



# PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT**

**BUILDING STRONG®**

**APPLICATION FOR PERMIT  
SFPP Pipeline Protection (MP 266.4)**

**Public Notice/Application No.:** SPL-2013-539-RJD

**Project:** Stabilize an unnamed wash at Mile Post 266.4 to protect three pipelines

**Comment Period:** May 2, 2014 through June 3, 2014

**Project Manager:** Robert J. Dummer; 602-230-6952; [robert.j.dummer@usace.army.mil](mailto:robert.j.dummer@usace.army.mil)

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**Applicant**

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**Contact**

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[gvaldes@williamself.com](mailto:gvaldes@williamself.com)

**Location**

In an unnamed wash (Section 3, T17S, R17E; 31.990711°N 110.595349°W) approximately six miles east of Vail, Pima County, Arizona.

**Activity**

To stabilize an ephemeral wash channel to protect three pipelines used to transport refined petroleum products. Approximately 100 linear feet of the existing wash will first be cut and filled to create a new channel cross-section that better protects the three pipelines and then a 72-foot wide by 95-foot long flexible grout mat will be placed over the three pipelines to complete the protection project (see attached figures). For more additional information see page 4 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached figures. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
ARIZONA REGULATORY BRANCH  
3636 NORTH CENTRAL AVENUE, SUITE 900  
PHOENIX, ARIZONA 85012-1939

Alternatively, comments can be sent electronically to: [robert.j.dummer@usace.army.mil](mailto:robert.j.dummer@usace.army.mil)

The mission of the U.S. Army Corps of Engineers Regulatory Program (Corps) is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. 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. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Cultural Resources-** There are no National Register eligible or listed properties within the project area. The current project area was previously surveyed as part of a larger pipeline project. The survey results for the larger pipeline project (LS-131 between El Paso and Phoenix) were reported in an October 2006 final survey report (Class III Cultural Resources Survey, SFPP LP, El Paso to Phoenix Expansion Project, Arizona Portion, Cochise and Pima Counties, Arizona). For this larger pipeline project Bureau of Land Management completed a programmatic agreement to address adverse impacts to National Register eligible properties. However, a review of the October 2006 final survey report shows that there are no National Register eligible or listed properties located within or near the project area for the current project. This review constitutes the extent of cultural resources investigations by the Chief of the Regulatory Division. Additional consultation with State Historic Preservation Office or interested Tribes will not be conducted unless new information is brought to the attention of the Chief of the Regulatory Division.

**Endangered Species-** The applicant obtained an endangered species list for this project from the Information, Planning and Conservation System (IPaC) maintained by the US Fish and Wildlife Service. The list obtained from IPaC for this project included 3 candidate species and 12 proposed/listed species and no critical habitat. However, after reviewing the IPaC species list for this project, the physical characteristics of the project area, and information provided by the applicant the Corps determined that the proposed project would have to effect on any of the 12 proposed/listed species. Therefore, the Corps will not, under Section 7 of the Endangered Species Act, consult with US Fish and Wildlife Service.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Stating the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Since there are no special aquatic sites within the project area a statement of basic project purpose will not be made.

**Overall Project Purpose-** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis allowing for a reasonable range of alternatives to be analyzed to determine the least environmentally damaging practicable alternative (LEDPA). The overall project purpose for the proposed project is to transport refined petroleum products between terminals in Deming, New Mexico and Tucson, Arizona.

### **Additional Project Information**

**Baseline information-** SFPP, LP (SFPP) an operating partnership for Kinder Morgan Energy Partners (KMEP) owns and operates two pipelines Line Section 22 (LS-22) (12-inch pipeline) and Line Section 131 (LS-131) (16-inch pipeline) that transport refined petroleum products from Deming, New Mexico to Tucson, Arizona. SFPP also owns an 8-inch pipeline paralleling the other two lines but it is not currently in use. These three pipelines cross an existing unnamed wash approximately six miles east of Vail, Pima County, Arizona. Heavy monsoon rains last year caused the wash to incise thereby exposing the LS-22 pipeline as it crosses the unnamed wash. Since it is unsafe to have the pipeline exposed it needs to be covered and protected from damaged during future flood events. The proposed project would provide additional protection for the nearby LS-131 pipeline and the abandoned 8-inch pipeline. Protection measures would include reshaping the existing channel to cover any exposed pipeline and then installing a flexible grout mat to stabilize the wash channel.

In May 2007 at this location the Corps of Engineer permitted the LS-131 pipeline for SFPP under Nationwide Permit 12 for Utility Lines Activities (File No. SPL-2006-1629-SDM).

On October 24, 2013 SFPP received a Floodplain Use Permit (FPUP 13-405) from the Pima County Regional Flood Control District for the proposed pipeline protection activities.

