Regulatory Division
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US Army Corps of Engineers ®
San Francisco District

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: Treasure Island and Yerba Buena Island Ferry Terminal and Stormwater Outfall Improvement

PUBLIC NOTICE NUMBER: 2014-00373S
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COMMENTS DUE DATE: November 26, 2015

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1. **INTRODUCTION**: Treasure Island Development Authority (TIDA, POC: Kheay Loke, 415-905-5381), c/o Lennar Urban, One Sansome Street, Suite 3200, San Francisco, California 94104, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to construct a ferry terminal, associated infrastructure, and stormwater outfall improvements located on Treasure Island and Yerba Buena Island, in San Francisco Bay. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*) and Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*).

2. **PROPOSED PROJECT**:

Project Site Location: The project is located on Treasure Island and Yerba Buena Island, San Francisco, San Francisco County, California (Figure 1) (center point Latitude: 37.8221° N, Longitude: -122.3698° W).

Project Site Description: The Islands are located in the Central Bay region of the San Francisco Bay. Intertidal and subtidal habitats surround the Islands. Treasure Island is an approximately 404 acre, flat, man-made island that was constructed from fill between 1936 and 1939. Treasure Island encompasses approximately 367 acres of residential, recreational, community, office/retail, and industrial uses, as well as a 37-acre Job Corps campus operated by the U.S. Department of Labor. An approximately 100-slip marina is located along the southern shoreline of Treasure Island in Clipper Cove. Vegetation on Treasure Island is present in landscaped and developed areas. Much of the vegetation consists of blue gum eucalyptus (*Eucalyptus globulus*), Monterey pine (*Pinus radiata*), and Monterey cypress (*Cupressus macrocarpa*). Native plant species are not likely to be found in landscaped areas due to frequent disturbance, human control, and lack of proper soils.

Yerba Buena Island is approximately 150 acres in size. Existing land uses include residential, open space and recreation facilities, California Department of Transportation facilities, and a U.S. Coast Guard Station and Sector Facility. Historically, topography was broadly sloping from the island's summit about 350 feet above mean sea level, becoming steeper further from the summit. Current topography includes a series of terraces engineered for development beginning at the top of the island, with steep slopes and cliffs down to the Bay on all sides. Slopes on Yerba Buena Island range from less than 5 up to 75 percent. Vegetation communities include California annual grassland, valley wildrye grassland, central coast riparian scrub, northern coastal scrub, California buckeye woodland, coast live oak woodland, coast live oak woodland, eucalyptus woodland, and ruderal/landscaped. A mix of non-native and native species is found on Yerba Buena Island.

Project Description: The applicant proposes to construct a new ferry terminal and make improvements to outfalls along the shoreline of Treasure Island and Yerba Buena Island. This work is associated with development of the islands including residential, open space, commercial, community, and public facilities elements. Such development work would not entail impacts in waters of the U.S. and the Corps scope is limited to the ferry terminal and outfall improvements.

Ferry Terminal: The ferry service would be operated with initial runs at approximately 60-minute intervals. The goal would be to provide service to downtown San Francisco at 15-minute intervals at peak periods from 5am to 9pm upon completion of the Project. The ferries themselves would be able to hold approximately 149 to 399 passengers. Up to two vessels could overnight at the ferry terminal, and routine operations, such as sewage pump-out, filling potable water storage containers, and light maintenance would occur at the terminal. To protect the ferry slips from the wave climate of San Francisco Bay, an approximately 200- to 300- foot-wide west-facing basin with angled breakwaters would be constructed (Figure S-1). Two breakwaters made of precast 14-inch thick concrete sheet piles would create the west-facing basin. The breakwaters would be installed with an impact hammer with approximately 100,000 ft-lb energy output operated from barge-mounted cranes. Concrete batter piles (24-inch octagonal at 15-foot centers) would be installed along the basin-interior side of the breakwaters. Up to 60 concrete batter piles would support the north breakwater, and up to 30 batter piles for the south breakwater. The duration of the in water portion of the breakwater work in the first year of construction would span an estimated 3-5 months to drive the batter piles and concrete sheets and to place the rock closure slope at the shore. The concrete sheet pile breakwaters would terminate on the east side (shore) at the toe of the slope of the existing rock revetment. Rock slope would be added to create a closure that fills the void between the shore and the two breakwaters. The rock closure would consist of rip rap rock similar to the size (1-2 ton rock) and graduation of the existing rock slope. Each rock slope would be approximately 600 sq. ft. (0.014 acre) in size as measured at MHW, or 2,400 SF (0.06 acre) at bay bottom. No dewatering or excavation would be required to place the breakwaters. Since the existing shoreline is fully protected from wave exposure, no slope protection would be needed during construction. The south breakwater may be installed in a second phase or in the same year.

