



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**333 MARKET STREET**  
**SAN FRANCISCO, CALIFORNIA 94105-2197**

June 24, 2004

CERTIFIED MAIL

Executive Office

Dear Property Owner:

The U.S. Army Corps of Engineers ("USACE") is the Federal agency charged with overseeing, managing, and protecting the navigable waterways of the United States. The Oakland Inner Harbor Tidal Canal ("Tidal Canal") is one of these waterways. Additionally, the Tidal Canal (and land lining the canal) is unique because the Federal government owns the property.

Many private property parcels along Marina Drive, Fernside Boulevard, and other roads and streets in Alameda and Oakland abutting the Tidal Canal have docks or other structures (both upon *terra firma* and within the canal) that encroach upon Federal property. In accordance with Federal law, any construction on Federal property must be approved by USACE through a permitting and licensing process.

This letter serves as notification that USACE is currently evaluating the private use of the Canal and establishing further guidelines governing that use. At this time, therefore, USACE will not issue: (1) regulatory permits for repair; (2) regulatory permits for new work to existing structures; (3) regulatory permits to start new construction; or (4) new real estate licenses. Exceptions may be granted, however, upon written request to repair an existing structure that is in such disrepair that it is – or may soon become – hazardous. In this context, USACE considers "repair" as a one-for-one replacement of a currently serviceable structure such that it does not change the structure's footprint, purpose, or location. "Currently serviceable" refers to a structure that is currently fit for its intended purpose and not so degraded as to essentially require reconstruction.

This letter is notice that unapproved construction on or over Federally owned land risks penalties imposed by Federal Law. This letter supercedes and clarifies our letters on the same subject dated December 18, 2000 and December 11, 2003. USACE reserves the right to order complete removal of any structure on federal land at any time; USACE may require that a truly unserviceable/hazardous structure be immediately removed from Federal property.

If you have any questions regarding this notice, please contact Mike Dillabough at (415) 859-1648.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McCormick". The signature is stylized with large, sweeping loops and a prominent initial "M".

Michael McCormick  
Lieutenant Colonel, U.S. Army  
Commanding