



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102

PUBLIC NOTICE

PROJECT: PG&E Bay Area Operations and Maintenance RGP

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1. **INTRODUCTION:** Pacific Gas and Electric Company (POC: Steven Ferrara, (415) 973-3522, 245 Market Street, San Francisco, California 94105) has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Regional General Permit (RGP) to perform routine operations and maintenance (O&M) activities that are required to ensure the continued safe and reliable transmission and distribution of electricity and natural gas to customers throughout the nine counties surrounding the San Francisco Bay in 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.*).

2. PROPOSED PROJECT:

Project Site Location: The RGP would cover Pacific Gas and Electric Company (PG&E) routine O&M activities in the nine San Francisco Bay Area counties, including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties. This area corresponds with the boundaries of PG&E's Bay Area O&M Habitat Conservation Plan (HCP) with the U.S. Fish and Wildlife Service. The eastern portions of Solano, Contra Costa, and Alameda Counties are within the USACE Sacramento District, but the San Francisco District would take the lead role in the development and implementation of the RGP. The Bay Area O&M Program area is illustrated in the attached map (Figure 1).

Project Site Description: Project locations would include areas containing PG&E's gas and electric transmission and distribution infrastructure, rights-of-way

(ROWs), lands owned in fee by PG&E and/or subject to PG&E easements for the infrastructure, and access routes and staging areas associated with PG&E's activities. Any individual project location would need to overlap a potential water of the U.S. in order to be covered under the RGP.

Project Description: The applicant proposes to perform routine O&M activities on gas and electric transmission and distributions facilities. Potential O&M activities include substation maintenance, tower and boardwalk replacement or repair, pole reinforcement and replacement, line reconductoring, fencing, site-specific erosion solutions, internal pipeline inspection, pipeline recoating, valve recoating and replacement, pipeline cathodic protection, pipeline lowering and replacement, and water diversion techniques. Figures 2 to 10 illustrate potential impacts to waters of the U.S. from implementing these O&M activities.

Substation maintenance includes transformer, switch, fuse, cutout, meter, and insulator repair and replacement. This work is required approximately once per year. Load demands may require routine modifications to station equipment or installation of new facilities. These activities could require use of station property or adjacent property for construction staging, materials storage, permanent facilities, and land management. Substation maintenance is anticipated to result in approximately 20,000 square feet of temporary disturbance, which is not anticipated to occur every year.

Transmission tower maintenance includes repairing or replacing tower foundations and/or the upper portion of the tower. Barges, helicopters, boardwalks, and/or rubber mats are used to get construction crews and materials to towers located in waters of the U.S. Cofferdams are

installed to repair or replace foundations submerged in water. Replacement or repair of towers and their foundations is necessary approximately 360 times per year. Tower maintenance work areas may temporarily disturb approximately 2,500 square feet, and additional impacts may be necessary for equipment/vehicle access.

Boardwalk maintenance involves repairing or replacing existing boardwalks that provide access to transmission facilities. Support equipment for boardwalk maintenance may include boats, barges, and/or helicopters. All boardwalk replacement and repair activities are completed manually and require the use of generators and handheld equipment including, but not limited to, drills, chain saws, and skill saws. If the existing boardwalk is substantially degraded, crews perform the work within an approximately 10-foot radius around the boardwalk being replaced. Boardwalk maintenance occurs approximately 15 times per year.

Power pole maintenance involves reinforcing or replacing existing poles. Pole reinforcement methods may include attaching trusses to existing poles to provide additional support or fiber wrapping the pole at or below ground level. When replacing a pole, a line truck auger is used to drill a hole, the new pole is placed into the hole, and the void is backfilled and compacted. The old pole is typically removed, and the old pole site is backfilled with the augured soil. Pole reinforcement and replacement may require the installation of guy wires and anchors. Pole reinforcement takes place approximately 180 times per year and requires temporary impacts to 6,500 square feet of waters per year for work areas. Pole and equipment replacement and repair takes place approximately 500 times per year, requiring temporary impacts to 0.8 acre of waters per year for work areas.

