Regulatory Division
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102-3406

US Army Corps of Engineers ®
San Francisco District

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: PG&E Ignacio Mare Island Emergency Tower Replacement

PUBLIC NOTICE NUMBER: 2020-00347N
PUBLIC NOTICE DATE: November 9, 2020
COMMENTS DUE DATE: December 9, 2020

PERMIT MANAGER: Naomi Schowalter TELEPHONE: 415-503-6763 E-MAIL: naomi.a.schowalter@usace.army.mil

1. **INTRODUCTION**: On November 2, 2020, the U.S. Army Corps of Engineers (Corps), San Francisco District (SPN), issued an emergency permit to Pacific Gas & Electric Company (Craig Geldard, 916-704-1771, 245 Market Street, Mail Code N10A, San Francisco, CA 94105) to replace three electrical transmission towers at risk of failure. This Department of the Army permit was issued under special processing procedures for emergency situations pursuant to 33 C.F.R. § 325.2(e)(4) and the South Pacific Division Regulatory Program Emergency Procedures, as well as 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*.). The proposed project was determined to require more than minimal environmental impacts and therefore did not qualify for authorization under SPN's current Regional General Permit (RGP) No. 5 for Repair and Protection Activities in Emergency Situations.

2. **EMERGENCY SITUATION**: PG&E inspection crews have identified severe deterioration on the steel transmission towers 13/93, 13/94, and 14/105 on the Ignacio-Mare Island 115 kV circuits. While previous repairs were made to address the structural integrity of these towers, it is now clear that these 180- to 200-foot-tall structures are at a significant risk of complete collapse. There is obvious cracking, bolt deterioration, steel warping and bending, and voids in the structural members of the towers. If any one of the corroded areas were to fail, it would introduce higher stresses on other components via load distribution. The advanced degraded conditions of most of the tower components would likely result in a "cascading" failure where they will fail one after another until a complete and catastrophic failure mechanism is reached.

PG&E engineers have determined that complete replacement of these three towers and installation of new foundation piles is the only solution that would allow the towers to meet safe operating requirements. The emergency tower replacement needs to occur as soon as possible to avoid failure. A catastrophic failure of this scale could potentially extend for months as multiple parallel systems would concurrently need to be replaced. This could result in loss of service to tens to hundreds of thousands of customers, including both private and public sectors. There are two 115 kV circuits on these towers that provide electricity to thousands of homes and businesses in Marin, Sonoma, and Solano Counties. A failure of one or more of these towers would lead to an extended outage affecting over 30,000 homes and a variety of schools and medical facilities for upwards of 3 to 6 months, causing an unacceptable hazard to life.

3. **SPECIAL PROCESSING PROCEDURES**: The South Pacific Division Engineer authorized use of the following special processing procedures by letter of 19 October 2020:

- Conduct emergency Section 7 Endangered Species Act and Essential Fish Habitat consultations with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS).
- Notify the San Francisco Bay Regional Water Quality Control Board that action on the section 401 water quality certification shall be taken within 15 days of the certifying agency receiving a valid request for certification. A waiver will be deemed to have occurred if certification is not received within this time period. PG&E submitted an application to the Water Board on the afternoon of October 8. On October 13, the Water Board confirmed that they

would be issuing the water quality certification by Friday, October 23, 2020.

- Complete the Department of the Army Combined Decision Document to ensure compliance with the National Environmental Policy Act (NEPA), U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines, and the Public Interest Review requirements.
- Decide on the issuance of an Individual Permit.
- Issue a public notice detailing any special procedures authorized and their rationale within 30 days of the date of the Division Engineer's authorization to use special processing procedures.
- Conduct formal Section 7 consultation with the NMFS and the USFWS, as needed.
- Modify the permit conditions, if necessary, to ensure compliance with any biological opinions issued.

3. **AUTHORIZED PROJECT**:

Project Site Location: As displayed in Figure 1, the project is located within the Napa-Sonoma Marshes Wildlife Area and the San Pablo Bay National Wildlife Refuge in unincorporated Solano County, California. The towers are located adjacent to China Slough, Dutchman Slough, and an unnamed slough immediately east of Dutchman Slough. The coordinates of the three tower are Latitude 38°9'8.77" N, Longitude 122°20'15.60" W (Tower 13/93); Latitude 38°9'9.12" N, Longitude: 122°20'7.00" W (Tower 13/94); Latitude 38°9'13.72" N, Longitude: 122°18'14.68" W (Tower 14/105).

Project Site Description: The project is located along the northern edge of San Pablo Bay within a tidal wetland complex. The work sites are centered around the three towers and consist of tidal sloughs, salt marsh wetlands (low, middle, and high marsh), and uplands along old levees (Figures 2 and 3).

