



US Army Corps  
of Engineers®  
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103-1398

# PUBLIC NOTICE

PROJECT: Chevron Mallard Farms HDD Project

PUBLIC NOTICE NUMBER: 2015-00064S  
PUBLIC NOTICE DATE: September 15, 2017  
COMMENTS DUE DATE: September 30, 2017

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1. **INTRODUCTION:** Chevron Pipe Line Company (CPL; POC: J. Austin Keese, 713-432-6044, 4800 Fournace Place, Bellaire, Texas 77401) has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to discharge fill material and conduct work within jurisdictional waters of the United States associated with the replacement of a 1.7-mile-long buried segment of the Bay Area Product Line (BAPL), located in Honker Bay and the adjacent Suisun Marsh and Grizzly Island Wildlife Area in Solano County, California. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*), and Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*).

A previous version of this project was authorized under the 2017 Nationwide Permit Program on April 6, 2017. After further evaluation of construction logistics and offshore survey/as-built information, CPL amended the pipeline tie-in proposal for the South Work Area. USACE determined that the revised proposal included activities that did not qualify for inclusion under the Nationwide Permit Program, and a Standard Individual Permit would be required to authorize the revised project proposal. This Public Notice regards the revised proposal to replace a portion of the BAPL pipeline.

## 2. PROPOSED PROJECT:

**Project Site Location:** The project is located south of Suisun City in Solano County, California (Figure 1). The work would be conducted from two distinct locations due to the proposed use of a Horizontal Directional Drill (HDD) to install the new pipeline underground. The North Work Area is located directly north of Grizzly

Island Road in the Grizzly Island Wildlife Area of Suisun Marsh (Lat: 38.101951° N, Long: -121.915431° W). The South Work Area is located along the northern edge of Honker Bay (Lat: 38.080149° N, Long: -121.928514° W). Additionally, a pipe string layout area would extend approximately 9,000 feet south from the South Work Area. All staging activities would occur on existing roadways and work areas.

**Project Site Description:** The North Work Area is located in a managed and seasonally-inundated brackish marsh that is located directly north of Grizzly Island Road, a levee road that separates the site from Grizzly Slough, a managed slough channel. Historically, the North Work Area was used for agricultural production. Currently, the site is managed by the California Department of Fish and Wildlife for a variety of recreational opportunities and wildlife habitat. The North Work Area includes approximately 0.37 acre of brackish wetlands. The South Work Area and pipe string layout area are located in the tidal open waters of Honker Bay, a tributary to the San Francisco Bay. The South Work Area is approximately 350 feet offshore. The work area in Honker Bay includes approximately 0.51 acre of navigable waters.

**Project Description:** As shown in the attached drawing (Figure 2), the applicant proposes to install a 1.7-mile-long, 8-inch-diameter pipeline using HDD technologies. The pipeline would be installed between a South Work Area in Honker Bay and a North Work Area in Suisun Marsh. The South Work Area would consist of a temporary 0.23-acre work platform supported by 50 14-inch-diameter H-piles. A 0.28-acre mud barge would be moored to the work platform throughout construction. A 20-inch-diameter steel casing would extend from the Bay bottom to the work platform and would be supported by two additional H-piles. The 9,000-foot pipe string would

extend south from the platform. The pipe string would be anchored to 150 temporary 12-inch-diameter wood piles. Lighted buoys would be attached to the piles and pipe string.

The North Work Area would consist of a 1.6-acre temporary work pad and access ramp covered in approximately 23,500 cubic yards of fill. A 10-foot by 12-foot by 6-foot-deep drill entry and tie-in pit would be excavated within the pad area. Following installation of the pipeline in the HDD borehole, additional pipe sections would be added to the southern end of the pipe in Honker Bay, extending the pipeline approximately 900 feet from the drill hole location to the tie-in location. The tie-in location would be located at least 600 feet south of concrete mats covering the existing pipe in Honker Bay. The existing pipe would be exposed by removing sediment approximately 600 feet in each direction from the tie-in location using a water jetting or similar technique. The existing pipeline would be raised out of the water and tied-in with the new pipeline. Once the tie-in is complete, the newly tied-in pipe segment would be placed on the Bay bottom and jetted into place to a minimum of three feet below the mudline. In total, jetting would permanently displace sediment within an area 2,100 feet long and 9 feet wide to a depth of approximately 5 feet, though the trenches would naturally fill-in following project construction. The old 8-inch-diameter pipeline would be abandoned in place. The South Work Area, North Work Area, and pipe string assembly area would be restored to pre-project conditions.