Line reconductoring involves replacing conductors (wires) once they have outlasted their usefulness or if increased capacity is required. Work crews install replacement conductors by temporarily splicing them to the ends of the existing conductors and pulling them through travelers (pulleys) attached to the arms of the towers or pole cross arms. Travelers are installed at each tower using a boom truck, winch, or helicopter. Temporary construction areas (pull sites) are established during the removal of existing conductors and the placement of new conductors along the transmission line. Some pull sites may need to be located in waters, and some reconductoring may occur over Section 10 waters. Electric distribution reconductoring takes place approximately 250 times per year, and electric

transmission reconductoring takes place approximately 10 times per year.

Protective security fencing is sometimes installed around pipeline facilities, requiring an approximately 2,500-square-foot disturbance area at each location. Approximately 10 sites per year require fencing. The Corps would only regulate this activity in Section 10 waters.

Site-specific erosion solutions are implemented when scour and erosion within a waterway results in pipe exposure. Rock, riprap, or other materials would be placed over the exposed pipeline to protect it from damage. The extent of the erosion solution would typically not be longer than 100 feet or wider than 50 feet on any stream in the program area. PG&E installs erosion solutions at three to five locations per year.

Internal pipeline inspection is done to confirm the integrity of gas pipelines. An internal inspection tool identifies potential anomalies, and then anomalies are reviewed, inspected, and repaired, as necessary. A backhoe is used to excavate a temporary bell hole where an anomaly is located. PG&E inspects approximately 100 miles of pipeline each year, resulting in 50 inspection locations per year. PG&E estimates that disturbance associated with these inspection activities totals approximately 50 by 100 feet for each instance.

Pipelines are recoated with epoxy when the existing coating has deteriorated. The coating integrity is evaluated with an electric current or visually. Buried pipelines are recoated by temporarily exposing the line with a backhoe. PG&E recoats approximately one mile of pipeline every five years. On average, an approximately 20-foot-wide work area is needed for this activity. The estimated annual temporary impacts to waters are approximately 440 square feet.

Valve recoating and replacement occur when valves malfunction or wear out. To coat the entire valve down to where it connects to the pipeline, the area around the valve must be temporarily excavated to expose the pipe. Valve replacement involves excavation to access the existing valve and adjacent segment of pipeline, removal of the existing valve (and potentially a segment of the adjacent pipeline), installation of the new valve, and backfill of the excavated area. PG&E either recoats or replaces approximately five valves annually. In most cases, a workspace footprint for a valve replacement measures approximately 40 feet by 60 feet.

Pipeline cathodic protection controls pipeline corrosion by making the pipeline the cathode of an electrochemical cell. The installation of a cathodic protection system involves installing an anode in a temporary trench located parallel and adjacent to the pipeline. The distance from the anode installation to the pipeline may range from several hundred feet to several miles. PG&E undertakes many cathodic protection activities each year using the methods described previously. An approximately 100-foot by 10-foot work area is needed to install the cable, excavate the soil, and stockpile soil.

Pipeline lowering and replacement is necessary when the integrity of a line becomes compromised. Pipeline replacement begins with clearing and grading the ROW and trenching and excavating the existing pipeline. A new trench is excavated for the new pipeline segment parallel and adjacent to the existing pipeline. Existing pipeline is usually abandoned in place by first cleaning it and then filling it with slurry before the pipeline is capped. All trenches are then backfilled. PG&E performs pipeline replacement approximately five times per year. The minimum length of pipe replaced is typically 40 feet (for one joint of pipe), although up to 1 mile could be replaced during each replacement effort. An approximately 50-foot by 50-foot area for new valve equipment is required along each pipeline replacement. Trenching and soil excavation, soil stockpiling, staging, and construction vehicles typically disturb an approximately 100-foot-wide work area, which includes the 10-foot excavation area. However, if pipeline replacement takes place within a wetland area, the width of the work area is typically narrowed to approximately 40 to 60 feet in width depending on the terrain and site-specific conditions to minimize impacts.

