

DEPARTMENT OF THE ARMY REGIONAL PERMIT No. 7

MARINA LAGOON

Sponsor: City of San Mateo

File No.: 25753S

Issuing Office: San Francisco District

NOTE. The term "you" and its derivatives, as used in this permit, means the permittee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

Authorized work:

- 1. Construction, maintenance, and improvement of individual boat docks, ramps, and pile-supported boardwalks on both banks of Marina Lagoon within the City limits of San Mateo.**
  - a) Where the existing house structure does not extend into the lagoon: docks, ramps & boardwalks shall not extend into the lagoon more than 25 feet beyond the point on the shoreline intersected by the plane of the summer high water level.**
  - b) Where the existing house structure extends 10 feet or less into the lagoon: docks, ramps & boardwalks shall not extend into the lagoon more than 25 feet beyond the point on the shoreline intersected by the plane of the summer high water level.**
  - a) Where the existing house structure extends greater than 10 feet into the lagoon: docks, ramps & boardwalks shall not extend into the lagoon more than 15 feet beyond the edge of the existing house structure, and shall not extend more than 40 feet beyond the point on the shoreline intersected by the plane of the summer high water level.**
- 2. Maintenance, and improvement of existing storm water outfalls, and activities related to the construction of storm water outfalls where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted, or is otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act).**
- 3. Construction, maintenance, and improvement of fences (along established property lines only). Fences shall not extend more than 6 feet beyond the point on the shoreline intersected by the plane of the summer high water level.**
- 4. Construction, maintenance, and improvement of bank protection including riprap, bulkheads, paving on banks, and cuts and fills.**
- 5. Maintenance, including sand replenishment, at the existing beaches at Lakeshore Park, Aquatic Park, and Mariner's Island. Extension of existing beaches beyond their existing footprint is not authorized.**

Definitions:

The summer high water level in Marina Lagoon is defined as being at elevation 97 feet, referenced to San Mateo datum plus 100, or -0.64 feet NGVD.

Project location:

## **Marina Lagoon, in the City of San Mateo, San Mateo County, California.**

### Permit Conditions:

**General Conditions:** The following general conditions must be followed in order for any authorization by this regional permit to be valid:

- 1.** This authorization ends on **1 April 2012**
- 2.** Endangered Species. No activity is authorized under this regional permit that is likely to adversely affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Permittees shall notify the district engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the district engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.
- 3.** Discharges of dredged or fill material into the waters of the United States must be minimized or avoided to the maximum extent possible at the project site.
- 4.** Suitable material. No discharge of dredged or fill material into the waters of the United States may consist of unsuitable material (e.g., trash, debris) and material discharged must be free of toxic pollutants in toxic amounts. (See section 307 of the Clean Water Act)
- 5.** Proper maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
- 6.** Erosion and siltation controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date.
- 7.** Removal of temporary fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
- 8.** If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 9.** If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 10.** You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### Special Conditions:

**1. No individual boat docks or boat launching ramps shall be constructed on the east shoreline of Marina Lagoon southward of a line extending from the western boundary of Aquatic Park south to the east shoreline of the lagoon. Community docks and ramps built along this shore will require an individual permit.**

**2. Where feasible, projects shall use non-chemically treated in-water support structures such as piers made of concrete, plastic or coated metal. Projects using treated lumber (no lumber treated with creosote shall be used) shall utilize the Best Management Practices developed by the Western Wood Preserver Institute.**

**3. No uncured concrete or concrete wash water shall be allowed to come in contact with the waters of Marina Lagoon**

Reporting requirements:

A work plan for each year's proposed activities shall be submitted to this office no later than 1 January of each year. The Corps will notify you in writing, within 30 days of receipt of the above, if any of the proposed work is determined to have more than minimal adverse environmental impacts and is therefore outside the scope of this general permit. Any proposed work which the Corps determines to be likely to have more than minimal adverse impacts is not authorized by this permit. A report of the actual work carried out in the previous year shall be included with the above.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

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(District Engineer)

Timothy S. O'Rourke  
Lieutenant Colonel, Corps of Engineers  
District Engineer

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(Date)