



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE

PROJECT: Trans-Bay Cable Maintenance Regional General Permit

PUBLIC NOTICE NUMBER: 2004-285120S
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COMMENTS DUE DATE: November 1, 2018

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1. **INTRODUCTION:** Trans Bay Cable LLC (POC: Collin Sullivan, 925-635-9912), One Letterman Drive, Building C, 5th Floor, San Francisco, CA 94129 (through its agent, AECOM [POC: Kelly Bayer, 415-243-3840], 300 Lakeside Drive, Suite 400, Oakland, CA 94612) has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to authorize maintenance activities in the San Francisco Bay, over a 5-year period, to protect the Trans-Bay Cable (Cable). The Cable is a 53-mile-long 400 megawatt high-voltage direct current submarine cable that connects the Pacific Gas and Electric Company (PG&E) Pittsburg substation in Contra Costa County with the PG&E Potrero substation in San Francisco. The Cable bundle, which consists of 2 transmission cables and a fiber-optic cable for communication between the converter stations, is approximately 10-inches in diameter. 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.*).

2. PROPOSED PROJECT:

Project Site Location: The Cable is buried under San Francisco Bay and Carquinez Strait and runs from the City of Pittsburg in Contra Costa County through New York Slough, Carquinez Strait, San Pablo Bay, and San Francisco Bay to an upland Converter Station site in the vicinity of Potrero Point in the City and County of San Francisco, California (Figure 1, Project Vicinity).

Project Site Description: The proposed action would occur on the San Francisco Bay floor in deep open waters of the Bay. The cable was installed in October and

November 2009 using a hydro plow to bury the cable at a depth of at least 3 to 6 feet beneath the Bay floor in most locations to protect the cable from anchor strikes and other forms of damage. At locations where the cable could not be buried (e.g., utility crossings) and had to be placed directly on the Bay bottom, additional surface protection was provided in the form of articulated concrete mattresses. Benthic habitat on the existing Cable includes, concrete mattresses and soft bottom substrates. Benthic habitat within the action area is dominated by Bay sand and mud. The open water areas of the San Francisco Bay provide habitat for marine invertebrates, fish, birds, and marine mammals.

Project Description: The applicant proposes to perform maintenance activities, as needed over the next 5 years, along the 53 mile-long alignment of the cable. Maintenance activities would take place in areas where the cable is exposed. Generally, these locations would coincide with areas where the Cable could not be buried beneath the Bay floor or where the current has reduced sediment cover and exposed the Cable. To reduce the risk of damage at exposed sections of the cable, maintenance activities would re-bury or cover sections of the cable that lack adequate cover/protection.

Maintenance actions requested for authorization include: water jetting by hand or autonomous mechanical equivalent to increase the depth of the cable in the Bay floor; placement of additional protective mattresses; and rock fill to support eroded areas that cannot be fully remediated by either reburial or mattress placement.

Water jetting using low pressure/high volume water to fluidize a trench in the seabed below the cable. The cable would settle into the trench and be covered by sand, silt,

etc. Water jetting would be used during maintenance to restore the cable to a target burial depth of 3 to 6 feet below the Bay floor. Water jetting can be performed by divers or other mechanical devices positioned on the Bay floor. Water jetting would require no placement of fill in jurisdictional waters.

Where water jetting is not successful or feasible, concrete mattresses and rock fill would be used to cover the Cable. The applicant proposes to place less than 0.1 acre of concrete mattress and rock fill.

Mattresses are a flexible construction of blocks made from concrete or other material, connected with high-tensile, ultraviolet stabilized polypropylene fiber rope. Mattresses would be delivered to the maintenance location using a material barge. The mattresses would then be attached to a specialized lifting frame, hoisted by a crane onboard a derrick barge, and slowly lowered to the bottom. Mattresses would be guided by divers to the required position for placement.

