Terry Tamminen
Secretary for Environmental Protection

State Water Resources Control Board

Executive Office

1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
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Arnold Schwarzenegger
Governor

JUL 14 2004

Mr. David Comman
SFPP, L. P. Operating Partnership to
Kinder Morgan Energy Partners, L. P. (SFPP)
1100 Town and Country Road
Orange, CA 92868

Dear Mr. Comman

ORDER FOR TECHNICALLY-CONDITIONED WATER QUALITY CERTIFICATION: SFPP ANOMALY INSPECTION AND REPAIR ON LINE SECTION 25 IN CONTRA COSTA, SOLANO, AND YOLO COUNTIES (CORPS SAN FRANCISCO DISTRICT FILE # 28887N)

This Order responds to your July 1, 2004 request (transmitted electronically) for Clean Water Act (CWA) section 401 Water Quality Certification for the subject project.

SFPP, L. P. Operating Partnership to Kinder Morgan Energy Partners owns and operates petroleum pipeline Line Section (LS) 25. LS 25 transports refined petroleum products from Concord to West Sacramento, California. After an oil spill to Suisun Marsh from this pipeline in April 2004, the U.S. Department of Transportation required inspection and maintenance of the pipeline. Excavations (dig sites) are required to repair areas of the pipeline where numerous "anomalies" (weak spots) have been detected. A number of dig sites are located in waters of the United States in Contra Costa, Solano, and Yolo counties, within the jurisdiction of the San Francisco Bay and Central Valley Regional Water Quality Control Boards (RWQCB).

The U.S. Army Corps of Engineers (USACE) issued a CWA section 404 permit on June 30, 2004 (Enclosure A), conditioned on issuance of State Water Quality Certification. Because work must be accomplished prior to the rainy season (usually early to late October), and given this restricted timeframe and the potential for additional oil spills, Kinder Morgan is requesting certification as soon as possible.

This certification requires compensatory mitigation for temporary impacts only to endangered species habitat because, based on the expected impacts described in SFPP L.P.'s application, the State Water Resources Control Board (SWRCB) does not anticipate that other discharges

certified under this Order will create temporary impacts of a size, severity, and/or duration that would have a significant adverse impact on beneficial uses. The decision in this certification to require compensatory mitigation only for impacts to endangered species habitat is not precedential for any other SWRCB or RWQCB order and does not necessarily apply to impacts which exceed those documented in the permit application.

ACTION

- ☐ Order for Standard Certification
- ☐ Order for Denial of Certification
- ☒ Order for Technically-Conditioned Certification
- ☐ Order for Waiver of Waste Discharge Requirements

STANDARD CONDITIONS:

1 This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).

2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and owed by the applicant.

ADDITIONAL CONDITIONS:

Endangered Species: The project shall not result in the taking of any endangered, threatened, or candidate species or the habitat of such species unless the activity is authorized pursuant to the State and/or federal Endangered Species Acts.

2. **Other State Permits:** The project applicant shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.

3. **Toxic Substances:** The project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.

4 **Hazardous Substances:** The project shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and California Water Code section 13173.

5 **Certified Discharges:** This certification applies only to those anomaly sites on LS 25 shown in the enclosed Table, which was included in the applicant's July 1, 2004 electronic letter of application to the SWRCB. No other discharges to waters of the State are authorized by this certification.

6 **Riparian Vegetation:** The applicant shall consult (via email, letter, or telephone) with the affected RWQCB 401 Water Quality Certification Program Manager(s) at least 48 hours prior to carrying out any unavoidable disturbance of riparian vegetation.

7. **Work Within Rhodia Peyton Slough Remediation Project Area (RPSRP):** If pipeline maintenance is adjacent to the RPSRP, the applicant shall notify via email or telephone the San Francisco Bay RWQCB, Groundwater Protection Division (primary contact: Mary Rose Cassa, (510) 622-2447; MRC@rb2.swrcb.ca.gov), at least 48 hours prior to commencing work in the area to ensure avoidance of conflicts with the remediation goals of the RPSRP.

