



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: Port of San Francisco Mission Bay Ferry Landing and Water Taxi Landing

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1. INTRODUCTION: The Port of San Francisco (POC: Kathryn Purcell, 415-274-0491), Pier 1, San Francisco, California, 94111, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to construct a single float two berth ferry landing, a single float two berth water taxi landing, and to carry out navigational dredging of accumulated sediment to safe navigational depths in the San Francisco Bay in the Mission Bay / Central Basin area, in the City of San Francisco, California. Disposal of the dredged sediment would involve placement of dredged material at dredge material placement sites such as San Francisco Deep Ocean Disposal Site (SF-DODS), an upland beneficial reuse site, and/or a landfill. 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.*), 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 is located in the San Francisco Bay, along the waterfront in the Mission Bay area, adjacent to Agua Vista Park, at 801 Terry Francois Boulevard, in the City of San Francisco, San Francisco County, California (Latitude: 37.766941 °N, Longitude: 122.385688 °W) (Figures 1).

Project Site Description: During the late nineteenth and early twentieth centuries much of the historic shoreline was filled to provide land for roadway, rail line and marine related activities. Various petroleum facilities operated above ground bulk fuel storage facilities along 16th Street in the vicinity of the project site. Marine terminals located in the Pier 64-66 area at the eastern terminus of 16th Street

transferred petroleum products from tankers and barges to the bulk petroleum facilities via subsurface pipelines. Oil transfer facilities existed until approximately 1969 when the majority of the bulk petroleum storage facilities were closed. Subsequent environmental investigations performed in the vicinity of the former Pier 64 and 16th Street revealed subsurface petroleum contamination. Remedial actions were performed by the former petroleum facilities under San Francisco Bay Regional Water Quality Control Board Orders. In 2011, the Port completed the Mission Bay Shoreline Protection Project which consisted of the removal of dilapidated material and installation of stone revetment material.

The in-water portions of the site consist of 8.4 acres of open tidal waters of the San Francisco Bay. The landside portion of the site is characterized by a combination of paved areas (including the existing Bay Trail alignment), ruderal/disturbed vegetation, and the rip-rap protected shoreline.

Project Description: The Port of San Francisco proposes construction of a single-float, two-berth ferry landing to provide regional ferry service, and a separate single float, two-berth water taxi Landing to provide local water taxi service. (Figures 2 through 6).

Mission Bay Ferry Landing: The ferry landing would consist of multiple components: construction of a pier, gangway and float; dredging of the proposed dredge boundary for safe navigation and approach to the ferry landing; offset dredging of contaminated sediments for clean sediment cap; and landside and utility improvements associated with the ferry landing. The pier would extend over the Bay, perpendicular to the shoreline, in a southeasterly direction, constructed of concrete deck with steel railings, and supported by ten 24-inch octagonal concrete piles. Access to the pier would occur via a concrete

connecting ramp including steel railings and supported by four 24-inch octagonal concrete piles. Security gates would be provided at each end of the pier structure. A public access gate would be located at the entrance to the pier. The pier would be covered with a canopy consisting of steel tubes supporting a translucent, polycarbonate material over the pier.

An aluminum or coated steel gangway would extend from the pier and connect to a steel barge float. Six 36-inch diameter steel guide piles would be required to secure the float in place. A lift structure to support the gangway when the float is removed for periodic maintenance would be attached to the end of the float where the gangway descends. The float would include rubber arch fenders supported by steel beams. Navigation lights would be provided on top of the fender brackets. Two 36-inch diameter steel guide piles with 6-foot diameter floating donut fenders would be used to protect the corners of the float from vessel impacts. The float would include a canopy structure, consisting of steel support members and a translucent material. Lighting would be provided on the pier, gangway and float.

Landside improvements such as seating, signage, and landscaping would be installed and integrated into the adjacent Bay Front Park project and Agua Vista Park.

Dredging of approximately 109,209 cubic yards (cy) to a design depth of -15 ft. MLLW + 2 ft. overdepth is proposed for vessels to utilize the ferry landing and would be accomplished via barge mounted crane with a clam shell bucket. The overall ferry landing dredge boundary proposed encompasses approximately 7.9 acres. Following regional and federal guidance, the sediments within the proposed dredge boundaries were characterized and determined suitable by the Dredge Material Management Office (DMMO) for placement at the San Francisco Deep Ocean Disposal Site (SFDODS), Montezuma Wetlands Restoration Project Site (MWRP) or at an upland landfill site. More detailed descriptions of the dredge material characterization have been presented in sampling plans and reports submitted to the DMMO agencies which includes representatives from the U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers.

During the standard sediment characterization, elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) were exhibited in a portion of the ferry landing dredge boundary. Based on the dredge

characterization results, additional investigations were performed to develop an effective remedial solution to address subsurface elevated sediment concentrations of PAHs. A Sediment Investigation and Cap Feasibility Study (SI/CFS), dated June 29, 2018 was submitted to the regulatory agencies including the USACE. The SI/CFS provided the results of these investigations, detailed the proposed cap design and evaluated potential exposure impacts to resources from dredging and related construction activities.

