



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102-3404

Operations and Readiness Division

**PUBLIC NOTICE**

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS  
PROJECT UNDER SECTION 408**

**TITLE:** City of Hercules Sycamore Trunk Sewer Project, 408-SPN-2021-0012

Public notice comment period:

Begins: November 5, 2021

Ends: December 5, 2021

**REQUESTER:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, The City of Hercules (requester) has requested permission through the Contra Costa County Flood Control & Water Conservation District, the non-federal sponsor of the federally authorized project, from the U.S. Army Corps of Engineers (USACE) to alter the Pinole Creek Channel, an existing federal flood risk management project, authorized by the Flood Control Act of 1917.

**LOCATION:** The proposed project is located on Pinole Creek adjacent to the Railroad Avenue overpass, in the City of Pinole, Contra Costa County, California.

**REQUESTER'S PROPOSED ACTION:** The City of Hercules proposes to replace/rehabilitate 5400 LF of aging 24" ACP trunk sewer with a 30" FPVC or HDPE trunk sewer. Portions of the project near Pinole Creek include a guided auger bore or pipe ramming siphon crossing under Pinole Creek; removal of existing sewer on the Railroad Ave Bridge at Pinole Creek; and work adjacent to wetlands. The sewer alignment under Pinole Creek would use auger bore or pipe ramming construction to install the pipeline at a 10 feet minimum depth beneath Pinole Creek, and will not create disturbance of the ground surface within Pinole Creek. There are expected to be no short-term direct or indirect impacts on habitats present in the area of the Pinole Creek crossing. The siphon crossing of Pinole Creek will be accomplished using pilot tube guided auger bore (PTGAB) or pipe ramming to eliminate environmental effects on Pinole Creek and to minimize the area of surface disruption required for pipeline installation. The jacking shaft is located 200 feet away from the Pinole Creek bank. Existing sewer removal from the Railroad Ave bridge would be by crane from Railroad Ave. Pipe supports would be removed by hand from the bridge. Pipe would be flushed with water prior to removal and a net placed under the existing pipe to prevent debris from entering the creek. Wetlands adjacent to the work area will be fenced at direction of City biologist to prevent work or entry into wetland areas. Equipment includes an excavator, backhoe, crane, boring/ramming machine, bypass pipes & pump, AC and

Concrete trucks. Wetlands adjacent to the project will have exclusion fence installed to prevent entry/disturbance during construction.

**ENVIRONMENTAL IMPACTS OF PROPOSED ACTION:** The Pinole Creek crossing area is a surface water resource with associated estuarine and marine wetland habitat. Because trenchless construction will be used to install the pipeline and casing beneath Pinole Creek and will not create disturbance of the ground surface within the wetland area, there are expected to be no short-term direct or indirect impacts on habitats present in the area of the Pinole Creek crossing. Jacking and receiving pits are located 200 feet and 70 feet away from the mean high tide line to prevent impacts.

USACE determined there is no suitable habitat for federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) in the vicinity of the project. Therefore, USACE determined there would be no effects to federally listed species, designated critical habitat, or essential fish habitat under the jurisdiction of the USFWS and/or NMFS.

After an initial review, USACE has determined no eligible or potentially eligible cultural resources may be affected by the proposed project. USACE will initiate consultation with the State Historic Preservation Officer and Native American Tribes under Section 106 of the National Historic Preservation Act, as appropriate.

Upon review of the Section 408 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.

**AUTHORITY:** The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C 408) ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

**LIMITS OF SECTION 408 AUTHORITY:** A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under

Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

**EVALUATION FACTORS:** The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the San Francisco District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The San Francisco District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts

that result from activities resulting in the temporary or permanent use, occupation, or alteration of any USACE civil works project. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Section 408 permission for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Operations and Readiness Division.