8 **Notice of Project Completion:** The project applicant shall provide the affected RWQCB 401 Program Managers a "Notice of Completion" (NOC) within 45 days of completion of pipeline repairs. The NOC shall document whether the project was constructed in conformance with the applicant's project description, including the expected impacts, as described in the SFPP L.P.'s permit application and reflected on the enclosed Project Information Sheet (Enclosure B). The NOC shall document any project impacts that exceed such expected impacts. If project impacts exceed those described in SFPP L.P.'s application, SFPP L.P. shall provide appropriate compensatory mitigation acceptable to the affected RWQCB(s). Proof that such additional compensatory mitigation has been, or is being, provided shall be included in the December 1, 2004 report required in Condition 9 of this certification.

The NOC shall be submitted to the "Program Manager, 401 Water Quality Certification Program" of the RWQCBs, addressed at:

Central Valley Regional Water Quality Control Board
Sacramento Office
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 400
Oakland, CA 94612

A copy of the NOC shall be sent to the SWRCB staff identified at the conclusion of this certification letter.

9. **Wetland Compensatory Mitigation and Reporting:** The applicant shall provide a report to SWRCB and RWQCB staffs no later than December 1, 2004 demonstrating that the project's required compensatory and other mitigation as described in the Project Information Sheet (Enclosure B) and Condition 10(G) of this certification Order have been provided.

10. **Additional Best Management Practices:** In addition to the best management practices and mitigation measures specified in SFPP L.P.'s July 1, 2004 emailed application, the project applicant and its contractors shall apply the following practices:

(A) No debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State.

(B) It shall be the responsibility of the applicant and its contractors to structure their operations in a manner that reduces the risk of spills or the accidental discharge of fuels or hazardous materials to water bodies or wetlands. The applicant and its contractors must, at a minimum, ensure that:

(i) all employees handling fuels and other hazardous materials are properly trained;

all equipment is in good operating order and inspected on a regular basis;

fuel trucks transporting fuel to on-site equipment travel only on approved access roads;

staging and storage areas for equipment and materials shall be located at least 100 feet from any natural water body or wetland. All equipment shall be parked overnight and/or fueled at least 100 feet from a water body or in an upland area at least 100 feet from a wetland boundary. These activities can occur closer only if the environmental monitor required by Condition 10(F) of this certification finds, in advance, no reasonable alternative and the applicant and its contractors have taken appropriate steps (including secondary containment structures) to prevent spills and provide for prompt cleanup in the event of a spill;

(v) no equipment maintenance shall be done within or near any water body where petroleum products or other pollutants from the equipment may enter the water body

(vi) hazardous materials, including chemicals, fuels, and lubricating oils, are not stored within 100 feet of a wetland or water body unless the location is designated for such use by an appropriate governmental authority. This applies to storage of these materials and does not apply to normal operation or use of equipment in these areas; and

(vii) concrete coating activities are not performed within 100 feet of a wetland or a water body boundary, unless the location is an existing industrial site designated for such use.

When work at each pipeline anomaly site is completed, excess material shall be immediately removed from the work area and from any areas adjacent to the work area where such material may be washed into waters of the State.

The project applicant and its contractors shall structure their repair operations in a manner that provides for the prompt and effective cleanup of spills of fuel and other hazardous materials. At a minimum, the project sponsor and its contractors shall:

(i) ensure that each construction crew (including cleanup crews) has on hand sufficient supplies of absorbent and barrier materials to allow the rapid containment and recovery of spilled materials and knows the procedure for reporting spills;
(ii) ensure that each construction crew has on hand sufficient tools and material to stop leaks;
(iii) know the contact names and telephone numbers for all local, State, and federal agencies (including, if necessary, the U.S. Coast Guard and the National Response Center) that must be notified of a spill; and
(iv) follow the requirements of those agencies in cleaning up the spill, in excavating and disposing of soils or other materials contaminated by a spill, and in collecting and disposing of waste generated during spill cleanup.

