



US Army Corps  
of Engineers®  
San Francisco District

SAN FRANCISCO DISTRICT

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

# PUBLIC NOTICE

PROJECT: Oakland International Airport Runway Safety Area Improvement Project

PUBLIC NOTICE NUMBER: 2000-25260S

PUBLIC NOTICE DATE: 04-2-2012

COMMENTS DUE DATE: 05-2-2012

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1. **INTRODUCTION:** The Port of Oakland (POC: Diane Heinze, 510-627-1759), 530 Water Street, Oakland CA, 94607, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to construct various improvement to the runway safety areas (RSAs) for four runways at the Oakland International Airport. The proposed project would permanently impact 13.58 acres of non-tidal wetlands and 5.81 acres of non-tidal other waters of the U.S. The proposed project would temporarily impact 2.81 acres of non-tidal wetlands and 0.27 acre of non-tidal other waters of the U.S. 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.*).

## 2. PROPOSED PROJECT:

**Project Site Location:** The Oakland International Airport is located at 1 Airport Drive, in the City of Oakland, with a small portion in the City of Alameda, Alameda County, California (Lat:37 43' 17.48", Long: -122 13' 15.43") (Figure 1).

**Project Site Description:** The Oakland International Airport encompasses approximately 2,600 acres. The Corps issued an approved jurisdictional delineation for the Oakland International Airport on March 15, 2011, depicting the extent of 316.75 acres of non-tidal wetlands, 22.12 acres of tidal wetlands, 156.08 acres of non-tidal other waters, and 22.87 acres of tidal other waters (Figures 2A and 2B).

**Project Description:** Oakland International Airport was initially constructed in the 1920's using dredged material from San Leandro Bay to fill tidal wetlands and other waters. The construction of additional runways

(North Field and South Field runways) and runway improvement have resulted in more fill discharges of tidal wetlands and other waters in the 1940's, 1950's and 1970's. The South Field is located entirely behind a perimeter dike. The Oakland International Airport was built before the current Federal Aviation Administration design standards for RSAs were adopted in the late 1980's (FAA AC 150/5300-13, Airport Design). Due to a series of aviation accidents in the late 1990's and early 2000's Congress passed PL 109-115, mandating RSA compliance by December 31, 2015. Oakland International Airport has four runways: three runways at the North Field (Runways 9R-27L, 9L-27R, and 15-33), and one runway at the South Field (Runway 11-29) (Figure 3). As shown in the attached drawings (Figures 4 through 13), the applicant proposes improvements to rectify areas of non-compliance within the required RSA boundary of each of the four runways.

Improvements to Runway 15-33 would involve a shift of Runway 15-33 by 75 feet to the southeast, or towards the terminal complex, through repainting threshold markings on existing pavement.

Improvements to the remaining North Field runways would involve the following: relocate the vehicle service road west of both runways westward to a location adjacent to the Airport perimeter fence and Harbor Bay parkway; relocate the vehicle service road east of the runways eastward to a location adjacent to the Airport perimeter fence and Airport Drive; reduce the usable Runway 9L-27R length by implementing declared distances, fill portions of non-tidal waters of the U.S. located at the western end of the Runway 9R-27L RSA beyond the Runway 9R end; fill and grade non-tidal wetland areas in the RSA's beyond the ends of Runways 27L and 27R; install an Engineered Material Arresting System

measuring approximately 250 feet long by 170 feet wide, with a setback of approximately 580 feet west of the approach end of Runway 9R; correct various non-compliant conditions regarding surface grades, soil conditions, and frangibility of signs and navigational aid systems in the lateral RSA's and the RSAs beyond the runway ends; and install improvements to the stormwater collection and conveyance systems to ensure proper drainage.