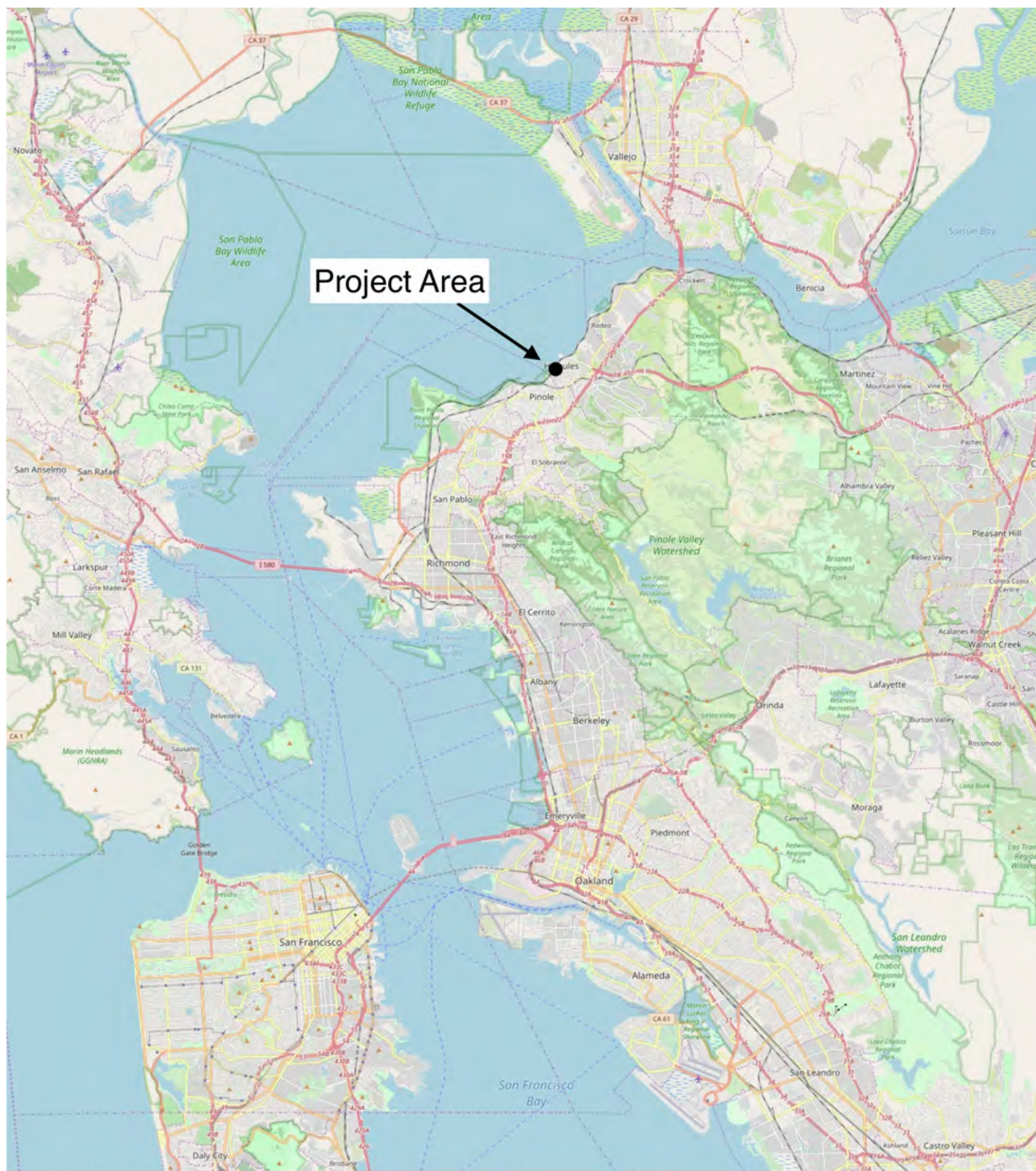
**PUBLIC INVOLVEMENT:** The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the City of Hercules Sycamore Trunk Sewer Project, a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Pinole Creek Channel will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Pinole Creek Channel. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

**SUBMITTING COMMENTS:** Written comments, referencing 408-SPN-2021-0012 must be submitted to the office listed below on or before December 5, 2021.