(E) Water body buffers (extra work area setbacks, refueling restrictions, etc.) must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.

The project shall provide an environmental monitor that will be present at all pipeline anomaly repair operations. The monitor shall have demonstrated experience in monitoring sensitive resource issues on construction projects. The monitor shall have the authority to halt the project, if necessary, when noncompliance actions occur.

All disturbed water bodies, including wetlands and riparian areas, shall be returned to their pre-construction condition.

The applicant shall ensure that pipeline repair-related activities shall not cause the spread of noxious weeds.

(I) The discharge of pumped surface water from any of the anomaly site excavations shall not cause stream channel or earth surface erosion, or cause the deposition of sand, silt, or sediment to a natural water body.

11. **Enforcement:** In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law. For purposes of CWA section 401(d), the applicability of any State law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification Order.

A. In response to a suspected violation of any condition of this certification Order, the SWRCB may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

B. In response to any violation of the conditions of this certification Order, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that discharges from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under SWRCB Order No. 2003-0017-DWQ, *General Waste Discharge Requirements for Dredged or Fill Discharges That Have Received State Water Quality Certification*, which requires compliance with all conditions of this water quality certification. This General Waste Discharge Requirement can be accessed at http://www.swrcb.ca.gov/cwa401/index.html.

All certification actions are contingent on (a) compliance with the conditions specified in this certification Order, (b) the discharge being limited and all proposed mitigation being completed in compliance with the applicant's project description and the enclosed Project Information Sheet, and (c) compliance with all requirements of the RWQCBs' Water Quality Control Plans.

If you have any questions, please direct them to Ruben A. Guieb, Environmental Scientist, Water Quality Certification Unit, at (916) 341-5464 or email: *guier@swrcb.ca.gov*. You may also contact Oscar Balaguer, Chief of the Water Quality Certification Unit, at (916) 341-5485 or email *balao@swrcb.ca.gov*.

Sincerely,

Celeste Cantú
Executive Director

Enclosures

cc: Mr. Tim Vendlinski
Wetlands Regulatory Office (WTR-8)
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Ms. Jane M. Hicks, Chief
Regulatory Branch, Northern Section
San Francisco District
U.S. Army Corps of Engineers
333 Market Street
San Francisco, CA 94105-2197

Mr. Thomas Cavenaugh, Chief
Regulatory Branch, Sacramento Valley Office
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922

cc: (See continuation page)

cc: (Continuation page)

National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Capitol Mall, Suite 8-300
Sacramento, CA 95814-4706

Mr. Chris Nagano
Sacramento Fish and Wildlife Office
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

Ms. Mary Brown
Rhodia, Inc.
259 Prospect Plains Road
CN7500
Cranbury, NJ 08512

Mr. Nick Ricono
TRC Customer-Focused Solutions
21 Technology Drive
Irvine, CA 92618

Ms. Shin-Roei Lee, Program Manager
Water Quality Certification Program
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 400
Oakland, CA 94612

Mr. George Day, Program Manager
401 Water Quality Certification Program
Central Valley Regional Water Quality Control Board
Sacramento Office
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

ENCLOSURE A

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

Regulatory Branch

JUN 30 2004

SUBJECT: File Number 28887N

Mr. David Comman
Kinder Morgan Energy Partners
1100 Town & Country Road
Orange, California 92868

Dear Mr. Comman:

This letter is in reference to your SFPP Line Section 25 Repair submittal of June 14, 2004 concerning Department of the Army authorization to perform emergency maintenance on the existing pipeline Line Section 25 at 28 locations in Solano and Yolo Counties, California (Table 1 dated June 17, 2004, enclosed). The emergency nature of the maintenance relates to the first of three sets of repairs needed to maintain pipeline integrity in order to prevent a pipeline spill similar to that which occurred in the Suisun Marsh on April 27, 2004.

