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SAN FRANCISCO DISTRICT

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Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

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1. INTRODUCTION: The U.S. Fish and Wildlife Service, San Francisco Bay National Wildlife Refuge, PO Box 524, Newark, California, 94560-0524, [(510)792-0222], has applied for a Department of the Army permit to discharge fill in Corps jurisdiction to implement the Bair Island Restoration and Management Plan on Bair Island, in San Francisco Bay at Redwood City, San Mateo County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. PROPOSED PROJECT:

The U.S. Fish and Wildlife Service, Don Edwards San Francisco Bay National Wildlife Refuge (federal lead agency), and the California Department of Fish and Game (state lead agency) are proposing restoration of the approximately 2,600-acre Bair Island complex to a tidal salt marsh. The Bair Island Restoration and Management Plan includes the following elements:

- Restore high quality tidal salt marsh habitat to Inner, Middle and Outer Bair Islands in San Francisco Bay;
- Maximize the function and values of tidal salt marsh habitats in a timely manner;
- Provide habitat for endangered species and other native wildlife; and
- Enhance the public's appreciation and awareness of the unique resources of Bair Island.

The Bair Island site is a large complex of former salt evaporators, and has been a major priority for addition to the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge) since the boundaries of the

Refuge was expanded in 1990. The Bair Island complex is divided into three distinct areas separated by slough channels: Inner, Middle and Outer Bair Islands. Inner Bair Island is connected to the mainland and can be reached directly by land from Whipple Avenue. Inner Bair Island is separated from Middle Bair Island by Smith Slough which, in turn, is separated from Outer Bair Island by Corkscrew Slough.

Historically, Bair Island was part of a large complex of tidal marshes and mudflats within the drainage of the San Francisco Bay and Belmont Slough. Bair Island was diked in the late 1800s and early 1900s for agricultural uses, including cattle grazing. Bair Island was converted to salt evaporation ponds starting in 1946, and remained in active salt production until 1965. The lands were subsequently drained and eventually sold to a series of real estate development companies. A local referendum in the City of Redwood City finally halted development plans for Bair Island. The California Department of Fish and Game (CDFG) and the Don Edwards San Francisco Bay National Wildlife Refuge both acquired portions of Bair Island over time. The Peninsula Open Space Trust (POST) purchased most of Bair Island that remained in private ownership and turned over their interests in the property to the two agencies. The lands owned by the CDFG are included in the Bair Island Ecological Reserve. A Memorandum of Understanding (MOU) was signed in 1997 by CDFG and the Refuge agreeing that all CDFG lands on Bair Island would be operated and managed by the Refuge as a part of the Don Edwards San Francisco Bay National Wildlife Refuge. This restoration and management plan would be implemented by the Refuge on

CDFG and Refuge owned lands in accordance with the MOU.

Small parcels of land on Middle Bair Island along Redwood Creek remain in private ownership. A small area of the Bay outside of Outer Bair Island is privately owned. The San Carlos Airport also retains a portion of Inner Bair Island as a flight safety zone. In addition, two easements exist on Bair Island; (1) for the PG&E towers and transmission lines that run throughout the site, and (2) for the South Bayside System Authority (SBSA) sanitary sewer force main that runs underneath most of the southern part of the levee on Inner Bair Island. Pedestrians and bicyclists currently use the top of the Inner Bair Island levee as a 3.3-mile loop trail and in the dry season use a cross pond trail from the Whipple Avenue trailhead to the levee along Smith Slough.

The Restoration and Management Plan includes the following work:

Full tidal inundation would be restored to Inner, Middle, and Outer Bair Islands through systematic levee breaching (See attached figures). The levees would be breached at seven historic channel locations restoring natural tidal flows to the islands (See figure 4). Pickleweed-dominated marsh and vegetation would establish quickly in areas already at high intertidal elevations. Natural estuarine sedimentation on the lower mudflat areas would gradually build up enough for cord grass and pickleweed to establish. Restoration would include partially filling borrow ditches to direct flow into the historic tidal channels and prevent tidal capture by the existing borrow-ditches, allowing the natural channel system to reestablish. Interior berms and levees would be selectively lowered or removed to the extent possible, creating additional tidal habitat while still providing sufficient high-tide refuge where needed for Clapper Rails and salt marsh harvest mice. Existing levees required to protect infrastructure from wind-wave erosion would be left in place.

