

Eighteen Months and Eight Regulatory Agencies Later – Permitting Minor Net Benefit Work in the San Francisco Bay

NAOMI SCHOWALTER, INTEGRAL CONSULTING INC.



Project Purpose

Integral was contracted by PG&E to obtain regulatory permits for PG&E’s Boardwalk Access Program, involving maintenance and construction of boardwalks at 23 locations across seven Bay Area counties to provide safe, all-weather pedestrian access to transmission towers around the San Francisco Bay.

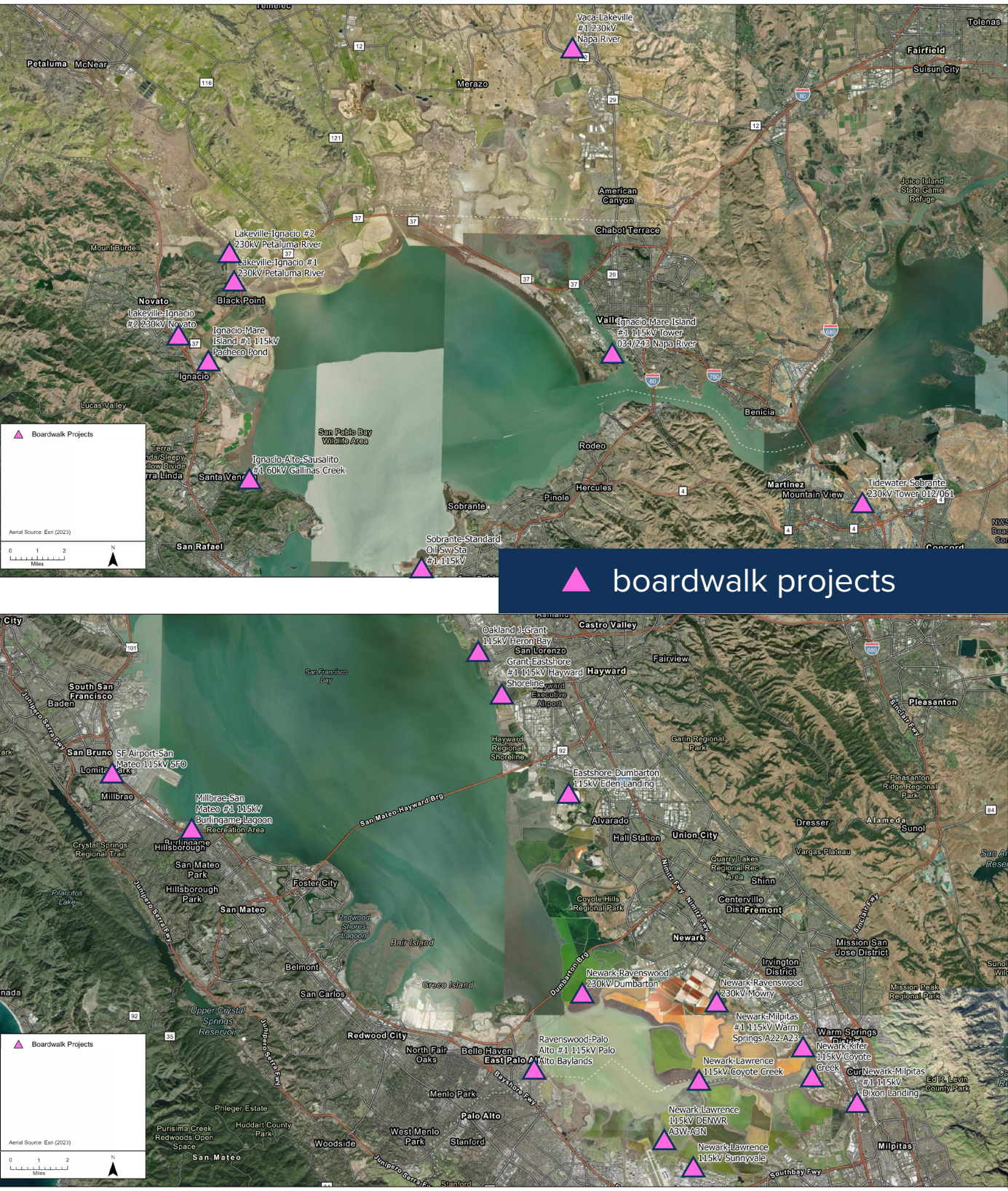


Figure 1. Twenty-three boardwalk locations across seven San Francisco Bay Area counties; North Bay (above), South Bay (below).