Project Description: The proposed project involves the emergency replacement of three electrical transmission towers at risk of collapse (Towers 13/93, 13/94, and 14/105). Due to the nature of working in a tidal marsh without any adjacent or nearby land access, all work activities require access improvements and the creation of stable work platforms at each tower. The seven general project components include: dredging of approximately 30,000 cubic yards of sediment from 3.5 acres of Dutchman Slough to accommodate barge access; installation of a temporary crane pad at each tower; installation of temporary crane matting across an unnamed island between Towers 13/93 and 13/94 and on the levee at Tower 14/105; installation of a temporary floating bridge across an unnamed slough west of Tower 13/94; installation of temporary barge landings at the Tower 13/93 crane pad location, the Tower 13/94 crossing (east side of Dutchman slough), and Tower 14/105; the construction of three new lattice steel design towers in-line with the existing electrical conductor and the removal of the existing towers; and the in-kind replacement of approximately 400 feet of boardwalk sections that need to be removed to allow project construction. The locations of these project components are displayed in Figures 4 and 5. The work is scheduled to begin immediately and continue for approximately 10 months.

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 provide electricity.

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 prevent the loss of electricity to those served by PG&E's Ignacio – Mare Island 115 kV lines.

Project Impacts: The proposed matting and crane pads will temporarily impact approximately 36,875 square feet of waters of the U.S. The temporary bridge will cover approximately 10,000 square feet of the unnamed slough and will be secured in place with spuds/spudwells and supported at the ends with sheet piles. Various support barges will be moved into place during high tide, secured in place with spuds/spudwells, and left to settle on the mud flat during low tide. Barge landings will be constructed using temporary sheet piles and H-piles, and mud above the water line would be excavated in front of the wall and returned following construction. The temporary crane pad at Tower 13/93 will include approximately 360 feet of one-inch-thick steel sheet piling in Dutchman slough, approximately 220 feet of which will be permanently left in place to support new tower foundations. In total, the new foundations for the three towers will require the permanent discharge of approximately 204 cubic yards of fill over 55 square feet of ground surface.

Proposed Mitigation: PG&E has proposed the following avoidance and minimization measures to limit impacts to waters of the U.S.:

- Impacted wetlands will be monitored for a period of approximately five years after construction to ensure that temporary wetland impact areas are restored to pre-project conditions and that impacted slough banks do not substantially erode.
- PG&E will obtain suitability determinations for dredged sediment following DMMO protocols for sediment disposal and beneficial reuse at an approved restoration site. Material determined unsuitable for open-water disposal or habitat restoration will be disposed at an approved upland site.
- Barges used to transport the dredged material to the disposal or transfer sites will not be filled beyond their capacity so that they will completely contain the dredged material.
- Once dredged material has been removed, the material will not be dumped back into the water, except into a disposal or beneficial reuse site.
- The active dredging work area will be isolated with a silt turbidity curtain prior to active dredging.
- Upland areas will be utilized to the extent practicable.
- Vegetation impacts will be avoided and minimized where practicable.
- The activity footprint and times spent as the work location will be minimized.
- Standard erosion and sediment control BMPs will be implemented to prevent construction site runoff into waterways. PG&E will make every effort to utilize weed-free erosion control materials.
- Soil stockpiles will be located within established work area boundaries, covered prior to rain events, and placed so as not to enter water bodies.
- All equipment will be inspected and cleaned before arriving on site to prevent the spread of invasive weeds.
- Any impact pile driving required to install the new foundation piles will be conducted at low tide when the area surrounding the tower is not tidally inundated.
- PG&E will utilize a vibratory hammer to install piles and cofferdams to the extent practicable. If an impact hammer is required, a sound attenuation device will be installed if standing water is present.
- Piles and cofferdams will be removed with a vibratory extractor if practicable and if the vibratory extractor is expected to result in less sediment disturbance than the direct pull method.
- Concrete will be contained within the piles and will not come into contact with slough waters while curing. Any concrete washout will be contained and properly disposed off-site.
- Following construction, all temporary materials will be removed from the project site, all areas of disturbed vegetation will be recontoured to original conditions, and all temporarily impacted wetlands will be restored.
- The limits of project disturbance will be clearly identified in the field prior to start of construction activities within waters of the U.S. Such identification will be properly maintained until construction is completed and the soils have been stabilized. No equipment, materials, or any other substances or activities may impact waters of the U.S. outside of the limits of project disturbance.
- Environmentally sensitive areas and environmentally restricted areas will be delineated for exclusion prior to start of construction.
- For any excavation, the top 6 to 12 inches of topsoil will be removed and stockpiled separately during construction. Following construction, the topsoil will be replaced and seeded with native vegetation.
- Standard best management practices for the prevention and containment of spills of hazardous materials will be implemented. Any such spills will be reported to the USACE within 24 hours.
- Debris will not be allowed to enter the water to the extent feasible. If debris enters the water, it would be retrieved immediately.
- PG&E will implement their "Bay Area Operations and Maintenance Habitat Conservation Plan" in order to off-set any impacts to federal-listed species. Listed species are associated with the habitat type (marsh and tidal wetland) at the project site, and restoration of habitat for these species is expected to provide restored marsh and tidal wetland. The mitigation provided to USFWS is therefore expected to concurrently mitigate for losses of functions and values of the on-site regulated waters of the US.

