

NAPA SALT MARSH  
RESTORATION PROJECT  
REAL ESTATE PLAN  
APPENDIX H

**General Project Description**

The purpose of this project is to investigate the feasibility of restoring a portion of diked baylands in the San Francisco/San Pablo Bay Area to tidal action. This would support a range of fish and wildlife species, including endangered and threatened species, improve water quality by restoring former salt ponds into usable habitat, and restore greater ecological balance to the Bay Area overall.

**Authority**

This Real Estate Plan is an appendix to this Feasibility Report. The U.S. Army Corps of Engineers prepared a reconnaissance-level study, 905(b) Fact Sheet in 1997. A real estate assessment of the lands required for this project was included in this report. This reconnaissance study resulted in the finding that there was a Federal interest in continuing the study into the feasibility phase. The California State Coastal Conservancy (CSCC), as the non-Federal sponsor (NFS) and the Corps of Engineers initiated the feasibility study in 1998.

The Napa River Salt Marsh Restoration Feasibility Study was authorized by a resolution of the Committee on Public Works and Transportation, U.S. House of Representatives, on September 28, 1994, that the Secretary of the Army review the report of the Chief of Engineers on the Napa River Basin, California, published as House Document 222, Eighty-ninth Congress, First Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present in the interest of environmental protection and restoration, flood damage reduction, and other purposes.

**Description of the Project Area**

The project area is located about 30 miles northeast of the City of San Francisco, adjacent to portions of Napa, Sonoma, and Solano Counties, California. The area is located on the northeast side of San Pablo Bay immediately between the Napa River and Sonoma Creek. The study area encompasses the Napa River Unit of the Napa-Sonoma Marshes State Wildlife Area, which consists of 12 ponds in the former Napa salt pond complex. The pond complex consists of 7,190 acres of salt ponds and levees and 2,270 acres of fringing marsh and slough, but the project site consists of 9,460 acres. The 12 ponds in the Napa River Unit are numbered sequentially from the southern ponds to the northern ponds. They are Ponds 1, 1A, 2, 2A, 3, 4, 5, 6, 6A, 7, 7A, and 8. The marshes in the study area were first diked for hay production and cattle grazing in the 1850's. In the 1950's, the land was converted to salt production by the solar evaporation of bay water. Salt

production was stopped in the 1980's due to the loss of the sole industrial consumer. The land is now owned and managed as wildlife habitat by the Department of Fish and Game (DFG). The total parcel, consisting of 9,460 acres was purchased by Cargill Salt Company with funds from the Shell Oil Spill Settlement, State Lands Commission (SLC), Wildlife Conservation Board (WCB), and the CSCC. The lands required for the project will include all salt ponds, associated levees, and fringing marsh in the project area but exclude existing sloughs and the Napa River which are not affected by the project. Thus, the acreages for the excluded sloughs are not included in the Federal project lands. There are also permanent and temporary easements required for the recycled water pipeline component discussed in the NER Plan Description later in this report.

### **National Ecosystem Restoration (NER) Plan**

This REP is in support of an environmental restoration project and, therefore, does not consider a National Economic Development Plan. ER-1105-2-100 states "Ecosystem restoration is one of the primary missions of the Corps of Engineers Civil Works program. The Corps' objective in ecosystem restoration planning is to contribute to national ecosystem restoration (NER). ... Single purpose ecosystem restoration plans shall be formulated and evaluated in terms of their net contributions to increases in ecosystem value (NER) outputs, expressed in no-monetary units..."

### **NER Plan Description**

Twenty-four salinity reduction, seven habitat restoration, and three supplemental water delivery alternatives were considered in the alternative screening process. The screening process reduced the consideration to 17 alternatives of which one was the No Action Plan. The recommended NER is identified as "Alternative 6". This alternative is a mix of tidal ponds and habitats and consists of numerous measures and features such as levee repairs, breaching, channel and berm construction, construction of a recycled water pipeline, and other measures described in more detail in the main report. The only one of these project components that requires real estate rights, outside of the wetlands site (salt ponds) is the recycled water pipeline. The pipeline component to this project is described in more detail in the main part of the report. For purposes of this real estate report, following is a brief description of the pipeline component which will include approximately fifteen miles of new pipeline construction.

Eight miles of new pipeline would be constructed from the Sonoma Valley treatment plant to the upper ponds;

Four miles of pipeline would have to be constructed on the east side of the Napa River from the City of American Canyon treatment plant to the existing Cargill pipeline under the Napa River;

Three miles of new pipe would transport water from the Napa Sanitary District to the project site.

This plan was selected as it provides a balance mix of pond and tidal habitat, manages restoration related risk through effective use of adaptive management, and is determined to be the most cost effective based on incremental analysis. The plan will be constructed for desalination and habitat restoration. Features aimed at the desalination portion would include a combination of water conveyance and control structures, including intakes, fish screens, outfalls, diffusers, siphons, mixing chambers, and levee breaches. Habitat restoration features would include construction of starter channels and berms, levee lowering, blocking ditches, breaching of ponds to reestablish tidal actions, and maintenance of ponds that currently provide good habitat.

