



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

September 4, 2025

Regulatory Division

Subject: File Number SPN-2015-00016

Ms. Kathryn Purcell
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, California 94111
kathryn.purcell@sfport.com

Dear Ms. Purcell:

This correspondence is in reference to your submittal of July 18, 2025, on behalf of the Port of San Francisco (Port), concerning Department of the Army (DA) authorization for the Taylor Street Wharf J1 Demolition and Repair Project, located at 2829 Taylor Street in the City and County of San Francisco, California (37.8087 °N, -122.4161 °W).

Work within U.S. Army Corps of Engineers (Corps) jurisdiction will entail repairs and modifications to approximately 5000 square feet (0.12 acre) of Wharf J1, including demolishing the vacant and dilapidated Alioto's restaurant building, repairing and replacing piles and other components of the wharf substructure, replacing portions of the wharf deck underlying the demolished building, and topside improvements for public space on the newly repaired wharf area. Approximately 25 14-inch diameter damaged timber piles will be repaired by installing grouted fiberglass jackets, and an additional 28 14-inch diameter damaged timber piles will be replaced in kind, with new piles installed using a vibratory hammer during the in-water work window from June 15 to November 30. All work shall be completed in accordance with the plans and drawings titled: "USACE File # SPN-2015-00016, Port of San Francisco Wharf J1 Repairs" dated July 10, 2025, in 10 sheets (enclosure 1).

Section 404 of the Clean Water Act (CWA) generally regulates the discharge of dredged or fill material below the plane of ordinary high water in non-tidal waters of the United States, below the high tide line in tidal waters of the United States, and within the lateral extent of wetlands adjacent to these waters. Section 10 of the Rivers and Harbors Act (RHA) generally regulates construction of structures and work, including excavation, dredging, and discharges of dredged or fill material occurring below the plane of mean high water in tidal waters of the United States; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States. Navigable waters of the United States generally include all waters subject to the ebb and flow of the tide; and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce.

Based on a review of the information in your submittal, the project qualifies for authorization under Department of the Army Nationwide Permit (NWP) 3 - *Maintenance* (86 Fed. Reg. 73522, December 11, 2021), pursuant to Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 et seq.). The project must be in compliance with the terms of the NWP, the general conditions of the Nationwide Permit Program, and the San Francisco District regional conditions cited on our website (www.spn.usace.army.mil/Missions/Regulatory/Permitting/Nationwide/). You must also be in compliance with any special conditions specified in this letter for the NWP authorization to remain valid. Non-compliance with any term or condition could result in the revocation of the NWP authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps. This NWP authorization does not obviate the need to obtain other State or local approvals required by law. Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance (enclosure 2) verifying that you have complied with the terms and conditions of the permit.

This verification will remain valid until March 14, 2026, unless the NWP authorization is modified, suspended, or revoked. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon a NWP will remain authorized provided the activity is completed within 12 months of the date of a NWP expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 C.F.R. § 330.4(e) and 33 C.F.R. § 330.5(c) or (d). This verification will remain valid if, during the time period between now and March 14, 2026, the activity complies with any subsequent modification of the NWP authorization. The Chief of Engineers will periodically review NWPs and their conditions and will decide to modify, reissue, or revoke the permits. If an NWP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. It is incumbent upon you to remain informed of any changes to the NWPs. Changes to the NWPs would be announced by Public Notice posted on our website (www.spn.usace.army.mil/Missions/Regulatory/Public-Notices.aspx).

You shall comply with all terms and conditions set forth by the “*Administrative Extension of Order R2-2016-0039 Waste Discharge Requirements and Water Quality Certification for the Port of San Francisco, Port of San Francisco’s Port Maintenance Program, San Francisco City and County*” issued by the San Francisco Bay Regional Water Quality Control Board on April 12, 2024 (enclosure 3). You shall consider such conditions to be an integral part of the NWP authorization for your project.

You shall comply with all terms and conditions set forth by the “*BCDC Permit No. M1977.017.21 (Amendment No. 21); Time Extension*” issued by the San Francisco Bay Conservation and Development Commission on March 3, 2025 (enclosure 4). You shall consider such conditions to be an integral part of the NWP authorization for your project.

General Condition 18 stipulates that project authorization under a NWP does not allow for the incidental take of any federally-listed species in the absence of a biological opinion with incidental take provisions. As the principal federal lead agency for this project, the Corps initiated consultation with the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) to address impacts to listed species from the Port Maintenance Program, pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*). By letter of March 7, 2024 (enclosure 5), the NMFS concurred with the determination that, with prescribed avoidance and minimization measures, the Port Maintenance Program is not likely to adversely affect Sacramento River winter-run or Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley or Central California Coast steelhead (*O. mykiss*), North American green sturgeon (*Acipenser medirostris*), or designated critical habitat for these species. The NMFS also determined that the Port Maintenance Program would adversely affect Essential Fish Habitat (EFH) for various life stages of fish species managed under the Pacific Groundfish, Coastal Pelagic Species, and Pacific Coast Salmon Fishery Management Plans (FMPs) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act of 1996, as amended (16 U.S.C. § 1801 *et seq.*), but that the Program’s avoidance and minimization measures are sufficient and additional EFH conservation measures are not needed. By letter of March 11, 2024 (enclosure 6), the USFWS concurred with the determination that the Port Maintenance Program is not likely to adversely affect longfin smelt (*Spirinchus thaleichthys*).

In order to ensure compliance with this NWP authorization, the following special conditions shall be implemented:

1. The NMFS and the USFWS concurred with the determination that permitted activities under the Port of San Francisco Maintenance Program are not likely to adversely affect Chinook salmon, steelhead, green sturgeon, longfin smelt, or their designated critical habitats. These concurrences were premised, in part, on adherence to the project categories and conservation measures detailed in enclosures 5 and 6. These measures are incorporated as Special Conditions to the NWP authorization for your project to ensure unauthorized incidental take of species or loss of critical habitat do not occur.

2. All proposed and standard best management practices shall be implemented throughout the project site to help minimize impacts to adjacent waters. Any waste material that enters the water or the bay bottom shall be removed immediately.
3. You shall implement mitigation measures required under the City of San Francisco's Waterfront Plan to ensure the protection and avoidance of damage to onsite and directly adjacent historic resources. For this project, potential adverse effects to the Fishermen's Grotto building would be avoided through binding contract specifications that would be approved by the San Francisco Planning Department to protect from potential impacts resulting from demolition of the Alioto's building and repairs/modifications of the underlying wharf, and to repair any minor incidental damage that might occur to the Fishermen's Grotto building, per the Secretary of the Interior's Standards for the Treatment of Historic Properties.
4. A post construction report shall be submitted within 45 days after the conclusion of repair activities. The report shall document completed activities, total impacts (if different from those approved), and include before and after photographs.

You may refer any questions on this matter to me by by e-mail at gregory.g.brown@usace.army.mil, or by telephone at 415-503-6791. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. The Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: www.sfn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Katerina Galacatos, Ph.D.
South Branch Chief, Regulatory Division

Enclosures

cc:

Environmental Science Associates, San Francisco, CA (Attn. Garrett Leidy, gleidy@esassoc.com)

CA RWQCB, Oakland, CA (Attn. Rebecca Nordenholt, rebecca.nordenholt@waterboards.ca.gov)

USFWS, Sacramento, CA (Attn. Kim Squires, kim_squires@fws.gov)

NMFS, Santa Rosa, CA (Attn. Sara Azat, sara.azat@noaa.gov)