Water diversion techniques are implemented where pipelines cross water features that have flowing water. A diversion structure is installed to divert water through a temporary ditch or pipe to convey the water around the work area. Upon completion of work on the pipeline segment, the water diversion structure is removed and the flow of the water feature is restored to its original state. It is anticipated that water diversion techniques are required three times per year in the Bay Area and temporarily disturb an approximately 10-foot-long and 20-foot-wide work area.

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 authorize structures or work, including discharges of dredge or fill material, in waters of the U.S. for routine utility infrastructure O&M activities.

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 streamline the permitting of PG&E's routine, minimal-impact gas and electric infrastructure O&M activities throughout the nine San Francisco Bay Area counties while ensuring mitigation is implemented on a watershed scale.

Project Impacts: The proposed covered activities would have only minimal individual and cumulative impacts to waters of the U.S. The vast majority of impacts to waters would be temporary and would not result in any permanent adverse effects to aquatic resources. The total temporary impacts and the total permanent impacts resulting from the covered activities are not expected to exceed 75.9 and 7.65 acres, respectively, for the 5-year term of the RGP. Permanent impacts would largely be associated with a loss of aquatic resources function, not area. Furthermore, because O&M activities have been conducted for more than 50 years in the program area, baseline environmental conditions are not expected to change as a result of issuing the proposed RGP.

Proposed Mitigation: PG&E would avoid impacts to waters of the U.S. to the maximum extent practicable. Where waters cannot be avoided due to safety concerns or logistical considerations, standard best management practices for construction activities in waters of the U.S. would be implemented to minimize adverse effects to aquatic resources. To compensate for unavoidable permanent adverse effects to waters of the U.S., PG&E plans to create waters of the U.S. on properties that have been secured as mitigation for impacts under PG&E's Bay Area O&M HCP, as well as for impacts under this RGP. These mitigation properties are displayed in Figure 11. Creation of waters of the U.S. may require the temporary fill of waters of the U.S. While the amount of fill would be determined by the final designs for the mitigation sites, PG&E preliminarily estimates that approximately 16 acres of temporary fill in waters of the U.S. may be required. However, it is anticipated that a total of approximately 50

acres of wetland habitat would be created by the mitigation projects, resulting in a net gain of 34 acres of wetland habitat.

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 is currently coordinating with the State Water Resources Control Board (SWRCB) to obtain a programmatic Section 401 water quality certification for the Bay Area O&M Program. No Department of the Army Permit would be issued under the proposed RGP until the applicant obtains the required programmatic or individual 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 State Water Resources Control Board, Division of Water Quality, P.O. Box 100, Sacramento, California 95812-0100, Attn: Elizabeth Payne, 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 obtained a Consistency Certification from the San Francisco Bay Conservation and Development Commission to comply with this requirement, and the applicant will apply for an individual Consistency Certification with the California Coastal Commission on an as-needed basis.

Coastal zone management issues along the San Francisco Bay shoreline should be directed to the

Executive Director, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111. Coastal zone management issues along the Pacific Ocean coastline should be directed to the District Supervisor, California Coastal Commission, North Central Coast District Office, 45 Fremont Street, Suite 2000, San Francisco, California 94105-4508, by the close of the comment period.

Other Local Approvals: The applicant is exploring the development of a programmatic Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife.

