



US Army Corps  
of Engineers

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

SAN FRANCISCO/SACRAMENTO DISTRICTS

# PUBLIC NOTICE

NUMBER: 26449S – Kinder-Morgan Pipeline

DATE: August 22, 2003

RESPONSE REQUIRED BY: September 22, 2003

PERMIT MANAGER: Molly Martindale    PHONE: 415-977-8448    Email: mmartindale@spd.usace.army.mil

1. **INTRODUCTION:** Mr. David Cornman, Kinder Morgan Energy Partners, L.P./ Santa Fe Pacific Partners, L.P. (SFPP), 1100 Town & Country Road, Orange, California 92868, [(714) 560-4400] has applied for a Department of the Army permit to excavate and re-fill approximately 68 acres of waters of the United States to construct a new, approximately 70-mile-long, 20-inch pipeline to carry gasoline, diesel fuel, and jet fuel from the SFPP Concord Station in Concord, Contra Costa County, through Solano County, to the SFPP Sacramento Station in West Sacramento, Yolo County, California (Figure 1).

This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Approximately half of the pipeline would be within the San Francisco District of the Corps, and half within the Sacramento District. The San Francisco District is taking the lead for the permitting process, in coordination with the Sacramento District.

This project is also the subject of a Draft Environmental Impact Report by the California State Lands Commission entitled “Concord to Sacramento Petroleum Products Pipeline Project,” dated June 2003. The State Clearinghouse Number is #2002022010 and the contact person is Judy Brown at (916) 574-1868.

The applicant’s stated purpose is to meet projected demand for petroleum products (including fuel for military installations) in the Sacramento, Roseville, Chico, and Reno areas by replacing SFPP’s existing 36-year-old, 14-inch pipeline between Concord and Sacramento. (The existing pipeline will not be removed, but will be cleaned and held in abeyance for potential future use for non-petroleum products.)

Due to unproven current technologies and listed species concerns, SFPP does not intend to replace the existing 14-inch pipe sections for 6,000 feet under the Carquinez Strait (Strait), but to connect the new 20-inch pipes to the existing 14-inch line at the northern and southern edges of the Strait. At some point in the future, SFPP may apply for a permit to replace the 14-inch pipe crossing the Strait with 20-inch pipe.

## 2. **PROJECT DESCRIPTION:**

**Location:** SFPP proposes to construct the pipeline along the route shown on Figure 1. The route is approximately 69.25 miles long. It would begin at the Concord station as a 20-inch line and parallel an existing SFPP pipeline in a northeasterly route to property owned by Rhodia, Inc., where it would cross below ground (and slough bottom) from east to west under the relocated Peyton Slough (Corps permit #26776S pending ). At the northern edge of the Rhodia property, the 2-inch line would connect to the 14-inch line under Carquinez Strait. On the north side of the Strait, a new 14-inch line would be constructed

which would continue north, then east under the new I-680 Bridge approach, for approximately 450 feet through paved property north of an existing levee, and then transition to the new 20-inch line.

The 20-inch line would then follow existing roads to the eastern limits of Benicia. From Benicia, the pipeline would follow the west side of I-680 to avoid the Suisun Marsh. South of Gold Hill Road, this alternative would cross I-680 and follow existing roads and utility corridors north and east to Cordelia Slough. East of Cordelia Slough, the alignment would continue to Cordelia Road, adjacent to the Union Pacific Railroad (UPRR) right-of-way (ROW), before reaching the Cities of Suisun City and Fairfield. Through Suisun City and Fairfield, the line would follow existing roadways in a northeasterly direction until north of Travis Air Force base where it then heads due east along county roads to an intersection with the abandoned Sacramento Northern Electric Railroad ROW north of Dozier. It then travels northeast along the abandoned railroad ROW to Yolo County. East of County Road 106, the route parallels a PG&E transmission line northward to the north side of I-80. It then turns eastward across the Yolo Bypass between I-80 and the UPRR embankment to West Sacramento. Once in West Sacramento, the pipeline will follow a combination of existing roadways and Port of Sacramento properties until reaching the Sacramento Station.

