



US Army Corps
of Engineers
Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

PUBLIC NOTICE

PROJECT: Tidewater Aquatic Center
NUMBER: 2008-00100S
DATE: December 10, 2008
RESPONSE REQUIRED BY: January 9, 2009

PERMIT MANAGER: Jessica Burton Evans; PHONE: (415) 503-6862; E-mail: Jessica.L.BurtonEvans@usace.army.mil

1. INTRODUCTION: The East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, California 94605 has applied for a Department of the Army permit to construct a floating dock facility and install two storm water outfalls at the Tidewater Aquatic Center within the Martin Luther King Jr. Regional Shoreline (figures 1 and 2). The purpose of this project is to construct a new, small-craft launch facility to San Leandro Bay. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. PROJECT DESCRIPTION: The proposed project is part of the redevelopment of an industrial site to a public park in the Martin Luther King Jr. Regional Shoreline (figure 2). Portions of the park, outside of the Corps' jurisdiction have already been constructed. Future development at the south end of the Tidewater Aquatic Center is still in conceptual design and not included in the proposed project.

The applicant plans to develop two acres of the existing shoreline with the construction of two boathouses, a security residence, a small-craft launching facility, and associated landscape and hardscape. New utilities including domestic water, fire water, sanitary sewer, and storm sewer will also be constructed. The following activities, associated with the planned development, are within the jurisdiction of the U.S. Army Corps of Engineers: small-craft launch facility, modification of the existing shoreline stabilization, and two storm water outfalls.

The small-craft launch facility (figure 3) will consist of floating docks (3,100 sq. ft.), guide piles (10), two aluminum gangways (one ADA accessible and one for boat/crew access), and a fixed ramp on the floating docks. An additional 1,900 sq. ft. of floating dock will added to the south end of the small-craft launch facility as funding is available. Portions of the existing riprap will be removed for construction of the small-craft launch facility. Approximately 820 cubic yards (cy) of riprap will be replaced along the excavated shoreline below the high tide line, covering an area of approximately 8290 sq. ft. (0.19 acres). Approximately 100 cy of riprap will also be placed above the high tide line, covering an area of approximately 870 sq. ft. (0.02 acres). All riprap will be placed with excavator from the shore or waterside.

To accommodate boat access and modifications to existing shoreline, approximately 3,635 cy of material will be dredged from below the high tide line to a design depth of -3.6 feet Mean Lower Low Water (MLLW) plus 1 foot of over dredge allowance. Approximately 750 cy of the material excavated below the high tide line is to accommodate modifications to the existing shoreline protection (riprap). An additional 200 cy of material will be excavated above the high tide line to accommodate riprap placement. The dredging footprint below the high tide line will be approximately 15,150 sq. ft (0.35 acres). The excavation footprint above the high tide line will be approximately 870 sq. ft. (0.02 acres). The dredged material will be disposed at Winter Island, a managed wetland near the City of Pittsburg, CA within the West Delta adjacent to the San Joaquin River. All process water associated with the

placement of dredged material will be contained on-site and not discharged back into the river.

Two storm water outfalls will be installed, as shown in figures 4 and 5, to discharge treated storm water from the site into San Leandro Bay. The outfalls will be constructed in the existing riprap. Two 12-foot long, 5-foot wide trenches will be excavated in order to construct each outfall. Approximately 24 cubic feet of riprap will be removed from each trench and the soil will be excavated to a maximum depth of 5 feet below finish grade. A 12-inch Class III RCP will be placed so that the outfall is at the high tide line. After placement, the excavated trench will be filled with soil in kind and riprap to conform to the existing riprap area. For 1-foot around each pipe, the riprap will be mortared.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially

impacted by the proposed project include Chinook salmon and steelhead trout.

Please note that programmatic biological opinions (BOs) were issued by FWS (March 12, 1999) and NMFS (September 18, 1998) for the Long Term Management Strategy for the placement of dredged material in the San Francisco Bay region. As a result of the BOs there are allowable time frames to dredge to protect the habitat for threatened (and endangered) species and the species themselves per Section 7 of the Endangered Species Act of 1973, as amended. If the dredge work is conducted within those time frames, there is no need for consultation.

