



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

408 Permission Section

**PUBLIC NOTICE**

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

**TITLE:** Pacific Gas and Electric Company (PG&E) Gas Pipeline San Joaquin River Crossing (7796-1).

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: July 31, 2019

Ends: August 30, 2019

**REQUESTER:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, PG&E (requester) has requested permission through the Central Valley Flood Protection Board (non-federal sponsor of the federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Lower San Joaquin River and Tributaries Project, an existing federal flood risk management project, authorized by the Flood Control Act of 1944.

**LOCATION:** The proposed project is located on both the east and west sides of the San Joaquin River, approximately 5 miles southeast of the City of Patterson in Stanislaus County, California (Attachment 1).

**REQUESTER'S PROPOSED ACTION:** The proposed project is to abandon an active 12-inch diameter Gas Transmission Pipeline (L-215) and install a new replacement 24-inch diameter Gas Transmission Pipeline (L-215-1) under the San Joaquin River by horizontal directional drilling (HDD). Approximately 6,800 feet of 12-inch (L-215) and 700 feet of 24-inch (L-215-1) steel pipe would be abandoned. Nine bell hole locations have been identified to retire the active and original pipeline; five on the west side of the river and four on the east side. Approximately 7,200 feet of L-215-1 pipe would be installed by HDD and 780 feet by open trench at the tie-in points. To complete the HDD pipe installation, there would be two bore pits, each measuring approximately 20 feet by 40 feet with a depth of approximately 5 feet. The western (launching or starting) pit would be located along Prune Avenue and the eastern (receiving or ending) pit would be located near the end of W. Bradbury Road. There would be approximately 415 feet of open trench on the west end and 365 feet of open trench on the east end of the HDD before the new L-215-1 line ties into the existing L-215 line.

The construction areas and access routes would be prepared by first grubbing and removing vegetation, followed by installation of erosion control best management practices (BMPs) and other minor improvements necessary to mobilize construction equipment and materials. In addition to erosion control BMPs, PG&E would implement a number of other BMPs, including dust abatement, fire prevention, and equipment

washing to prevent the spread of noxious weeds, among other measures. Construction is anticipated to take approximately 19 weeks to complete. Site restoration will begin immediately after construction activities; construction areas would be restored to approximate pre-project conditions. All undeveloped areas subject to ground disturbance would be revegetated with hydroseeding using an appropriate native seed mix.

**ENVIRONMENTAL IMPACTS OF PROPOSED ACTION:** The proposed project would temporarily disturb areas of vegetation; however, construction areas would be restored to pre-existing conditions and all undeveloped areas subject to ground disturbance would be revegetated with hydroseeding using appropriate native seed mix. No permanent above-ground structures would remain on site. A number of conservation measures would be implemented to avoid and minimize potential environmental effects. These would include measures to avoid impacts to waterways, dust abatement measures, thorough washing of equipment to prevent the spread of noxious weeds, as well as other measures.

A cultural resources inventory report will be prepared for the proposed project and USACE will initiate consultation with Native American tribes and the State Historic Preservation Office pursuant to Section 106 of the National Historic Preservation Act.

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

**LIMITS OF SECTION 408 AUTHORITY:** A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

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

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

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

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

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

**SUBMITTING COMMENTS:** Written comments, referencing Identification Number 7796-1 must be submitted to the office listed below on or before August 30, 2019.

