



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

December 20, 2022

Regulatory Division

Subject: File Number 2012-00151S

Mr. James Pruett  
San Mateo County Harbor District  
P.O. Box 1449  
El Granada, California 94019  
jpruett@smharbor.com

Dear Mr. Pruett:

This correspondence is in reference to your submittal of May 24, 2022, concerning Department of the Army (DA) authorization for the Oyster Point Marina Dock Replacement Project. The project will replace deteriorating docks, provide wider berths to accommodate larger, more modern vessels and improve public access. The project encompasses the 36.05-acre harbor area located at 95 Harbor Master Road, South San Francisco, San Mateo County, California (Lat.: 37.66338° Long.: -122.37563°).

Work within U.S. Army Corps of Engineers' (Corps) jurisdiction will include replacing the deteriorating floating Docks 12 through 14 in the East Basin, replacing existing older accessways at Docks 11 through 14 in the East Basin, providing long-term access solutions to Docks 1 through 6 in the West Basin by removing the interim bridgeways and replacing the existing access platforms, and improving public access by adding a kayak launch in the East Basin. All work shall be completed in accordance with the plans and drawings titled "USACE File #2012-00151, Oyster Point Marina Dock 12-14 Replacement and Other Improvement Projects, November 8, 2022, Figures 1 to 50," provided as enclosure 1.

**Dock Replacement:** The existing floating docks 12 through 14 in the East Basin would be disconnected from the piles and adjacent dock modules by hand, floated to the shoreline, and lifted by crane and placed on land. The removed dock modules would then be taken to a landfill by truck for disposal. The new dock modules would be delivered by truck, lifted by crane, placed into the water, and moved by work boat into position. The existing concrete wave attenuators would remain, and the new docks would be designed to work in conjunction with the wave attenuators. The replaced docks would incorporate a greater majority of wider slips and provide a side-tie area on Dock 13 to accommodate larger vessels. The replaced docks would have 79 total slips and result in approximately 30,500 sf of overwater coverage. Dock modifications would include replacement of utilities (water and electric) from shore to the dock. New electrical equipment boxes would be located on the new fixed pier accessways. Utility replacements would be completed using hand tools.

**Accessway Replacement:** The four existing accessways at Docks 11 through 14 would be replaced in kind. The three existing accessways at Docks 1 through 6 would be replaced and lengthened shoreward to re-establish access to the raised shoreline. Replacement of the access platforms and gangways would not result in additional overwater coverage. For demolition of the existing accessways, the concrete platform would be cut from the existing piles and removed as a unit using a crane, or it may be necessary to remove the platform in smaller pieces using a hammer. If the access platform is demolished using a hammer, a platform would be installed below the existing access platform to catch any falling pieces. The replacement access platforms would be supported by up to four 16-inch square concrete piles.

**Gangway Replacement:** The existing gangways for Docks 1 through 3 and 12 through 14 would be removed by crane, placed on land, and removed by truck for recycling. The existing gangway at Dock 11 would be removed and reinstalled on the new access platform. The replacement gangways would be constructed off-site and transported to the site via truck. The new gangways would be installed using a crane. Existing gangways are grated metal and the replacement gangways would be grated aluminum. The new platform would be constructed using precast concrete and cast-in-place concrete, with cast-in-place concrete constructed using falsework supported by the concrete piles. Security fencing and access gates would be installed on the concrete slab, along with guardrails along the perimeter.

**Abutment Replacement:** The abutments at docks 12 through 14 would be replaced in kind. The existing abutments would be removed using land-based equipment. New abutments would be constructed using cast-in-place concrete or pre-cast concrete.

**West Basin and Dock 11 Access Platforms:** To provide access to docks 1 through 6 To replace the West Basin access platforms and the Dock 11 access platform, work within the intertidal area would be required due to construction access restraints. A crane pad partially within the intertidal would be installed at each access platform, totaling four access pads. The four crane pads would consist of gravel and would result in approximately 5,500 sf of temporary impacts below the High Tide Line (HTL). The gravel would be hauled in by a truck and a front loader would be used to place the gravel. The crane pads would be removed after construction.

**Pile Replacement:** Up to approximately one hundred-fifteen 12-14-inch square concrete piles will be removed and replaced with one hundred-five 16-inch square concrete or fiber glass piles. Existing concrete piles will likely be removed with a vibratory pile extractor or direct pull. The piles will be cut 1-ft below the mudline if they cannot be extracted or break during extraction. New piles will be driven with a combination of impact hammer and vibratory hammer or an impact hammer alone, depending on what material the chosen piles are comprised of. It is anticipated that it will require 500 blows to install each pile and that up to 4 piles could be installed per day.

Section 404 of the Clean Water Act (CWA) generally regulates the discharge of dredged or fill material below the plane of ordinary high water in non-tidal waters of the United States, below the high tide line in tidal waters of the United States, and within the lateral extent of wetlands adjacent to these waters. Section 10 of the Rivers and Harbors Act (RHA) generally regulates construction of structures and work, including excavation, dredging, and discharges of dredged or fill material occurring below the plane of mean high water in tidal waters of the United States; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States. Navigable waters of the United States generally include all waters subject to the ebb and flow of the tide; and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce.

