



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

AUG 20 2004

Regulatory Branch

SUBJECT: File Number 282520S, East Stege Marsh

Professor Claudia J. Carr
Department of Environmental Science, Policy and Management
135 Giannini Hall
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Berkeley, California 94720

Ms. Sherry Padgett
Bay Area Residents for Responsible Development (BARRD)
27 Leeds Ct. East
Danville, California 94526

Peter H. Weiner, Attorney
Paul, Hastings, Janofsky & Walker
55 Second Street, Twenty-Fourth Floor
San Francisco, California 94105

Dear Concerned Citizens:

I have received your memo of August 11, 2004, addressed to me and Mr. Wayne White of the U.S. Fish and Wildlife Service, regarding "California Clapper Rail and Stege Marsh Protection in Richmond, California." In your memo you express concerns regarding a large-scale residential development proposed by Cherokee Simeon Ventures (CSV) adjacent to East Stege Marsh near 49th Street in Richmond, Contra Costa County.


As you may be aware, on July 26, 2004, the Corps of Engineers verified CSV's authorization to conduct clean-up work and marsh restoration in East Stege Marsh under Nationwide Permit 38 (*Cleanup of Hazardous and Toxic Waste*). The work is being conducted pursuant to San Francisco Bay Area Regional Water Quality Control Board Order Number 01-101. Our authorization is specific to work in the two freshwater lagoons and East Stege Marsh and is supported by a U.S. Fish and Wildlife Service Biological Opinion (B.O.), dated May 20, 2004, addressing potential impacts to the California clapper rail (CCR) (*Rallus obsoletus longirostris*) on the project site. The B.O. included authorization for "incidental take" of CCR as a result of project activities.

Once the East Stege clean-up and restoration activities are completed, there should be more habitat available to the CCR than before the project. As you point out, loss of habitat is one of the main causes of population decline in CCR and other endangered species populations.

The "cap" activities you describe do not appear to have occurred within our jurisdiction. As of the date of this letter we have received no application for any project north of the marsh itself.

Should you have any questions regarding this matter, please call Molly Martindale of our Regulatory Branch at 415-977-8448. Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter.

Sincerely,

for 

Philip T. Feir
Lieutenant Colonel, U.S. Army
Commanding

Copies Furnished:

US FWS, Sacramento, CA, Attn: Mr. Wayne White
CA RWQCB, Oakland, CA, Attn: Cecil Felix
SF BCDC, San Francisco, CA , Attn: Michelle Levenson