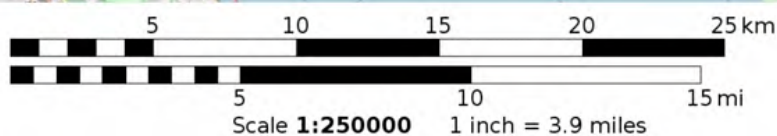
Jessica Vargas, 408 Coordinator  
U.S. Army Corps of Engineers, San Francisco District  
Operations and Readiness Division  
450 Golden Gate Avenue, 4<sup>th</sup> Floor, Room 1111  
San Francisco, California 94102-3404

Email: [spn.operationsdivision@usace.army.mil](mailto:spn.operationsdivision@usace.army.mil)

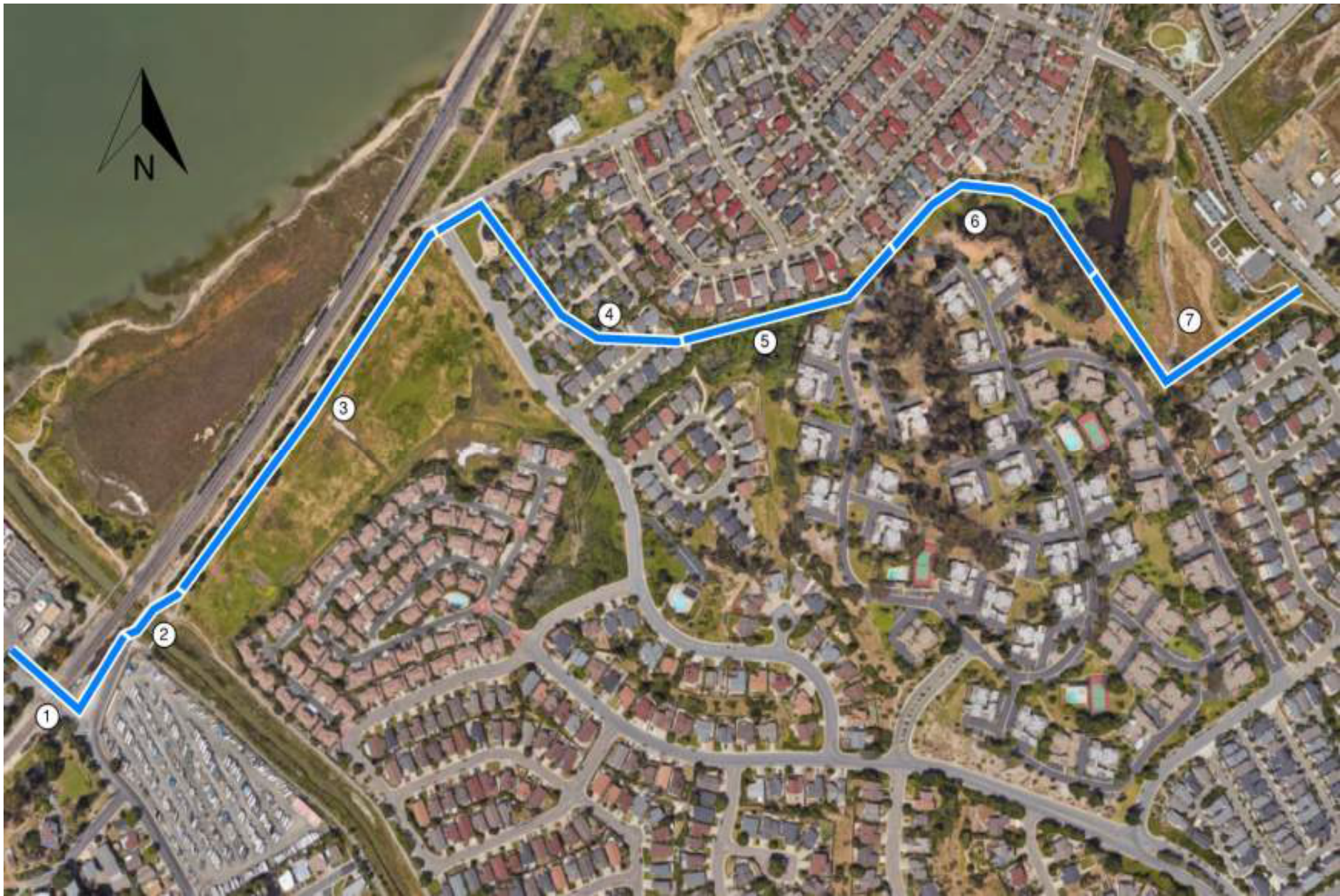
**ATTACHMENTS:** Location Maps and Project Plans.



