



US Army Corps  
of Engineers®  
San Francisco District

SAN FRANCISCO DISTRICT

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

# PUBLIC NOTICE

PROJECT: Pacific Gas and Electric, Piers 39 to 43½ Sediment Remediation Project

PUBLIC NOTICE NUMBER: SPN-2018-00401S PUBLIC NOTICE DATE: March 17,  
2022 COMMENTS DUE DATE: April 17, 2022

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1. **INTRODUCTION:** Pacific Gas and Electric Company (PG&E) (POC: Maggie Trumbly and (916) 201-8571), 3401 Crow Canyon Road, San Ramon, California 94583, through its agent, Johnson Marigot Consulting, LLC. (POC: Paula Gill and (415) 317-4941), 433 Visitacion Ave, Brisbane, California 94005, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to dredge, to place fill, and to install and remove structures within the San Francisco Bay to remediate contaminated sediment within 9.8 acres between Piers 39 to 43½ in the City of San Francisco, San Francisco County, California. This Department of the Army permit application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and 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 project site is located in both the Pier 39 East and West Basins, and the intertidal and subtidal area between Pier 39 and Pier 43½, located along the margin of San Francisco Bay in the City of San Francisco, California. The remediation site is bordered on the south by the City of San Francisco, by the San Francisco Bay to the north and Fisherman's Warf to the West (Figures 1, 2 and 3).

**Project Site Description:** The remediation site is an active waterfront with urban land and offshore areas. The site consists of active marinas and includes fishing vessels, recreational vessels, docks, and ferry terminals. The shoreline consists of well-developed commercial areas that include parking lots, hotels, shops, restaurants, and

recreational park areas. The site includes built environment, intertidal area, and subtidal areas.

**Project Description:** The project would remediate sediments that are contaminated with polycyclic aromatic hydrocarbons (PAHs) likely attributable to the operation of the former PG&E Beach Street Manufactured Gas Plant (MGP), which produced gas for PG&E customers until approximately 1931. The proposed sediment remediation would take approximately 5 to 7 years to complete and would entail a combination of dredging and capping (with armoring as needed). Capping would include erosion protection to mitigate scour caused by ferry and boat traffic and other foreseeable operational uses, currents, and storm events. The proposed project would include post-remediation monitoring and institutional Controls (ICs). ICs would include restrictions on the use of anchors in select areas, creation of no wake zones, limits to future maintenance dredging, and any existing restrictions on Port tenants and mariners. Between dredge and cap installation slope stabilization may be necessary in certain areas. The following activities would occur during the proposed project:

- 1) **Dredging:** Impacted sediment would be removed to depths of approximately 4 feet below the anticipated future maintenance dredging elevation within the operational use limits (OULs) and up to 3 feet below the current sediment surface outside of OULs. The OULs represent the maintenance dredging boundaries and elevations which are expected to accommodate current and planned navigation and operational needs based on the Port and its tenants' expectations.

- 2) **Material Handling and Management:** Staging areas and material management activities would be placed within the Port's Pier 96 or other similar facility. Some dredged material and marine debris removed from the remediation site would be placed into barges and transported to the material handling facility. Sediment would have debris removed or separated out for proper disposal. Some of the sediments may be suitable for disposal at the San Francisco Deep Ocean Disposal Site or for beneficial reuse (i.e., used in a beneficial manner for purposes of wetland creation and restoration, levee maintenance, or construction fill) and would be transported directly to an appropriate site by barge.
- 3) **Capping:** A cap would be installed to isolate impacted sediment under existing Pier 41½, where dredge equipment access is limited or infeasible, and in dredge areas where remaining surface (0 to 3 ft below sediment surface) sediment PAH concentrations exceed the Remedial Action Level. Fill would not result in the bottom elevation raising above the mean high water or high tide line (HTL).
- 4) **Armoring:** Riprap or engineered articulating tiles/mattresses would be used, as necessary, to protect the constructed caps throughout the proposed project site from damage by erosion, scouring, heavy equipment, or other forces. A granular filter layer would be installed between the capping and armoring layers to enhance installation stability.
- 5) **Pile removal and installation:** Temporary piles would be driven at key locations, using vibratory methods, around each remedial response area to facilitate turbidity curtain. Piles and temporary anchoring locations would allow for shifting curtain configurations as work progresses through each remedial response area. Approximately 226 wood piles within the Pier 39 East Basin may be temporarily removed and reinstalled to restore the marina docks. Where required for the purpose of establishing slope stability, permanent piles would be embedded below the dredged surface, to a depth of 50 feet, across the face of select areas of the slopes in select remedial response areas. Temporary piles would be removed upon completion of work.