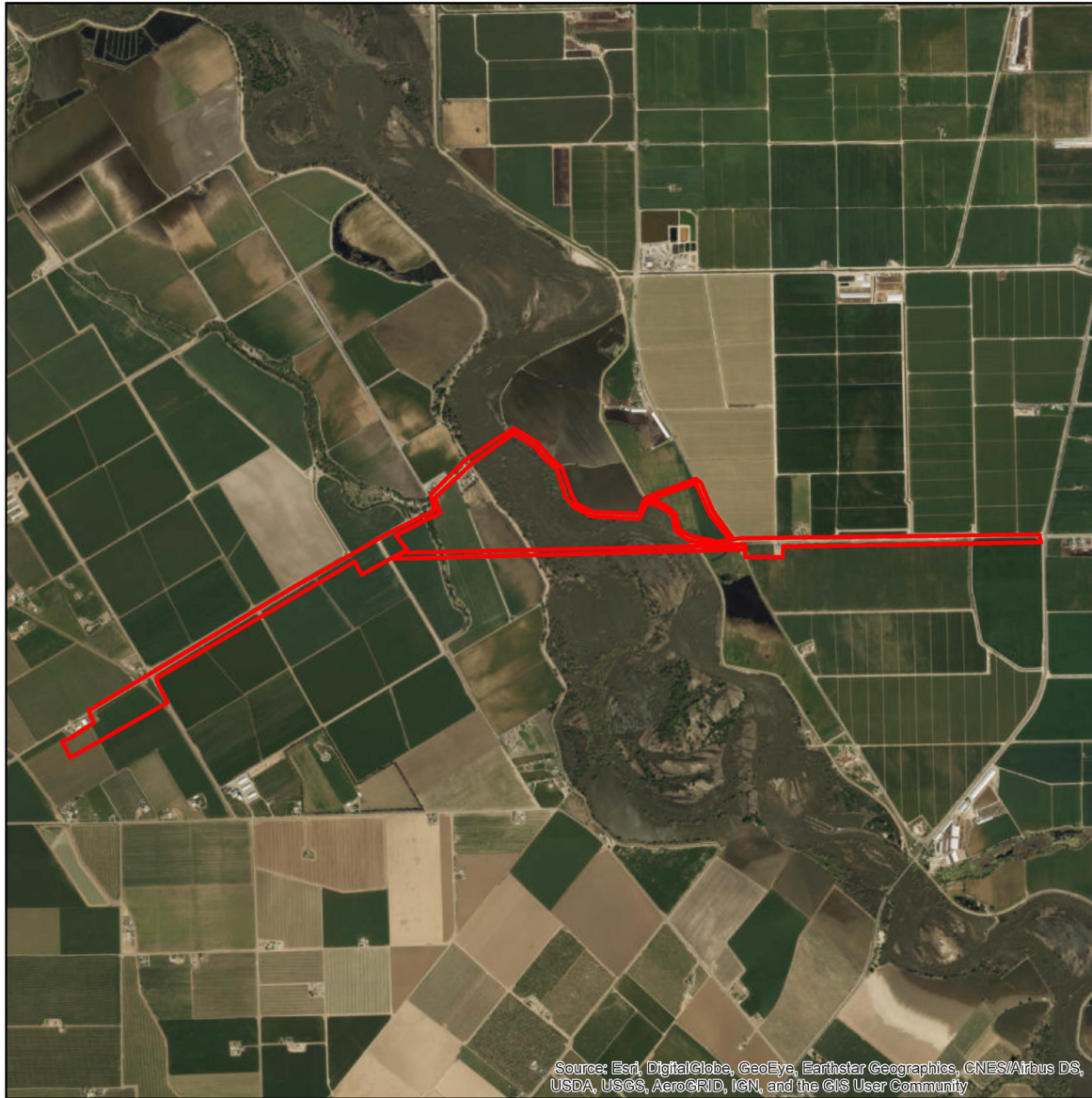
Kaleigh Maze, Biologist  
US Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1460  
Sacramento, California 95814-2922

Email: *CESPK-408-PN@usace.army.mil*

Attachments:

- 1) Vicinity map
- 2) Site map

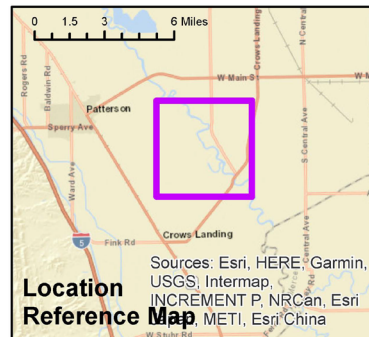
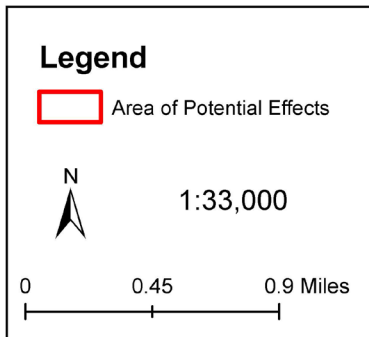
# Attachment 1 – Vicinity Map



