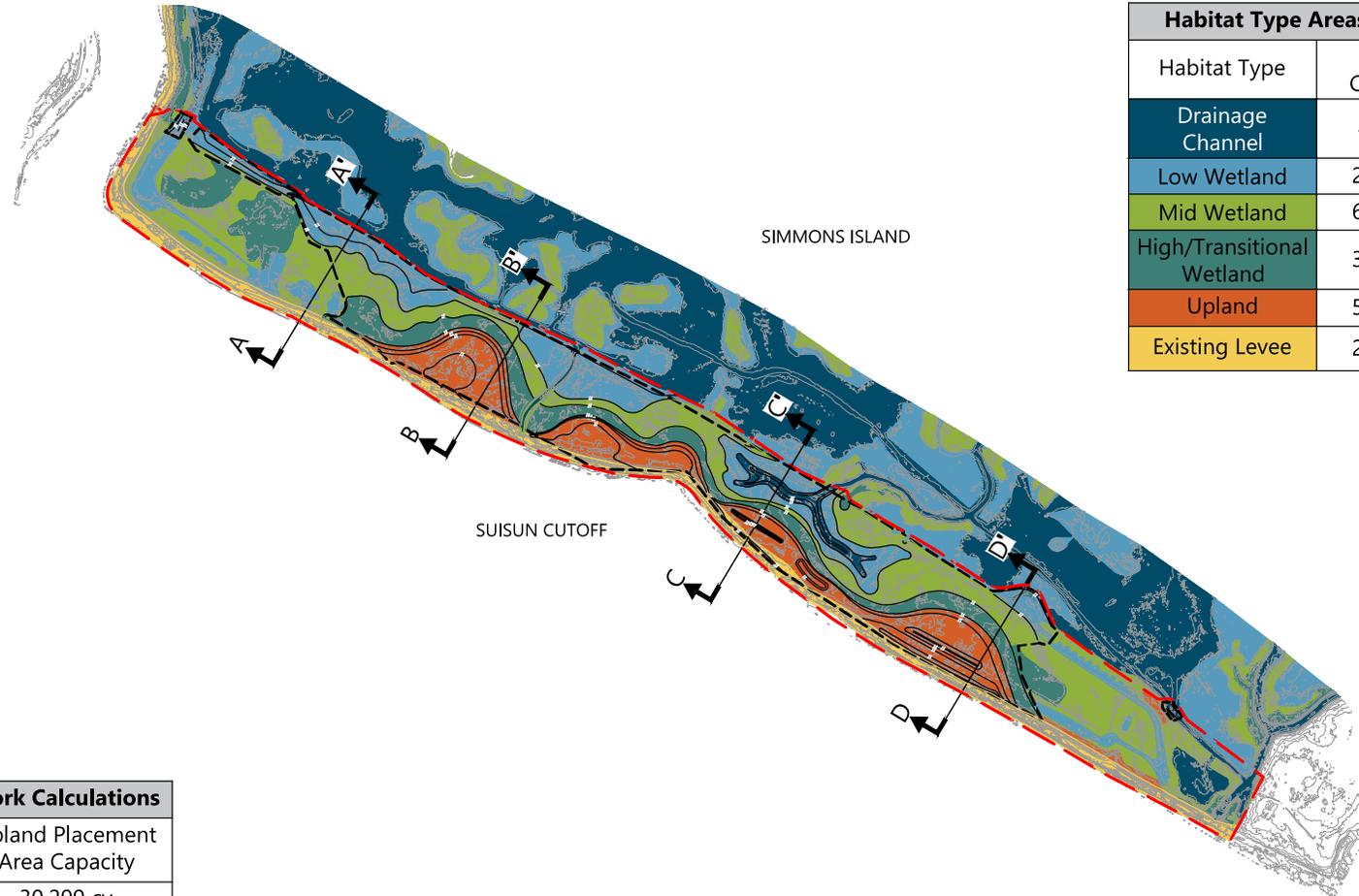
- Project Boundary
- Drainage Channel (Elevations below 0')
- Low Wetland (Elevations -0.25' to 1.0')
- Mid Wetland (Elevations 1.1' to 2.0')
- High/Transitional Wetland (Elevations 2.1' to 3.0')
- Upland (Elevations 3.1' to 5.0')
- Levee (Unchanged)

Approximate Width of Containment Berm



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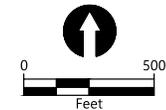
Habitat Type Areas Within Project Boundary		
Habitat Type	Existing Conditions	Preliminary Alternative
Drainage Channel	49,600 sf	83,000 sf
Low Wetland	211,500 sf	382,200 sf
Mid Wetland	675,000 sf	653,200 sf
High/Transitional Wetland	308,800 sf	301,000 sf
Upland	566,400 sf	357,000 sf
Existing Levee	275,700 sf	275,700 sf

Approximate Earthwork Calculations	
Excavation	Upland Placement Area Capacity
30,294 cy	30,299 cy

SOURCE: Existing horizontal and vertical contours based on 2018 LIDAR data
HORIZONTAL DATUM: California State Plane 10N Zone, North American Datum 1983 (NAD83), U.S. Survey Feet
VERTICAL DATUM: Mean Lower Low Water (MLLW)

LEGEND:

- Project Boundary
- Drainage Channel (Elevations below 0')
- Low Wetland (Elevations -0.25' to 1.0')
- Mid Wetland (Elevations 1.1' to 2.0')
- High/Transitional Wetland (Elevations 2.1' to 3')
- Upland (Elevations 3.1' to 7')
- Existing Levee (Unchanged)
- Limits of Grading



Publish Date: 2020/07/20 9:45 AM | User: cwae
 Filepath: K:\Projects\0377-Port of Stockton\Simmons Island\Conceptual Designs\0377-WK-002 Conceptual Design Preferred Alt.dwg Preliminary Conceptual Plan



Merits of July 2020 Conceptual Design

- Protects existing functional wetlands on east and west ends of project area and minimizes disturbance of established wetland habitats.
- Provides a diverse range of wetland types for habitat diversity which supports wildlife species of concern.
- Reconnects and restores some of the wetland channel network covered by fill placement.
- Reconnects restored grades and low wetland habitats to existing low wetlands north of the filled area.
- Enhances drainage to control soil salinity.
- Balances cut and fill on site.

Next Steps to Further Resolution

- Update Enforcement Committee.
- Pursue Regulatory Approval of Conceptual Design.
- Recommended Process.
 - Anchor QEA outreach to resource agencies
 - New Letter of Agreement between USACE and Stockton Port District
 - Procure agency approvals including non-material amendment to Consistency Determination No. 1985.006.01
 - Project Implementation including compliance monitoring
- Provide Periodic Enforcement Committee Updates.

Enforcement Committee Questions

- Any questions about the conceptual design plan?

- Any concerns about the plan to resolve this case?