**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 remove and isolate (remediate) contamination in sediment.

**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 remediate an area of the Bay contaminated with PAHs likely attributable to the operation of the former Beach Street MGP. The Project is needed to protect human health and the environment.

**Project Impacts:** For the purpose of this application, this section will include the approximate number of cubic yards of fill material to be removed and placed within U.S. Army Corps jurisdiction. Structures to be potentially placed in jurisdictional waters would be piles associated with the construction of a turbidity curtain structure, temporary pile removal and dock relocation, and slope stabilization. The approximate amount of fill material to be removed within jurisdictional waters over the five to seven years of this proposed remediation project is approximately 88,000 cubic yards of sediment and debris and the placement of approximately 51,500 cubic yards (not including fill for piles) of cap, armoring, and sand. Including, the placement of approximately 1,700 cubic yards of supplemental erosion protection within jurisdictional waters. The Project would result in more material removal than placement and would therefore create 31,050 cubic yards more water column volume in the Bay.

Estimated Number of Piles that would be installed and removed within the remedial areas would vary depending on the work activity. Approximately, 51 piles would be utilized to construct the turbidity curtain structure. Approximately 226 wood piles within the Pier 39 East Basin may be temporarily removed and reinstalled to restore the marina docks. Where required for the purpose of establishing slope stability, approximately 1,200 piles would be embedded below the dredged surface, to a depth of 50 feet. Additionally, 10 test piles would be utilized for hydroacoustic data collection within the remedial site. Work would result in temporary disturbance of Bay substrate associated with sediment removal and placement of fill. Sedimentation would naturally occur within the project site following construction, and benthic habitat

would recolonize quickly within 1 to 1½ years after disturbance in quiescent areas.

**Proposed Mitigation:** The proposed activity would not result in the permanent loss of wetlands or other waters of the U.S. and therefore no compensatory mitigation is proposed for the purpose of Department of the Army authorization. The proposed activity would implement Best Management Practices to limit the temporary impacts associated with the proposed remediation work.

### 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 Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Determination 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 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 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, 375 Beale St., Suite 510, San Francisco, CA 94105, 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. § 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 Federally-listed species and designated critical habitat are present at the project location or in its vicinity and that consultation will be required. 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 USFWS and NMFS. Based on this review, USACE has made a preliminary determination that the following Federally-listed species are present at the project location or in its vicinity and may be affected by project implementation. Central valley Spring run Chinook salmon (*Oncorhynchus tshawytscha*), Sacramento River valley run Chinook (*Oncorhynchus tshawytscha*), Central California Coast Steelhead (*Oncorhynchus mykiss irideus*), California Central Valley Steelhead (*Oncorhynchus mykiss irideus*) and southern DPS North American green sturgeon (*Acipenser medirostris*). To address project related impacts to these species, 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. 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 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 is present at the project location or in its vicinity and may be present at the project location or in its vicinity and may be 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. 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.

**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 may be present in the permit area and that the project has no potential to cause effects 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)). 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 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 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 in the project.

**8. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to Michael Orellana, San Francisco District, Regulatory Division, 450 Golden Gate Avenue, 4<sup>th</sup> 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>.