



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT PUBLIC NOTICE

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Regulatory Division
1455 Market Street, SPN-R
San Francisco, CA 94105-2197

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1. INTRODUCTION: The City and County of San Francisco (CCSF), as owner and operator of San Francisco International Airport (SFO), through its agent, LSA Associates, Inc. (POC: Sean M. O'Brien, 510-236 6810), 157 Park Place, Point Richmond, California, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to fill 3.72 acres of wetlands and waters to construct the San Francisco International Airport Runway Safety Area (RSA) project. 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 SFO is located in San Mateo County, California, adjacent to the City of Millbrae on the edge of San Francisco Bay.

Project Site Description: The project area consists mostly of developed lands including the existing runways, taxiways, maintenance roads, buildings and other infrastructure associated with airport operations. The four runways are constructed on introduced fill material and consist of paved runway and taxiway areas, as well as associated airfield access and vehicle service roads. The undeveloped portions of the airfield (e.g., the infield areas between the runways and taxiways) are dominated by a mixture of upland and moderately hydrophytic species, including non-native annual grasses and ruderal forbs. Vegetation cover in the infield areas ranges from sparsely vegetated areas

with widely scattered plants to more densely vegetated areas nearing 100 percent cover.

A seasonal wetland area is located in the RSA project area between the approach end of Runways 28L and 28R. This feature lies within a topographic depression that ponds water during the rainy season and supports a similar species composition to the adjacent grasslands, but has a higher degree of cover by facultative wet species. The edge of the depression is within 50 feet of an active runway and therefore has been subject to significant attention by SFO for the management of bird strike hazards.

A small amount of freshwater/brackish marsh vegetation occurs around the margins of the South Oxidation Pond and adjacent Bird Ball Ditch. The South Oxidation Pond is an earthen-bottomed oxidation pond that was constructed in 1966 to collect surface runoff from the southern portion of the airfield. The Bird Ball Ditch is a 40-foot-wide constructed stormwater channel, the northern portion of which is covered with floating "bird balls" intended to deter wildlife activity and to promote safe aircraft operations. The Bird Ball Ditch is located immediately adjacent to (northeast of) the South Oxidation Pond.

The Millbrae Highline Canal is a constructed, concrete-lined stormwater channel that is located immediately south of the South Oxidation Pond and Bird Ball Ditch. This canal carries runoff from South Lomita Canal on the West-of-Bayshore property and other watershed lands within the City of Millbrae to the west and conveys flows through tide gates to San Francisco Bay. The Millbrae Highline Canal supports no vegetation and is approximately 45-foot-wide at the top of the concrete slopes; width of the

canal at the Ordinary High Water Mark equals 25-foot-wide.

The RSA project area also includes a small area of tidal marsh habitat located along the southeastern edge of the airfield adjacent to Runway 1R. The tidal marsh is comprised of several elevation zones that vary in plant species composition due to differences in tidal inundation and subsequent variations in salinity.

Project Description: The City and County of San Francisco, as owner and operator of SFO, proposes to implement the RSA project, which involves improvements to the existing RSAs of Runway 10L-28R, 10R-28L, 1R-19L, and 1L-19R to enhance safety at SFO. Figures 1 and 2 (attached) show the regional and project site locations, respectively.

RSAs are cleared and graded areas around the entire length of runways, free of objects and structures, that enhance safety in the event of aircraft undershoots, overruns, or veers off the runway. This effort is being undertaken by SFO in response to the requirements of “*The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006*”¹. Public Law (P.L.) 109-115 requires completion of RSA improvements by airport sponsors that hold an airport operating certificate under Title 14, Code of Federal Regulations (CFR) Part 139², to meet Federal Aviation Administration (FAA) airport design standards by December 31, 2015. The applicable airport design requirements are included in FAA Advisory Circular 150/5300-13, *Airport Design* and FAA Order 5200.8, *Runway Safety Area Program*.

The overall RSA program includes a number of related components which are located primarily at the ends of the runways; specific work activities include

¹ Public Law 109-115, November 30, 2005 [119STAT. 2401]

² Under 14 CFR Part 139, airports that provide commercial service must meet safety and operational standards in order to operate as a public us airport. FAA issues Airport Operating Certificates to those airports that pass FAA inspections of airport safety, design, and operations .

demolition of existing utility structures, fill of stormwater detention basins and replacement with new drainage infrastructure, demolition and realignment of existing taxiways due to displaced runway end thresholds, relocation of runway and taxiway lights and signage, relocation of an electrical substation, modifications to existing navigation aids, and placement of specialized energy absorbing light weight concrete beds (Engineered Materials Arresting System [EMAS]) at four of the eight runway ends. The majority of project impacts to wetlands and other waters of the U.S. will occur adjacent to the south end of Runway 1R-19L (see Figure 3).

In addition to the project components described above, the proposed RSA improvements will also require minor modifications to the existing wooden trestles in San Francisco Bay that support the approach light systems at the approach ends of Runways 19L, 28L, and 28R (see Figures 3 and 5). This work will require the addition of a total of 30 new 20-inch-diameter timber pilings to the existing trestle structures in open water to facilitate the required modifications. All new pilings will be chemically treated and wrapped with an impact-resistant, biologically inert material to prevent deterioration.

