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Federal Water Laws Largely Inapplicable to Industrial Salt Harvesting Plant, Officials Conclude

Long awaited opinion on jurisdiction says vast majority of industrial site is not subject to federal laws

SAN FRANCISCO, Aug. 15, 2014—Senior officials at the US Army Corps of Engineers have concluded that the majority of the Cargill industrial salt harvesting facility in Redwood City under consideration for development and restoration is not part of San Francisco Bay and not subject to the jurisdiction of federal regulatory agencies.

The legal opinion—a copy of which was released to developer DMB Pacific Ventures in response to a U.S. Freedom of Information Act request—was requested more than two years ago to guide potential re-uses of the property, located halfway between San Francisco and San Jose east of Highway 101. Ultimately, the Corps officials found no basis for Clean Water Act jurisdiction anywhere internal to the site and less than 100 acres in the eastern portion subject to the Rivers and Harbors Act.

“This site presents an extraordinary opportunity for sustainable, conscientious development and restoration,” said Eneas Kane, Chief Executive Officer of DMB Pacific Ventures. “We believe the Army Corps’ conclusion affirms our view—and that of a majority of Redwood City residents—that the future of the salt plant should and will be decided locally through an open process of public engagement and review.”

DMB Pacific Ventures and Cargill sought the determination on federal jurisdiction in May 2012 shortly after withdrawing a proposed residential and restoration project for the salt plant called the 50/50 plan. With this conclusion, the primary project approvals for the salt plant would be made locally — first and foremost by the residents and elected officials of the City of Redwood City.

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