Areas where the cable cannot be reburied or protected with a mattress alone would require additional means of protection. For example, in areas where a Cable span has developed due to scour (i.e., where tidal currents and ocean flows have removed sediment under the cable), it may be necessary to place rock fill to backfill under the cable and support potential overlying mattresses. Rock bags would be placed on each side of the cable using divers and high-precision lifting cranes equipped with sonar and cameras. These rock bags would settle on both sides of the cable. In addition, a small volume of rock fill may be placed for complete support under the cable. Finally, concrete mattresses would be placed over the cable for protection and added stability.

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 conduct cable maintenance. The Corps has determined that the project is water dependent.

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 address the maintenance

activities that may be required over the next 5 years along the Trans-Bay Cable.

Project Impacts: Water jetting would temporarily disturb sediment along as much as 16,410 linear feet of cable, up to a total area of 1.13 acres (49,220 square feet) in the Bay. Additionally, no greater than approximately 0.1 acre and 290 cubic yards of fill would be placed for concrete mattresses and rock bags, as needed.

Proposed Mitigation: The applicant intends to avoid and further minimize impacts to jurisdictional waters by implementing the following measures: implementing standard best management practices, completing work during designated work windows to reduce impacts to federally listed species, slowly moving the concrete mattresses and rock fill into position, and utilizing low pressure water jets to minimize disturbance and turbidity. Fill impacts would not occur in Special Aquatic Sites, and would not impact marine traffic in navigable waters. The proposed concrete mattress and rock fill would occur at and just below the Bay floor. The project as proposed would result in no permanent loss of aquatic resource functions (i.e., habitat, water quality, hydrology); would not be expected to have any permanent adverse effects to aquatic resource functions, and would have no effect on wetlands. Because the project would not result in permanent loss of aquatic resource functions, the proposed action does not meet the purpose and applicability requirements for compensatory mitigation. Therefore, no compensatory mitigation is proposed for this action.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver thereof 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 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 applied for a Consistency Certification 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, 455 Golden Gate Avenue, Suite 10600, San Francisco, California 94111

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. § 1500-1508, and USACE regulations at 33 C.F.R. § 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 Federal lead agency for this project, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE made a preliminary determination that the following Federally-listed species and designated critical habitat are present at the project location or in its vicinity and may be affected by project implementation. The project Action Area potentially contains Federally-listed endangered Sacramento River winter-run Chinook Salmon (*Oncorhynchus tshawytscha*), threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley steelhead (*Oncorhynchus mykiss*), threatened Central California Coast steelhead (*Oncorhynchus mykiss*), threatened North American green sturgeon (*Acipenser medirostris*), and threatened Delta smelt (*Hypomesus transpacificus*). Critical habitat has been designated for Sacramento River winter-run Chinook salmon, Central California Coast steelhead, North American green sturgeon southern, and Delta smelt. The overall project has potential to create localized disturbance to habitat at maintenance location through water jetting and placement of concrete mattresses and rock fill. To address project related impacts to these species and designated critical habitat, USACE has completed consultation with NMFS and USFWS, pursuant to Section 7(a) of the Act. NMFS and USFWS concurred with USACE's determination that ESA-listed anadromous salmonids, green sturgeon, and designated critical habitat are not likely to be adversely affected by the proposed 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*, or the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE made a *preliminary* determination that EFH is present at the project location or in its vicinity and that the critical elements of EFH may be adversely affected by project implementation. The Action Area is classified as EFH under MSFCMA for various fish species within the *Pacific Groundfish FMP* and the *Coastal Pelagic FMP*. The proposed action has potential to adversely affect EFH for various life stages under both FMPs by degradation of water quality during maintenance activities and disturbance of benthic habitat. To address project related impacts to EFH, USACE has completed consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. NMFS determined that the proposed action contains adequate measures to avoid, minimize, mitigate or otherwise offset adverse effects to EFH.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRSA 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 any required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project is not likely to 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 the 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 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 practicable alternative to the project that would result in less adverse impacts to the aquatic ecosystem while not causing other major adverse environmental consequences. The applicant has submitted an analysis of project alternatives which is being reviewed by USACE.

6. PUBLIC INTEREST EVALUATION: 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 in the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Danielle Mullen, San Francisco District, Regulatory Division, 1455 Market Street, 16th 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>.