



US Army Corps  
Of Engineers

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 27687S

DATE: July 3, 2003

RESPONSE REQUIRED BY: August 3, 2003

PERMIT MANAGER: Bryan Matsumoto

PHONE: 415-977-8476

bryan.t.matsumoto@spd02.usace.army.mil

1. **INTRODUCTION:** The United States Coast Guard, Coast Guard Group San Francisco, Yerba Buena Island, San Francisco, California 94130, (POC: Mike Allgaier (415) 399-3542) has requested that the Department of the Army establish a Restricted Area around the east side of Yerba Buena Island. This request is being processed pursuant to the provisions of Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 USC 1) and chapter XIX of the Army Appropriation Act of 1919 (40 Stat. 892; 33 U.S.C. 3).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings (Enclosure 1 and 2), the applicant plans to establish a Restricted Area around the eastern shore of Yerba Buena Island. It would be marked using a series of warning buoys, and all vessels would be prohibited from entering the area without permission from the Commanding Officer of Coast Guard Group San Francisco. Due to the recent Code Orange status, the U.S. Army Corps of Engineers will be implementing the Restricted Area on a temporary basis, effective immediately for 120 days, or until the final notice is published in the Federal Register and the Restricted Area takes effect. A description of the area and the proposed regulation are contained below:

(a) *The area.* San Francisco Bay on the east side of Yerba Buena Island: From a point along the southeastern shore of Yerba Buena Island at latitude 37° 48'27" North, longitude 122° 21'44" West; east to latitude 37° 48'27" North, longitude 122° 21'35" West; north to latitude 37° 48'42" North, longitude

122° 21'35" West, a point on the northeastern side of Yerba Buena Island.

(b) *The regulation.* (1) All persons and vessels are prohibited from entering the waters within the Restricted Area for any reason without prior written permission from the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island. (2) Mooring, anchoring, fishing, transit and/or swimming shall not be allowed within the restricted area without prior written permission from the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island.

(c) *Enforcement.* The regulation in this section shall be enforced by the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island, and such agencies and persons as he/she shall designate.

3. **PROJECT PURPOSE:** The applicant indicates that the project purpose is to isolate dock-side/pier face activity from activities that appear to, or potentially present, a terrorist threat. In addition, the project would increase safety for the public in the event of a rapid response by Coast Guard assets for Homeland Defense or Search and Rescue.

4. **ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40

CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

this 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 address is indicated in the first paragraph of this notice, or by contacting Bryan Matsumoto of our office at telephone 415-977-8476 or E-mail: bryan.t.matsumoto@usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.

**5. 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 of Engineers to determine whether to issue, modify, 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 of the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is 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