



US Army Corps
of Engineers®
San Francisco District

Regulatory Division
450 Golden Gate Avenue
San Francisco, CA 94102-3404

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: Port of San Francisco Maintenance Dredging Project

PUBLIC NOTICE NUMBER: SPN-2013-00333

PUBLIC NOTICE DATE: October 7, 2024

COMMENTS DUE DATE: November 6, 2024

PERMIT MANAGER: Melissa France

TELEPHONE: 415-503-6768

E-MAIL: Melissa.M.France@usace.army.mil

1. INTRODUCTION: The Port of San Francisco, (Contact: Elaine Forbes) has applied for a ten-year Department of the Army permit to conduct maintenance dredging within the Port of San Francisco's (Port) various berths and approach areas located within in the city and county of San Francisco, California. The purpose of the proposed maintenance dredging project is to maintain safe navigational depths by restoring the original project design depths in the deepwater berths at the Port. The proposed maintenance dredging under this permit includes an overall reduction in surface area in the permitted boundary from 402 acres to 376 acres, and a reduction in authorized dredging from 4.4 million cubic yards (cy) to 2.66 million cy compared to the authorized project in the previous maintenance permit issued in 2013. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. PROPOSED PROJECT:

Project Site Location: The project site located at Port of San Francisco located in the city and county of San Francisco, California.

Project Site Description: The site encompasses approximately 376 acres and is located along the Port of San Francisco waterfront within San Francisco Bay. The Port provides a wide variety of services for maritime uses including berthing of recreational

boats, commercial and private fishing boats, cruise ships, numerous ferry boats servicing commuters and tourists, fire safety vessels, military vessels, cargo vessels, and a host of other maritime vessels. The Port has been in operation for many decades and has a mix of recently modernized and older piers, wharfs, ferry landings, as depicted in Figure 1.

Project Description: As depicted in Figures 3-21, the applicant plans to remove approximately 2,664,500 cys of material from the Port's 376 acre permitted area. The design depth of the dredge area ranges from -12 feet to -40 feet mean lower low water, plus an overdepth allowance of 2 feet. The material would be removed using a clamshell or excavator and transported by barge to an in-bay disposal site, the San Francisco Deep Ocean Disposal Site (SF-DODS), to a beneficial reuse site, or to an upland disposal site.

Prior to each dredging episode, the Dredge Material Management Office (DMMO) will evaluate the sediments to be dredged for disposal or reuse suitability. The DMMO 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 Corps. The DMMO is tasked with approving sampling and analysis plans in conformity with testing manuals, reviewing the test results and reaching consensus regarding a suitable disposition for the material.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by the Corps to determine whether the project is water dependent. The basic purpose of the project is navigation.

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 the disposal of dredged material from navigational dredge projects in the San Francisco Bay Region 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 detrimental effects on erosion/sedimentation rates, substrate, water quality, fish habitat, air quality, and noise are all expected to be minor and short term. No permanent negative effects such as undesired substrate alteration, decreased water quality, loss of fish habitat, decrease air quality, and noise pollution are anticipated. The beneficial effects on economics, employment, safety and navigation, and of the removal of contaminants, are major and long term.

Proposed Mitigation: The proposed dredging would take place at an established Port and would not result in a permanent loss of waters of the United States. Temporary impacts to aquatic resources would be mitigated by proposed minimization and avoidance measures, including conducting work only within the permitted environmental work windows. Therefore, no compensatory mitigation is proposed.

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 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 an 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.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, 375 Beale Street, Suite 510, San Francisco, California 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, the Corps 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, the Corps 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 the Corps 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 the Corps and other non-regulated activities the Corps 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. Based on this review, the Corps has made a preliminary determination that the following federally-listed species and designated critical habitat may be present at the project location or in its vicinity, and may be affected by project implementation.

Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) were federally-listed as endangered on January 4, 1994 (59 Fed. Reg. 442). Adult winter-run Chinook salmon migrate through San Francisco Bay, as well as Suisun Bay and Honker Bay, to spawning areas in the upper Sacramento River during the late fall and early winter. Juveniles travel

downstream through San Francisco Bay to the Pacific Ocean in the late fall as well. The movements of adult and juvenile salmon through the Bay system are thought to be rapid during these migrations. Since impacts to the water column during disposal events would be short-term, localized and minor in magnitude, no potentially adverse effects to winter-run Chinook salmon that may be near the disposal site are anticipated, if the dredge work is conducted from June 1 through November 30.

Central Valley Spring-Run ESU Chinook salmon (*Oncorhynchus tshawytscha*) were listed as threatened on September 16, 1999 (64 FR 50394). Spring-run Chinook salmon typically migrate upstream through San Francisco Bay to spawning areas between March and July. Spawning usually occurs between late-August and early October with a peak in September. Juveniles travel downstream through San Francisco Bay in late fall to spring and then to the Pacific Ocean once they have undergone smoltification. Since impacts to the water column during disposal events would be short-term, localized and minor in magnitude, no potentially adverse effects to spring-run Chinook salmon that may be near the disposal site are anticipated, if the dredge work is conducted from June 1 through November 30.

Central California populations of steelhead trout (*Oncorhynchus mykiss*) were federally classified as threatened in August 1997. The steelhead that occur in San Francisco Bay are included in this distinct population segment and therefore receive protection under the Endangered Species Act. There is concern that steelhead migrating through the Bay to streams in the North Bay might enter San Francisco Bay and the Suisun Bay. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30 in any year, without consultation (pursuant to Section 7 of the ESA) with and approval from NMFS and the Corps.

The Central Valley California Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*) was federally-listed as threatened on March 19, 1998 (63 FR 13347), and were reconfirmed as threatened on January 5, 2006 (71 FR 834). Critical habitat for

central valley California steelhead was designated on September 2, 2005 (70 FR 52488). The DPS includes all naturally spawned populations of steelhead (and their progeny) in the Sacramento and San Joaquin Rivers and their tributaries. Excluded are steelhead from San Francisco and San Pablo Bays and their tributaries. All Central Valley steelhead are currently considered winter steelhead. Juvenile steelheads live in freshwater between one and four years, then become smolts and migrate to the sea from November through May. To protect the Central Valley steelhead, dredging shall only occur from June 1 through November 30.

The North American green sturgeon (*Acipenser medirostris*) was listed as threatened under the Endangered Species Act on July 6, 2006 (71 Fed. Reg. 17757). Critical habitat for the North American green sturgeon southern DPS includes the Sacramento River, lower Feather River, lower Yuba River, Sacramento-San Joaquin Delta, Suisun Bay, San Pablo Bay, and San Francisco Bay in California and was designated on October 9, 2009 (74 FR 52300). The southern DPS consists of populations originating from coastal watersheds south of the Eel River with spawning confirmed in the Sacramento River system. Adult green sturgeon must travel through the San Francisco Estuary to pass between the ocean and the Upper Sacramento River Basin spawning area. Additionally, the San Francisco Estuary provides important rearing and holding areas for juvenile and sub-adult green sturgeon.

If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30. Dredging outside this environmental work window would require consultation with the National Marine Fisheries Service (NMFS) (pursuant to Section 7 of the Endangered Species Act) and approval from the NMFS and the Corps.

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, the Corps 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, the Corps 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. The proposed project is located within an area managed under the Pacific Groundfish, the Coastal Pelagic and/or the Pacific Coast Salmon FMPs.

The Corps and NMFS completed a programmatic EFH consultation on June 9, 2011 for maintenance dredging. One of NMFS's key concerns with dredging is potential impacts to eelgrass beds. The "Baywide Eelgrass Inventory of San Francisco Bay," prepared by Merkel and Associates, dated October 2004, does show portions of the dredge footprint in and around the Port of San Francisco as being within 250 meters of eelgrass beds. Therefore, eelgrass minimization measures, such as silt curtains or light monitoring, will be required in portions of the Port's dredge project.

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 NHPA 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.

Portions of the proposed project would take place adjacent to the listed historic site, The Port of San Francisco Embarcadero Historic District, located from Pier 48 to Pier 45 at the Port. Because the proposed dredge footprints at the Port of San Francisco have been previously modified and consistently dredged, historic or archeological resources are not expected to occur in the project vicinity. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until the Corps 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 disposal of dredged 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 project that does not require the discharge of dredged or fill material into waters of the U.S.

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 the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps 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 the Corps 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 Melissa France, San Francisco District, Operations and Readiness Division, 450 Golden Gate Avenue, 4th Floor, Room 1111, San Francisco, California 94102-3404; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the 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 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 US Army Corps of Engineers, San Francisco District website: <http://www.spn.usace.army.mil/Missions/Regulatory>.