Project Alternatives: USACE determined that the proposed project was the only practicable alternative that would meet the overall project purpose.

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 San Francisco Bay RWQCB issued a water quality certification (Place ID 869614, WDID# 2 CW440815) for this project by letter of October 23, 2020.

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 applied for a Consistency Certification from the San Francisco Bay Conservation and Development Commission (BCDC) to comply with this requirement. The BCDC issued Emergency Permit No. E2020.003.00 by letter of October 22, 2020.

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 made a determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. USACE assessed 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 NEPA analysis addressed the direct, indirect, and cumulative impacts that will result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determined to be within its purview of Federal control and responsibility. The final NEPA analysis was incorporated in the decision documentation that provided the rationale for issuing a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation is 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 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 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: salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*), western snowy plover (*Charadrius nivosus nivosus*), soft bird's beak (*Cordylanthus mollis* ssp. *mollis*), delta smelt (*Hypomesus transpacificus*), Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), California Central Valley steelhead (*O. mykiss*), CCC steelhead (*O. mykiss*), and North American green sturgeon (*Acipenser medirostris*). To address project related impacts to these species and their designated critical habitat, USACE initiated emergency consultation with USFWS and NMFS by email of October 6, 2020, pursuant to Section 7(a) of the Act and both agencies responded that same day. NMFS provided discretionary special conditions to avoid and minimize impacts to listed species and outlined required contents of the post-project assessment report needed to determine if formal consultation is required after the emergency is under control. USFWS acknowledged our request for emergency consultation but did not provide any special conditions. USFWS stated that any activities covered under PG&E's Bay Area Operations and Maintenance Habitat Conservation Plan (HCP) have incidental take authorization for California

clapper rail and salt marsh harvest mouse, but adverse effects to these species from any actions not covered under the HCP and adverse effect to any other listed species will require formal consultation after the emergency is under control. The Corps conditioned PG&E's permit upon compliance with NMFS's suggested special conditions, with minor modifications, and upon the provision of a post-project assessment report documenting impacts to listed species. The Corps will initiate formal consultation with the USFWS and/or NMFS if PG&E identifies adverse effects to listed species in the post-project assessment report.

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 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 determination that EFH for species managed under the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP,* and the *Pacific Coast Salmon FMP* is present at the project location and that the critical elements of EFH may be adversely affected by project implementation. To address project related impacts to EFH, USACE initiated emergency consultation with NMFS, pursuant to Section 305(5(b)(2) of the Act. In response, NMFS provided discretionary special conditions to avoid and minimize impacts to EFH and outlined required contents of the post-project assessment report. The Corps conditioned PG&E's permit upon compliance with NMFS's suggested special conditions, with minor modifications, and upon the provision of a post-project assessment report documenting impacts to EFH. The Corps would continue consulting with NMFS under the Magnuson-Stevens Act after the emergency is under control, if warranted.

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 made a determination that no historic properties are present in the permit area. The State Historic Preservation Officer (SHPO) was consulted by letter of October 22, 2020, to request their concurrence with a no effect determination. The SHPO withheld comment on the finding of effects pending consultation with Native American tribes. USACE proceeded with authorizing the emergency permit in accordance with Section 106 procedures for emergency situations outlined at 33 C.F.R. 325 Appendix C and 36 C.F.R. § 800.12(b)(2). We are currently consulting Native American tribes regarding the authorized action. If unrecorded archaeological resources are discovered during project implementation or are identified by Native American tribes, 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 indicated 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. USACE determined that the proposed project is the least environmentally damaging practicable alternative.

6. **PUBLIC INTEREST EVALUTION**: The decision on whether to issue the Department of the Army Permit was 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, therefore, reflected the national concern for both protection and utilization of important resources. Public interest factors which were considered in the decision process included 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 suspend, modify, or revoke the 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 the environmental assessment. 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 94102-3404; 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; 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: https://www.spn.usace.army.mil/Missions/Regulatory.