Stormwater Outfall Improvements: Stormwater runoff from streets and paved areas is currently discharged untreated directly to the Bay through 31 outfalls around the perimeter of Treasure Island and 32 outfalls from Yerba Buena Island. The existing stormwater system would be replaced with a new collection system, which would include gravity pipelines, force mains, lift stations, pump stations, and relocation and replacement of outfalls. Pre-discharge treatment would be provided by street planters and bio-retention treatment planters. The stormwater management plan would be designed and constructed consistent with San Francisco Public Utility Commission (SFPUC) standards and regulations. Existing outfalls would be replaced, relocated, renovated, removed, or abandoned in place during each of the four phases of construction. A total of 11 outfalls would be upsized and replaced (Figure 3). Each outfall would be constructed by temporarily excavating an approximately 850 sq. ft. area and removing approximately 50 cubic yards of existing rock slope protection to allow installation of a precast or cast-in-place concrete headwall. After the outfall replacement, the work area would be backfilled with the previously excavated rock riprap to conform to the existing slope. This construction method would result in only temporary impacts with no net change in fill in the Bay (Figure 4).

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 the construction of a ferry terminal, associated infrastructure, and stormwater outfall improvements at Treasure Island and Yerba Buena Island.

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 provide a ferry terminal and improve the stormwater outfall system associated with the proposed redevelopment project.

Project Impacts: The proposed ferry terminal construction would require placement of 4,300 cubic yards in 6,350 sq. ft. of San Francisco Bay, permanently impacting 0.146 acre. The ferry terminal components contributing to fill would be the breakwaters and rock slope closure. Coffer dams would be needed to dewater the areas adjacent to the 11 outfalls being upsized and replaced. The stormwater outfall improvement work would require placement of 4,500 cubic yards in 9,350 sq. ft. temporarily impacting 0.21 acre of San Francisco Bay. The ferry terminal pier and foundation piles, float and guide piles, and fender piles would require 6,475 sq. ft. (0.149 acre) of area within the San Francisco Bay (structures within Section 10 waters of the U.S.).

Proposed Mitigation: The applicant intends to provide compensatory mitigation for impacts to jurisdictional waters by removing an existing pile-

supported pier structure (Pier 23) on the west side of Treasure Island. The existing pier consists of an 11,684-sq. ft. pier deck (254 feet long by 46 feet wide) and a 330-sq. ft. wooden gangway (55 feet long by 6 feet wide) that connects the pier to the shore. The pier deck is located entirely within jurisdictional waters. Approximately 258 sq. ft. of the 330-sq. ft. wooden gangway are located within jurisdictional waters. The pier is constructed with timber treated with creosote preservative. Piles supporting the pier are on a 10-foot by 12-foot spacing with batter (slanted) piles along three of the west facing bents. There are five vertical piles, three batter piles, and one fender pile in each bent. There are 22 bents and 198 timber piles.

Project Alternatives: The Corps has not endorsed the submitted alternatives analysis at this time. The Corps will conduct an independent review of the project alternatives prior to reaching a final permit decision.

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*.). 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): Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. 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 ensure 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, USACE has conducted a review of the California Natural Diversity Data Base,

digital maps prepared by USFWS and NMFS, and other information provided by the applicant to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE has made a preliminary determination that the following Federally-listed species are present at the project location or in its vicinity, and may be affected by project implementation. Central San Francisco Bay contains Federally-listed threatened green sturgeon (*Acipenser medirostris*), threatened steelhead (*Oncorhynchus mykiss*), and threatened Chinook salmon (Oncorhynchus tshawytscha). The overall project could potentially increase suspended sediments and turbidity, cause behavioral avoidance of the construction area during pile installation, increased shading, migration and habitat use, and benthic disturbance. To address project related impacts to these species USACE will initiate informal consultation with NMFS, pursuant to Section 7(a) of the Act. 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 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, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE 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. Central San Francisco Bay is considered EFH for the *Pacific Coast Salmon FMP and Pacific Groundfish FMP*. To address project related impacts to EFH, USACE will initiate consultation with NMFS, pursuant to Section 305(5(b)(2) of the Act. 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. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments that may be provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and/or Native American Nations or other tribal governments. 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. **COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES**: Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines

indicates the project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a practicable alternative to the project that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences. The applicant has submitted an analysis of project alternatives which is being reviewed by USACE.

6. **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.

7. **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.

8. **SUBMITTING COMMENTS**: During the specified comment period, interested parties may submit written comments to Justin Yee, San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398; 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* tab on the USACE website: http://www.spn.usace.army.mil/Missions/Regulatory.