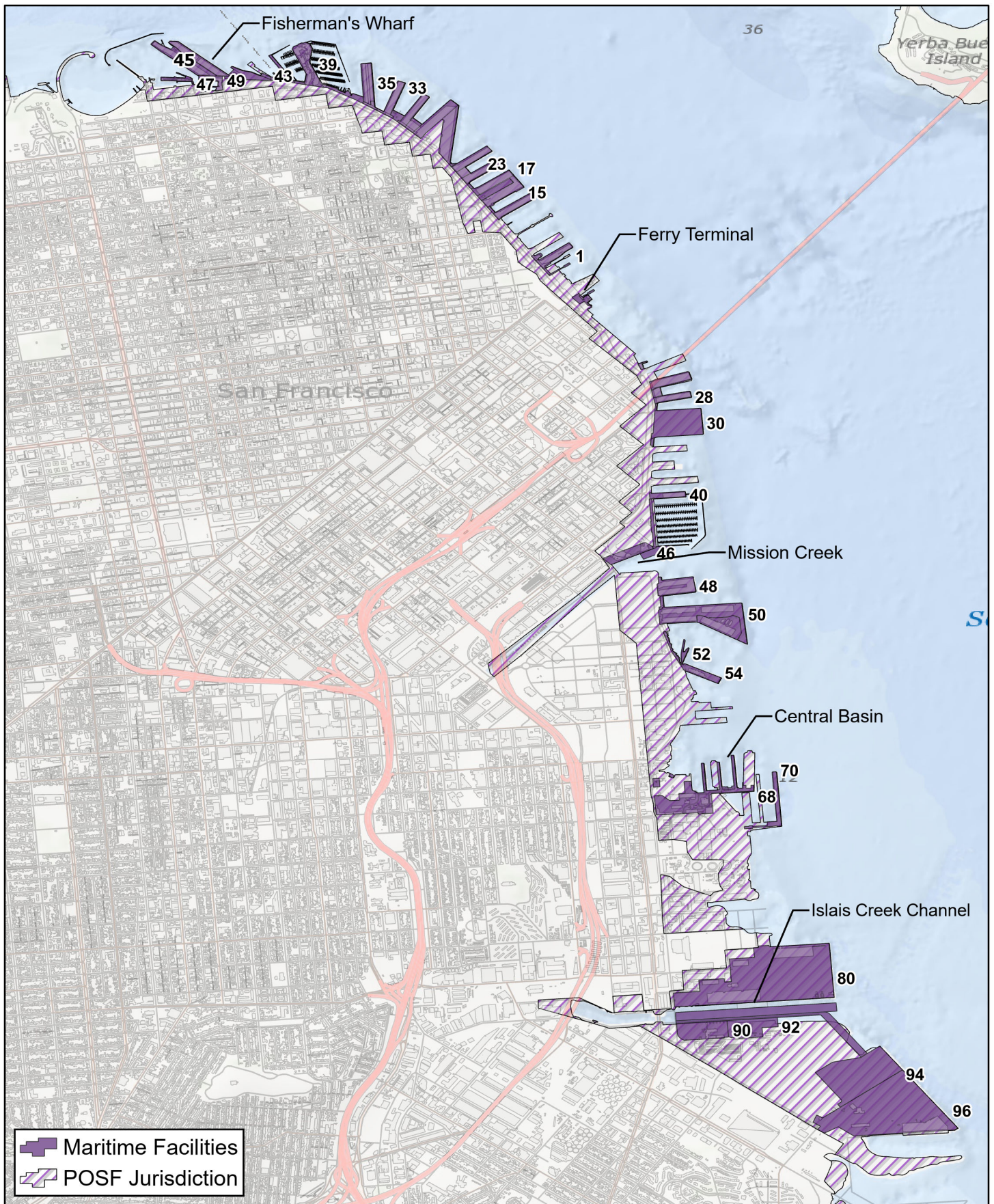
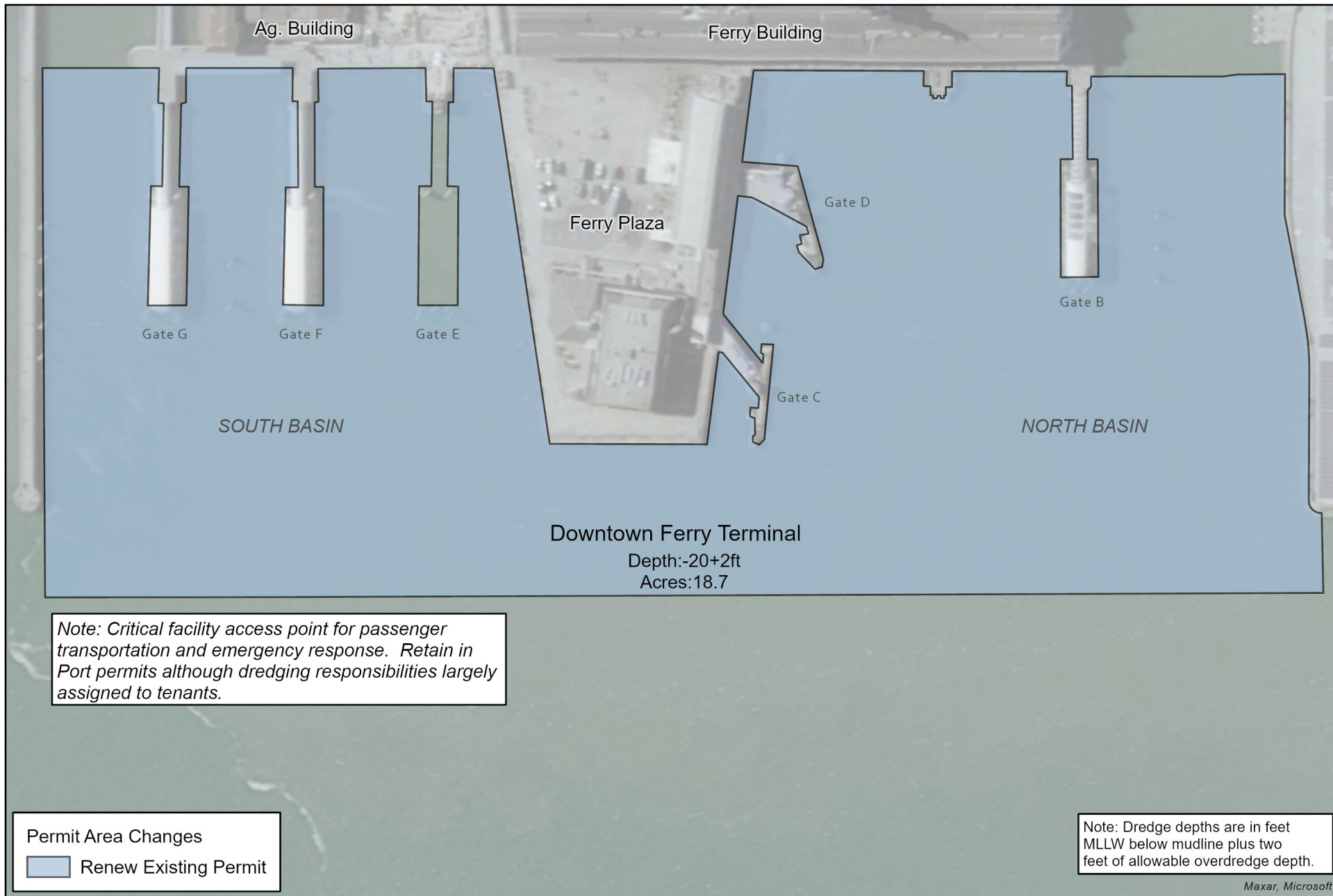


Figure 1: Port of San Francisco Jurisdiction and Maritime Facilities

0 1,500 3,000 6,000 Feet

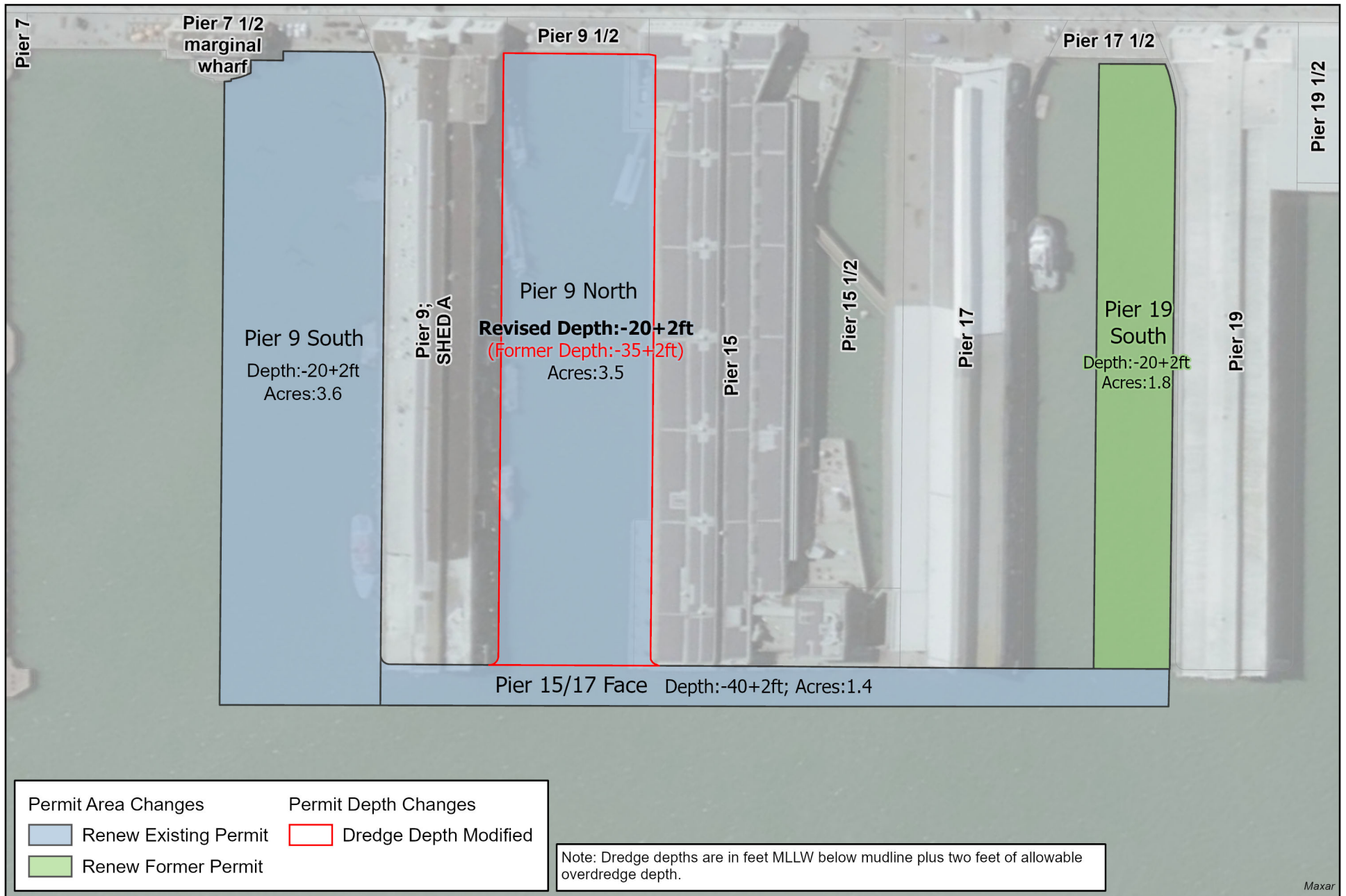


Spatial Reference
 State Plane CA III Coordinate System
 Datum: NAD 1983 2011
 Projection: Lambert Conformal Conic
 Units: Foot US