Federally-listed endangered adult winter-run Chinook salmon (*Oncorhynchus tshawytscha*) migrate through San Francisco Bay, as well as Suisun Bay and Honker Bay, to spawning areas in the upper Sacramento River during the late fall and early winter. Juveniles travel downstream through San Francisco Bay to the Pacific Ocean in the late fall as well. The movements of adult and juvenile salmon through the Bay system are thought to be rapid during these migrations. Since impacts to the water column during disposal events would be short-term, localized and minor in magnitude, no potentially adverse effects to winter-run Chinook salmon that may be near the disposal site are anticipated, if the dredge work is conducted from June 1 through November 30. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30 in any year, without consultation (pursuant to Section 7 of the ESA) with and approval from NMFS and the Corps.

Central California populations of steelhead trout (*Oncorhynchus mykiss*) were classified as federally threatened in August 1997. The steelhead that occur in San Francisco Bay are included in this ESU (evolutionarily significant unit) and therefore receive protection under the Endangered Species Act. There is concern that steelhead migrating through the Bay to streams in the North Bay might enter San Pablo Bay. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30 in any year, without consultation (pursuant to Section 7 of the ESA) with

and approval from NMFS and the Corps. Additionally, the Corps has concerns regarding potential impacts to Pacific herring during its annual spawning season. The proposed dredging will occur within the traditional Pacific herring spawning grounds. As a result, the Corps will condition the permit (if issued) so that dredging will be allowed only from March 1 through November 30 in any year.

California least tern (*Sterna antillarum brownii*) was classified as federally endangered in 1970, and therefore receive protection under the Endangered Species Act. The terns breed in the eastern part of the San Francisco Bay, from the Berkeley Marina to San Lorenzo Creek within one mile of the coastline. The dredging project is located within the breeding area of the California Least Tern. The permit will contain a condition that dredging is allowed only from August 1 through March 14.

Magnuson-Stevens Fisheries Conservation and Management Act: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Tidewater Aquatic Center is located along San Leandro Bay in the City of Oakland, Alameda County. The proposal would impact approximately 0.35 acres of EFH potentially utilized by various species of sole, shark and rockfish. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NMFS.

Most of the excavation footprint is intertidal, and exposed during low tide. It is presumed that fish species utilizing the area would be using it for feeding, during a period of growth, when the area is flooded during high tide. When dredging occurs, the fish should be able to find ample and suitable foraging areas in and along the adjacent shallow water habitat and canal. As the infaunal community recovers in the dredged area, fish species will return to feed.

Currently, the dredging footprint is partially vegetated with *Spartina alterniflora* hybrids and partially covered with riprap. No oysters, native or non-native, were observed by Corps biologists during a site inspection on October 10, 2008. The "Baywide Eelgrass Inventory of San Francisco Bay," prepared by Merkel and Associates, dated October 2004, does not show the area in and around the project as having any eelgrass beds. Eelgrass was not observed by Corps biologists during a site inspection on October 10, 2008 and is not expected to be established in this area.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that a valid request has been submitted to the San Francisco Bay Regional Water Quality Control Board for State water quality certification. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). The applicant has not submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for

compliance with the guidelines.

Coastal Zone Management Act of 1972 (CZMA):

Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be directed to the San Francisco Bay Conservation and Development Commission (BCDC), 50 California Street, Suite 2600, San Francisco, California 94111.