The repair work for each of the 28 dig sites will occur over a 3 to 4 day period. Equipment necessary for this work will include a backhoe, hand shovels, and a welding truck. The work area, including equipment and staging and temporary stockpiling of soil, will be approximately 25 feet in width and 35 feet in length around the point of excavation for a total impact of 0.02 acre per dig site. The actual area of excavation will be approximately 20 feet long by 10 feet wide at a depth of 4 feet for a total of 30 cubic yards of material per dig site to be excavated. Temporary impacts from this project include 0.56 acres of waters of the U.S. due to the placement of 840 cubic yards of fill.

Based on a review of the information you submitted, your project qualifies for authorization under Department of the Army Nationwide Permit (33 C.F.R. Part 330) 3 for *Maintenance* (67 Fed.Reg. 2078, January 15, 2002) (NWP 3), pursuant to Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and meets the conditions for temporary impacts associated with repair of replacement of currently serviceable structures. See Enclosure 1.

The project must be in compliance with the General Conditions cited in Enclosure 2 for this Nationwide Permit authorization to remain valid. Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance, Enclosure 3, verifying that you have complied with the terms and conditions of the permit. Non-compliance with any condition could result in the revocation, suspension or modification of the authorization for your project, thereby requiring you to obtain an individual permit from the Corps. This Nationwide Permit authorization does not obviate the need to obtain other State or local approvals required by law.

This authorization will remain valid for two years from the date of this letter unless the Nationwide Permit is modified, suspended or revoked. If you have commenced work or are under contract to commence work prior to the suspension, or revocation of the Nationwide Permit and the project would not comply with the resulting Nationwide Permit authorization, you have twelve (12) months from that date to complete the project under the present terms and conditions of the Nationwide Permit.

This authorization will not be effective until you have obtained a Section 401 water quality certification from the State Water Resources Control Board (SWRCB) and a concurrence from the S.F. Bay Conservation and Development Commission with your certification that your project will comply with California's Coastal Zone Management Act. If the SWRCB fails to act on a valid request for certification within two (2) months after receipt of a complete application, the Corps will presume a waiver of water quality certification has been obtained. If the Commission fails to act on a valid request for concurrence with your certification within six (6) months after receipt, the Corps will presume a concurrence has been obtained. You shall submit a copy of the certification and the concurrence to the Corps prior to the commencement of work.

To ensure compliance with the Nationwide Permit, the following special conditions shall be implemented:

This Corps permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit or a Biological Opinion (BO) under ESA Section 7 with "incidental take" provisions with which you must comply). The Programmatic Formal Consultation for Line Section 25 was issued on May 31, 2002 and amended on June 17, 2003. In order to ensure compliance with the ESA, the Corps has worked with the Service to declare this work as an emergency and has obtained after the fact consultation. The Corps has requested a second amendment to this consultation. However, you are required to comply with all terms and conditions of the first and amended BO to qualify for a NWP#3. When the Corps receives the second amended programmatic biological opinion, we will issue a replacement authorization letter to Kinder Morgan to incorporate the biological opinion.

The twenty-eight sites detailed in Table 1 are anticipated to result in an additional amount of take. The total take to date for each species is summarized in Enclosure 4 (Memo of June 22, 2004 "LS 25 – Additional information regarding 2004 dig locations"). In absence of an amended BO, the special conditions below are anticipated to be similar to the requirements of the previous opinions. In addition, the incidental take statement of the original biological opinion allowed for a certain amount of take for vernal pool crustaceans, California clapper rail, salt mouse harvest mouse, giant garter snake, and delta smelt. The following take remains available for application to this maintenance: 0.10 acres of take for vernal pool crustaceans, 0.03 acres of take for salt mouse harvest mouse, 0.24 acres of take for giant garter snake, and 0.03 acres of take for delta smelt.