Channel modifications at Smith and Corkscrew Sloughs to minimize project related effects would include: installation of a flow-blockage control structure (See figure 5) in Smith Slough; restoration of its historic meander through Inner Bair Island; and a flow restrictor in Corkscrew Slough to the east of the Middle Bair breaches to partially block the slough to reduce unsafe flow velocities during tidal changes and to minimize project related effects on sedimentation rates in Redwood Creek shipping channel and flow velocities at Pete's Harbor Outer Harbor. Warning and information signs would be installed near the flow restrictors and at all three boat ramps. A 30-foot wide notch for boat passage would be installed, along with a depth gauge at the notch. In addition, a small craft portage would be constructed along the banks of Corkscrew Slough in order for boaters to also have access around the flow restrictor during the short period of time when the velocities are high and water elevation differences occur on each side of the flow restrictor.

At Inner Bair Island, dredged material (or other sources of fill) is being used to raise the marsh plain elevation to approximately 2.5 feet National Geodetic Vertical Datum (NGVD) for the planned tidal wetland areas and to approximately 6.6 feet NGVD for the Airport safety zone, prior to breaching. The purpose of this fill is to reduce bird-strike hazards for the San Carlos Airport by reducing the duration of post-breaching open water at Inner Bair. Placement of dredged and fill material would expedite the establishment of emergent marsh. Dredged material or other sources of fill would also be used to expand the southern levee of Inner Bair Island to protect the South Bayside System Authority (SBSA) sewer line and create a cross-levee that protects the San Carlos Airport property on Inner Bair Island. This portion of the site owned by the San Carlos Airport is a Federal Aviation Administration (FAA) established runway protection zone (RPZ). The FAA defines the runway protection zone as "an area off the runway end to enhance the protection of people and property on the ground." Since the airport property is subject to federal aviation regulation, it must be kept clear of any structures or stationary objects.

The lack of unvegetated or open water habitat at Inner Bair Island, especially in the upland safety zone area, would minimize the bird-strike hazards within the runway protection zone. In addition, the current conditions of the airport safety zone include areas of ponded water used by water birds. By placing fill in the airport safety zone and creating upland habitat, bird-strike risks would be reduced over existing conditions.

The levee surrounding the airport safety zone would be large enough to allow emergency vehicles access in the event of a plane crash. The levee surrounding the safety zone would be sloped and gradually lead up to the airport property. The cross-levee system protecting the San Carlos Airport safety zone, and the alignment of the SBSA sewer line would be filled with dredged and fill material to an elevation above mean higher high water (MHHW). By creating upland and transitional habitats in these areas, some of the primary constraints, including loss of upland habitat associated with reintroducing tidal action to Inner Bair Island, are minimized. Fill material from the created upland areas would gradually slope down to the lower elevations of the restored marsh plain. Transition habitat would also be installed adjacent to the existing perimeter levee between the breach locations. Fill elevation of the marsh plain would vary by approximately one (1) foot, ideally providing ample areas with elevations high enough to allow for planting with native vegetation prior to breaching, and for the vegetation to immediately colonize once the levees are breached, but low enough to allow some channel development through natural tidal scour.

3. OTHER STATE AND FEDERAL PERMITS:

Endangered Species:

California clapper rails and salt march harvest mice likely occur on the project site. Based on: (1) the relatively limited amount of habitat for Clapper Rails and salt march harvest mice that will be permanently lost; (2) the relatively low number of rails and salt

march harvest mice that may be harassed, harmed, or killed; and (3) the large amount of habitat that will be restored with successful implementation of the proposed action, the Biological Opinion of the U. S. Fish and Wildlife Service (USFWS) concurs with the Refuges determination that the Bair Island restoration project, as proposed, is not likely to jeopardize the continued existence of the California Clapper Rail or salt marsh harvest mice (USFWS 2006).

Steelhead may occasionally be present in the slough channels at Bair Island, but do not currently spawn in any streams near the proposed project site. Although spawning may have occurred historically in local streams, there is currently no connectivity between Redwood Creek or Steinberger Slough and any spawning stream. NMFS concurred with the USFWS that the proposed project will not likely result in adverse effects to listed salmonids (NMFS 2005).

Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write 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 of this Public Notice.

4. ENVIRONMENTAL ASSESSMENT: In June 2006, The U.S. Fish & Wildlife Service and the

California Department of Fish & Game issued the "Bair Island Restoration and Management Plan, Final Environmental Impact Statement/Environmental Impact Report" on the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508).

5. EVALUATION OF ALTERNATIVES:

Evaluation of the proposed activity's impact will include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office that the proposed project is water dependent.

6. PUBLIC INTEREST EVALUATION:

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline 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:

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 to determine whether to issue, 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 in the proposed activity.

8. SUBMISSION OF COMMENTS:

Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Bob Smith of our office at telephone 415-503-6792 or E-mail: robert.f.smith@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.