Minor Nature of Construction

Installation and demolition occurs using only hand tools and foot access. Equipment and materials are staged in disturbed uplands or on barges and carried by hand or handcart to work sites; boardwalks and small floating platforms also serve as staging areas. Vegetation is occasionally hand-trimmed within 3 feet of boardwalks for access or to protect salt marsh harvest mouse. New boardwalks are 3-ft-wide plastic composite lumber (existing boardwalks are 2–3 ft wide); posts are manually pushed into the ground. Removal is done by cutting posts near ground level and hauling out all materials. All work occurs outside the nesting season for listed birds.



Figure 2. Existing boardwalk requiring replacement.

Natural Resource Benefits

Reduction in Infrastructure

- 4.5 miles less boardwalk length
- 0.22 acres less boardwalk area
- 1.64 acres of treated wood removed
- Eight of 23 projects were new installs (despite the net reduction)

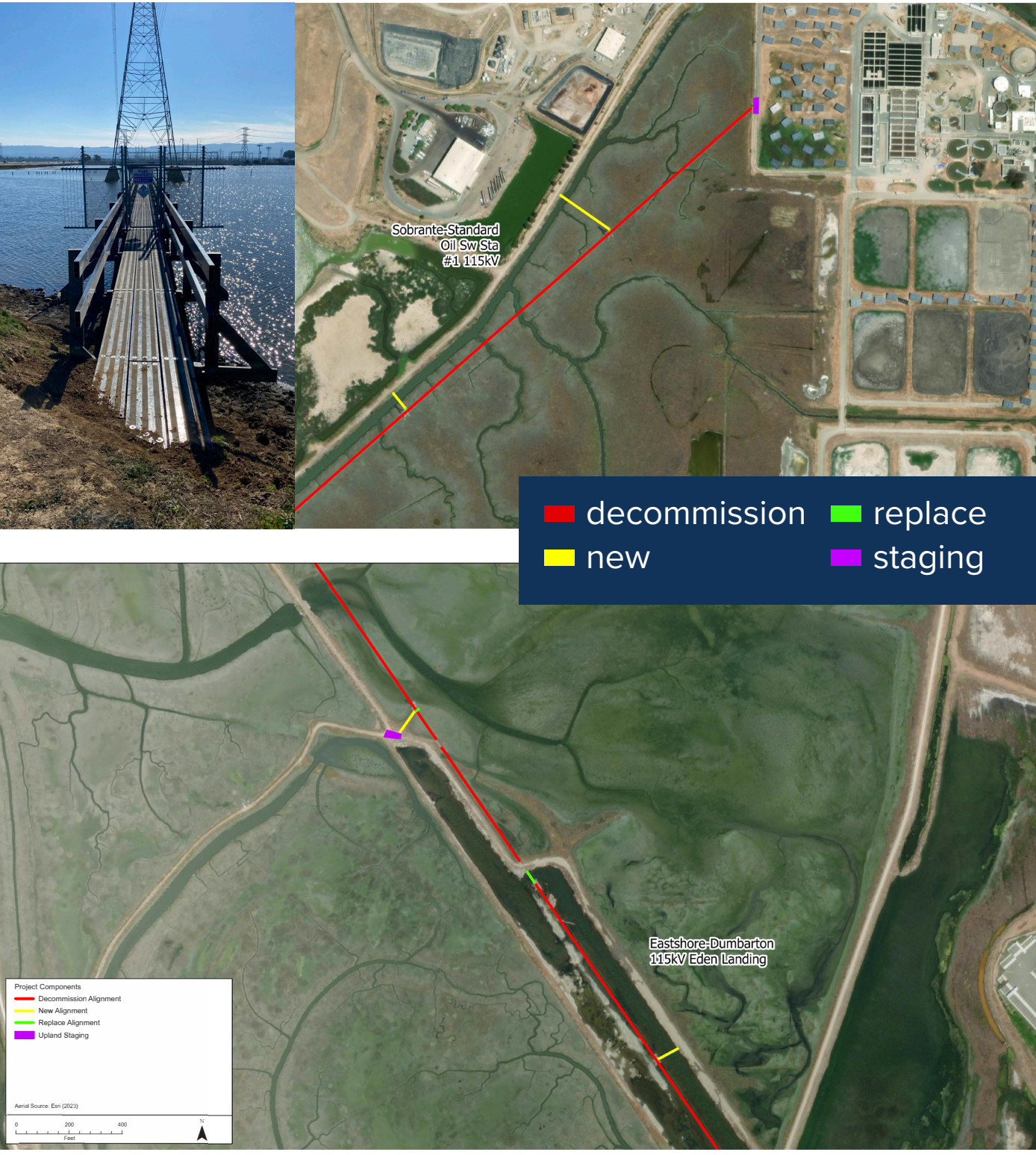


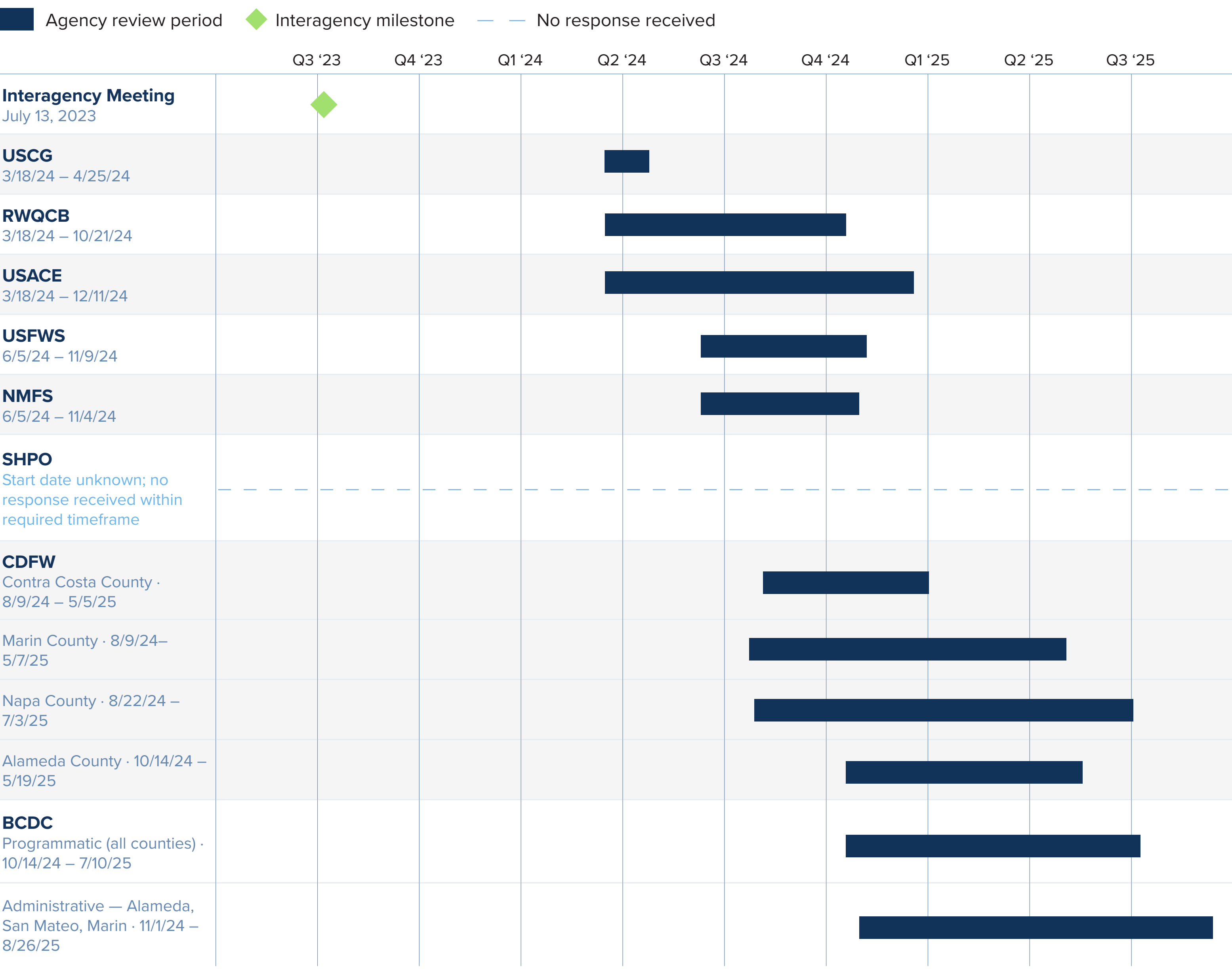
Figure 3. Decommission (red), new alignment (yellow), replace alignment (green), and upland staging (purple) at two of the 23 project locations, illustrating the net reduction in Bay fill.