**Project description-** SFPP is proposing to install a flexible grout mat (72' wide by 95' long) across the entire channel of an unnamed ephemeral wash to protect the exposed LS-22 pipeline. The flexible grout mat will also protect two additional pipelines (LS-131 and an unused 8-inch pipeline). SFPP will first cut and fill the ephemeral wash to create a better channel cross section and then will install the 0.16 acre flexible grout mat. After the flexible grout mat has been installed it will be filled with grout to complete the pipeline protection project. Approximately 0.091 acres of the flexible grout mat will be within the ordinary high water mark of the ephemeral wash and 0.069 acres of will be in the adjacent upland habitat. See the attached figures for additional project details.

**Proposed Mitigation-** There is no compensatory mitigation proposed at this time for the adverse impact to 0.091 acres of ephemeral wash.

### **Proposed Special Conditions**

Two special conditions are proposed: 1) The applicant will be required to comply with any state 401 water quality certification issued by the Arizona Department of Environmental Quality and 2) The applicant will be required to comply with the Floodplain Use Permit (FPUP13-405) issued by Pima County.

For additional information please call Robert J. Dummer of my staff at 602-230-6952 or via e-mail at [robert.j.dummer@usace.army.mil](mailto:robert.j.dummer@usace.army.mil) . This public notice is issued by the Chief, Regulatory Division.



#### *Regulatory Program Goals:*

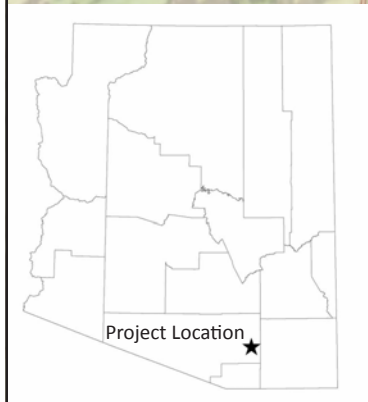
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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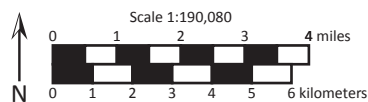
**U.S. ARMY CORPS OF ENGINEERS**  
**3636 NORTH CENTRAL AVENUE, SUITE 900**  
**PHOENIX, ARIZONA 85012-1939**  
[WWW.SPL.USACE.ARMY.MIL](http://WWW.SPL.USACE.ARMY.MIL)



WSA, Inc.