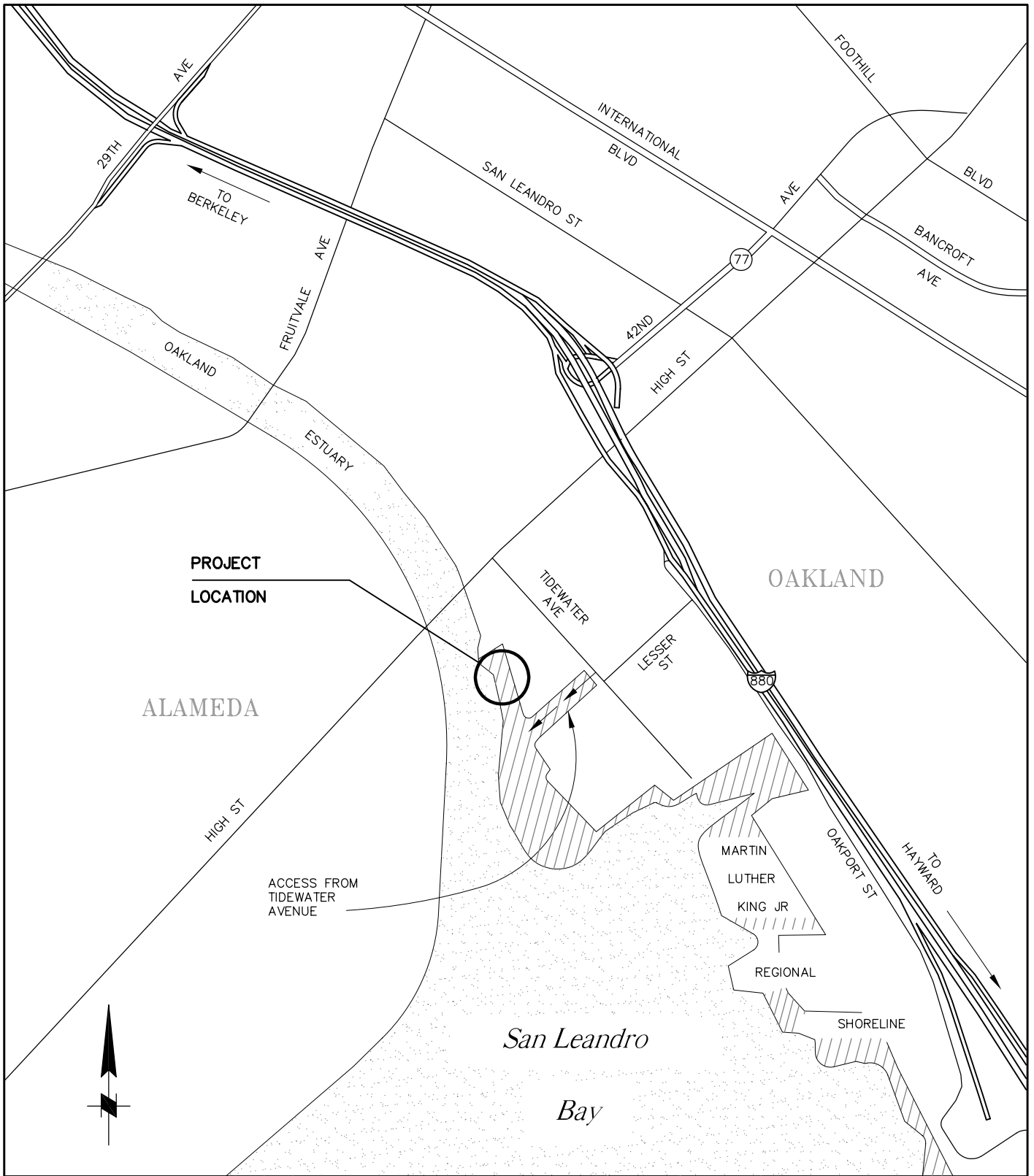
National Historic Preservation Act of 1966 (NHPA):

Because the proposed site has been previously disturbed, historic or archeological resources are not expected to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to Ms. Jessica Burton Evans at the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Ms. Jessica Burton Evans of our office at telephone number (415) 503-6862 or by E-mail at: Jessica.L.BurtonEvans@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



LOCATION MAP

NTS

PURPOSE: NEW BOATHOUSE & LAUNCH DOCK FOR RECREATIONAL ACCESS

DATUM: MLLW

ADJACENT PROPERTY OWNERS: HANSONAGGREGATES MARINE

**FIGURE 1
VICINITY MAP**

EAST BAY REG PARK DISTRICT
2950 PERALTA OAKS CT
OAKLAND, CA 94605

TIDEWATER AQUATIC CENTER LAUNCH FACILITIES

IN: OAKLAND ESTUARY, IN SAN FRANCISCO BAY
AT: OAKLAND
COUNTY OF: ALAMEDA
APPLICATION BY: EAST BAY REG PARK DISTRICT
FIGURE 1 OF 4 DATE: JANUARY 2008

Figure 1

24'W GRAVEL ENTRY ROAD(E) —

ARKANSAS BANDAG CORP.