The project proposes offset dredging to remove the upper portion of PAH contaminated sediments between -17 ft to -20 ft MLLW and place a cap over sediments that would remain in place to mitigate the risk of aquatic receptor exposure to PAHs. The total volume of contaminated sediment to be dredged from -17 to -20 ft within the cap area is estimated to be 7,200 cy, plus a 1-foot overdredge allowance estimated at 2,100 cy. Approximately 7,200 cy of capping material would be required to install the minimum 3-ft thick cap over the cap area. The cap area (including side slope) would encompass a 1.67-acre portion within the overall dredge boundary of the ferry landing. The areal extent of the cap was developed based on site-specific sediment chemistry summarized in the Capping Basis of Design Report, dated June 26, 2018, that was submitted to the regulatory agencies including the USACE. The cap would be comprised of three layers atop the underlying sediment: a chemical isolation layer (sand), covered by an erosion protection layer (marine mattress), and topped with additional sand serving as a bioturbation zone for recolonization of benthic organisms. In addition, a perimeter strip of articulating block mats would be installed around the cap footprint/marine mattress boundary to protect against undercutting or erosive forces which may disturb or dislodge the cap. The attached Figure 7 through 9 show the Cap engineering and cross section plans.

Water Taxi Landing: A separate proposed water taxi landing would be located approximately 400 feet south of the proposed ferry landing and would consist of a platform, a gangway, and a float (Figure 5 and 6). A small landside concrete platform would be constructed perpendicular to the shore, in a south-easterly direction. The platform would be constructed of either steel or concrete, and would be supported by two 16 inch steel pipe piles. A security gate would be constructed either onshore or on the platform where it connects to the gangway. An aluminum gangway would extend from the landside platform out over the Bay and connect to an aluminum ramp and an uncovered aluminum ramp located on the float. A pre-cast concrete

float would be moored with four 24-inch square concrete guide piles.

Dredging of approximately 3,118 cy to a design depth of -8 ft. MLLW + 1 ft. overdepth is proposed for vessels to utilize the water taxi landing and would be accomplished via barge mounted crane with a clam shell bucket. The overall water taxi landing dredge boundary proposed encompasses approximately 0.5 acre (Figure 2). Sediment within this boundary was characterized and determined suitable by the DMMO for placement at SFDODS or MWRP. Lighting would be constructed at the entrance to the water taxi landing.

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. Although the purpose of the project, as stated above, is to construct a new ferry landing and a new water taxi landing and to dredge to safe navigational depths for those proposed structures, for consideration in Section 404(b)(1) (Clean Water Act), the basic purpose of the project is the disposal of dredged material.

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 for consideration in Section 404(b)(1) (Clean Water Act), is the disposal of dredged material from the dredge portion of the project consistent with the adopted LTMS (Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region) EIR/EIS and LTMS Management Plan of 2001.

Project Impacts: The proposed project would temporarily impact 8.4 acres of the San Francisco Bay via dredging and permanently impact 0.0023 acres of the San Francisco Bay via structure installation. The proposed dredging would result in the removal and placement (i.e. discharges) of approximately 121,627 cubic yards of sediment including the offset dredging for and installation of the proposed cap. There would be no new effects resulting from placement of suitable dredged sediment at the afore-mentioned approved and appropriate dredged material placement site (SF-DODS).

Proposed Mitigation: Impacts would be offset by removal of 8 protruding full timber piles with steel caps (5 within the ferry landing and 3 within the water taxi

Landing) and existing remnant piles within the proposed dredge area that are likely creosote-treated. Based on a high definition multi-beam survey, it is estimated 25 14-inch timber piles (each at least 5 feet above the mudline) remain and could be removed. The project also proposes to remove four de-commissioned and abandoned fuel pipelines that remain on the Bay bottom in the northerly portion of the ferry landing dredge boundary.

Project Alternatives: The Corps has not endorsed an alternatives analysis at this time. The Corps will conduct an independent review of the project alternatives prior to reaching a final permit decision.

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 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 the following additional governmental authorizations for the project: City/Port of San Francisco project construction permits including but not limited to a Port Building Permit, Port Encroachment Permit, City Special Traffic Permit for any street or lane closures, and a California Department of Fish and Wildlife – California Endangered Species Act, Incidental Take Permit.

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 ensure 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, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant, to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE 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: Federally-listed threatened North American green sturgeon (*Acipenser medirostris*) and associated critical habitat; threatened Central California Coast steelhead (*Oncorhynchus mykiss*) and associated critical habitat; threatened Central Valley steelhead (*Oncorhynchus mykiss*); endangered Sacramento winter-run Chinook salmon (*Oncorhynchus tshawytscha*); and threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*). Pile driving and dredging activities could potentially affect these species through noise and sound pressure effects, temporary degradation of water quality through increased turbidity, and alteration of habitat. To address project related impacts to these species and designated critical habitat, USACE will initiate consultation with NMFS, pursuant to Section 7(a) of the Act. 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 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, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE 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. Pacific Groundfish FMP, Coastal Pelagic FMP, and Pacific Coast Salmon FMP are found in the

project area and may be affected by the proposed pile driving and dredging activities through increased noise and turbidity. To address project related impacts to EFH, USACE will initiate consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. 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 undertaking, USACE has conducted a review of 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, USACE has made a *preliminary* 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 or has no effect to these

resources. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and Native American Nations or other tribal governments. 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. 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)). The dredge material disposal could require compliance with Section 404(b)(1). An evaluation pursuant to the Guidelines indicates the disposal of dredge material 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 disposal location 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 disposal location 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 Danielle Mullen, San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398; 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* tab on the USACE website: <http://www.spn.usace.army.mil/Missions/Regulatory>.