Pre-Construction:

1. Preconstruction Surveys: A biologist shall conduct surveys for nesting birds prior to construction.

2. Prior to ground disturbing activities, salt marsh harvest mouse dig sites shall be surveyed by a qualified biologist for presence of mice and trenched areas shall be secured by deploying a FWS "mouse-proof" exclusion fence.

3. Clearing of wetland vegetation will be confined to the minimal area necessary to excavate and repair the pipeline.

Construction: The assumption for sites located within the April 27, 2004 contaminant release area (Dig Sites 21-29) is that the soil has not been removed.

4. The upper 12 inches of the trenches dug for inspection and repairs on the pipelines will be backfilled with the native material taken from the trenches. Where the trenches are dug in wetlands, the upper 12 inches of material will be stored separately from the other material and removed from the trench. This upper 12 inches will be placed back into the trench as the last material added to restore the original contour.

5. Dig Sites 21-29 located in the release area will be treated like all of the others. According to your consultant, clean up of the soils at the release is being handled as part of another project and that by the time the maintenance operations go through Dig Sites 21-29, the soils will be clean, and handled in the same manner as non-spill related sites. *A soil contamination treatment plan shall be provided to this office no later than July 31, 2004.*

6. Excess material removed from the trench shall be disposed of at an upland site away from any wetlands or other waters of the U.S. so as to prevent this material from being washed into aquatic areas. A description and photo of the location of the upland sites will be provided in the Monitoring Report submitted to the Corps no later than one year after construction.

7. Erosion control: Stockpiled soil will be placed at least 20 feet from the edge of any surface waters and on plywood boards out of wetlands.

8. Debris removal: All fencing, trash, and debris will be removed following completion of the repairs.

Post Construction:

9. Restoration: The grade at the dig sites will be restored to its original configuration after completion of the repairs. Post construction site conditions shall be surveyed, photographed, and monitored and included in the Monitoring Report. Surveys will be required to determine if soil subsidence occurred as a result of the maintenance activities.

10. After completion of the repairs, the extent of the wetlands of each dig site shall be mapped in accordance with the 1987 Corps of Engineers Wetland Delineation Manual. The map shall then be submitted to the Corps for verification and identification of any remedial measures that may be necessary. The wetland maps are to be submitted to the Corps no later than one year after restoration.

11. Sites that Kinder Morgan did not report to the Corps but reported to the Regional Water Quality Control Board and SWQCB include 0.88 acres of temporary impacts to waters of the U.S. with 1,455 cubic yards of fill. By July 31, 2004 you shall provide this office with the locations of the sites that you reported to the State and Regional Water Board but not to the Corps due to your consideration that they were non-reporting.

12. An After the Fact Permit application for all reporting and non-reporting sites affected by the April 27, 2004 pipeline spill in the Suisun Marsh shall be submitted to this office by July 31, 2004.

13. A mitigation plan to address the FWS Biological Opinion is to be submitted to this office no later than December 24, 2004.

Should you have any questions regarding this matter, please call Elizabeth Dyer of our Regulatory Branch at 415-977-8451. Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter.

Sincerely,

Jane M Hicks

Jane M. Hicks
Chief, North Section

Enclosures

Copies furnished (w/o enclosures)

Regulatory Branch, Sacramento District, Sacramento, CA (Attn: M. Finan)
US EPA, San Francisco, CA
US FWS, Sacramento, CA (Attn: C. Brown)
US NMFS, Santa Rosa, CA (Attn: G. Stern)
CA RWQCB, Oakland, CA
CA SWQCB, Sacramento, CA (Attn: R. Guieb)
SF BCDC, San Francisco, CA (Attn: M. Levenson)

Table 1. 2004 SFPP Anomaly Repairs Pipeline Line Section 25 (June 17, 2004)