Mercator Projection  
WGS84  
USNG 10SEG-10SEH

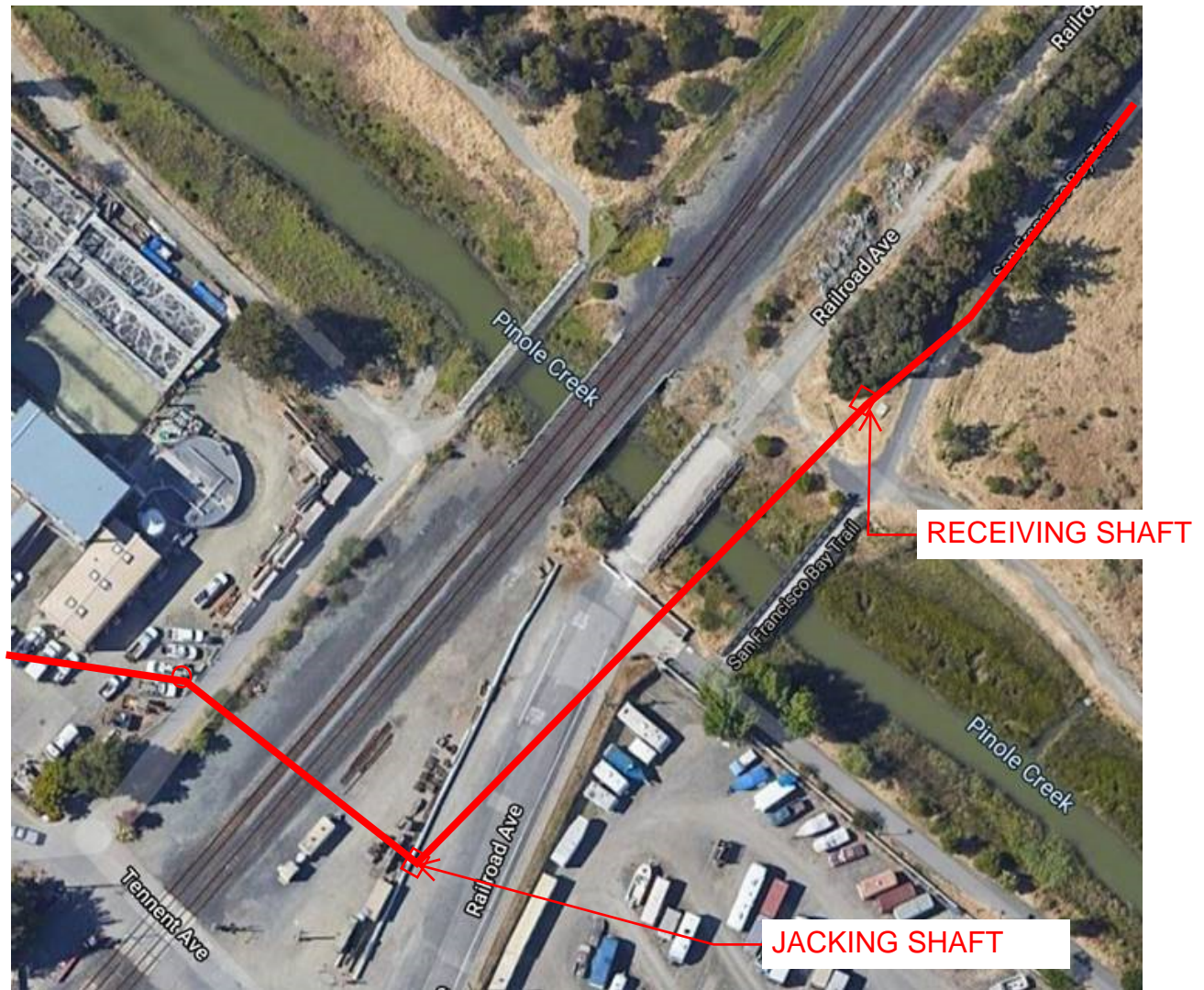








ATTACHMENT - FIGURE 3  
AERIAL VIEW OF PROPOSED TRUNK SEWER AT PINOLE CREEK



Plot Date: 12/30/2020 6:50:17 PM

FILE NAME: 11343A10C02.dwg

PROJECT NO. 11343.10

LAST SAVED BY: aavans

# ATTACHMENT - 4 PINOLE CREEK CROSSING PLAN AND PROFILE

Access to site  
via San  
Francisco Bay  
Trail from Santa  
Fe Ave in the  
City of Hercules

MATCH LINE STA 12+65 SEE DWG C01

MATCH LINE STA 17+00 SEE DWG C03

Access to site is  
from Tennent  
Ave to Railroad  
Avenue in the  
City of Pinole

PLAN  
SCALE: 1"=20'  
FILE: Proj\_Num\_01C101

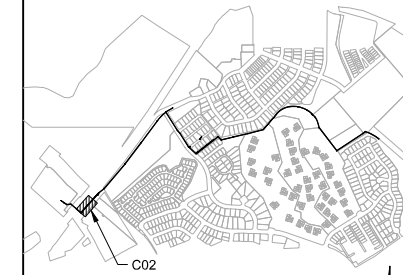
0 CY OF FILL IN PINOLE CREEK  
0 ACRES OF FILL IN PINOLE CREEK

- GENERAL NOTES:
- SEE DWG G03 FOR GENERAL, PIPELINE, AND UTILITY NOTES.
  - SEE SECTION 01140 FOR WORK RESTRICTIONS.
- KEY NOTES:
- RAILROAD AVE BRIDGE CLOSED TO TRAFFIC. CONTRACTOR MAY ONLY USE BRIDGE FOR REMOVAL OF 24" SS (ACP). WEIGHT IS LIMITED TO SMALL PICKUP TRUCK.
  - BORE LOG REPORTS ARE SCHEMATIC AND THE GEOTECHNICAL REPORT SHOULD BE USED FOR MORE DETAILED REPRESENTATION.
  - LONG RADIUS BENDS ARE REQUIRED AT SIPHON.
  - SEE DWG C13 FOR SEWER ABANDONMENT PLAN.
  - INCLINOMETERS PER SECTION 02290 ARE REQ'D AT JACKING AND RECEIVING SHAFTS FOR PINOLE CREEK CROSSING. INCLINOMETER FINAL LOCATIONS TO BE AGREED UPON BETWEEN THE CONTRACTOR AND ENGINEER.
  - CLSM BEDDING IS REQ'D 12" BELOW PIPE UP TO SPRING LINE AT 12" TEE.
  - WETLAND LOCATION IS BASED ON GIS DATA AND IS APPROXIMATE. INSTALL FENCE AROUND WETLAND AS DIRECTED BY CITY BIOLOGIST. WORK WITHIN FENCED AREA IS NOT ALLOWED.
  - REMOVE SECTION OF EX 24" ACP SS AS REQ'D FOR CONSTRUCTION. WET PIPE BEFORE CUTTING AND DOUBLE BAG PIPE FOR DISPOSAL PER SECTION 01354.
  - CONTRACTOR SHALL WORK WITH PG&E TO TEMPORARILY RELOCATE OHE AS REQUIRED FOR WORK.