Figure 3: Downtown Ferry Terminal Dredge Areas

0 100 200 400 Feet



Maxar

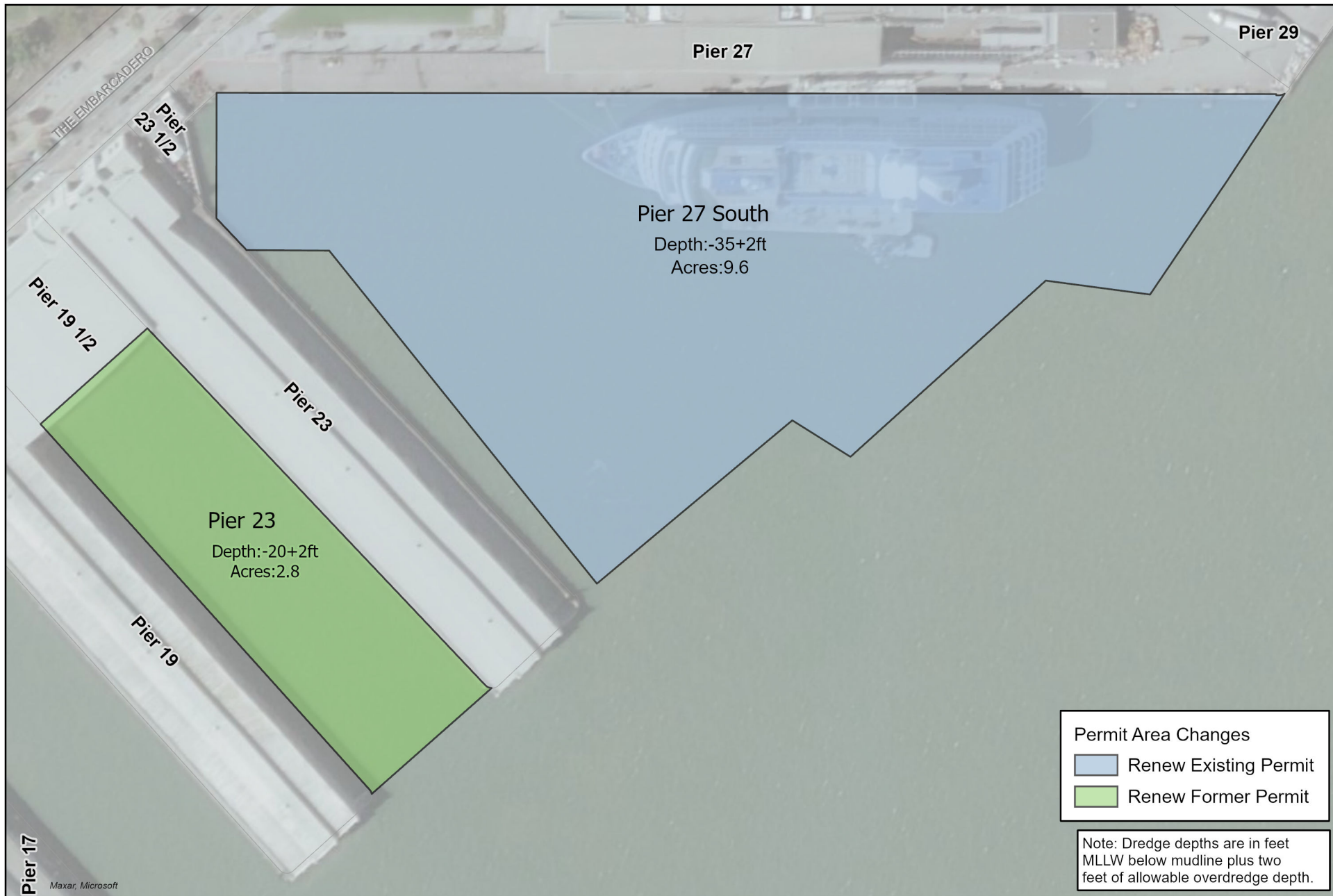
Spatial Reference
 State Plane CA III Coordinate System
 Datum: NAD 1983 2011
 Projection: Lambert Conformal Conic
 Units Foot US



Figure 4: Piers 9, 15, 17 and 19 Dredge Areas

0 105 210 420 Feet

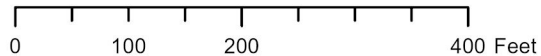
NewFields



Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units Foot US



Figure 5: Piers 23 and 27 Dredge Areas



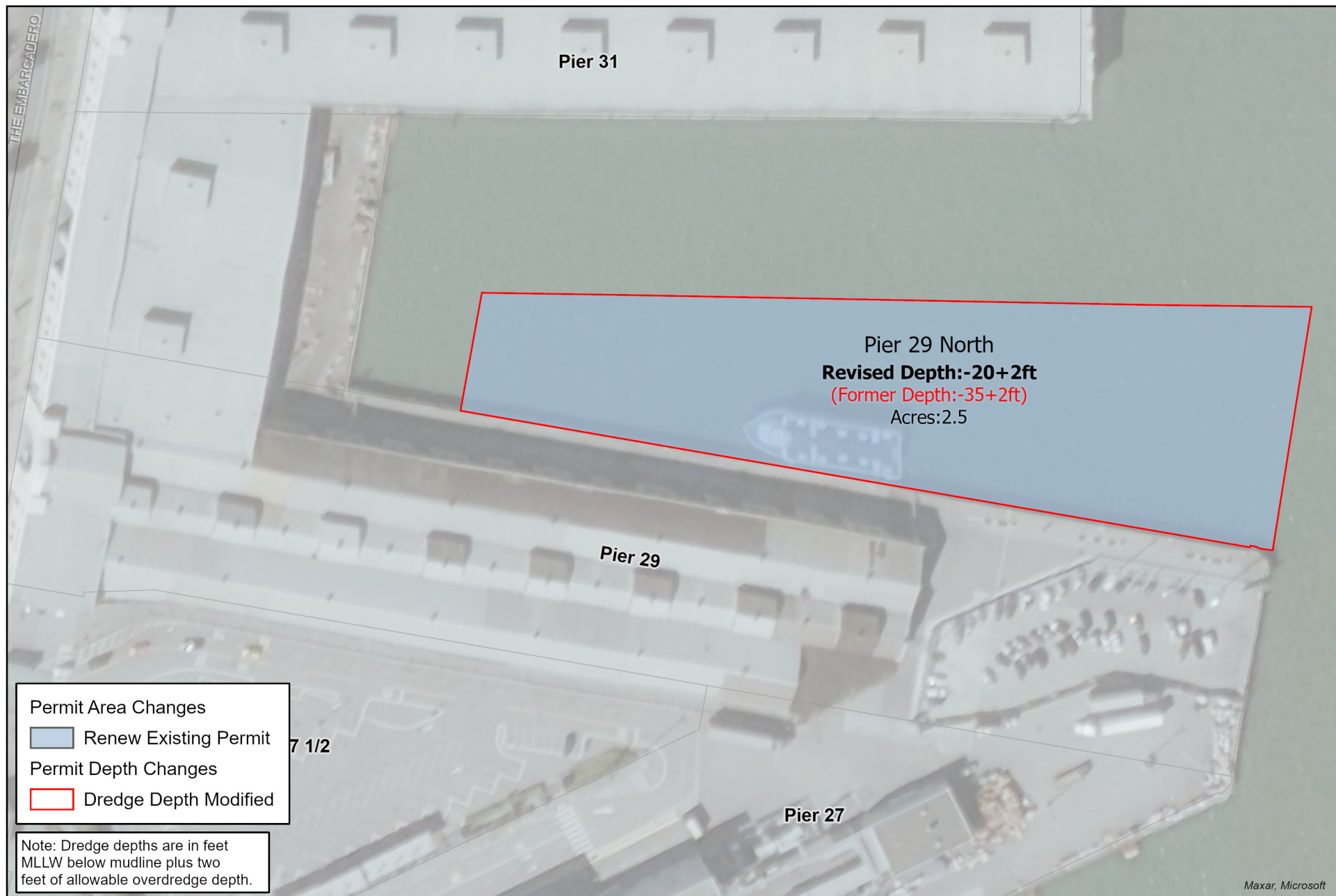
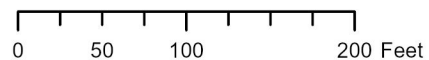
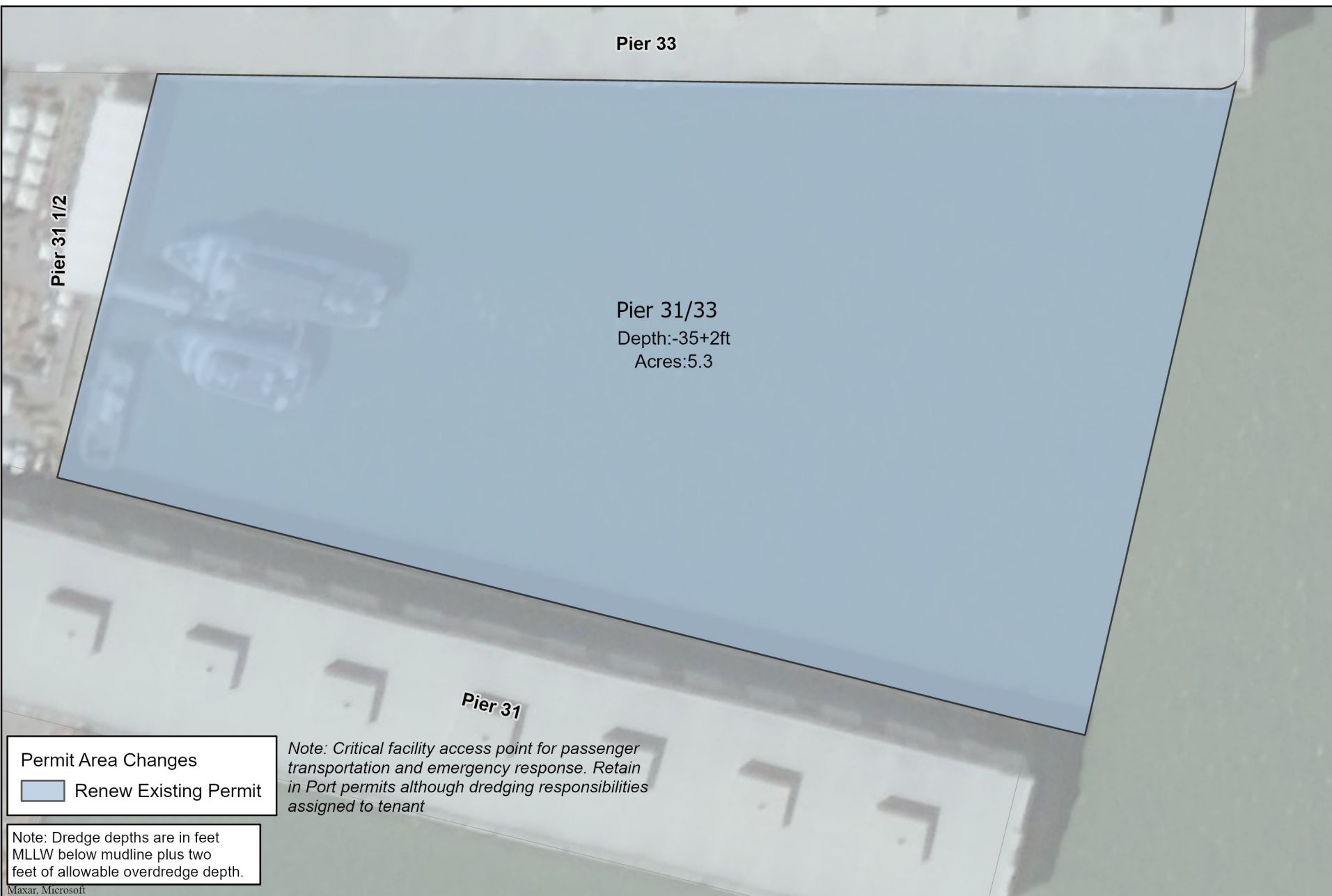