8' HIGH CHAIN LINK FENCE(E)

6' HIGH CHAIN LINK FENCE(E)

BUILDING #3(P)

BUILDING #2(P)

BUILDING #1(P)

100' BCDC SHORELINE BAND

BEGIN 8' WIDE CONCRETE TRAIL(E)

6' HIGH CHAIN LINK FENCE WITH PLASTIC SLATS(E)

50 CAR GRAVEL STAGING AREA(E)

6 AC PAVED ADA ACCESSIBLE PARKING SPACES(E)

14' WIDE EMERGENCY ACCESS GATE(E)

100 CARS(P)

TOILETS(4)(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

PICNIC(P)

MATCH LINE

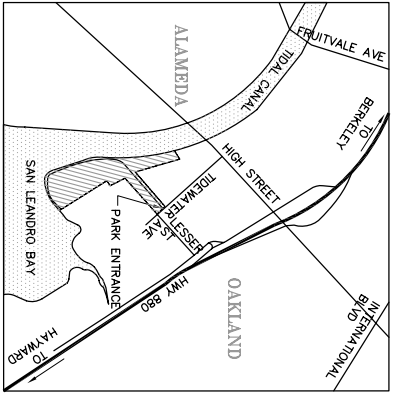
▲

1

UTILITIES AND ACCESS EASEMENT

1

1



LOCATION MAP

PROPOSED TIDEWATER AQUATIC CENTER (3 BUILDINGS & RECREATIONAL DOCK FOR PUBLIC USE)

OBSERVATION AREA WITH BENCHES(E)

12"Ø ADS PIPE(E)

10' WIDE AC PAVED BAY TRAIL (E)

VEGETATION (E, TYP)

12"Ø ADS PIPE(E)

SHORELINE PROTECTION (E)

VEGETATION (E, TYP)

10' WIDE AC PAVED BAY TRAIL (E)

VEGETATION (E, TYP)

EXISTING PUBLIC PARK (RESTROOMS, BAY TRAIL, ENTRY ROAD, PARKING, TURF, AND PICNIC AREAS) REMOVE IN FUTURE PHASE

10' WIDE AC PAVED BAY TRAIL (E)

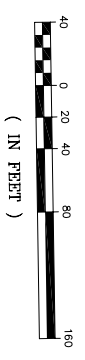
SAN LEANDRO BAY

SHORELINE PROTECTION (E)

VEGETATION (E, TYP)

WILDLIFE OBSERVATION FISHING PIER (FUTURE PHASE)

