



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

**DEPARTMENT OF THE ARMY PERMIT**

**PERMITTEE:** Ms. Sarah Scheidt, City of San Mateo

**PERMIT NO.:** 2000-257530S, RGP7

**ISSUING OFFICE:** San Francisco District

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. 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.

You are authorized to perform work in accordance with the terms and conditions specified below:

**PROJECT DESCRIPTION:** This Department the Army permit authorizes the City of San Mateo to conduct routine maintenance activities resulting in the placement of fill and work within Marina Lagoon in the City of San Mateo, San Mateo County, California.

Following are the activities authorized by this permit:

- 1) Construction, maintenance, and improvement of public and private individual boat docks and ramps and pile supported boardwalks on both banks of Marina Lagoon within the City limits of San Mateo. There will be up to 5 newly constructed docks per year, for a total of 25 new docks over the span of the 5-year permit. A typical dock on the lagoon is approximately 25 feet in width, occupying the full extent of the parcel, and up to the maximum allowable length of 25 feet from the shoreline, requiring at least 6-8 support piles having a typical pile diameter of 12 inches, and therefore, the total amount of new dock structures will be approximately 34.90 cubic yards of fill within less than 0.01 acre of Corps jurisdiction over 5 years.
- 2) Maintenance and improvement of existing stormwater outfalls and the O'Neill Slough tide gate inlet, and activities related to the construction of storm water outfalls. This will include yearly sediment and debris removal to maintain lagoon flows and inlet capacity. Accumulated and captured material will be removed with mechanical equipment and hand labor from O'Neill Slough tide gate inlet, stormwater outfalls (59 total), and at the southern litter boom as needed. Up to 250 cubic yards of sediment will be removed over the span of the 5-year permit. This permit does not authorize the expansion of hardscape associated with outfall improvement or maintenance within waters of the U.S.
- 3) Construction, maintenance, and improvement of bank protection including riprap, bulkheads, paving on banks, and cuts and fills. To the maximum extent practicable, any new or additional bank stabilization shall incorporate structures or modifications beneficial to fish and wildlife. Each year, up to 200 linear feet of bank slope repair and 50 linear feet of new bank protection may be permitted under this RGP (10 feet maximum width and 250 feet maximum length). Bank protection work would be limited to 0.06 acre of disturbance in any given year. Bank and Shoreline protection shall occur as needed at any time of year. The total amount of fill permitted below the summer high water line over the course of 5 years is 116 cubic yards.
- 4) Construction, maintenance, and installation of new fences along established property lines will occur on an annual basis. Several private shoreline parcels have fences protruding into the Lagoon below the summer high water level. Fence repair and installation will occur as needed at any time of year. Up to 40 linear feet of new fencing will be constructed per year. Existing fences shall not extend more than 6 feet into the Lagoon beyond the summer high water level. No new fences shall be constructed below the point on the shoreline intersected by

the plane of the summer high water level. The total amount of fill associated with fence structures placed within Corps jurisdiction will be less than 1 cubic yard over the course of 5 years.

- 5) Maintenance, including sand replenishment, at the existing beaches at Lakeshore Park and Aquatic Park. Sand replenishment is estimated to occur once per year. Sand replenishment at both park locations will result in less than 0.001 acre of temporary impacts above the water line in each year. Up to 100 cubic yards in total of sand sourced from a local provider will be replenished annually at the Lagoon beaches.
- 6) Sediment Removal/Dredging: Operation of the Marina Lagoon will require periodic maintenance dredging to sustain the desired depth of sediment and flow in front of the 19th Avenue Creek, 16th Avenue Channel, and Laurel Creek inlets. The proposed dredging activities will result in the short-term disturbance of localized sediment. Up to 2,000 cubic yards of sediment will be dredged over the span of the 5-year permit.
- 7) Removal of nuisance aquatic vegetation. Mechanical harvesters will be used intermittently in the Lagoon throughout the late spring and summer (June through August), to control excessive growth of widgeon grass and filamentous algae to provide safe boating conditions and to maintain water quality and water flow.