Figure 6: Pier 29 Dredge Area

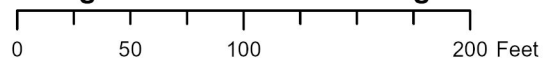


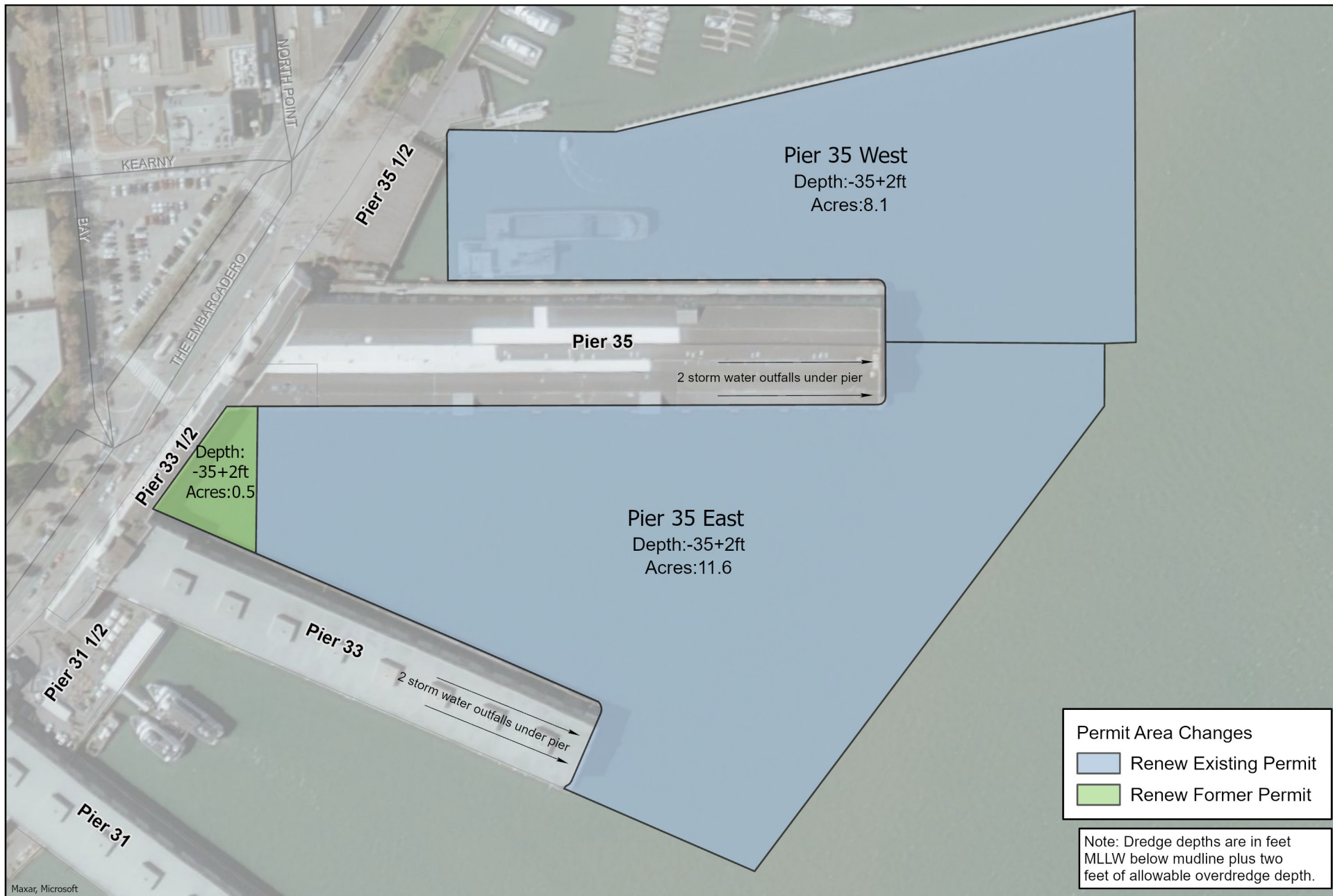


Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units Foot US



Figure 7: Piers 31/33 Dredge Areas



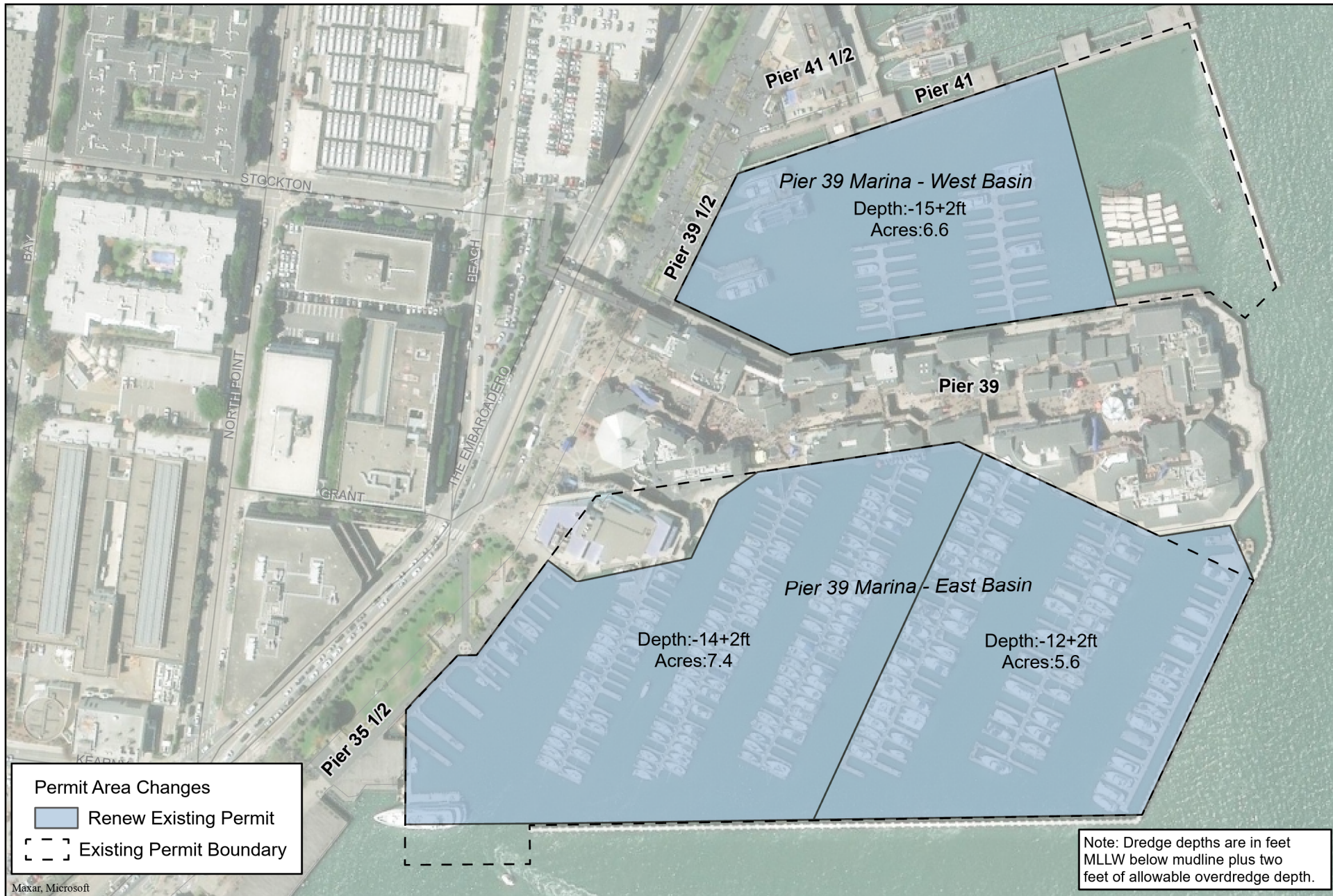


Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units: Foot US



Figure 8: Pier 35 East & West Dredge Areas

0 150 300 600 Feet



Maxar, Microsoft

Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units Foot US



Figure 9: Pier 39 East and West Basins

0 150 300 600 Feet



Permit Area Changes

- Renew Existing Permit
- Existing Permit Boundary

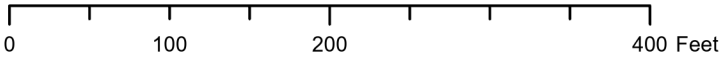
Note: Dredge depths are in feet MLLW below mudline plus two feet of allowable overdredge depth.