★ Project Location



### PROJECT VICINITY MAP

Corps File No. SPL-2013-539-RJD

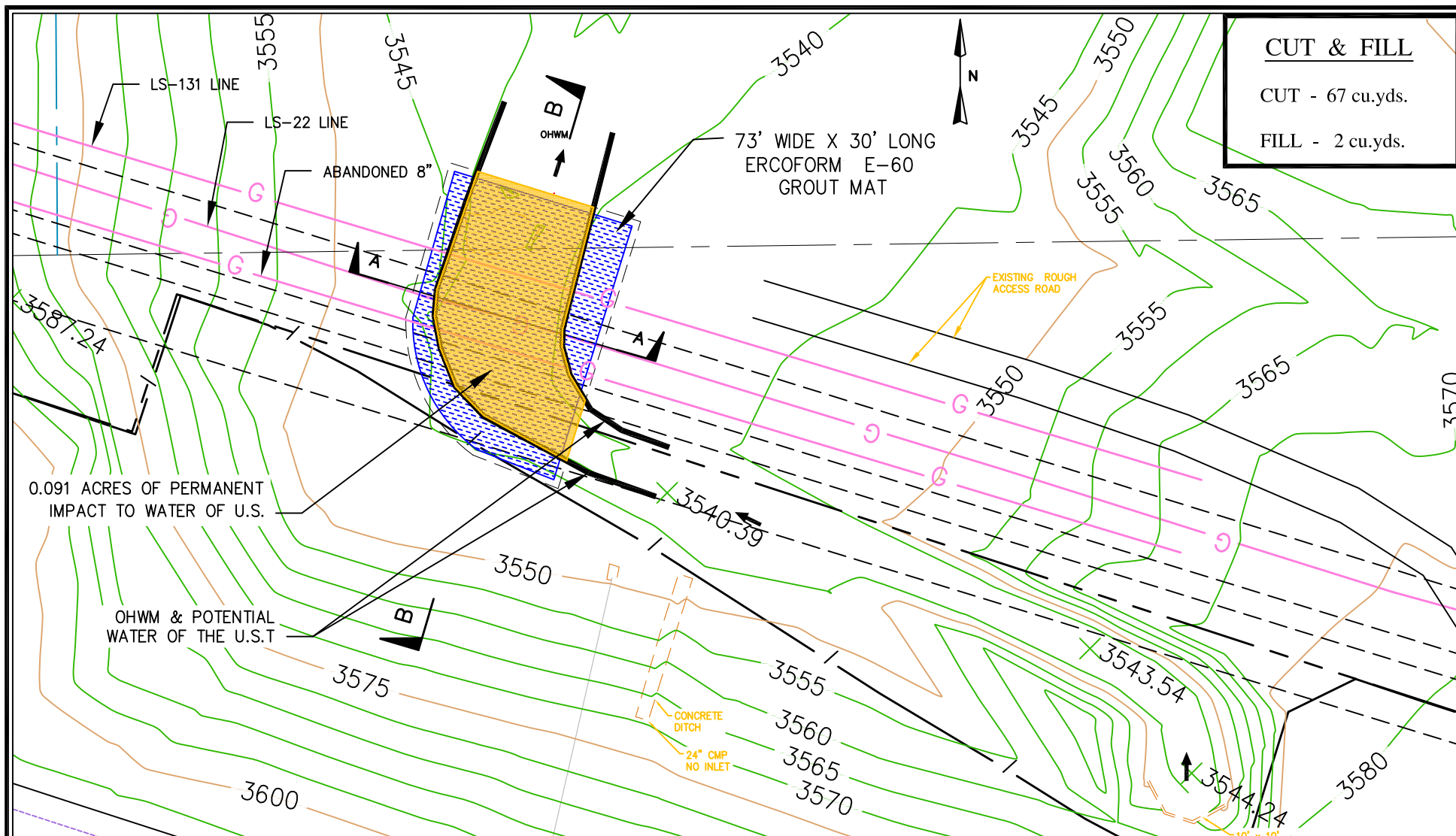
EAST SITE - PL MP 266.4

PIMA COUNTY, ARIZONA

Application by: SFPP, L.P.