GRAPHIC SCALE



LEGEND

(E) EXISTING

(P) PROPOSED

GRAPHIC SCALE



LEGEND

(E) EXISTING

(P) PROPOSED

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



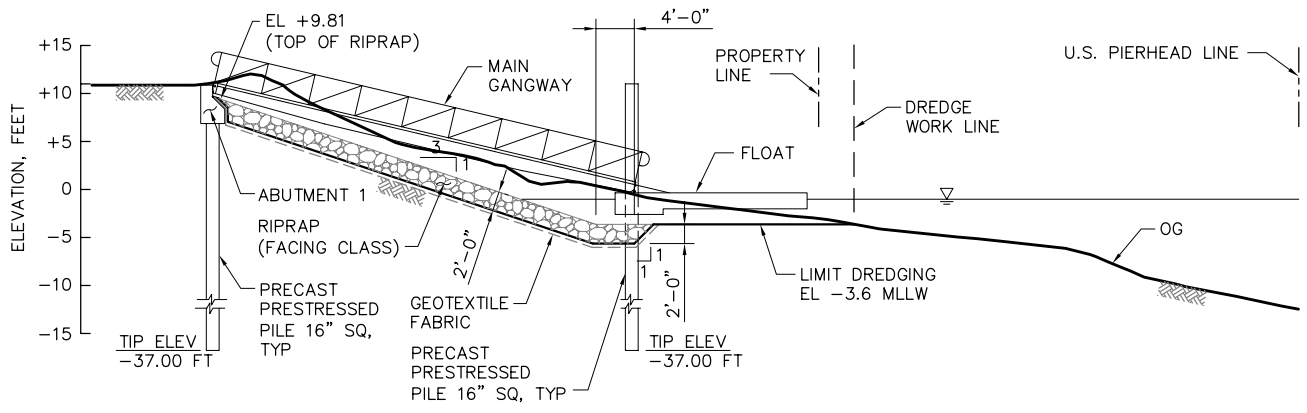
DATE

REVISIONS

SURVEY

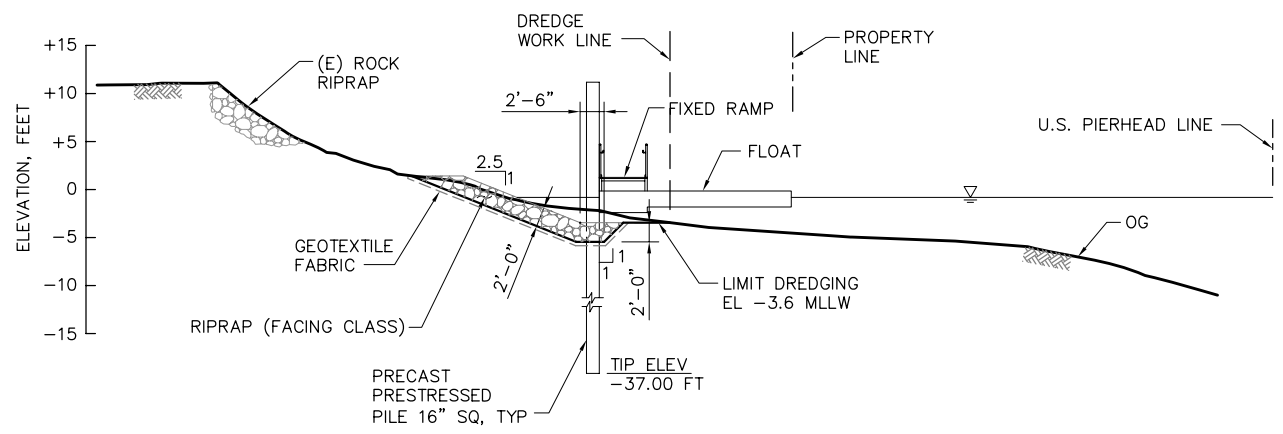
DATE

Figure 2



NOTE:
 ABUTMENT 2 PILE TIP
 ELEV = -30.00 FT

SECTION **A**
 1" = 20'
