



US Army Corps  
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San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103-1398

# PUBLIC NOTICE

PROJECT: Downtown San Francisco Ferry Terminal Expansion Project

PUBLIC NOTICE NUMBER: 1997-227520S  
PUBLIC NOTICE DATE: 23 September 2015  
COMMENTS DUE DATE: 23 October 2015

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1. **INTRODUCTION:** The San Francisco Bay Area Water Emergency Transportation Authority (WETA) (POC: Michael Gougherty: 415-364-3189, Pier 9, Suite 111, The Embarcadero, San Francisco, California) has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to expand the berthing capacity at the Downtown San Francisco Ferry Terminal (Ferry Terminal) to support existing and future planned water transit services operated by WETA and WETA's emergency operations. This Department of the Army permit application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*) and Section 404 of the Clean Water Act (CWA) of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

2. **PROPOSED PROJECT:**

**Project Site Location:** The project site is located at the San Francisco Ferry Terminal situation at the foot of Market Street at the Embarcadero in the northeastern section of San Francisco, California. The project improvements would be located on Assessor Parcel Numbers 9900002 and 9900201 (see Figure 1).

**Project Site Description:** The proposed action area is located within Central San Francisco Bay and the San Francisco Deep Ocean Disposal site (SF-DODS). The Project consists of approximately 7.1 acres of waterside space where Ferry Terminal upgrades would be constructed, a 3.92 acre nearshore area to be dredged, and the dredge material disposal site.

The project area is bound by densely developed San Francisco waterfront areas, and nearshore and open water estuarine areas. Proposed in-water construction activities would occur in waters along and adjacent to the San

Francisco waterfront from Pier 1 to Pier 14. The estimated water depth at the construction site is generally about 10 feet at MLLW. Water depths at the dredge sites range from -7 feet to -10 feet at MLLW.

SF-DODS is a 9 square mile area located in the open ocean in water depths of approximately 9,000 ft approximately 50 miles offshore from the City of San Francisco in the Pacific Ocean. The site is exposed to strong ocean currents. The majority of benthic aquatic habitats are soft mud and/or sand sediments. Sediment at SF-DODS is dominated by silt and clay (70-98 percent), with higher portions of sand following large dredged material disposals.

**Project Description:** In accordance with the attached plans, the proposed project includes demolition, removal, repair, and replacement of existing facilities, as well as construction of three new gates and over water berthing facilities, in addition to supportive landside improvements, such as additional passenger waiting and queuing areas and circulation improvements.

The Ferry Terminal can generally be divided into the North Basin (areas north of the Ferry Plaza) and South Basin (areas south of the Ferry Plaza) (see Figure 1). In the South Basin, Pier 2 is approximately 15,200 square feet in area, and consists of deck and pile structures. Pier 2 would be demolished and removed (including approximately 15,200 square feet of existing deck structure), and approximately 5,300 square feet of the existing deck and piles just west of Pier 2 would be removed. Approximately 350 piles would also be removed. The piles to be removed are both wood and concrete and range in size from 12 to 18-inch diameter. Piles would be removed by either pulling the pile or cutting them off at or below the mud line. Two barges

would be required, one for materials storage and one outfitted with demolition equipment (crane, clamshell bucket for pulling of piles, and excavator for removal of the deck). Demolition activities in the North and South Basin would result in the removal approximately 1,135 square feet of fill.

In the North Basin, the existing fenders along the edge of Pier 1 may be removed and replaced with new fenders. During the final design of the project, the existing fenders along the edge of Pier 1 would be inspected to determine whether replacement is necessary. New fenders would be approximately 330 linear feet and consist of square 12-inch wide pressure-treated wood blocks that are connected along the side of the adjacent pier structure, and supported by 33 round 14-inch diameter wood piles that are 64 feet long and placed 10 feet apart.

Also in the North Basin, along the western edge of the new Gate A access pier, where the new pier would connect with the Embarcadero Promenade, an 85-foot-long segment of the marginal wharf would be repaired and strengthened to provide a contiguous edge between the new Gate A Access Pier and the Ferry Building Area (see Figure 2). The repair work would involve strengthening the 12 existing piles supporting the deck structure with steel jackets, and the rebuilding of the deck structure. The rebuilt deck structure would be constructed using beams and slabs of concrete. The new decking would be approximately 18 inches above grade to match the grade of the portion of the marginal wharf recently improved by the Port, and would also include new guardrails.

Three new gates would be constructed: Gate A in the North Basin and Gates F and G in the South Basin (see Figure 2). Each gate would be comprised of fixed access piers and berthing structures. Due to its location, Gate A would require the construction of a 30-foot-wide, 265-foot-long pier to provide access to the berthing facilities. The pier structure would be supported by approximately 40 piles. New access piers would not be required for Gates F and G because the new berthing structures for Gates F and G would be connected directly to the East Bayside Promenade. The berthing structure would consist of floats, gangways, guide and dolphin piles, and fenders. The concrete or steel floats would be approximately 45 feet wide by 115 feet long. The steel truss gangways would be approximately 12 to 14 feet wide and 92 feet long. The gangways would be designed to ride and fall with the tidal variations.