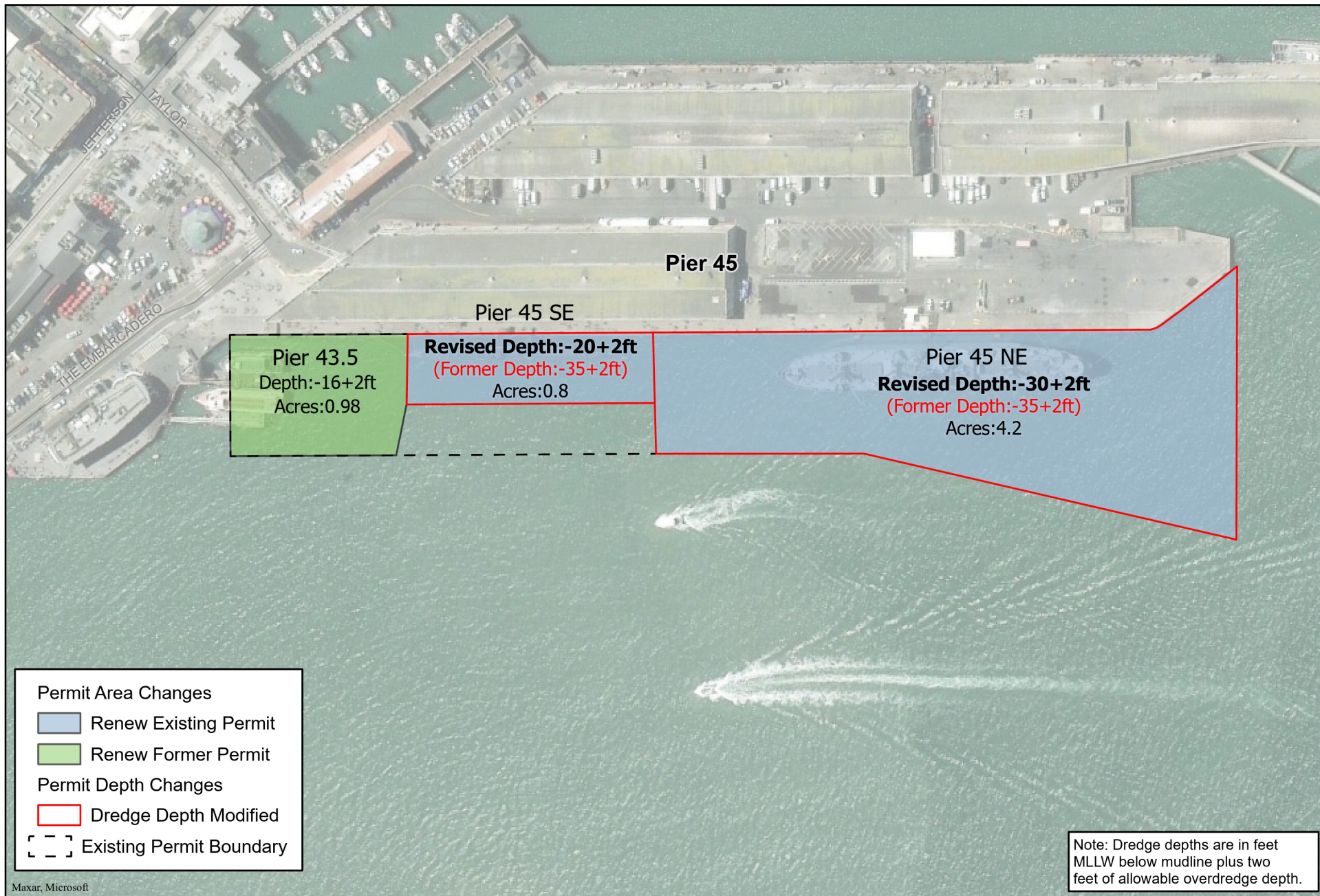
Maxar, Microsoft

Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units Foot US



Figure 10: Pier 41 1/2 Dredge Area



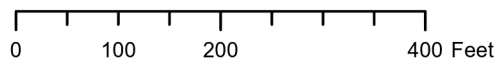


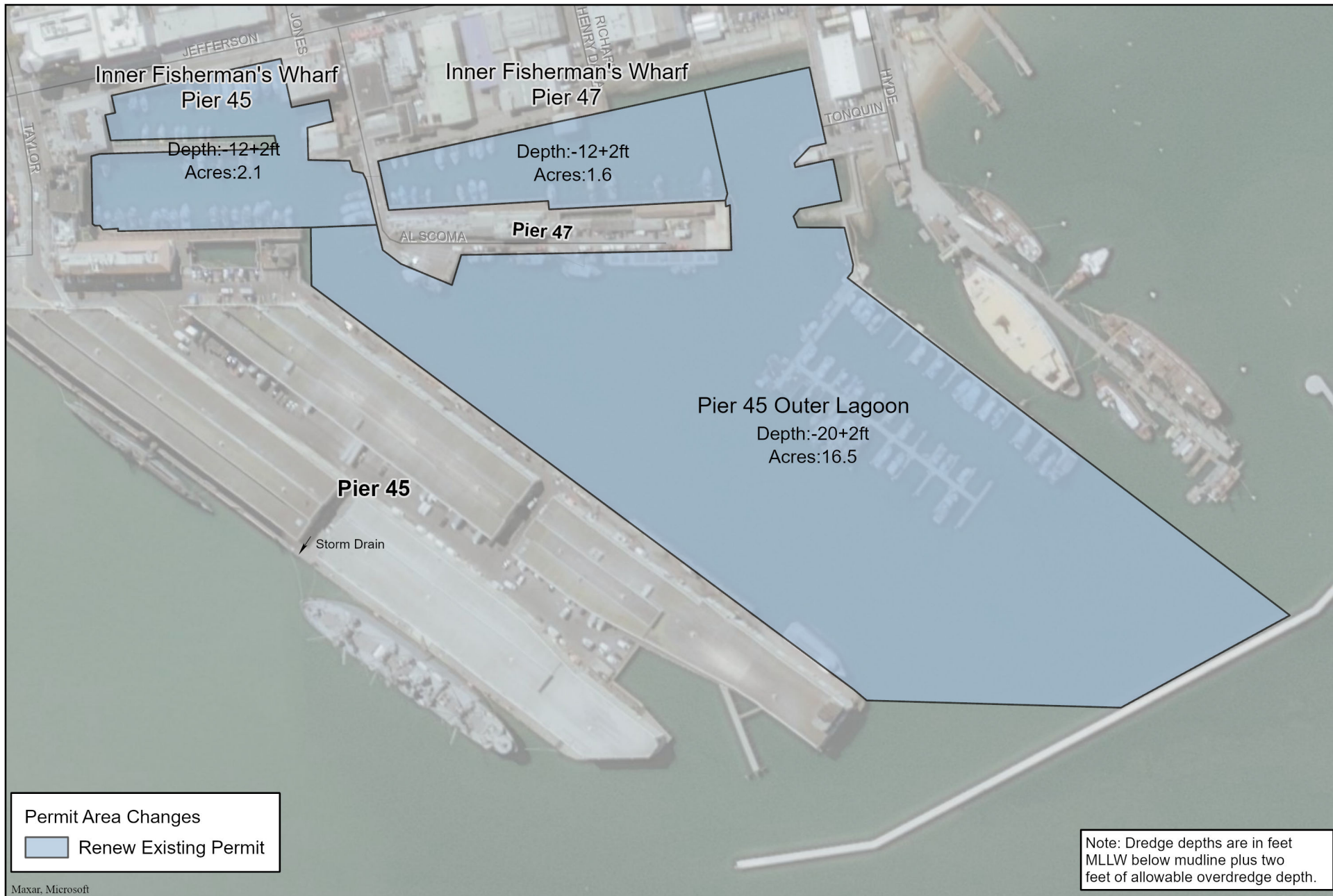
Maxar, Microsoft

Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units: Foot US



Figure 11: Pier 45 E Dredge Areas





Maxar, Microsoft

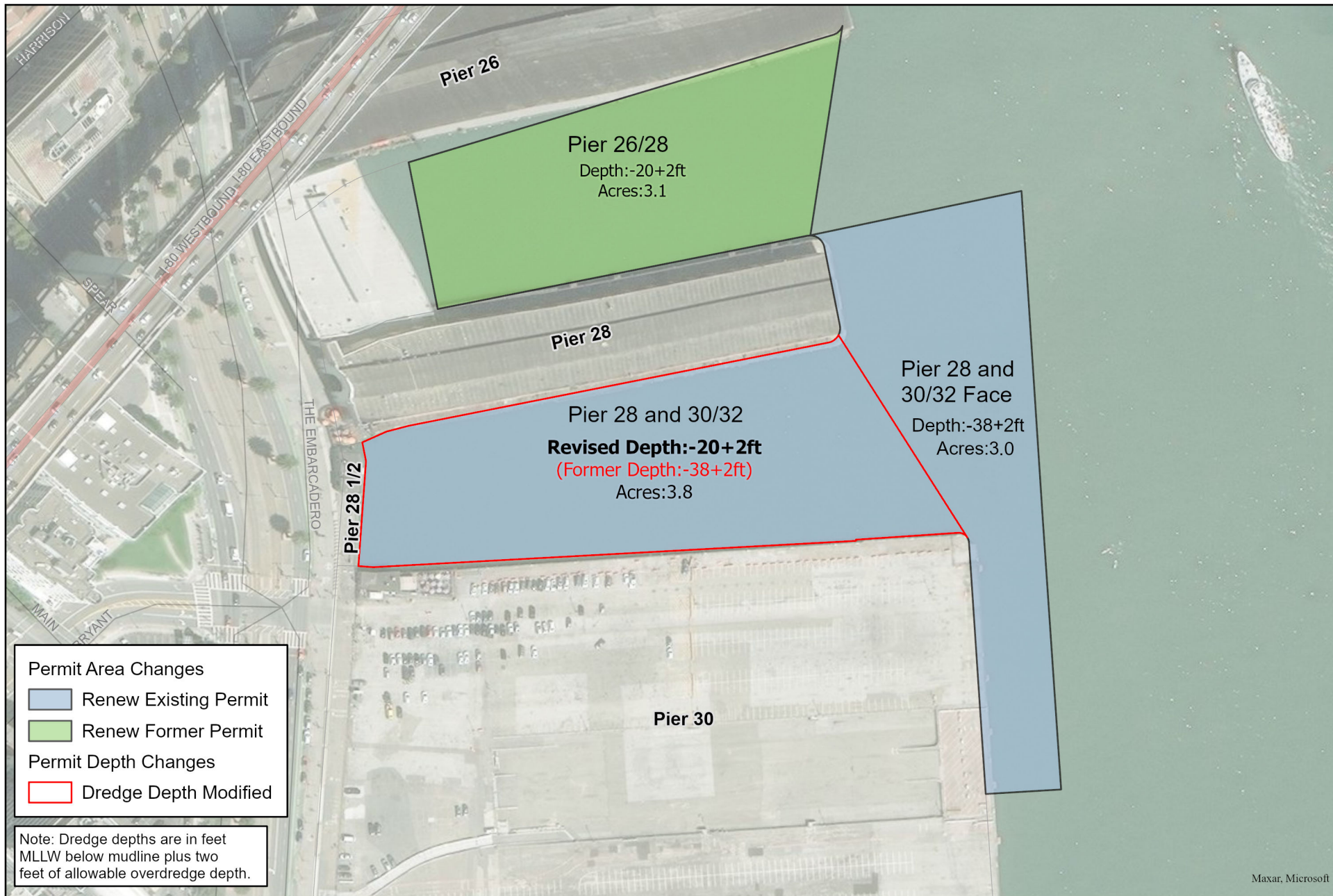
Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units Foot US