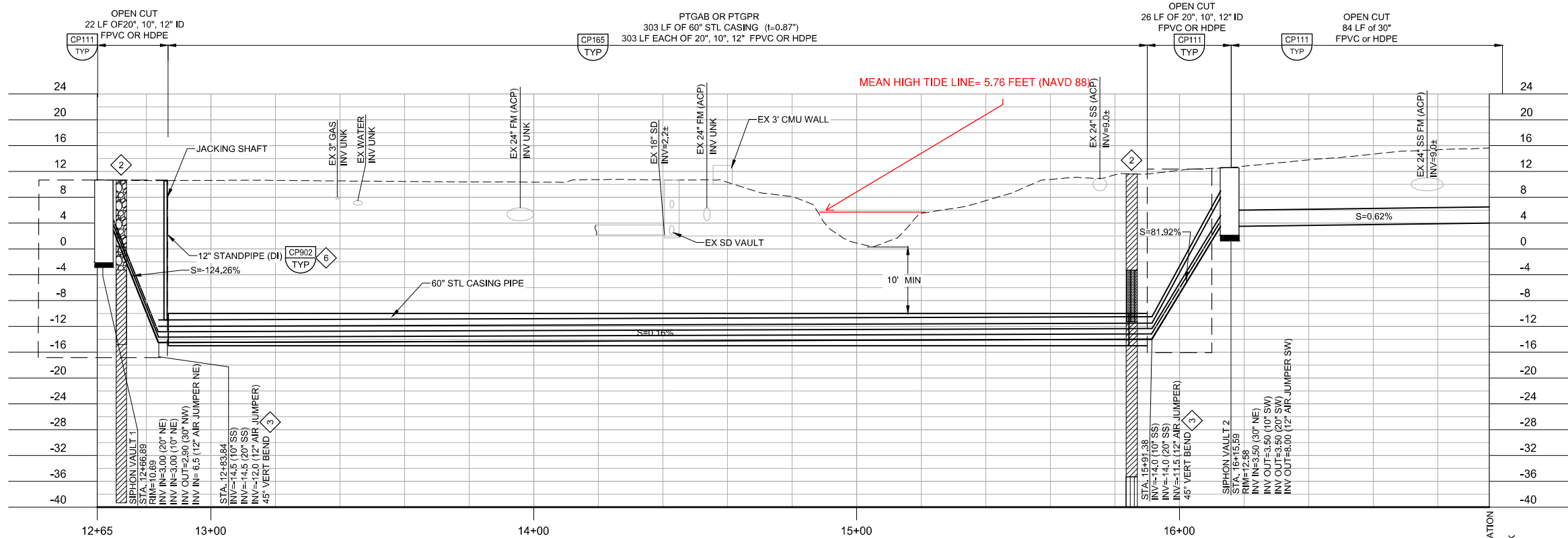
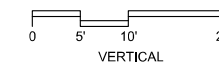
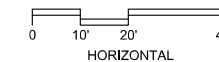
Know what's below.  
Call before you dig.

KEY MAP



KEY MAP NORTH

SCALE



PROFILE  
HORIZ SCALE: 1"=20'  
VERT SCALE: 1"=10'  
FILE: Proj\_Num\_01C101

90% DESIGN SUBMITTAL  
NOT FOR CONSTRUCTION

DESIGNED  
JES  
DRAWN  
GMB  
CHECKED  
BC  
DATE  
DECEMBER 2020



CITY OF HERCULES  
SYCAMORE AVENUE TRUNK SEWER REPLACEMENT  
CIVIL  
30" SANITARY SEWER - PLAN AND PROFILE  
STA 12+65 TO 17+00

VERIFY SCALES  
BAR IS ONE INCH ON ORIGINAL DRAWING  
0 1" 1" IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

JOB NO.  
11343.10  
DRAWING NO.  
C02  
SHEET NO.  
15 OF 33 41