Improvements to Runway 11-29 would involve the following: relocate the Runway 11 approach threshold 520 feet to the northwest, displace the Runway 29 landing threshold 115 feet to the northwest, extend Taxiway W to the northwest to the relocated Runway 11 approach threshold; construct new connector Taxiway W1 between the extended Taxiway W and replaced Runway 11 threshold; construct new connector Taxiway W4 between Taxiway W and displaced Runway 29 threshold; construct new connector Taxiway W3 located at approximately 2,000 feet southeast of the existing threshold of Runway 11; establish a declared distance of 10,000 feet for both arrivals and departures on Runways 11 and 29; relocate the glide slope antenna for Runway 11 from the northeastern side of the runway to the southwestern side and shifted 520 feet to the northwest; shift the glide slope antenna for Runway 29, including the glide slope antenna critical area, by 115 feet to the northwest; fill portions of non-tidal other waters within the lateral and runway-end of RSAs and new Runway 11 glide slope antenna critical area end to comply with FAA standards; replace and shift the Runway 11 Medium-Intensity Approach Lighting System approach lights 520 feet to the northwest; relocate portions of Runway 29 Approach Lighting System with Sequenced Flashing Configuration 2 on existing trestle structure; and correct various non-compliant conditions regarding surface grades, soil conditions, and frangibility of signs and navigational aid systems within the RSA.

**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 improve the safety of the four runways at Oakland International Airport.

**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 the existing RSAs at the Oakland International Airport to comply with RSA standards included in FAA AC 150/5300-13, Airport Design, as required by PL 109-115.

**Project Impacts:** The proposed project would permanently impact 13.58 acres of non-tidal wetlands and 5.81 acres of non-tidal other waters of the U.S. The proposed project would temporarily impact 2.81 acres of non-tidal wetlands and 0.27 acre of non-tidal other waters of the U.S.

**Proposed Mitigation:** The Port of Oakland has identified several options for providing compensatory mitigations: purchasing credits at the San Francisco Bay Mitigation Bank located in San Mateo County, conducting the Sears Point Restoration Project located in Sonoma County, or a combination of the two options (Figure 14). The San Francisco Bay Wetland Mitigation Bank is restoring 88 acres of historic baylands. Availability of tidal and other waters mitigation credits is contingent on the credit release schedule. The Sears Point Restoration Project is located in southern Sonoma County, adjacent to San Pablo Bay, Tolay Creek, and Sonoma Baylands. The Sears Point Restoration Project would restore 960 acres of tidal marsh and adjacent seasonal wetlands and uplands (Figures 15A and 15B). The tidal restoration includes removing a five mile exterior levee and preparing the site for tidal inundation. The compensatory mitigation for this proposed project would encompass a portion of the restored tidal wetlands and other waters.

### 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 is hereby notified that, unless USACE is provided documentation indicating a complete application for water quality certification has been submitted to the California Regional Water Quality Control Board (RWQCB) within 30 days of this Public Notice date, the District Engineer may consider the Department of the Army permit application to be withdrawn. 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 is hereby advised to apply for a Consistency Certification 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 will be applying for all other local authorizations for this project.

#### 4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act (NEPA):** The U.S. Department of Transportation, Federal Aviation Administration (FAA) is the lead federal agency for NEPA and the Corps is a cooperating federal agency. The FAA 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. The FAA has released the Draft Environmental Assessment for this project and the public comment period is March 20 to April 30, 2012. Copies of the Draft Environmental Assessment are available from the Port of Oakland or viewed online at: <http://www.portoakland.com/enviro/m/publicat.asp#RA>

**S.** At the conclusion of the USACE's 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, FAA has initiated Section 7 consultation with the USFWS on February 28, 2012. The FAA has determined that the proposed project is likely to adversely affect the California Clapper Rail (*Rallus longirostris obsoletus*) and that the project may affect but is not likely to adversely affect California Least Tern (*Sterna antillarum browni*), the Western Snowy Plover (*Charadrius alexandrinus nivosus*) and salt marsh harvest mouse (*Reithrodontomys raviventris*). 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, FAA has determined that consultation will not be required since the proposed action does not include in-water work in the San Francisco Bay and that there will be no effect to 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. As the Federal lead agency for this undertaking, FAA has conducted a review of the latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant, to determine the presence or absence of historic and archaeological resources within the permit

area. Based on this review, FAA has made a determination that historic or archaeological resources are not likely to be present in the permit area, and that the project either has no potential to cause effects to these resources. The State Historic Preservation Officer, concurred with FAA's finding of no effect on historic properties on February 6, 2012.

**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 been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

**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 Katerina Galacatos, 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 *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.