Figure 12: Fisherman's Wharf, Inner and Outer Lagoon Dredge Areas

0 100 200 400 Feet

NewFields

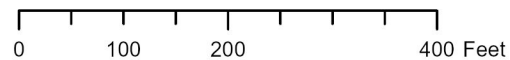


Maxar, Microsoft

Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units: Foot US



Figure 13: Piers 26, 28 and 30/32 Dredge Areas





Maxar, Microsoft

Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units Foot US



Figure 14: South Beach Harbor, Piers 38 and 40 Dredge Areas

0 100 200 400 Feet

NewFields

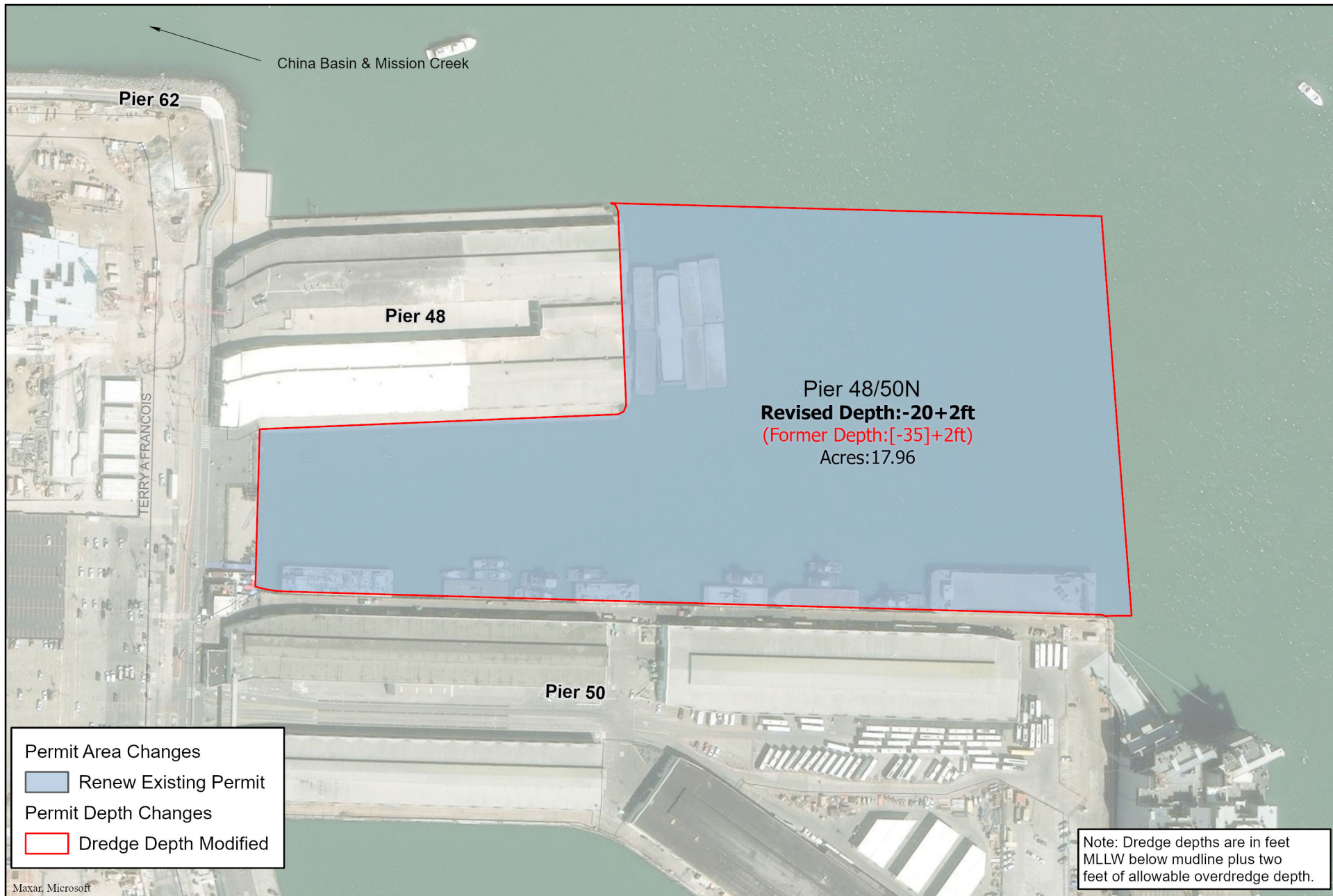


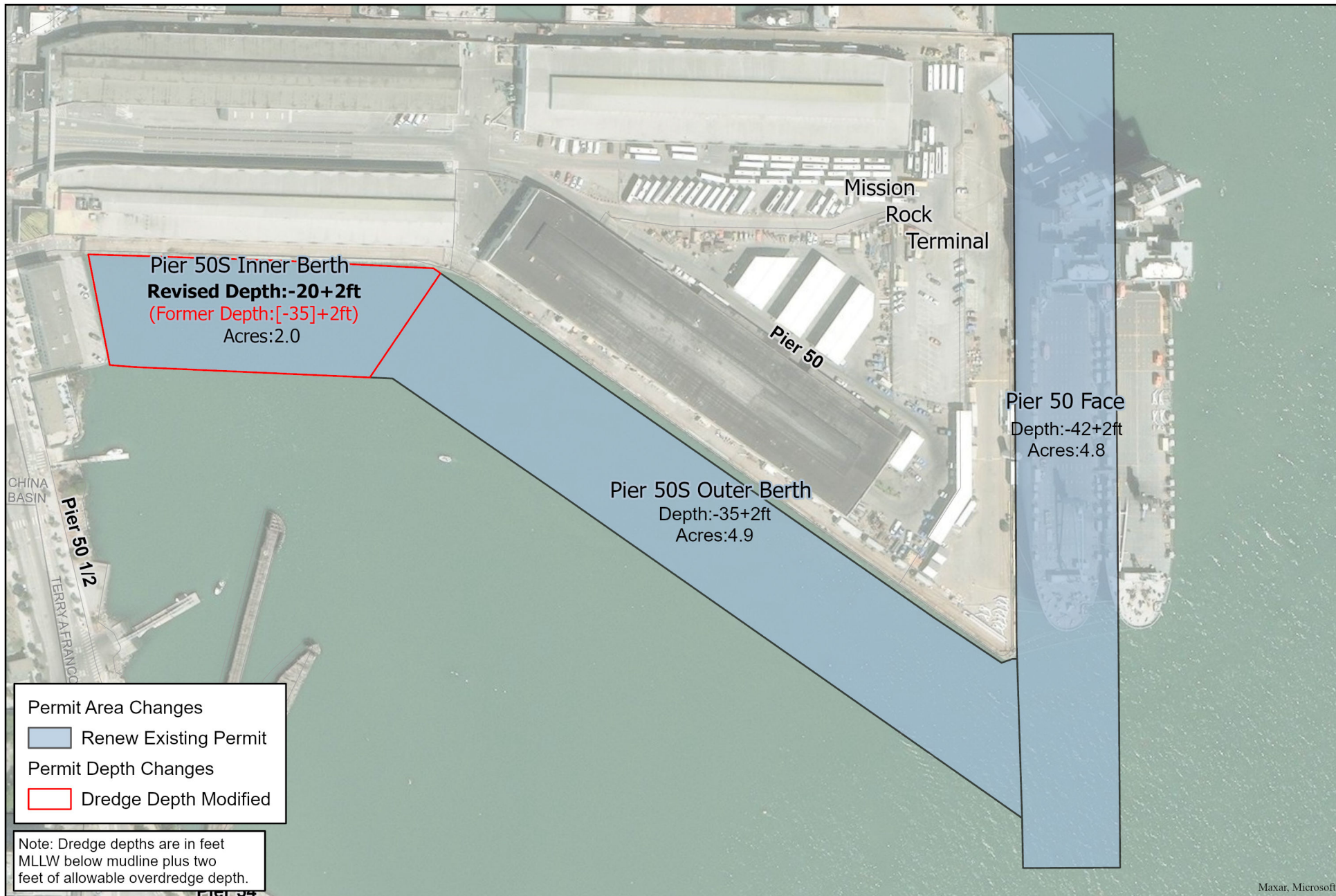
Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units Foot US



Figure 15: China Basin Dredge Area

0 50 100 200 Feet

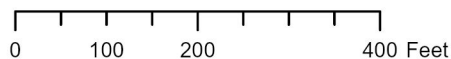


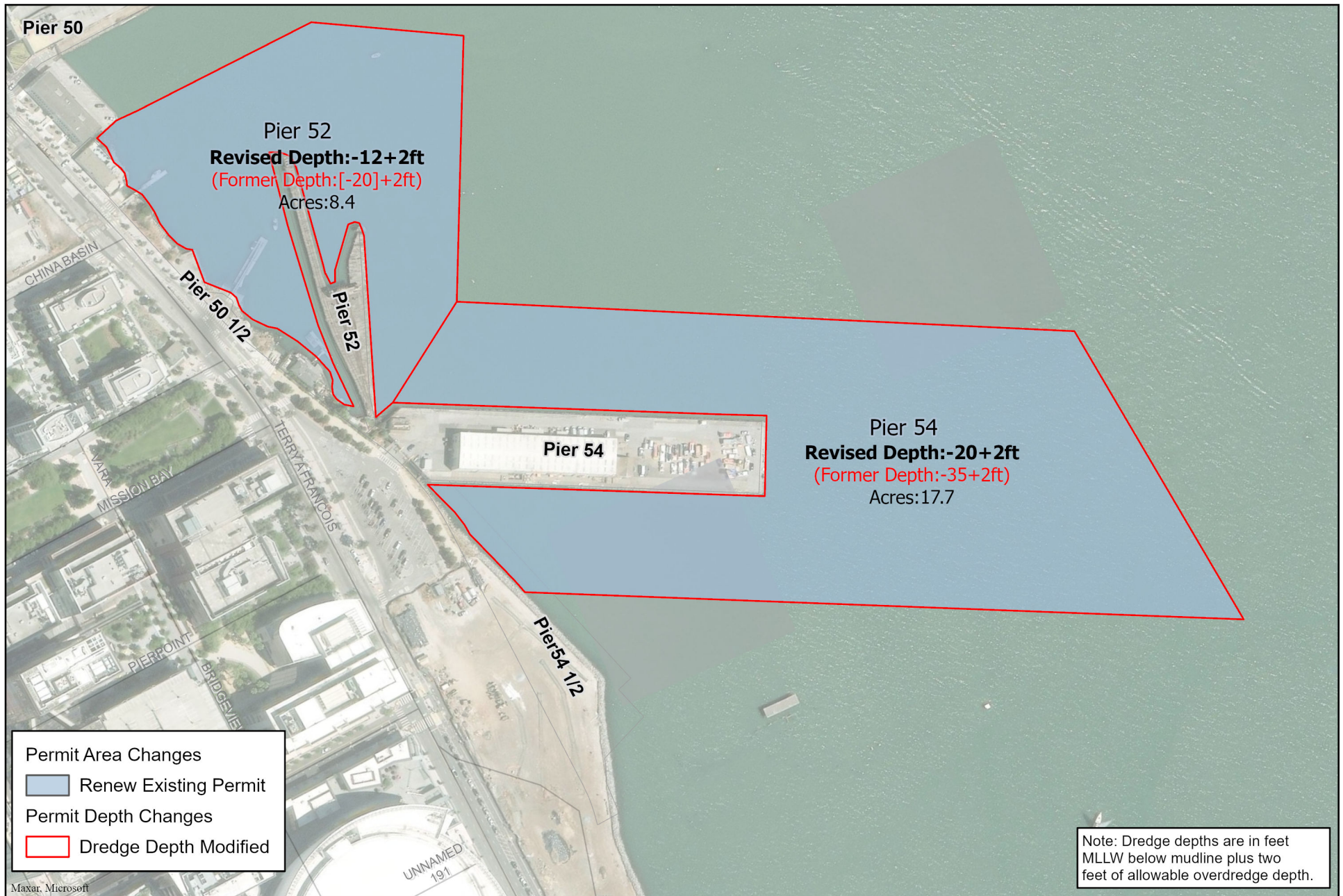


Spatial Reference
 State Plane CA III Coordinate System
 Datum: NAD 1983 2011
 Projection: Lambert Conformal Conic
 Units: Foot US



Figure 17: Pier 50S Dredge Areas





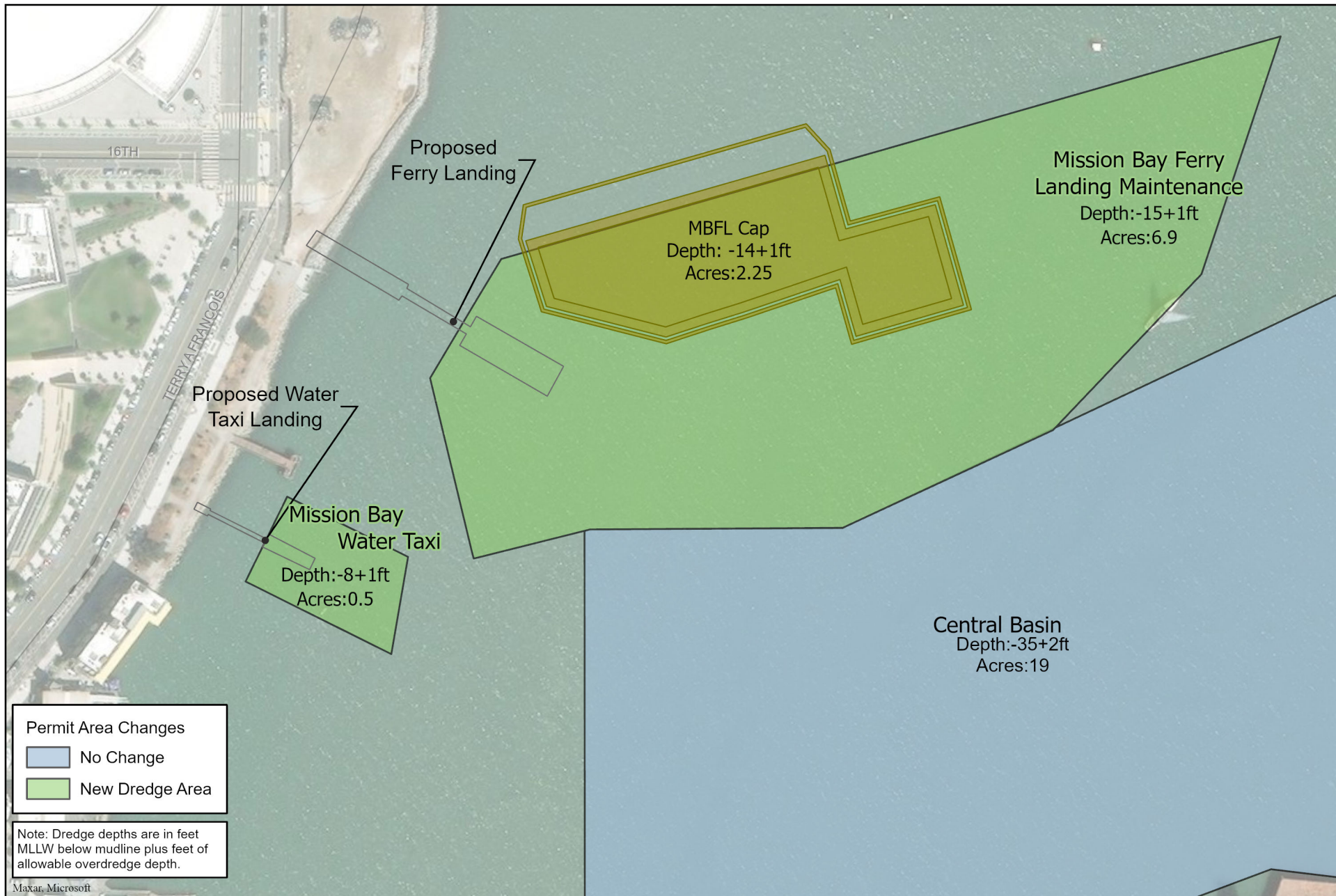
Maxar, Microsoft

Spatial Reference
 State Plane CA III Coordinate System
 Datum: NAD 1983 2011
 Projection: Lambert Conformal Conic
 Units: Foot US



