



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Ms. Carol Bach, Port of San Francisco

PERMIT NO.: 2015-00016S

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 Regional General Permit (RGP22) authorizes the Port of San Francisco (Port) to carry out the maintenance, repair, and replacement of the Port of San Francisco's existing in-water structures and shoreline protection. The proposed activities will consist of maintenance, repair and replacement activities for the Port's facilities along approximately 3.5 miles of southern shoreline. The proposed activities will be restricted to repairing, replacing, or removing existing aging shoreline infrastructure and navigational equipment on an as-need basis. The work will include routine repair and maintenance as well as the repair, rehabilitation, or replacement of structures or fills recently damaged or destroyed by discrete events such as storms, floods, fire, or collisions.

The types of maintenance and repair intended to be covered by this Regional General Permit (RGP22) will continue a program of maintenance activities necessary to maintain current Port facilities and uses to comply with Port Building Code requirements, maintain public safety, and/or keep facilities in a state of good repair. The project scope includes required implementation of best management practices (BMPs) established by the Regional Water Quality Control Board (RWQCB) and the resource agencies to protect water quality and biological resources.

Proposed maintenance activities will include the repair, rehabilitation, restoration or replacement of any previously authorized structure or fill, such as the following:

- 1) Existing banks (including unarmored and armored shorelines), seawalls, dikes, and existing riprap, provided that the activity meets the terms and conditions of NWP 3 *Maintenance* (up to 500 linear feet of existing structures/year).
- 2) Existing navigation aids and regulatory markers approved by and installed in accordance with the requirements of the U.S. Coast Guard (up to 5/year comprising of 1 cy/year).
- 3) Existing wooden piles, typically 12" diameter (no concrete or steel piles (up to 1,000 piles/year).
- 4) Existing piers, wharves, fenders, dolphins, whales (including under-pier structures such as joists, stringers, and pipelines/utilities attached to pier under deck), pier aprons (including bull rails, kickboards, pavement), and minor coring of pier decks (to install related structures) (approximately 1000,000 square feet/year).
- 5) Existing fencing (up to 100 square feet/year).
- 6) Existing bulkheads (up to 300 square feet/year).

- 7) Existing docking facilities (including docks, piers, gangways, etc.) including replacement or reconfiguration of existing docking facilities (approximately 150,000 square feet/year).
- 8) Existing bollards, cranes, pier canopies, and other small appendages (including ladders, fenders, and camels) (up to 50 small appendages/year).

Proposed debris removal activities will include the permanent removal of existing piles (including fender piles) and associated structures such as decks, piers, stringers, beams, girders, etc. (approximately 54,00 square feet/year).

All work shall be completed in accordance with the plans and drawings titled "USACE File ID: 2015-00016S, Port of San Francisco, Regional General Permit for Maintenance, City and County of San Francisco, November 18, 2016, Figure 1 to 3" provided as enclosure 1.

PROJECT LOCATION: City of San Francisco, San Francisco County, California

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on December 15, 2021. 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. The NMFS concurred with the determination that the project was not likely to adversely effect of Central California Coast steelhead DPS (*Oncorhynchus mykiss*), North American Green Sturgeon DPS (*Acipenser medirostris*), and designated critical habitat for these species. This concurrence was premised, in part, on project work restrictions outlined in the entitled, "*Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Port of San Francisco's Regional General Permit for Waterfront Maintenance and Repair Activities*" (pages 1-11) dated February 3, 2016. These work restrictions are incorporated as special conditions to the RGP authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
2. The Corps initiated consultation with the NMFS to address project related impacts to Essential Fish Habitat. The conservation recommendations outlined in the entitled, "*Magnuson-Stevens Fishery Conservation and Management Act*" (pages 9-11) within the Concurrence Letter entitled, "*Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Port of San Francisco's Regional General Permit for Waterfront Maintenance and Repair Activities*" (pages 1-11) dated February 3, 2016, shall be fully implemented as stipulated.
3. You shall implement all avoidance and minimization measures detailed in your proposed project description.
4. A work plan for each year's proposed activities shall be submitted to this office no later than 30 June of each year. Along with other information, this advanced notice will include work locations, estimates of impact to jurisdictional wetlands and/or to other Waters of the U.S. (in mapped format), construction methods, and proposed work timeframes. 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:
 - (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.


1/13/17

 (PERMITTEE) (DATE)

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


25 July 2017

 John C. Morrow (DATE)
 Lieutenant Colonel, U.S. Army
 District Commander

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.

REGULATORY DIVISION

(TRANSFEEE)

(DATE)

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CORPS OF ENGINEERS
REGULATORY DIVISION