Eight Agencies

Agency	Authorities	Authorizations
USACE	CWA Sec. 404, RHA Sec. 10	Nationwide Permit 57
USFWS	ESA Sec. 7	Biological Opinion
NMFS	ESA Sec. 7, Magnuson-Stevens Act	Letter of Concurrence, Conservation Recommendations
SHPO	NHPA Sec. 106	Concurrence Letter
USCG	RHA Sec. 9, Bridge Act	Advance Approval
RWQCB	CWA Sec. 401, Porter-Cologne Act	401 Certification, Waste Discharge Requirements
BCDC	McAteer-Petris Act, CZMA Sec. 307	Programmatic Permit, Administrative Permit, Consistency Determination
CDFW	Fish & Game Code Sec. 1602	Lake and Streambed Alteration Agreement

USACE = U.S. Army Corps of Engineers; CWA = Clean Water Act; RHA = Rivers and Harbors Act; USFWS = U.S. Fish and Wildlife Service; ESA = Endangered Species Act; NMFS = National Marine Fisheries Service; SHPO = State Historic Preservation Officer; NHPA = National Historic Preservation Act; USCG = U.S. Coast Guard; RWQCB = Regional Water Quality Control Board; BCDC = Bay Conservation and Development Commission; CZMA = Coastal Zone Management Act; CDFW = California Department of Fish and Wildlife.

Permitting Timeline, July 2023 – August 2025



Permitting Obstacles

Complicating Factors

- USACE denied use of PG&E’s Bay Area Operations and Maintenance Program Regional General Permit for boardwalk re-routes, requiring stand-alone USFWS/ NMFS consultations and an individual 401 Certification.
- CDFW required the notification split into four geographic filings. Four separate project managers then produced inconsistent agreements.
- CDFW qualified estuarine Bay waters as streams, thereby asserting Fish and Game Code §1602 jurisdiction. There is no definition for the edge of a stream in an estuary, making the edge of Sec. 1602 jurisdiction complicated to establish.
- BCDC required the new-boardwalk permit split into three county-based applications.



Figure 4. Crew installing boardwalk posts by hand in tidal marsh.



Figure 5. New boardwalk being constructed over an existing boardwalk. Staging barge visible in background.

Conclusions

- Overlapping regulatory authorities in the Bay create a complex permitting process even for low impact, net-benefit projects.
- Multiple agencies required multiple authorizations for the same activity in the same habitat; one agency issued inconsistent conditions across authorizations.
- Permit conditions designed for high-impact projects can unnecessarily increase impacts to special-status species when applied to low-impact projects.
- Reducing a project’s environmental impact can, paradoxically, make permitting slower and more expensive.



Even projects using only hand tools and foot access, resulting in a *net reduction* of Bay fill, required review by eight regulatory agencies over roughly 18 months.