**7796-1 - PG&E Gas Pipeline San Joaquin River**

**U.S. Army Corps of Engineers**  
 1325 J. Street  
 Sacramento, CA 95814  
 916-557-6732

Map Created By: Kaleigh Maze  
 Date Created: 29 May 2019





## Attachment 2 – Site Map

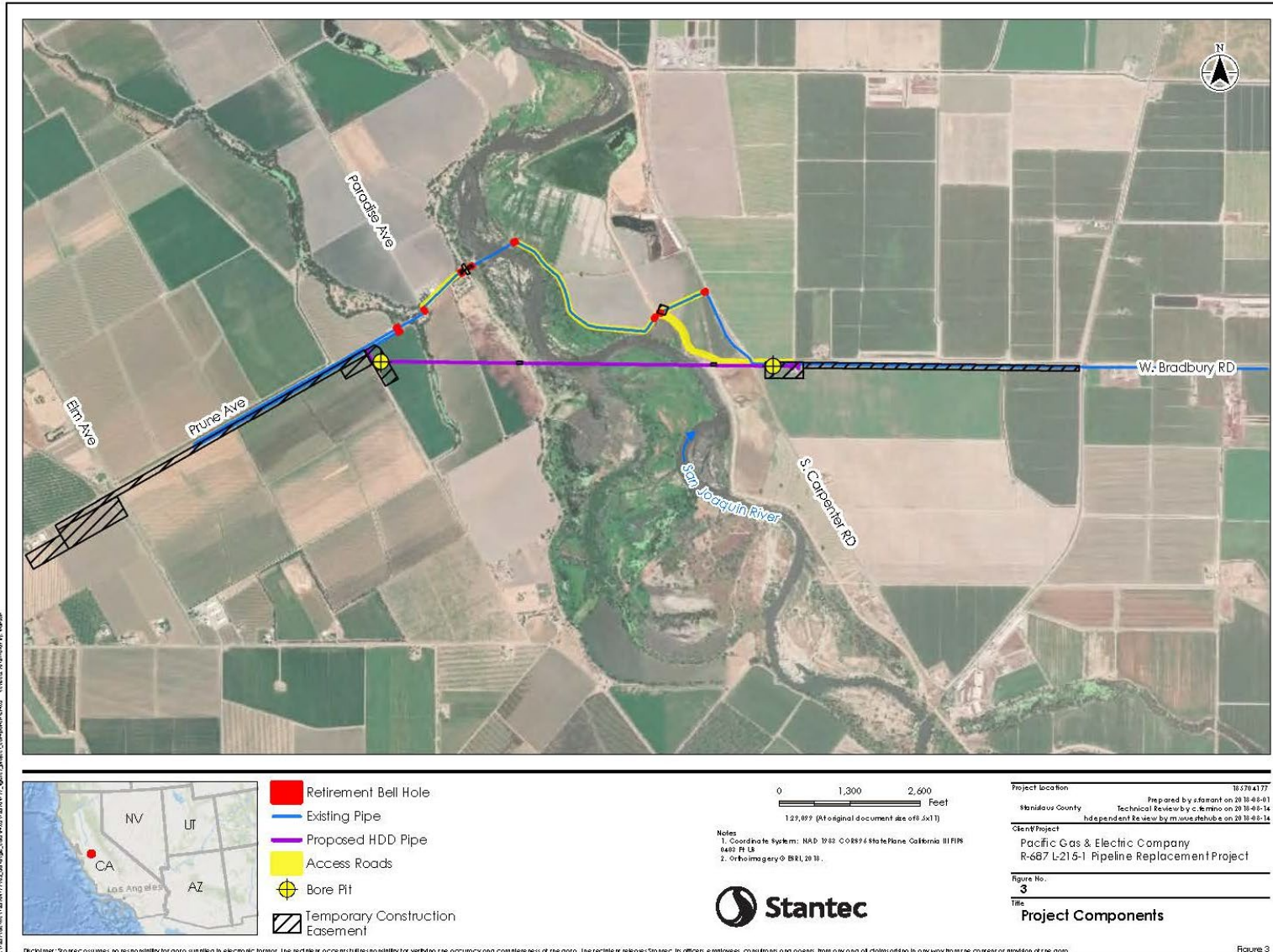


Figure 3