Since the pipeline is a project feature and will be cost shared, the sponsor is responsible for the acquisition of the necessary real estate rights to support the project. These consist of permanent and temporary easements.

The Sonoma County Water Agency, one of the sponsors for this project, will acquire the necessary easements. Because the pipeline is buried in the ground, it is considered real property, and upon construction therefore becomes the property of the owner of the easements. The SCWA will commit to compensating the Federal government for the residual value of the pipeline at the time of transfer. This is addressed in more detail in the main body of the report, and the PCA will detail the transfer process.

**Total Lands Required**

Feature	Estate	Acreage	Owner
Wetland Site	Fee		DFG
*Perm. Pipeline	Pipeline Easement		DFG
*Perm. Pipeline	Pipeline Easement		Private & RR
*Pipeline Construction	Temporary Work Area Easement		Private Public Railroad

The acreages and values will be provided in this report upon completion of the gross appraisal for the pipeline easements.

There are no Federally owned lands within the project area.

There are sponsor-owned lands, which consist of the wetlands site (salt ponds).

**Estates**

The only estates required for this project are fee title for the wetland site and permanent and temporary pipeline easements for the construction and placement of the pipeline. There are no non-standard estates.

### **Baseline Cost Estimate**

A gross appraisal was prepared at the October 2002 price levels by the Sacramento District Appraisal Branch. Subsequently, they conducted a market survey for a more in-depth study of the highest and best use to determine if the highest and best use was for mitigation for development thus potentially increasing the value determination presented in the gross appraisal. The results of the market survey determined that the highest and best use is not mitigation for development and further concluded that the value in the gross appraisal is considered valid. The Chief, Appraisal Branch and the appraiser who prepared the market survey met with San Francisco District Project Management Branch Chief, the Project Manager, the Real Estate Program Manager, and the SPD Real Estate Director to review the findings of the market survey. This was done to the satisfaction of San Francisco District and SPD and was subsequently explained to the sponsor. The sponsor concurred with the findings of the market survey during the Alternative Formulation Briefing (AFB) video teleconference. The sponsor, during the AFB, expressed their understanding of the market survey findings and accepted the value of the wetland (salt ponds) site presented in the gross appraisal. The sponsor further expressed their understanding of the market survey findings and agreed that they held no expectations that this property would be valued during crediting at a different highest and best use of mitigation for development and thus result in a much higher value. It is understood that the sponsor will provide a credit appraisal for this property upon the onset of construction and that such credit appraisal will be prepared in accordance with the Uniform Appraisal Standards (USPAP) and prepared by a certified appraiser who will be approved as a qualified appraiser by the Sacramento District Appraisal Branch.

Project	Non-Federal	Federal	LERRs	Total
Napa Salt Marsh	*	*	*	*
	\$250,000	\$50,000	\$10,200,000	\$10,500,000

\*To be adjusted for final Feasibility Report upon receipt of the gross appraisal for the permanent and temporary easements for the recycled water pipeline and adjusted Real Estate MCACES costs.

### **Utility/Facility Relocations**

There is only one utility in the project area, and that is a Pacific Gas and Electric (PG&E) transmission line. This utility will not be impacted. There are four transmission towers that will require reinforcement. These are considered “protection-in-place” and are determined to be construction items and to be cost shared accordingly and not as a utility relocation as defined in WRDA 86. This was discussed and confirmed with the Real Estate Division attorney. There are no utility or facility relocations in this project.

### **Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 197-, as amended by Public Law 100-17**

There are no Public Law 91-646 Relocations involved in this proposed project.

### **Navigation Servitude**

There are no navigation servitude issues in this project.

### **Non-Federal Sponsor's Ability to Acquire**

The Non-Federal Sponsor (NFS) for the Feasibility Phase is the California State Coastal Conservancy (CSCC). They are acting as the NFS on behalf of the property owner, the California Department of Fish and Game (DFG). The CSCC will continue to act as the local sponsor during Pre-Construction Engineering and Design (PED). DFG will be the NFS during the Construction and Operations and Maintenance (O&M) phases. The Sonoma County Water Agency (SCWA) will also be a NFS during Construction and O&M. The DFG already owns the property for the restoration site. SCWA will be a NFS who will acquire the necessary LERRs for the recycled water pipeline. There will be a third party agreement between the DFG and the SCWA as to their responsibilities and cost sharing between them for the pipeline. This will be detailed in the PCA and is discussed in the main body of the report. The SCWA has an experienced real estate staff, and they have power of eminent domain. The SCWA has had previous experience as a sponsor on Federally cost-shared projects.

### **Attitude of Landowners**

The property rights to be acquired from landowners are permanent and temporary easements for the recycled water pipeline. Much of the property required for the pipeline is already owned by the SCWA. The SCWA has already done preliminary investigations as to what lands, permanent and temporary, that may be required for the construction and placement of the pipeline measure. The attitude of property owners is generally favorable. There are 1,200 linear feet of right-of-way parallel to Southern Pacific Transportation Company railroad right-of-way that will need to be acquired from them. SCWA Real Estate Department has already done some preliminary investigation into potential easement acquisitions, and there is expected to be cooperation on behalf of Southern Pacific Transportation Company.