 FIG2 FIG4



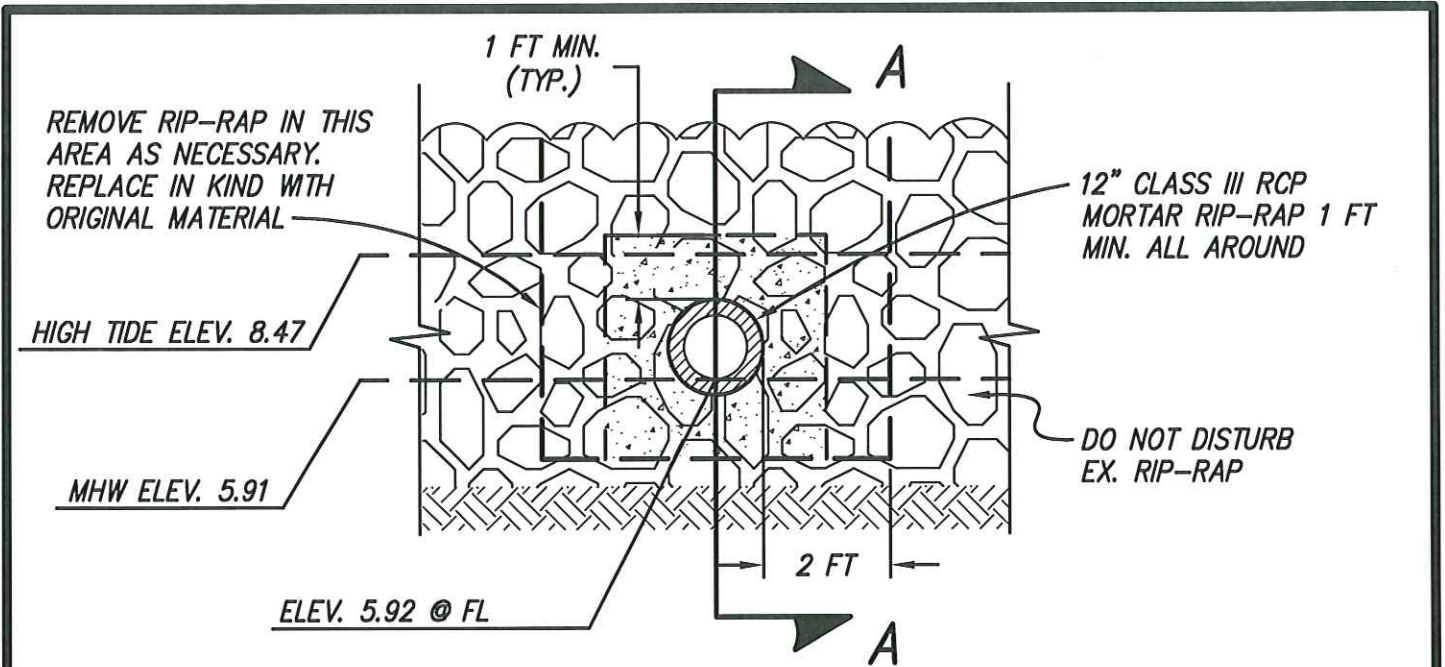
SECTION **B**
 1" = 20'
 FIG2 FIG4

PURPOSE: NEW BOATHOUSE & LAUNCH DOCK FOR RECREATIONAL ACCESS
 DATUM: MLLW
 ADJACENT PROPERTY OWNERS: HANSONAGGREGATES MARINE

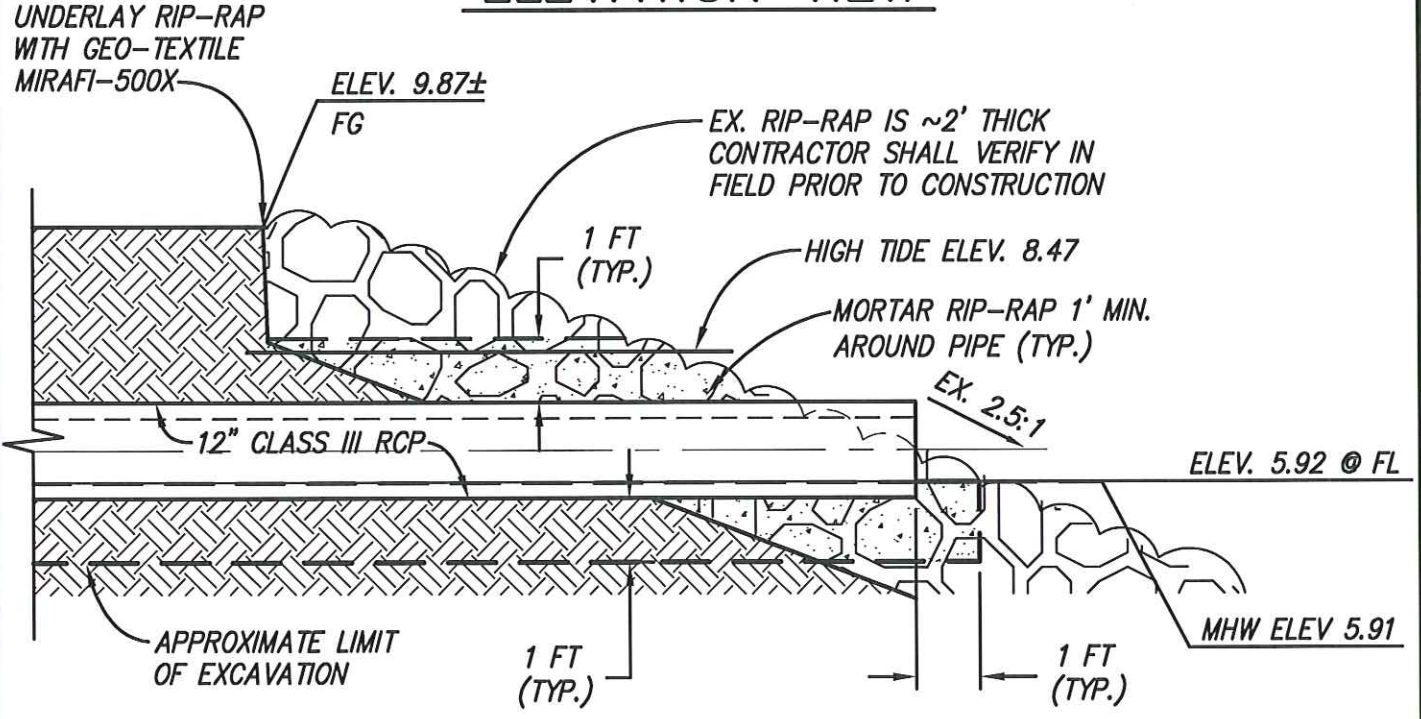
FIGURE 3
 TYPICAL SECTIONS
 EAST BAY REG PARK DISTR
 2950 PERALTA OAKS CT
 OAKLAND, CA 94605