In the South Basin, a new Embarcadero Plaza would be created and the East Bayside Promenade would be expanded to improve passenger circulation at the Ferry Plaza (see Figure 2). The Embarcadero Plaza would require a new deck and pile construction to fill an open water area and replace the subgrade structures. Approximately 5,300 square feet of the East Bayside Promenade's existing deck and piles would be replaced by new decking for the new Embarcadero Plaza and expansion of the East Bayside Promenade. Expansion of the East Bayside Promenade by approximately 460 feet would provide a 30-foot-wide connection along Gates E, F, and G. The extension of the promenade would also require installation of piles and new decking for the East Bayside Promenade. Approximately 330 linear feet of new fenders would be added along the East Bayside Promenade to protect against collision. New fenders at the East Bayside Promenade would require the installation of wood piles. Also in the South Basin, the South Apron of the Agriculture Building would be upgraded to temporarily support access for construction and improve passenger circulation.

The side-loading vessels that would be used at Gates A, F, and G would require a depth of 10 feet below mean lower low water (MLLW) to approach the gates and in the berthing areas. The floats would require water depth of 12 feet below MLLW to insure structural stability under the influence of tidal shifts and boat wakes. The most recent available bathymetry survey data for the Ferry Terminal basin shows that existing depths in the berthing areas range from between 8 and 10 feet below MLLW at Gates F and G, and between 7 and 10 feet below MLLW at Gate A. In order to facilitate vessels at the new gates and the new floats, the berthing areas would need to be dredged. The dredging for Gates A, F and G would take approximately 1 month each. Based on observed patterns, WETA anticipates some dredging would likely be required on a regular maintenance cycle beneath the floats at Gates F and G, due to their proximity to the Pier 14 breakwater. It is expected that this minor maintenance dredging would be required at Gates F and G every 3 to 4 years, and would require the removal of approximately 5,000 to 10,000 cubic yards of material. It is not anticipated that a regular maintenance cycle of dredging would be required at Gate A.

Dredging and disposal of dredged materials would be conducted in cooperation with the Dredged Material Management Office (DMMO), to comply with the requirements of the permits from the Corps.

Requirements of the Corps dredging permits include development of a sampling plan, sediment characterization, a sediment removal plan, and disposal in accordance with the Long Term Management Strategy (LTMS) for San Francisco Bay to ensure beneficial reuse, as appropriate. The potential alternatives for placement of dredged materials include the disposal at SF-DODS, disposal at an upland facility, or placement as permitted beneficial reuse site.

**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 support existing and future planned water transit services operated by WETA.

**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 deficiencies in the transportation network that impede water transit operation, passenger access, and passenger circulation at the Ferry Terminal.

**Project Impacts:** Project impacts to the San Francisco Bay would include dredging, marine pile installation and removal, and float installation and removal. Overall, the installation and removal of Ferry Terminal features would result in a net increase in the amount of shaded area and the amount of solid structure in the Bay. The project would increase shaded area by approximately 39,590 square feet (0.91 acres) and increase the amount of solid structure in the Bay by approximately 35 square feet (0.0001 acres).

The proposed project would require dredging to the required navigable parameters (berthing area depth of 10 feet at MLLW and a depth of 12 feet at MLLW for floats), resulting in approximately 29,500-33,000 cubic yards (cy) of dredged material.

**Proposed Mitigation:** Avoidance and Minimization measures would be incorporated to reduce impacts to the aquatic environment during construction of the project. WETA proposed to offset the new shaded area and solid structure in San Francisco Bay created by the proposed project improvements by removing fill elsewhere in San

Francisco Bay. Sites that would be considered for fill removal include dilapidated piers, wharfs, and remnant pilings that were constructed with creosote treated wood and have no current maritime uses. WETA proposes a mitigation ratio of 1:1 if the mitigation action is located within Central San Francisco Bay and is in-kind open-water enhancement. If the mitigation action is within Central San Francisco Bay and is in-kind open-water enhancement, WETA proposes a 2:1 mitigation ratio.

**Project Alternatives:** USACE will be evaluating an alternatives analysis in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347) and to ensure compliance with the Section 404(b)(1) Guidelines (40 C.F.R. Part 230).

### 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 submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

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. Since the project occurs in the coastal zone or may affect coastal zone resources, the applicant has applied for a Consistency Determination from the San Francisco Bay Conservation and Development Commission to comply with this requirement.

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):** As the Federal lead agency for this project, the U.S. Department of Transportation Federal Transit Administration (FTA) published a Final Environmental Impact Statement and Record of Decision/Environmental Impact Report (EIS/EIR) in September 2014. 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 insure 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, FTA 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.

Central California Valley steelhead (*Oncorhynchus mykiss*)

Central California Coast steelhead (*Oncorhynchus mykiss*)

Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*)

Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*)

North American green sturgeon southern distinct population segment (DPS) (*Acipenser medirostris*)

To address project related impacts to these species and designated critical habitat, the FTA initiated formal consultation with NMFS, pursuant to Section 7(a) of the Act. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. 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 National Marine Fisheries Service (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, the FTA 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. To address project related

impacts to EFH, the FTA initiated consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. 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 project, the FTA will be responsible for determining the presence or absence of historic properties or archaeological resources, and the need to conduct consultation. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the

consultation process. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. 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. 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.

**6. 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.

**7. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to Holly Costa, San Francisco District, Regulatory Division, 1455 Market Street, 16<sup>th</sup> Floor, San Francisco, California 94103-13978; 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 *Public Notices* page on the USACE San Francisco District website:  
<http://www.spn.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>.