



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 REGIONAL GENERAL PERMIT (RGP 26)

PERMITTEE: Mr. Richard Sinkoff, Port of Oakland

PERMIT NO.: 2003-275310S

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:

The Port of Oakland (Port) proposes to conduct various shoreline maintenance activities and minor construction on Port facilities. The proposed work will include repair, rehabilitation, or replacement of previously authorized structures or fill, and minor construction of a range of structures. These activities will occur on an as needed basis over the next five years. Activities permitted by the RGP consist of:

Maintenance activities including the repair, rehabilitation, or replacement of previously authorized structure, fill, or facilities, such as:

- I. Banks, dikes, and existing riprap \leq linear 2,000 feet/year provided that:
 - a. No material is placed in excess of the minimum needed for erosion protection;
 - b. Each individual bank stabilization activity is less than 500 feet in length;
 - c. The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the high tide line;
 - d. No material is placed in any wetlands or eelgrass beds,
 - e. No material is of the type, or is placed in any location, or in any manner, to impair surface water flow into or out of any wetland area; and
 - f. No material is placed in a manner that will be eroded by normal or expected high flows;
2. Navigation aids, approximately 3/year;
3. Tide gates, approximately 8/year;
4. Piles, wharves, fenders (no new placement with creosote-treated piles), \leq 200 piles/year;
5. Fencing \leq 100 linear ft./year;
6. Pipelines/utilities \leq 200 linear ft./year;
7. Bulkheads and quay walls, approximately once/year; and
8. Marina/ferry docking facilities including reconfiguration of existing docking facilities within an authorized marina or ferry area. No dredging, additional slips, dock spaces, or expansion of any kind within waters of the

U.S. is authorized, approximately 1/year.

Minor construction activities include:

1. Placement and use of scientific measurement devices whose purpose is to provide security or to measure and record scientific data such as staff gages, tide gates, water recording devices, water quality and sediment testing and improvement devices and similar structures, approximately 10/year;
2. Survey/sounding activities (including site investigations, soil/sediment sampling, groundwater sampling/testing, etc.) including core sampling, seismic exploratory operations, plugging of exploratory-type bore holes, soil survey, sampling, and historic resources surveys, approximately 3 times/year that are not permitted through separate project authorizations;
3. Outfalls and associated intakes, approximately 5/year provided that:
 - a. The amount of excavated or dredged material must be the minimum necessary to restore the outfalls, intakes, small impoundments to original design capacities and design configurations;
 - b. The excavated or dredged material is deposited and retained at an upland site, unless otherwise approved by the District Engineer under separate authorization; and
 - c. Proper soil erosion and sediment control measures are used to minimize reentry of sediments into waters of the U.S.
4. Removal/salvage of vessels: Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels or the removal of human-made obstructions to navigation and debris removal, approximately 10/year;
5. New utility installations along the shoreline to support marine terminals, marinas and businesses. Materials removed from any trenches, in an amount not to exceed 5 cubic yards, shall be disposed of at an upland site, approximately 3 installations/year; USACE staff shall be notified when these installations are requested.
6. Placement of new aids to navigation and regulatory markers which are approved by and installed in accordance with requirements of the U.S. Coast Guard, approximately 2 installation/year;
7. Wildlife/vegetation management, approximately 2 times/year; this activity consists of removal of material in the intertidal zone below mean high water and marshes, including treatment and eradication of invasive spartina along the Oakland shoreline.
8. Minor excavation/dredging of no more than 25 cubic yards below the plane of the mean high water mark as part of a single and complete project, excluding tidal wetland or areas of submerged aquatic vegetation (the excavated or dredged material will be deposited and retained at an upland site, unless otherwise approved by the District Engineer under separate authorization), approximately 2 times/year;
9. Minor discharges of dredged or fill material into waters of the U.S., approximately 2 times/year. The quantity of discharged material and the volume of area excavated do not exceed 10 cubic yards below the plane of the high tide line. No activities will be conducted in eelgrass habitat. For activities in the vicinity of eelgrass, impacts to eelgrass will be avoided by placement of physical barriers, such as a silt curtain, or site-specific hydrodynamics to prevent turbidity plumes from dispersing to adjacent eelgrass.
10. Structural discharges of material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways or for general navigation, such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc., approximately 10 times/year.
11. Placement of minor enhancements in the Port's shallow water habitat at Middle Harbor Enhancement Area (MHEA) that are compatible with the overall design and that would result in net increases in aquatic resource functions and services, in consultation with U.S. Army Corps of Engineers and S.F. Bay Conservation and Development Commission staff, approximately once per year. Examples of such enhancements are additional bird islands and fish enhancement structures, as part of the adaptive management program for MHEA.
12. Placement of temporary structures, construction access, and discharges, including cofferdams, necessary for

construction activities or access to conduct other authorized minor construction activities. These minor construction activities may include fills for dewatering of construction sites.

13. Discharges of dredged or fill material, including dredging or excavation, into waters of the United States to supplement maintenance of upland areas damaged by storms, floods, or other discrete events. The Port's activities would include bank stabilization and riprap placement, primarily under wharves in the marine terminal area, to better protect seaport and wharf infrastructure, approximately 10 feet in length, 3 times/year. Bank stabilization and associated fill would not exceed the contours, or alter the ordinary high water mark, that existed before the damage occurred.

All work shall be completed in accordance with the plans and drawings titled "USACE File #2003-275310S, Port of Oakland Maritime Facilities Maintenance RGP 26," dated October 24, 2018, Sheets 1 to 6, provided as Enclosure 1.

You shall submit requests for maintenance and minor construction to be authorized under this Regional General Permit, allowing for at least forty-five days for the Corps' review. You must receive Corps' approval that the proposed maintenance and minor construction projects are authorized under this Regional General Permit.

You shall submit annual reports documenting the maintenance and minor construction that was under taken during the past year as well as during the term of this authorization. The annual report shall be submitted by December 31 each year.

PROJECT LOCATION: The project is along the Port's shoreline, which spans 20.6 miles along the east border of San Francisco Bay (Bay), with an urban and industrial waterfront, from just north of the San Francisco-Oakland Bay Bridge, near the City of Emeryville border, to Doolittle Pond in San Leandro Bay, near the northern portion of Oakland International Airport, Alameda County, California (northern extent lat & long: 37.827919, -122.315928; southern extent lat & long: 37.730358, -122.208342).

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on December 1, 2023. 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. 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 affect Central California Coast steelhead (*Oncorhynchus mykiss*), North American green sturgeon (*Acipenser medirostris*), and designated critical habitat for these species. This concurrence was premised, in part, on project work restrictions and the description of the proposed action outlined in Enclosure 2. These work restrictions are incorporated as special conditions to this authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
2. The Port of Oakland shall submit an annual report describing the prior year's projects, as well as all previous work authorized with this authorization, with a site map depicting the location of each project by December 31. The report shall also include a description of the next year's proposed projects with a site map depicting the location of each project. Descriptions shall include the central latitude-longitude for each project, impact amount in square feet and/or cubic yards, and a brief summary of the proposed project. You must receive Corps' approval that the proposed maintenance and minor construction projects are authorized under this Regional General Permit before commencing work.
3. A Section 401 Water Quality Certification or Waste Discharge Requirement from the San Francisco Bay Regional Water Quality Control Board (RWQCB) is required for activities to be authorized by this RGP. The Corps may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal impacts, individually or cumulatively.

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 I 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.




(PERMITTEE)

12-3-2018

(DATE)

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



Travis J. Rayfield
Lieutenant Colonel, U.S. Army
District Commander

4 December 2018
(DATE)

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.

(TRANSFEEE)

(DATE)