All work shall be completed in accordance with the plans and drawings titled "USACE File #2000-257530S, Regional General Permit (RGP 7) for Marina Lagoon, July 1, 2022, 12 Sheets," provided as enclosure 1.

**PROJECT LOCATION:** Marina Lagoon in the City of San Mateo, San Mateo County, California (Lat: 37.568611, Long: 122.292222).

**PERMIT CONDITIONS:**

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on June 1, 2027. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. 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.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. For your convenience, a copy of the water quality certification or waiver is attached. 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.
6. 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.

7. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

#### **SPECIAL CONDITIONS:**

1. By letter dated, February 25, 2022, the U.S. Fish and Wildlife Service (USFWS) concurred with the determination that the project may affect but is not likely to adversely affect California Ridgway's rail (*Rallus obsoletus obsoletus*) and Salt marsh harvest mouse (*Reithrodontomys raviventris*) and their critical habitat. This concurrence was premised, in part, on the description of the proposed action and conservation measures discussed in enclosure 3. These measures are incorporated as special conditions to this Regional General Permit to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
2. By letter dated, February 7, 2022, the National Marine Fisheries Service (NMFS) concurred with the determination that the project is not likely to adversely affect North American green sturgeon southern DPS (*Acipenser medirostris*) Central California Coast steelhead DPS (*Oncorhynchus mykiss*) and their critical habitat. This concurrence was premised, in part, on the description of the proposed action and conservation measures discussed in enclosure 4. These measures are incorporated as special conditions to this Regional General Permit to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
3. Construction in waters of the U.S. is restricted to the California Department of Fish and Wildlife (CDFW) dry season, or the end of any extension granted by CDFW, the Water Board, and the Corps. The seasonal work period for new dock installation using poured concrete and beach sand replenishment shall be restricted to April 15 to October 31. The seasonal work period for dock repair, bank stabilization, and fence repair and installation shall be restricted to the annual drawdown period from January 15 to February 15, otherwise the work period will be restricted to April 15 to October 31. New dock installation using precast concrete may occur at any time provided that the homeowners follow the requirements of the standard Dock Specification Packet issued by the Applicant. Minor debris removal that does not require excavation, and that is immediately necessary to prevent blocking the inlets, may be conducted at any time. Any work conducted within 700 feet of Joinville Park shall be conducted from September 1 to October 15.
4. The permittee shall fully implement the avoidance and minimization measures as described in enclosure 5 during construction.
5. Prior to the start of each construction season, the permittee shall submit a pre-construction proposal for the year's projects for Corps' approval and authorization under this RGP. At a minimum, the pre-construction proposal shall include:
  - a. a list of the activities and their locations;
  - b. the volume, area, and type of temporary fill proposed to be discharged within waters of the U.S.;
  - c. the volume, area, and type of permanent fill proposed to be discharged within waters of the U.S.;
  - d. the volume and area of sediment proposed to be dredged from within waters of the U.S.;
  - e. the amount of new hardscape proposed within waters of the U.S. (as opposed to replacement hardscape); and
  - f. whether special aquatic sites (e.g., wetlands or eelgrass) would be impacted.
6. The permittee must submit an annual report in accordance with the following procedures: Within sixty days after the conclusion of the construction season, you shall submit an annual report documenting the activities

that occurred. This report shall include a description of the work performed, specifically noting any changes to proposed projects from what was outlined in the pre-construction proposal. The annual report may be submitted as an excel spreadsheet. At a minimum, the annual report shall include the following information for that year:

- A description of activities completed and their location;
- Conservation measures implemented that year;
- The impacts associated with each project category for the preceding year; and
- The total impacts associated with each project category over the life of the RGP.

**FURTHER INFORMATION:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. Section 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. Section 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 Item 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 C.F.R. § 325.7 or enforcement procedures such as those contained in 33 C.F.R. §§ 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 C.F.R. § 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

- 6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
 \_\_\_\_\_ 7/26/2022  
 (PERMITTEE) (DATE)

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

  
 \_\_\_\_\_ 29 JUL 2022  
 James Mazza (DATE)  
 Chief, Regulatory Division  
 San Francisco District

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
 (TRANSFEE) (DATE)