### **Mitigation**

This project is an environmental project, and there are no features of the project that will require mitigation.

### **Hazardous, Toxic, and Radiological Waste (HTRW)**

A comprehensive testing program was conducted to evaluate whether hazardous, toxic, or radioactive wastes and/or contaminants were present in the study area. The testing program consisted of collecting two to four water and sediment samples per ponds. Each of the samples was analyzed for total dissolved solids, pH, heavy metals, and certain

anions and cations. A percentage of the samples was also analyzed for priority pollutant organic compounds including pesticides, polynuclear aromatic hydrocarbons, and PCBs. The testing was conducted to support permitting of discharges during salinity reduction. No hazardous, toxic, or radioactive waste was identified in the study area. The testing indicated that salinity was generally elevated. Only trace levels of a few organic compounds were detected. Heavy metals were also detected; concentrations were generally consistent with anticipated background (natural) conditions.

### **Minerals**

There are no valuable minerals impacted by this project. There was, therefore, no enhancement for mineral deposits included in the baseline cost estimate.

### **Project Map**

A project map will be attached to the Real Estate Plan upon completion of the pipeline maps.

### **Acquisition Schedule**

An acquisition schedule is attached to this Real Estate Plan. The schedule has been coordinated with the Project Manager and the NFS.

**SCHEDULE A  
REAL ESTATE MILESTONES**

<b>Napa Salt Marsh Restoration Project y</b>	<b>*COE Start</b>	<b>*COE Finish</b>	<b>*NFS Start</b>	<b>*NFS Finish</b>
<b>Execution of PCA</b>	<b>03/05</b>	<b>06/05</b>	<b>03/05</b>	<b>06/05</b>
<b>Landowner Meeting</b>			<b>07/05</b>	<b>07/05</b>
<b>Prepare Mapping/Legal Descriptions</b>			<b>07/05</b>	<b>09/05</b>
<b>Obtain/Review Title Evidence</b>			<b>07/05</b>	<b>09/05</b>
<b>Obtain/Review Appraisals</b>			<b>10/05</b>	<b>01/06</b>
<b>Conduct Negotiations</b>			<b>01/06</b>	<b>06/07</b>
<b>Perform Closings</b>			<b>06/07</b>	<b>09/07</b>
<b>Perform Condemnations</b>			<b>01/06</b>	<b>09/07</b>
<b>Obtain Possession</b>				<b>09/07</b>
<b>Complete Review of PL 91-646 Relocations</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Conduct/Review Facility/Utility Relocations</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Certify all Necessary LERRDS are Available for Construction</b>	<b>10/07</b>	<b>11/07</b>		
<b>Prepare &amp; Submit Credit Requests</b>			<b>03/08</b>	<b>06/08</b>
<b>Review/Approve or Deny Credit Request</b>	<b>06/08</b>	<b>12/08</b>		
<b>Establish Value for Creditable LERRD in F&amp;A Cost Accounting System</b>	<b>01/10</b>	<b>06/10</b>		

**\*COE – Corps of Engineers**

**\*NFS – Non-Federal Sponsor**

**ASSESSMENT OF NON-FEDERAL SPONSOR'S  
REAL ESTATE ACQUISITION CAPABILITY  
Napa Salt Marsh Restoration Project**

**I. Legal Authority:**

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

YES

b. Does the sponsor have the power of eminent domain for this project?

YES

c. Does the sponsor have "quick-take" authority for this project?

NO

d. Are any of the lands/interests in land required for the project located outside of the sponsor's political boundary?

NO

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

NO

**II. Human Resource Requirements:**

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including PL 91-646, as amended?

NO

b. If the answer to II. a. is "yes", has a reasonable plan been developed to provide such training?

N/A

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

YES

d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

YES

e. Can the sponsor obtain contractor support, if required, in a timely fashion YES, if they are needed to assist.

f. Will the sponsor likely request USACE assistance in acquiring real estate?

NO

**III. Other Project Variables:**

a. Will the sponsor's staff be located within reasonable proximity to the project site?

**YES**

b. Has the sponsor approved the project/real estate schedule/milestones?

**The sponsor has approved the real estate schedule milestones.**

**IV. Overall Assessment:**

a. Has the sponsor performed satisfactorily on other USACE projects?

**YES**

b. With regard to this project, the sponsor is anticipated to be:

**(Capable – Highly Capable – Not capable, etc.)**

**Highly Capable**

**V. Coordination:**

a. Has this assessment been coordinated with the sponsor?

**YES**

b. Does the sponsor concur with this assessment?

**YES**

**Prepared by:**

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**SUSAN MILLER  
REAL ESTATE PROGRAM MANAGER**

**Reviewed and Approved by:**

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**MARVIN D. FISHER  
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