Based on a review of the information in your submittal, the project **may be** eligible for authorization under Department of the Army Nationwide Permit (NWP) 3 for Maintenance (86 Fed. Reg. 73522, December 27, 2021), pursuant to Section 404 of the CWA of 1972, as amended (33 U.S.C. § 1344 *et seq.*), and Section 10 of the RHA of 1899, as amended (33 U.S.C. § 403 *et seq.*). To be eligible for authorization, the project must be in compliance with the terms of the NWP, the general conditions of the Nationwide Permit Program, and the San Francisco District regional conditions cited on our website ([www.spn.usace.army.mil/Missions/Regulatory/Permitting/Nationwide/](http://www.spn.usace.army.mil/Missions/Regulatory/Permitting/Nationwide/)). You must also be in compliance with any special conditions specified in this letter for the NWP authorization to remain valid. Non-compliance with any term or condition could result in the revocation of the NWP authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps. This NWP authorization does not obviate the need to obtain other State or local approvals required by law.

This letter is **not** a permit; it is a provisional notification. You are not authorized to undertake the activities that require a Department of the Army permit or verification at this point in the review process. No final Department of the Army permit or verification can be issued until you have obtained a Section 401 water quality certification from the San Francisco Bay Regional Water Quality Control Board (RWQCB). You shall submit a copy of the certification to the Corps prior to the commencement of work. If the RWQCB fails to act on a valid request for certification by January 8, 2023, the Corps will presume a waiver of water quality certification has been obtained.

This authorization will not be effective until you have obtained a concurrence from the San Francisco Bay Conservation and Development Commission that your project will comply with California's Coastal Zone Management Act. If the Commission fails to act on a valid request for concurrence with your certification within six months after receipt, the Corps will presume a

concurrence has been obtained. You shall submit a copy of the concurrence to the Corps prior to the commencement of work.

General Condition 18 stipulates that project authorization under a NWP does not allow for the incidental take of any federally-listed species in the absence of a biological opinion (BO) with incidental take provisions. As the principal federal lead agency for this project, the Corps initiated consultation with the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to address project related impacts to California clapper rail (*Rallus longirostris obsoletus*), Central California Coast steelhead DPS (*Oncorhynchus mykiss*), and North American green sturgeon Southern DPS (*Acipenser medirostris*), and designated critical habitat for steelhead and North American green sturgeon, pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended, 16 U.S.C. § 1531 *et seq.* By letter of October 14, 2022, USFWS (enclosure 2) and by letter of October 19, 2022, the NMFS (enclosure 3) concurred with these determinations.

As the principal federal lead agency for this project, the Corps initiated consultation with the NMFS to address project related impacts to Essential Fish Habitat (EFH) for various life stages of fish species managed with the Pacific Groundfish Fishery Management Plan, the Coastal Pelagics Fishery Management Plan, and the Pacific Coast Salmon Fishery Management Plan, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act of 1996, as amended, 16 U.S.C. § 1801 *et seq.* NMFS did not issue any conservation recommendations (see enclosure 3).

In order to ensure compliance with this NWP authorization, the following special conditions shall be implemented:

1. The USFWS and the NMFS concurred with the determinations that the project was not likely to adversely affect Central California Coast steelhead DPS, North American green sturgeon and California clapper rail, and designated critical habitat for steelhead, green sturgeon and California clapper rail. These concurrences were premised, in part, on project work restrictions and the description of the proposed action outlined in enclosures 2 and 3, respectively. These work restrictions are incorporated as special conditions to the NWP authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
2. Incidents where any individuals of Central California Coast steelhead DPS and North American green sturgeon listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources, at (301) 713-1401 and the Regulatory Office of the San Francisco District of the U.S. Army Corps of Engineers at (415) 503-6795. The

finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved, and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

3. All work shall be performed between June 15 and November 30.
4. All waste material that enters the water or the bay bottom shall be removed immediately.
5. All material and debris generated as a result of project construction, as well as the access platforms shall be removed from the site and disposed of in an approved location outside of Corps jurisdiction.
6. All appropriate best management practices shall be implemented throughout the project site to help minimize sediment disturbance and suspension within the water.
7. A post construction report shall be submitted 45 days after the conclusion of construction activities. The report shall document construction activities and contain as-built drawings (if different from drawings submitted with application) and include before and after photographs.

You may refer any questions on this matter to me at telephone at (415) 503-6778 or by e-mail at [Katerina.Galacatos@usace.army.mil](mailto:Katerina.Galacatos@usace.army.mil). All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: <http://www.spn.usace.army.mil/Missions/Regulatory.aspx>

Sincerely,

Katerina Galacatos, Ph.D.  
South Branch Chief  
Regulatory Division

Enclosures

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