Sheet 1 of 4



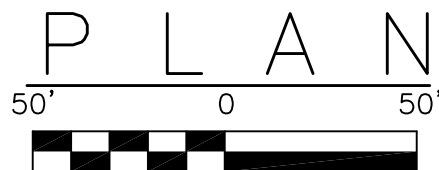


APPROX. GPS COORDINATES

LAT. 31.990718 LONG. -110.595497

# NOTICE

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REF. TO DWG. 8129 R2

Prepared by: *Er-Con Technologies*

## PROPOSED ERCOFORM™ FLEXIBLE GROUT MAT

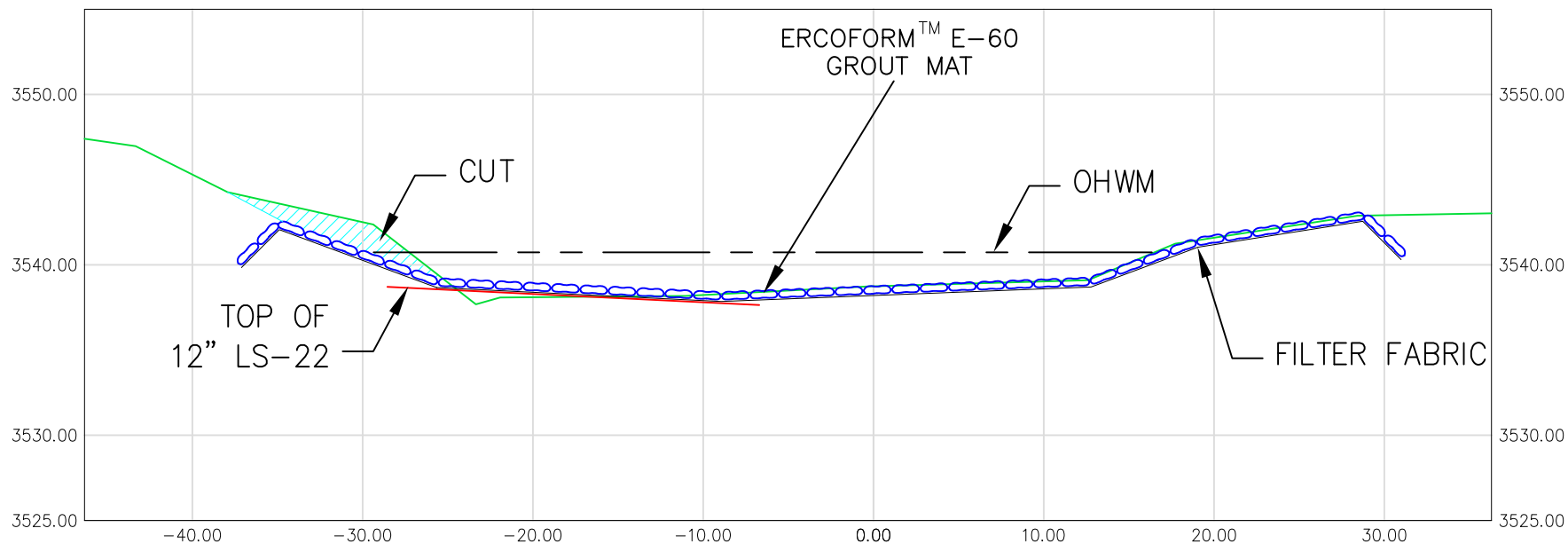
EAST SITE - PL MP 266.4

PIMA COUNTY, ARIZONA

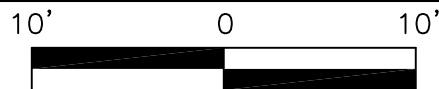
Application by: SFPP, L.P.

CORPS FILE NO. SPL-2013-539-RJD

SHEET 2 OF 4



## SECTION "A-A"



### NOTICE

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*Prepared by: Er-Con Technologies*

### PROPOSED ERCOFORM™ FLEXIBLE GROUT MAT

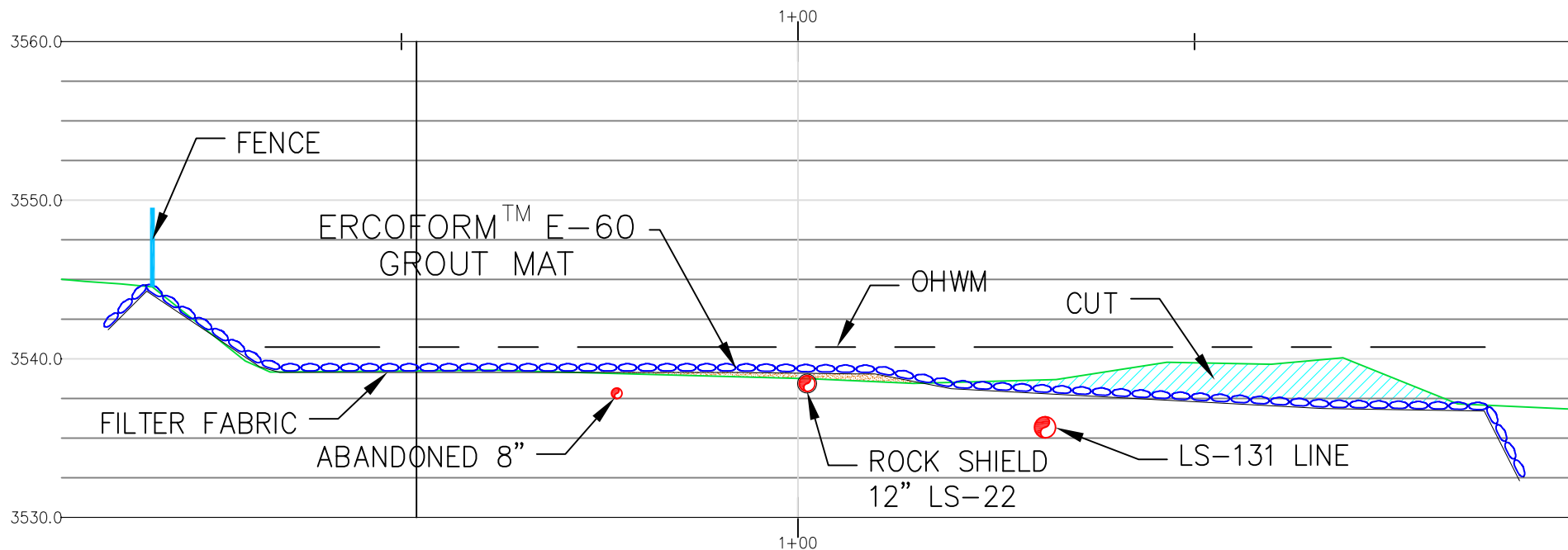
EAST SITE – PL MP 266.4

PIMA COUNTY, ARIZONA

Application by: SFPP, L.P.

CORPS FILE NO. SPL-2013-539-RJD

SHEET 3 OF 4



SECTION "B-B"

10' 0 10'

*Prepared by: Er-Con Technologies*

**PROPOSED ERCOFORM™  
FLEXIBLE GROUT MAT**

EAST SITE – PL MP 266.4

PIMA COUNTY, ARIZONA

Application by: SFPP, L.P.

CORPS FILE NO. SPL-2013-539-RJD

SHEET 4 OF 4

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