Figure 18: Piers 52 and 54 Dredge Areas

0 150 300 600 Feet



Spatial Reference
 State Plane CA III Coordinate System
 Datum: NAD 1983 2011
 Projection: Lambert Conformal Conic
 Units: Foot US



Figure 19: Mission Bay Ferry and Water Taxi Dredge Areas

0 100 200 400 Feet

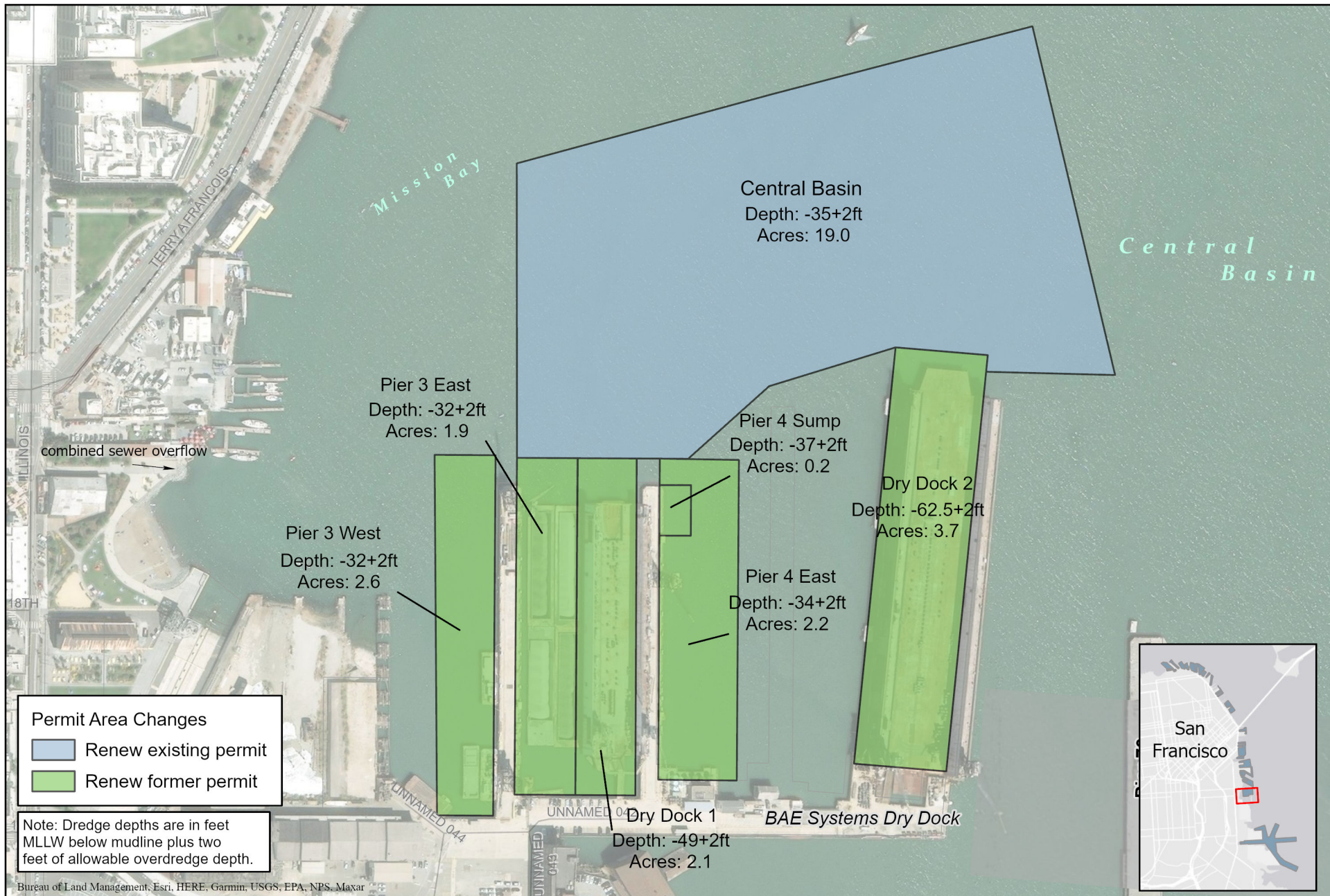
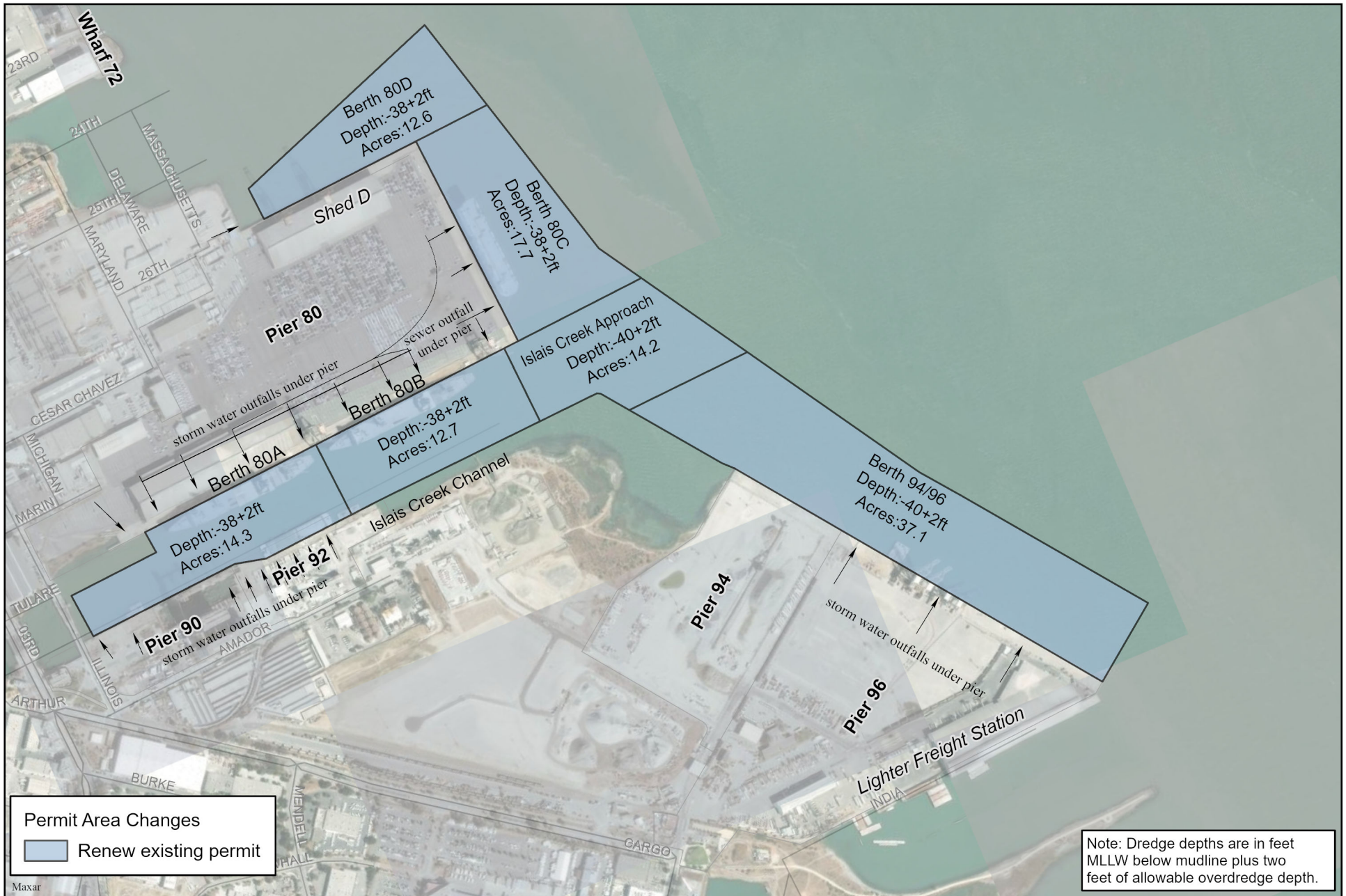


Figure 20: Pier 70 and Central Basin Dredge Areas

Spatial Reference
State Plane CA III Coordinate System
Datum: NAD 1983 2011
Projection: Lambert Conformal Conic
Units: Foot US



0 200 400 800 Feet



Spatial Reference
 State Plane CA III Coordinate System
 Datum: NAD 1983 2011
 Projection: Lambert Conformal Conic
 Units: Foot US



Figure 21: Pier 80, Islais Creek Channel, Islais Creek Approach and Pier 90-96 Dredge Areas

0 500 1,000 2,000 Feet