**Basic Project Purpose:** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is to maintain the physical integrity of CPL facilities.

**Overall Project Purpose:** The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to maintain the physical integrity of the 1.7-mile-long BAPL pipeline section spanning Honker Bay and Suisun Marsh.

**Project Impacts:** Construction at the North Work Area would require the temporary discharge of approximately 23,500 cubic yards of fill, impacting 0.37

acre of wetland waters of the U.S. Construction at the South Work Area would require work within 0.51 acre of Honker Bay and the discharge of approximately 3,500 cubic yards of Bay sediments into the water column. Approximately 4,500 linear feet of the 8-inch-diameter pipeline would be installed below navigable waters.

**Proposed Mitigation:** CPL would implement numerous general and resource-specific avoidance and minimization measures. General best management practices would include measures to minimize sedimentation and turbidity, underwater noise, vegetation disturbance, and impacts to wildlife. Specific avoidance and minimization measures would be implemented to protect listed species and their habitat. All project areas would be restored to pre-project conditions following construction. Revegetation of the North Work Area would be monitored for a minimum of five years. Therefore, no permanent impacts to waters of the U.S. are anticipated, and compensatory mitigation would not be required.

**Project Alternatives:** CPL has not yet submitted an alternatives analysis. The Corps will conduct an independent review of the project alternatives prior to reaching a final permit decision.

### 3. STATE AND LOCAL APPROVALS:

**Water Quality Certification:** State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain a revised water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period.

**Coastal Zone Management:** Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so. Since the project occurs in the coastal zone or may affect coastal zone resources, the applicant has re-applied for a Consistency Determination from the San Francisco Bay Conservation and Development Commission to comply with this requirement.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111, by the close of the comment period.

#### 4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act (NEPA):** Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

**Endangered Species Act (ESA):** Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to ensure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. As the principal federal lead agency for this project, the USACE had previously initiated consultation with the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to address the project impacts to listed species, pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*). By letter of March 31, 2017, USFWS issued a Biological Opinion (08FBDT00-2016-F-0006) for the previously proposed project with an incidental take statement for salt marsh harvest mouse (*Reithrodontomys raviventris*) and delta smelt (*Hypomesus transpacificus*). By letter of July 22, 2016, NMFS concurred with the determination that the previously proposed project was not likely to adversely affect Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), Central California Coast steelhead (*O. mykiss*), California Central Valley steelhead (*O. mykiss*), North American green sturgeon (*Acipenser medirostris*), and designated critical habitat for these species. The USACE has reinitiated consultation with USFWS and NMFS to address previously unanalyzed effects to the above listed species and their critical habitat, and consultation with these agencies is currently ongoing. The consultations must be concluded prior to the issuance of a Department of the Army Permit for the project.

**Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):** Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the NMFS on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE previously determined that EFH is present at the project location and that the critical elements of EFH

would be adversely affected by project implementation. To address project related impacts to EFH, USACE initiated consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. By letter of March 31, 2017, NMFS issued conservation recommendations for the previously proposed project. The USACE has reinitiated EFH consultation with NMFS to address previously unconsidered effects to EFH, and the consultation is currently ongoing. The consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

**Marine Protection, Research, and Sanctuaries Act (MPRSA):** Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

**National Historic Preservation Act (NHPA):** Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. As the Federal lead agency for this undertaking, USACE has conducted a review of latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant, to determine the presence or absence of historic and archaeological resources within the permit

area. Based on this review, USACE has made a *preliminary* determination that historic or archaeological resources are not likely to be present in the permit area and that the project either has no potential to cause effects to these resources or has no effect to these resources. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and Native American Nations or other tribal governments. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

**5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES:** Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is not dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The applicant has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

**6. PUBLIC INTEREST EVALUTION:** The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values,

land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**7. CONSIDERATION OF COMMENTS:** USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

**8. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to Naomi Schowalter, San Francisco District, Regulatory Division, 1455 Market Street, 16<sup>th</sup> Floor, San Francisco, California 94103-1398; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/Missions/Regulatory>.