	Pipeline Milepost	Dig Site Number	Repair Type	Acreage of Temporary Disturbance	Volume of Temporary Disturbance	Federally Listed Special Status Species with the Potential to Occur at the Dig Sites	County
Line Section 25							
1	9.89	7	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
2	10.42	8	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
3	10.61	10	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
4	13.44	12	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*)	Solano
5	13.60	13	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*)	Solano
6	13.67	14	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*)	Solano
7	14.38	16	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
8	14.65	19	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
9	14.72	20	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
10	14.99	21	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
11	15.00	22	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
12	15.01	23	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
13	15.02	24	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
14	15.04	25	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
15	15.07	26	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
16	15.07	27	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
17	15.09	28	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
18	15.13	29	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
19	18.32	32	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
20	18.51	34	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
21	18.56	35	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
22	18.58	36	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano
23	19.20	37	Anomaly	0.02	30 cy	salt marsh harvest mouse (*Reithrodontomys raviventris*)	Solano

Table 1. Continued

	Pipeline Milepost	Dig Site Number	Result Type	Amount of Temporary Disturbance	Volume of Temporary Disturbance	Federally Listed Special Status Species with the Potential to Occur at the Dig Sites	County
Line section 25							
24		44	Anomaly			vernal pool tadpole shrimp (*Lepidurus packardi*), vernal pool fairy shrimp (*Branchinecta lynchi*)	Solano
25		45	Anomaly			vernal pool tadpole shrimp (*Lepidurus packardi*), vernal pool fairy shrimp (*Branchinecta lynchi*)	Solano
26		48	Anomaly			giant garter snake (*Thamnophis gigas*), Sacramento splittail (*Pogonichthys macrolepidotus*), Delta smelt (*Hypomesus transpacificus*)	Solano
27						vernal pool tadpole shrimp (*Lepidurus packardi*), vernal pool fairy shrimp (*Branchinecta lynchi*)	Solano
	55.65	51	Anomaly	.02	30 cy	vernal pool tadpole shrimp (*Lepidurus packardi*), vernal pool fairy shrimp (*Branchinecta lynchi*), giant garter snake (*Thamnophis sirtus*)	Yolo
Totals				**0.56**	**840 cy**		

ENCLOSURE B

SFPP ANOMALY INSPECTIONS AND REPAIRS ON LINE SECTION 25 IN CONTRA COSTA, SOLANO, AND YOLO COUNTIES (CORPS SAN FRANCISCO DISTRICT FILE # 28887N)