**Impacts to Aquatic Resources:** All proposed impacts would be temporary (Table 1), with the exception that any large woody vegetation will be permanently removed and its re-growth suppressed above the pipeline.

Sixty-four channel crossings are proposed. The channels will be crossed using either open trench (small drainages), conventional bore, slick bore (Figure 2), or horizontal directional drill (HDD) (Figure 3) techniques.

Most of the land traversed by the proposed alignment as been converted to intensive cultivation or urban development, which has largely displaced any natural upland habitats. Urban areas include the communities of Martinez, Benicia, Fairfield, Suisun City, and West Sacramento. Cultivated areas are concentrated along the proposed alignment several miles west of Fairfield, and between McCrory Road and the Yolo Bypass.

However, there are several areas in the vicinity of the proposed alignment where relatively natural wetland habitats remain, including:

- Peyton Slough (Martinez)
- Hills west of Interstate 680
- Cordelia Slough and vicinity
- Cordelia Road west of Suisun City
- Hay Road area between Fairfield and State Route 113
- The vicinity of Swan Road and Binghamton Road
- The former Glide "Tule" Ranch
- The Yolo Bypass

Habitat types associated with these areas include annual grasslands, seasonal alkali marsh, brackish marsh, tidal marsh, vernal pool, riparian forest, and riparian scrub.

///Of the sites listed above, the most sensitive in relation to the proposed impacts are considered by the Corps to be the Peyton Slough and Yolo Bypass sites.

Peyton Slough is located to the north of Waterfront Road, east of Highway 680, in Martinez, Contra Costa County (Figure 4). It is soon to be filled and re-created to the east of its current location as part of a toxic clean-up order to Rhodia, Inc. from the S.F. Bay Area Regional Water Quality Control Board. The areas surrounding the new slough will be tidal and seasonal wetlands. SFPP has been working with Rhodia, Inc., the owner of the portion of the site that

the pipeline will cross, to make sure that the pipeline crosses in such a way as to avoid intersecting either the old (capped) or new slough, or any sensitive habitat (Figure 5).

At Yolo Bypass, the applicant has somewhat revised the pipeline route in response to a Corps request that the placement of the pipe not preclude any future establishment of woody riparian vegetation in the vicinity of active slough channels in the Bypass (Figures 6 & 7).

Overall, the proposed pipeline is expected to have the following temporary wetland impacts, per habitat type, in acres:

Freshwater marsh	2.18
Seasonal marsh	44.20
Seasonal alkali marsh	14.99
Brackish marsh	1.39
Seasonal seep	0.15
Riparian forest	0.89
Riparian scrub	0.28
<u>Vernal pool</u>	<u>0.77</u>
Total	68.01 acres

Note: This table does not represent the degree of aquatic function or value affected within each habitat category type.

That is, in those areas where the pipe will be placed in a trench, the native soils will be replaced over the pipe, the area returned to its original contours, and the surface revegetated with native plant species.

**Proposed Mitigation**

In planning the route of the pipeline, the applicant has coordinated with federal, state, and local governments, and interested individuals. The applicant believes the current proposal represents the

maximum avoidance of aquatic resources. To further minimize project effects, the applicant intends to use best management practices for erosion reduction, stockpiling and other potential construction effects.

In addition, as mitigation for temporary impacts to streams and wetlands, the applicant proposes to restore all open trenches to the surrounding grade and to plant the surfaces with native vegetation. (The Corps has not yet determined the sufficiency of the proposed mitigation.)

**3. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay and Central Valley Regional Water Quality Control Boards. No Corps permit will be granted until the applicant obtains the required certification or waiver. A will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write 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 of this Public Notice.

**4. ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40

CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

**5. EVALUATION OF ALTERNATIVES:**

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). The applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the 404 (b)(1) Guidelines. The applicant states that there are no less environmentally damaging practicable alternative for his project. The Analysis of Alternatives is available for review in the San Francisco District office.

**6. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be

considered including the cumulative effects thereof. Among those are 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:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**8. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Notice that a public hearing be held to consider

this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Molly Martindale of our office at telephone 415-977-8448 or E-mail: mmartindale@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.