Project Impacts: The proposed improvements as described above will require the permanent fill of a total of 3.72 acres of jurisdictional features. The features to be filled in the project area consist of a constructed stormwater oxidation pond known as the “South Oxidation Pond” (2.41 acres; see Figure 4), a constructed drainage ditch known as the “Bird Ball Ditch” (0.36 acre; see Figure 4), a portion of a concrete-lined storm water canal known as the Millbrae Highline Canal (0.37 acre; see Figure 4), and a seasonal wetland between the approach ends of Runways 28L and 28R (0.54 acre; see Figure 5). In addition, a small area (0.04 acre) of tidal salt marsh adjacent to the southeastern edge of Runway 1R will need to be filled to accommodate the relocation of a vehicle service roadway (VSR) due to adjacent RSA improvements (see Figure 6). Cross-section views of the above-described features are shown on Figures 7, 8, and 9. Other than the small amount of unavoidable

fill in the tidal marsh for the VSR relocation, the majority of project impacts (3.68 acres) will affect low-value, constructed and maintained features that are part of the stormwater management system for the airfield and urban areas to the west.

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 comply with requirements of “*The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006* Public Law (P.L.) 109-115 requiring completion of RSA improvements by airport sponsors that hold an airport operating certificate under Title 14, Code of Federal Regulations (CFR) Part 139, to meet Federal Aviation Administration (FAA) airport design standards by December 31, 2015. This is not a water dependent activity.

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 improve RSAs at SFO to meet FAA standards to the extent practicable, while maintaining existing runway lengths and operational efficiencies. The project is intended to meet “*The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006*”, which states the following: “*not later than December 31, 2015, the owner or operator of an airport certificated under 49 U. S.C. 44706 shall improve the airport's Runway Safety Areas (RSA) to comply with the Federal Aviation Administration (FAA) design standards required by 14 Code of Federal Regulations (CFR) Part 139.*” The RSA improvements proposed under this project would bring the RSAs for Runways IL-19R, IR-19L, IOL-28R and IOR-28L into compliance

with the FAA standards and meet the requirements mandated by law.

Proposed Mitigation: To compensate for 0.04 acre of permanent impact to tidal salt marsh and associated California clapper rail habitat from the VSR relocation, SFO proposes to purchase (prior to construction) and apply 0.20 acre of agency-recognized constructed tidal wetland mitigation habitat from the Deepwater Slough Island Wetland Mitigation Project in Redwood City, California as in-kind mitigation. This acreage represents a mitigation ratio of 5:1 (created tidal wetland acreage: impacted acreage). Deepwater Slough Island contains 30 acres of existing high-quality tidal salt marsh habitat that was created in 2000 by removing dredged spoils that had been deposited on the island from the 1930s through the mid-1960s. The majority of the marsh consists of a mid-elevation marsh plain dominated by pickleweed, with approximately 10,500 linear feet of created tidal channels. The restored marsh contains suitable habitat for the California clapper rail, which has been heard calling on the periphery of Deepwater Slough Island (LSA obs., 2010).

SFO plans to compensate for the remainder of jurisdictional impacts (South Oxidation Pond, Bird Ball Ditch, Millbrae High Line Canal and seasonal wetland; 3.68 acres) at off-site locations at a mitigation ratio of 2:1, which represents target compensation acreage of 7 to 7.5 acres. SFO is considering participation in the following wetland mitigation projects with the Presidio Trust to meet the target acreage (see Figure 10): (1) Quartermaster Reach (approximately 5 acres of new habitat); (2) YMCA Reach (approximately 2 acres of new habitat); and (3) East Arm of Mountain Lake (approximately 0.5 acre of new habitat).

The three Presidio Trust wetland mitigation projects are part of a larger restoration program under the Presidio Management Plan that will restore watersheds that feed into the Crissy Field Tidal Marsh and Mountain Lake. The Quartermaster Reach project will be constructed between the upstream end of the Crissy Field Tidal Marsh and downstream end of the recently restored stream at

Tennessee Hollow; the project will consist of approximately 1.0 acre of open water/mudflat and 4.0 acres of low/brackish marsh and dune swale, surrounded by coastal dune scrub and pedestrian trails. The YMCA Reach, located immediately upstream of the Tennessee Hollow restored stream, will consist of approximately 2.0 acres of a braided network of freshwater marsh, riparian scrub, and willow woodland habitats. The East Arm of Mountain Lake project, which is part of a multi-phased restoration effort for Mountain Lake, will result in the creation of approximately 0.5 acre of seasonal marsh and enhancement of 0.4 acre of existing freshwater marsh.

Other off-site mitigation options include the purchase of credits from an agency-approved wetland mitigation bank (e.g., Area H in Redwood Shores; pending final agency approval).

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 recently 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. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Determination or has waived its right to do so. Since the project occurs in the coastal zone or may affect coastal zone resources, the applicant is hereby advised to apply to 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 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. A Biological Assessment (BA; dated May 17, 2011) has been prepared for the project and submitted to the FAA, the federal lead agency for the project, to facilitate consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) pursuant to Section 7 of the federal Endangered Species Act. The BA analyzes the potential effects of the proposed project on federally protected species and their designated critical habitat. The primary federally listed species addressed in the BA consist of the following: (1) Green sturgeon; (2) Chinook salmon; (3) Chinook salmon, Central Valley spring-run ESU; (4) Steelhead; (5) Salt marsh harvest mouse; and (6) California clapper rail. The BA and a formal request to initiate consultation with the USFWS and NMFS have been submitted separately by FAA. The BA incorporates input and discussions from the meetings between FAA and SFO staff with USFWS representatives on January 20, 2011 and NMFS representatives on February 8, 2011.

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 such, the BA submitted by the FAA, also addresses potential effects of the proposed project on EFH.

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. The FAA is the Federal lead agency for this undertaking.

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 not 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 less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. 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 Bob Smith, San Francisco District, 1455 Market Street SPN-R, 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 *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.