PROJECT INFORMATION SHEET

1.	Applicant & Agent	Mr. David Cornman SFPP, L. P. Operating Partnership to Kinder Morgan Energy Partners, L. P. (SFPP) Attention: Ms. Elisha Back 1100 Town and Country Road Orange, CA 92868 Applicant's Agent: Mr. Nick Ricono TRC Customer-Focused Solutions 21 Technology Drive Irvine, CA 92618
2.	Project Purpose and Description	**Purpose:** Maintenacce of Concord to West Sacramento petroleum pipeline. This pipeline recently caused a significant oil spill and inspections have revealed numerous anomalies. **Description:** The attached Table summarizes anomaly sites that need repair. Work at each dig site will occur over a 3 to 4 day period. Necessary equipment includes backhoe, hand shovels, and a welding truck. Each dig site work area, including staging of equipment and stockpiling of soil, will be approximately 25 by 35 feet around the excavation for a total impact of approximatly 0.02 acre. The actual excavation will be approximately 20 by 10 feet and 4 feet deep, for a total of 30 cubic yards of material to be excavated. However, excavation at Dig Site 3 has been proposed to be 400 feet in length, making the work area approximately 0.18 acre and the volume of excavation approximately 1,185 cubic yards. Total temporary impacts to waters of the U.S. will comprise 0.90 acres or 2,265 cubic yards.
3.	Receiving Water(s) Name	The project will cross numerous water body types. The enclosed Table summarizes the anomaly sites identified for repair and maintenance for the project. Total project impact is 0.90 acres.
4.	Water Body Types/ Area of Filled/ Excavated (Acres)	
5.	Federal Permit(s)	**Nationwide Permit 3:** U.S. Army Corps of Engineers, San Francisco District, File # 28887N, issued on June 30, 2004 (Enclosure A). **Biological Opinion:** *USFWS*: Permit File # 1-1-04-F-225
6.	Non-Compensatory Mitigation	The project's mitigation measures are listed in the applicant's letter of application dated 6-3-04 and revised 7-1-04. Additional mitigation measures were also enumerated by the applicant's consultant representative (Nick Ricono) in an email forwarded on 7-1-04 to the SWRCB.
7.	Compensatory Mitigation	URS' January 26, 2004 *Wetland Mitigation and Monitoring Plan: Concord to Sacramento Pipeline* provides a detailed description of the project's compensatory mitigation for wetland impacts. Table 3-1 of the plan provides a summary of project's proposed compensatory mitigation for temporary impacts to wetlands providing endangered species habitat. Off-site compensatory mitigation: • Mitigation bank credit of 0.24 acres for fairy shrimp vernal pool habitat; • Saltmarsh wetland enhancement credit of 1.38 acres for salt-marsh harvest mouse and California clapper rail. ========== Total off-site mitigation is 1.62 acres
8.	Additional Information	California Environmental Quality Act Compliance: Categorical Exemption (sections 21080.21 and 21080.23); State Clearing House File Number 2004078018

ATTACHMENT TO ENCLOSURE B

TABLE

SFPP ANOMALY INSPECTIONS AND REPAIRS ON LINE SECTION 25 IN CONTRA COSTA, SOLANO, AND YOLO COUNTIES (CORPS SAN FRANCISCO DISTRICT FILE # 28887N)

SFPP Anomaly Sites For Repair and Maintenance Summary List*

MP	Dig Site	Habitat	Work Area (Acres)	Volume of Excavation (cubic yards)	Federally Listed Endangered Species Habitat
2.80	3	Brackish Marsh Wetland	0.18	1,185	None
9.89	7	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
10.42	8	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
10.61	10	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
10.99	11	Brackish Marsh Wetland	0.02	30	None
13.44	12	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse, California clapper rail
13.60	13	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse, California clapper rail
13.67	14	Seasonal Alkali Wetland:	0.02	30	Salt-marsh harvest mouse, California clapper rail
14.38	16	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
14.42	17	Brackish Marsh Wetland	0.02	30	None
14.48	18	Brackish Marsh Wetland	0.02	30	None
14.65	19	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
14.72	20	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
14.99	21	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
15.00	22	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
15.01	23	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
15.02	24	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
15.04	25	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
15.07	26	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
15.07	27	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
15.09	28	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
15.13	29	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
18.17	30	Brackish Marsh Wetland	0.02	30	None
18.32	32	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
18.35	33	Brackish Marsh Wetland	0.02	30	None
18.51	34	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
18.56	35	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
18.58	36	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
19.20	37	Seasonal Alkali Wetland	0.02	30	Salt-marsh harvest mouse
19.27	38	Brackish Marsh Wetland	0.02	30	None
19.65	39	Brackish Marsh Wetland	0.02	30	None
29.85	44	Seasonal Wetland	0.02	30	Vernal pool tadpole and fairy shrimps
29.87	45	Seasonal Wetland	0.02	30	Tadpole and fairy shrimps an
35.62	48	Irrigation Canal	0.02	30	Giant garter snake, Sacramento splittail, Delta smelt
37.00	49A	Irrigation Swale	0.02	30	None
37.71	49B	Seasonal Wetland	0.02	30	Tadpole and fairy shrimps
55.65	51	Seasonal Wetland	0.02	30	Tadpole and fairy shrimps, and giant garter snake

*This table was taken from the 7-1-04 revised list of anomaly sites for repair and maintenance.