



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 Project

PUBLIC NOTICE NUMBER: 2004-28512S

PUBLIC NOTICE DATE: 03-08-2013

COMMENTS DUE DATE: 04-9-2013

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1. **INTRODUCTION:** Trans Bay Cable LLC (POC: James Alligan, 415-291-2292), One Letterman Drive, Building C – 5th Floor, San Francisco, through its agent, URS Corporation, San Francisco (POC: Ian Austin, 415-243-3786, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to allow in-Bay maintenance activities needed to protect the Trans Bay Cable (Cable) over a 10-year period. 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.

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.*), Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*), and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. § 1413 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The Cable runs from the City of Pittsburg in Contra Costa County through New York Slough, Carquinez Straits, 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 (enclosure 1).

Project Site Description: The Cable is a 53-mile long submarine high-voltage direct current (HVDC) cable that transmits electricity between the Pacific Gas and Electric Company (PG&E) substation in Pittsburg,

California, and PG&E substation at Portero in San Francisco, California. Construction of the Cable was completed in 2009. During Cable installation most of the Cable alignment, except at utility crossings, was buried to a depth of 3 to 6 feet below the Bay floor using a hydroplow. At utility crossings the Cable is protected by concrete mattress or rock riprap. The Cable provides 400 megawatts of power to the City of 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. The action area for the proposed Cable maintenance includes the waters of San Francisco Bay, San Pablo Bay, and the Carquinez Strait. Additionally, benthic habitat on the existing Cable includes, concrete mattresses, submerged debris, and soft bottom substrates. The open water areas of the Carquinez Strait provide habitat for marine invertebrates, fish, birds, and marine mammals. Benthic habitat within the action area is dominated by Bay sand and mud which provides habitat for many bottom feeder species. Along the eastern edge of the aquatic portion of the project action area, riprap shoreline is present, which provides marginal habitat for rock crabs, birds, and some fish species. Jurisdictional waters of the U.S. subject to regulation under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act within the project action area include: open water marine habitat, mud flat habitat, riprap shoreline, and salt marsh habitat.

Project Description: The applicant proposes to conduct maintenance over the next 10 years along exposed sections of the 53-mile long alignment of the Cable. Maintenance activities would take place along the areas where the cable is exposed. Generally, these locations coincided with areas where the Cable could not be buried or where the current has exposed the pipe. The proposed

maintenance activities would include the following activities: hand jetting to increase the depth of the burial of the Cable in sand/sediment waves, the placement of additional protective mattresses, and rock fill to support an eroded area at the Kinder Morgan pipeline crossing. The concrete mattresses (enclosure 2) are flexible concrete blocks connected with high-tensile fiber rope. The mattresses are 8 feet by 20 feet and are generally 9 inches thick. In order to install the mattresses they would be lifted by crane onboard a derrick barge, and slowly lowered to the Bay bottom. The mattresses would then be guided by divers to the required position for placement. At the Kinder Morgan pipeline crossing location rock bags would be placed on each side of the cable. A small volume of rock fill would be placed under the Cable to hold it in place, and concrete mattresses would be placed over the Cable for additional protection. It is anticipated that hand jetting would disturb a total bottom area of approximately 2,820 square feet. In addition, a total of 225 cubic yards of concrete mattresses and rock fill would be placed along 13,000 square feet of area surrounding the Cable.

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 10 years along exposed sections of the Cable.

Project Impacts: It is anticipated that hand jetting would disturb a total area of approximately 2,820 square feet of the Bay bottom. In addition, a total of 225 cubic yards of concrete mattresses and rock fill would be placed along 13,000 square feet of area surrounding the Cable.

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. A final decision regarding the need for mitigation is still under review.

Project Alternatives: The applicant was required to submit alternative cable protection methods in order to show that the preferred alternative is the least environmentally damaging alternative. Alternatives provided by the applicant include two variations of protective mattresses and large diameter rock armor.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver 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.

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.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111, by the close of the comment period.

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. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 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 at the project location or in its vicinity, and may be affected by project implementation. The project action area contains Federally-listed threatened steelhead (*Oncorhynchus*

mykiss), Central California Coast Distinct Population Segment (DPS) and California Central Valley DPS; Chinook salmon (*Oncorhynchus tshawytscha*), endangered Sacramento River winter-run Evolutionarily Significant unit (ESU) and threatened Central Valley Spring-run ESU; threatened Green Sturgeon (*Acipenser medirostris*); and threatened Delta smelt (*Hypomesus transpacificus*). Critical habitat has also been designated for steelhead, Chinook salmon Sacramento River winter-run, Green Sturgeon, and Delta smelt. The overall project could potentially create localized disturbance to habitat at the maintenance locations from the following activities: placement of concrete and rock fill onto the Bay bottom, lifting material from the bottom during placement, and hand jetting. To address project related impacts to these species and designated critical habitat, USACE will initiate informal 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 for the 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*, and 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 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 action area is classified as EFH under the MSFCMA and is designated as a Habitat Areas of Particular Concern (HAPC) for various fish species within the Pacific Groundfish and Coastal Pelagic FMPs. The Bay is considered an estuarine system that serves as breeding and rearing grounds for the following fish stocks: Coastal Pelagic EFH, Pacific Pelagic EFH, and Pacific Salmon EFH. The placement of concrete mattresses, hand jetting, and rock filling activities associated with the proposed action may affect EFH in the

following ways: localized and temporary turbidity, disturbance of habitat, and a change in habitat from the permanent placement of the concrete mattresses and rock fill. 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.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRS 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 the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely 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 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 impact 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 EVALUTION: 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 of the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Nina Cavett-Cox, 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 *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.