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 has made a preliminary determination that the following Federally-listed species and designated critical habitat are present in the program area or in its vicinity and may be affected by project implementation:

- Alameda whipsnake (*Masticophis lateralis euryxanthus*)
- Bay checkerspot butterfly (*Euphydryas editha bayensis*)
- California freshwater shrimp (*Syncaris pacifica*)
- California red-legged frog (*Rana draytonii*)
- California tiger salamander (*Ambystoma californiense*)
- Callippe silverspot butterfly (*Speyeria callippe callippe*)
- conservancy fairy shrimp (*Branchinecta conservatio*)
- delta green ground beetle (*Elaphrus viridis*)
- Lange's metalmark butterfly (*Apodemia mormo langei*)
- longhorn fairy shrimp (*Branchinecta longiantenna*)
- mission blue butterfly (*Plebejus icarioides missionensis*)
- Ridgway's rail (*Rallus obsoletus*)
- salt marsh harvest mouse (*Reithrodontomys raviventris*)
- San Bruno elfin butterfly (*Callophrys mossii bayensis*)
- San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)
- vernal pool fairy shrimp (*Branchinecta lynchi*)
- vernal pool tadpole shrimp (*Lepidurus packardi*)
- Antioch Dunes evening primrose (*Oenothera deltoides ssp. howellii*)
- Burke's goldfields (*Lasthenia burkei*)
- Contra Costa goldfields (*Lasthenia conjugens*)
- Contra Costa wallflower (*Erysimum capitatum* var. *angustatum*)
- coyote ceanothus (*Ceanothus ferrisiae*)
- fountain thistle (*Cirsium fontinale* var. *fontinale*)
- Marin dwarf-flax (*Hesperolinon congestum*)
- Metcalf Canyon jewelflower (*Streptanthus glandulosus* ssp. *albidus*)
- pallid manzanita (*Arctostaphylos pallida*)
- Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchellii*)
- Sebastopol meadowfoam (*Limnanthes vincularis*)
- Sonoma sunshine (*Blennosperma bakeri*)
- white-rayed pentachaeta (*Pentachaeta bellidiflora*)
- California least tern (*Sterna antillarum browni*)
- delta smelt (*Hypomesus transpacificus*)
- giant garter snake (*Thamnophis gigas*)
- longfin smelt (*Spirinchus thaleichthys*)
- western snowy plover (*Charadrius nivosus nivosus*)
- California seablite (*Suaeda californica*)
- Calistoga popcorn flower (*Plagiobothrys strictus*)
- Kenwood Marsh checkerbloom (*Sidalcea oregana* ssp. *valida*)
- many flowered navarretia (*Navarretia leucocephala* ssp. *pliantha*)
- Napa bluegrass (*Poa napensis*)
- North Coast semaphore grass (*Pleuropogon hooverianus*)
- palmate-bracted bird's-beak (*Chloropyron palmatum*)
- Pitkin Marsh lily (*Lilium pardalinum* ssp. *pitkinense*)
- Soft bird's-beak (*Chloropyron molle* ssp. *molle*)
- Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*)
- Central California Coast Coho salmon ESU (*Oncorhynchus kisutch*)
- Central California Coast steelhead DPS (*O. mykiss*)
- California Central Valley steelhead DPS (*O. mykiss*)
- Chinook salmon Sacramento River Winter-Run ESU (*O. tshawytscha*)
- Chinook salmon Central Valley Spring Run ESU (*O. tshawytscha*)
- North American green sturgeon Southern DPS (*Acipenser medirostris*)

To address project related impacts to these species and their designated critical habitat, USACE will initiate consultation with USFWS and NMFS, pursuant to Section 7(a) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit under the proposed RGP.

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). 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 has 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 program area contains EFH for species managed under the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. To address project related impacts to EFH, USACE will initiate consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

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. USACE has made a *preliminary* determination that historic or archaeological resources are present in the program area and that such resources may be adversely affected by the project. To address project related impacts to historic or archaeological resources, USACE will initiate consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer, pursuant to Section 106 of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit under the proposed RGP. 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. USACE is preparing an analysis that considers alternatives to the proposed RGP; however, the preliminary alternatives analysis indicates that because the proposed permitting program is built on USACE's nationwide permitting framework, it is likely the least environmentally damaging practicable alternative.

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 Naomi Schowalter, San Francisco District, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102; 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>.