



**US Army Corps
of Engineers**®
San Francisco District

Regulatory Division
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102-3406

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: China Basin Park shoreline improvements

PUBLIC NOTICE NUMBER: 2016-00393S
PUBLIC NOTICE DATE: October 15, 2020
COMMENTS DUE DATE: November 15, 2020

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1. **INTRODUCTION:** Mission Rock Horizontal Sub (Phase 1), LLC (POC: Andre Krause 415-939-3622), 1 Bush Street, Suite 500, San Francisco, CA 94101, through its agent, WRA Inc. (POC: Justin Semion 415-524-7531), 2169-G East Francisco Blvd, San Rafael, CA 94901, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to undertake improvements along the shoreline of China Basin Park, on the south shore of Mission Creek/China Basin in San Francisco. 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: China Basin Park (Seawall Lot 337, APN 9900-062), Terry Francois Boulevard between Pier 48 and 3rd Street, San Francisco, California (37.776432°N, -122.388331°W).

Project Site Description: The existing two-acre China Basin Park, constructed 20 years ago as a required public shoreline access area pursuant to BCDC permit No. 1997.010, consists of a lawn, multi-use pathway, “junior Giants” baseball diamond, and rip-rapped shoreline edge. The park is located within a predominately urban setting, bordered to the north by China Basin, to the east by the San Francisco Bay, and to the west and south by commercial and residential development within the South of Market/Mission Bay neighborhood in San Francisco.

Project Description: As shown in the attached drawings, the applicant proposes to undertake

improvements along the China Basin Park shoreline, as a component of the planned Mission Rock development project in the Mission Bay neighborhood. The project would more than double the size of China Basin Park, with approximately 3.85 acres of the expanded park reserved for public access, recreation and planted areas, and the remaining 0.55 acres utilized for cafes and other retail, shoreline protection, and other non-public access areas. Existing park elements would be retained and redesigned, including the Bay Trail, a shoreline promenade, passive lawn, active recreational facilities, picnic facilities, and seating and a Bay overlook at the “knuckle wharf” on the north side of Pier 48. New park elements would include public plazas and planted areas, a beach and play area, stormwater garden, public dock and restroom, and public art installations. Proposed in-water or over-water components subject to USACE jurisdiction would include the following:

- **Tidal Shelves with Integrated Cove Walkway.** Existing shoreline fill material would be removed to create an open water connection in an approximately 17,200 square-foot (0.39-acre) area on the northern waterfront edge. Constructed tidal shelves would be augmented with habitat features such as textured concrete and tide pools to provide a demonstration site for public interaction with San Francisco Bay ecology in conjunction with shoreline protection. A sloping walkway would extend along the northern boundary of the tidal shelves to serve as an outer boundary for the area and facilitate additional direct access to San Francisco Bay.
- **Public Dock.** A 1,900 square-foot public dock (as required by the project BCDC permit and City of San Francisco project approvals) would extend from the

Pier 48 knuckle wharf into the Bay for the launching of small non-motorized watercraft.

- **Overlook Pier.** An overlook pier extending off the Bay Trail at the northeast corner of the park, providing a viewing platform with unobstructed views of the Bay, and a new location for an existing Willie McCovey statue.

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 provide public shoreline access and recreation.

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 undertake improvements along the China Basin Park shoreline that provide public access and enjoyment opportunities including in-water or water contact recreation.

Project Impacts: The tidal shelf area would be excavated along 340 linear feet of existing riprapped shoreline to create a 0.25-acre of shallow intertidal area. Construction would require removal and relocation of 375 cubic yards (cy) of riprap, and placement of 275 cy of sand/gravel/aggregate fill, 250 cy of concrete, and 35 cy of marine mattress over 0.18 acre of existing intertidal shoreline, and would result in a net 0.07-acre increase in open water area. If needed, approximately 450 linear feet of inflatable or sheet pile coffer dam would be installed to dewater an 8,800 square-foot area along the shore to facilitate dry conditions for excavation and construction. The overlook pier would extend over approximately 330 square feet of intertidal shoreline, with four of the eight planned 24-inch concrete support piles installed below the high tide line (HTL). Construction would require excavation of approximately 1,400 square feet of existing riprap below the HTL. The public dock would consist of a 100 square-foot gangway landing, a 1,000 square-foot hinged gangway and an 800 square-foot modular concrete floating dock supported by seven 24-inch octagonal concrete piles. Piles would be installed using barge-mounted or land-based cranes with vibratory and impact

hammers. The public dock and associated structures will result in 1,900 sq. of shading over the Bay.

