



US Army Corps
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San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE

PROJECT: San Francisco Bay Area Water Emergency Transportation Authority
Central Bay Operations and Maintenance Facility

PUBLIC NOTICE NUMBER: 2011-00335S
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COMMENTS DUE DATE: 25 January 2014

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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 construct a Central Bay Operations and Maintenance Facility to serve as the central San Francisco Bay base for WETA's ferry fleet, Operations Control Center (OCC), and Emergency Operations Center (EOC). 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 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. § 1413 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The project site is located southeast of the intersection of West Hornet Avenue and Ferry Point Road near Pier 3 in the City of Alameda, Alameda County, California. The project site is within the Alameda Naval Air Station (NAS) Base Realignment and Closure (BRAC) area, now known as Alameda Point.

Project Site Description: The proposed project site includes approximately 15,500 square feet (0.36 acre) of landside space and 1 acre of waterside space in San Francisco Bay. The project site is designated as Mixed Use Planned Development District and is zoned General Industrial District by the City of Alameda. A small-boat floating marina with a landside building for maintenance and a snack-bar was constructed on the site by the Navy in the mid-1950s. The facility was used to house and maintain small recreational boats for base residents. It was

in operation until the base was closed and the small building was demolished a few years later. Portions of the marina are still in place. The landside portion of the project site is nearly flat, asphalt-paved, and crossed by a non-functioning railroad spur line. Elevation is approximately 6 to 10 feet above mean sea level.

The project site is bounded on the east by the San Francisco Bay Trail (Bay Trail) and an undeveloped park, and on the north by a paved open area and West Hornet Avenue (presently not a public right of way), which is defined by curbs and pavement stripes. Pier 3 lies to the west of the site along with the USS Hornet, a functioning museum and designated national historic landmark. The U.S. Department of Transportation Maritime Administration leases the property west and north of the site, including a landside building and several piers from the Alameda Reuse and Redevelopment Authority. A concrete seawall delineates the southern edge of the landside portion; the seawall is tilted and cracked, and riprap and broken concrete span the area between the seawall and the water.

The overwater coverage of the existing structures at the site is approximately 20,220 square feet. There are approximately 35 existing concrete piles in the water surrounded by debris and the deteriorated remains of the earlier floating marina mentioned above, all of which would be removed for the proposed construction.

Project Description: In accordance with the attached plans, the proposed marine facility would have an overwater coverage of approximately 20,000 square feet (0.46 acre) and would provide berthing slips for up to 11 vessels (eight slips would be initially developed), with limited berthing capacity for vessels in transit. All the

berthing slips would be supplied by fresh water, wash water, sanitary sewer, electricity, diesel fuel, fluids, waste pump-out, and fire suppression, in addition to supporting the loading and off-loading of supplies, sundries, and waste. Although no regular passenger loading is anticipated at this site, berths would be capable of loading and unloading passengers in the event of an emergency. The marine facility would also provide a diver platform for underwater inspections.

The vessel types held at the facility would include small crew boats, and ferry vessels with propeller propulsion and 1,000- to 1,750-gallon fuel tanks on each side. The facility would typically operate from 5 a.m. to 11 p.m., with 80% utilization (i.e., 80% of the time, the vessels would be moored for servicing and layover).

The berthing facility would include a system of ramps and platforms to facilitate access between the gangway and the vessel doors and to allow access to the floating dock for line handling and servicing the vessel. The facility-wide deck elevation would be at a level that would allow direct access to the optimum number for boats serviced at the facility. To accommodate other boats that do not align with the deck elevation, adjustable portable platforms would be provided to allow access between shore and boat, and would be suitable for relocation as needed.

The proposed landside building would be a four-story, approximately 25,000-square-foot structure designed to Essential Facilities Standards in accordance with the California Building Code. The building would provide maintenance functions and storage for vessel spare parts, office and meeting space for WETA's administrative management, OCC, EOC, crew facilities, and concession support. The fuel storage facility would be contained below grade in vaults, approximately 5–18 feet from the shoreline. The facility would consist of up to four vaulted underground storage tanks (12,000 gallon tanks) with a combined capacity of 48,000 gallons.

The southern edge of the landside area is bounded by a deteriorated concrete seawall, which would be demolished and replaced. Removal of the seawall would require a land-based backhoe with pneumatic hammer, and would generate approximately 60–90 cy of concrete rubble. Removal would occur over 2 to 5 days and demolished concrete would require roughly 10–20 truck loads to be hauled off for processing as recycled aggregate material. A concrete seawall would be constructed in place of the removed seawall. The new wall would be

built above the mean high tide line and therefore outside of Corps jurisdiction. Details of the replacement wall would be determined after geotechnical explorations and analysis.

The existing abandoned segment of railroad line that crosses the length of the site would also be removed during site development.

An existing 12-inch concrete storm drain line crosses the east end of the site (running north to south) with an outfall in the rock slope at the south side of the site. This pipe collects stormwater from areas north of the site. A system of new onsite catch basins and pipes would collect site runoff and be connected to the existing 12-inch storm drain line. Site runoff would be treated in accordance with applicable stormwater regulations before discharge from the site.

Project Impacts: Project impacts to the San Francisco Bay would include dredging, marine pile and float installation. Approximately 0.46 acre (20,200 square feet) of the open bay habitat at the project site is currently covered by the existing floating marina structures. The proposed new facility would cover slightly less open bay habitat, up to approximately 20,000 square feet. There are 35 existing piles visible within the study area. Project effects on the bottom surface would include the installation of 85 new 2-foot-diameter piles, which would total approximately 0.006 acre (267 square feet) of new structures.

The proposed project would require dredging to the required navigable parameters (berthing area depth of 12 feet mean lower low water [MLLW]), resulting in approximately 26,700 cubic yards (cy) of dredged material. The project will also include a 2-ft over-dredge allowance; the volume of over-dredge material is approximately 20,400 cy.

Because dredging and related pier removal could result in requirements for special handling of dredged material, a soil sampling program was completed to determine disposal suitability. Based on soil sampling analytical results, dredging disposal sites would include either the San Francisco Deep-Ocean Disposal site (SF-DODS), located 50 miles offshore from San Francisco Bay, or beneficial reuse at a wetland restoration site such as Winter Island, Montezuma Wetlands Restoration Project (MWRP) or future restoration sites such as the Cullinan Ranch Restoration Project (CRRP), or South Bay

Salt Ponds. Dredged material disposal would not occur at the Alcatraz disposal site.

Proposed Mitigation: Avoidance and Minimization measures would be incorporated to reduce impacts to the aquatic environment during construction of the project. WETA is not proposing compensatory mitigation for the project effects to Bay Waters because the proposed fill would not adversely affect the volume of Bay Water, Bay Surface Area, or the circulation of Bay Water.

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

Other Local Approvals: The applicant has applied for the following additional governmental authorizations for the project: A Use Permit to be issued by the City of Alameda.

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 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, the U.S. Department of Transportation Federal Transit Administration (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.

Endangered California least tern (*Sternula antillarum browni*)

Central California Coast steelhead (*Oncorhynchus mykiss*)

North American green sturgeon (*Acipenser medirostris*)

To address project related impacts to these species and designated critical habitat, the FTA initiated formal consultation with USFWS and 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, 16th 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>.