TIDEWATER AQUATIC CENTER LAUNCH FACILITIES
 IN: OAKLAND ESTUARY, IN SAN FRANCISCO BAY
 AT: OAKLAND
 COUNTY OF: ALAMEDA
 APPLICATION BY: EAST BAY REG PARK DISTR
 FIGURE 4 OF 4 DATE: JANUARY 2008

Figure 3



ELEVATION VIEW



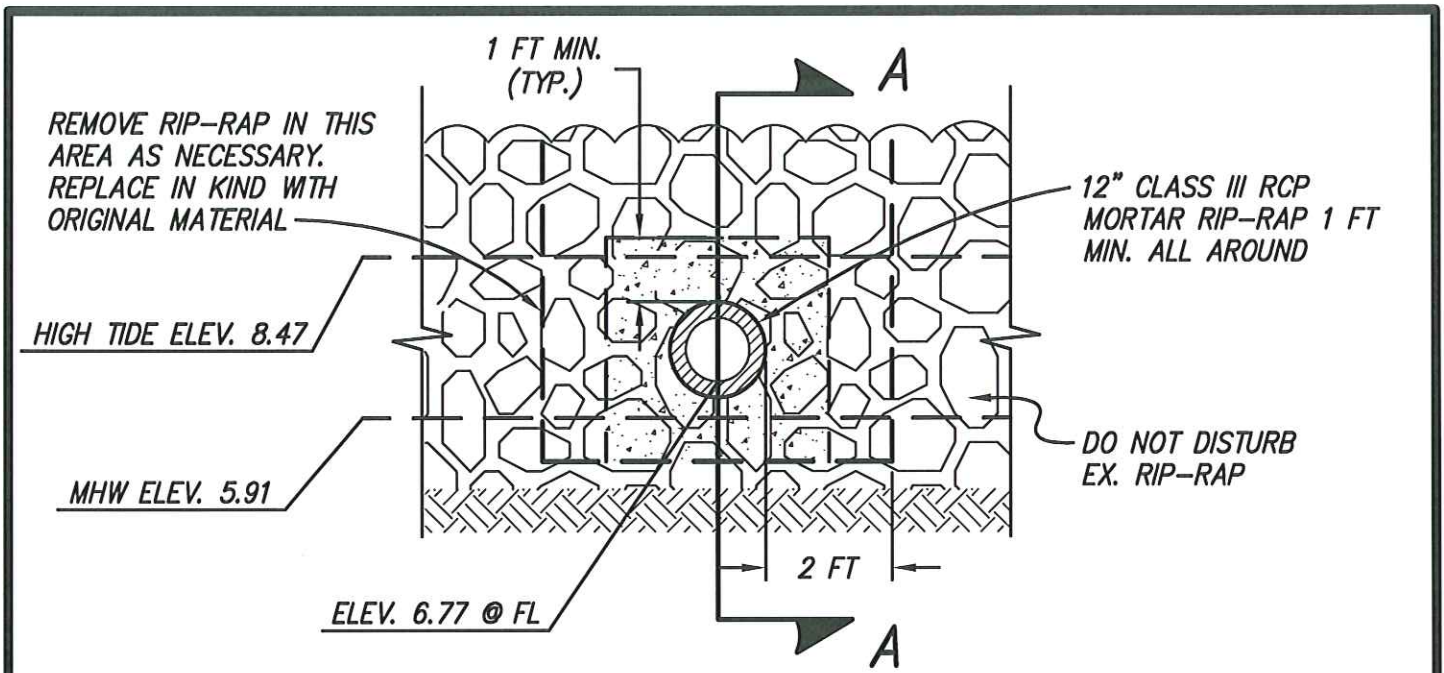
SECTION A-A

NOTE: MIN. ELEVATION OUT OF EXTENTS OF PROJECT

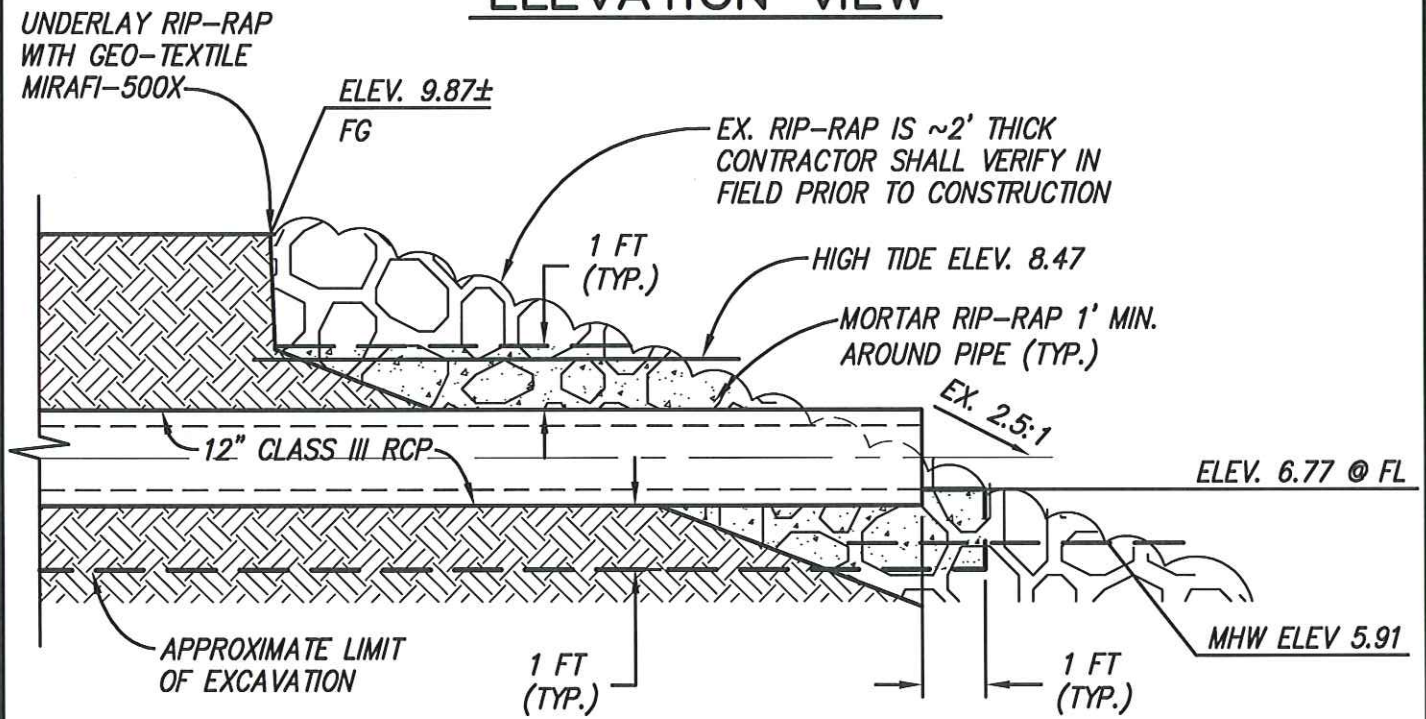
12" RCP OUTFALL NO. 1 DETAIL

1"=3'

<p>SANDIS CIVIL ENGINEERS SURVEYORS PLANNERS</p> <p>1721 Broadway, Suite 201 Oakland, CA 94612 P. 510.873.8866 F. 510.873.8868 www.sandis.net</p> <p>MOUNTAIN VIEW ROSEVILLE OAKLAND</p>	DATE: 01/15/08	<p>SECTIONS</p>	SHEET
	SCALE: 1"=3'		<p>C3</p>
	DRAWN BY: RAB		
	APPROVED BY:		
	DRAWING NO: 605122		



ELEVATION VIEW



SECTION A-A

NOTE: MIN. ELEVATION OUT OF EXTENTS OF PROJECT

12" RCP OUTFALL NO. 2 DETAIL

1"=3'



SANDIS

CIVIL ENGINEERS
SURVEYORS
PLANNERS

1721 Broadway, Suite 201 | Oakland, CA 94612 | P. 510.873.8866 | F. 510.873.8868 | www.sandis.net

MOUNTAIN VIEW ROSEVILLE OAKLAND

DATE: 01/15/08
SCALE: 1"=3'
DRAWN BY: RAB
APPROVED BY:
DRAWING NO: 605122

SECTIONS

SHEET

C4

OF 6 SHEETS