Proposed Mitigation: Several design iterations have reduced the overall in-water impacts of the project, including reducing the size and eliminating an expanded seawall from the overlook pier. For the current design, impacts to the San Francisco Bay would be minimized via the following measures:

- All in-water work would occur between June 1 and November 30 to avoid impacts to special-status fish species. If work occurs below the High Tide Line (HTL) but is isolated from the water (such behind a dewatered coffer dam), work may occur outside of this period.
- Pile-driving would include soft start techniques, biological monitoring, hydroacoustic monitoring, limits on daily pile-driving activities, and the establishment of safety zones.
- In-water work for the tidal shelves and the overlook pier would be conducted at low tide to avoid shoreline disturbance while water is present.
- Grading and excavation below the HTL would occur behind a silt curtain to minimize water and sediment exchange between the work area and tidal waters.
- If cofferdams, sheet piles, or equivalent are installed to isolate work areas from tidal inundation, they would be installed during low tides to the extent feasible. Dewatering would occur using methods that avoid increasing turbidity above established water quality standards for San Francisco Bay. Cofferdams would not be water-tight so all work would be performed at low tide.

Project Alternatives: The applicant has submitted an analysis of design alternatives, including no project, the proposed project, and alternatives which would expand or eliminate the overlook pier, reduce the tidal shelf area, or eliminate the floating dock. USACE has not endorsed the submitted alternatives analysis at this time. USACE 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 thereof 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. Since the project occurs in the coastal zone or may affect coastal zone resources, the applicant has applied for an amendment to permit no. 2017.004.02 from the San Francisco Bay Conservation and Development Commission.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, 375 Beale St., Suite 510, San Francisco, CA 94105 by the close of the comment period.

Other Local Approvals: The project would be subject to Development Agreements with the City and County of San Francisco, and with the Port of San Francisco.

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. § 1500-1508, and USACE regulations at 33 C.F.R. § 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. Designated critical habitat for steelhead (*Oncorhynchus mykiss*, Central California Coast DPS), and North American green sturgeon (*Acipenser medirostris*, Southern DPS) occurs throughout San Francisco Bay, and individuals of both species may be

present in the project area and could be affected in-water construction activities. To address project related impacts to these species and designated critical habitat, USACE will initiate formal 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*, or 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 designated under the Pacific Groundfish and the Coastal Pelagic FMPs is present at the project location or in its vicinity and that the critical elements of EFH may be adversely affected by project implementation. 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 MPRSA 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 any required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project is not likely to 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 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, USACE has made a *preliminary* determination that historic or archaeological resources are present in the permit area, including Pier 48 at the southeast end of the project area, and the Third Street Bridge at the west end of the project area, but that these resources would not be adversely affected by the project. To address project related impacts to historic or archaeological resources, USACE will initiate consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer, pursuant to Section 106 of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. 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)). An evaluation pursuant to the Guidelines indicates the project is 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 practicable alternative to the project that would result in less adverse impacts to the aquatic ecosystem while not causing other major adverse environmental consequences. 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 in the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Greg Brown, San Francisco District, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102-3404; 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: <https://www.spn.usace.army.mil/Missions/Regulatory>.



Sources: National Geographic, WRA | Prepared By: JSChuster, 7/22/2020

Figure 1. Project Area Regional Location Map

Mission Rock Development, China Basin Park Project
 USACE and RWQCB Application Package
 San Francisco, San Francisco County, California

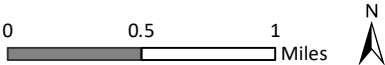




Figure 2. Project Details

Mission Rock Development, China Basin Park Project
 USACE and RWQCB Application Package
 San Francisco, San Francisco County, California

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