



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

DEC 3 - 2007

Regulatory Branch

SUBJECT: File Number 27703S

U.S. Fish and Wildlife Service
Attn: Mendel Stewart and Clyde Morris
Don Edwards San Francisco Bay Wildlife Refuge
9500 Thornton Ave.
Newark, CA 94560

Dear Mr. Morris:

This letter is written in response to your submittal of July 10, 2007 requesting confirmation of the extent of Corps of Engineers' jurisdiction at the Ravenswood (SF2) and Alviso Salt Pond Complexes (A5, A6, A7, A8, A8N, A8X, A16, and A17) situated on the fringe of the San Francisco Bay. The Ravenswood Salt pond is located south of Highway 84, west of the Dumbarton Bridge, and east of the developed areas of the City of Menlo in San Mateo County, California. The Alviso Salt Ponds are located South of Coyote Creek, west of Alviso Slough, and North of the town of Alviso in Santa Clara County, California.

Enclosed are five (5) maps showing the extent and location of Corps of Engineers' jurisdiction. We have based this jurisdictional delineation on the current conditions on the site as verified during a site visit performed by our staff on November 13, 2007. A change in conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. If there has been a change in circumstances that affects the extent of Corps' jurisdiction, however, a revision may be completed before that date.

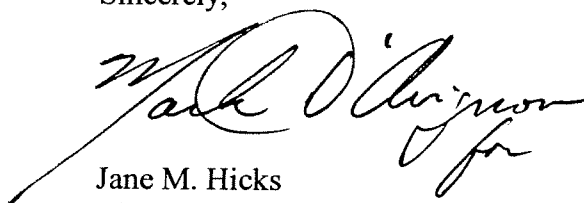
All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands. All proposed work and/or structures extending bayward or seaward of the line on shore reached by: (1) mean high water (MHW) in tidal waters, or (2) ordinary high water in non-tidal waters designated as navigable waters of the United States, must be authorized by the Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403). Additionally, all work and structures proposed in unfilled portions of the interior of diked areas below former MHW must also be authorized under Section 10 of the same statute.

Your proposed activity is within our jurisdiction and a permit will be required for your project. We received your application on October 29, 2007 and will continue to evaluate your project. You are advised to refrain from starting your proposed activity until your application has been evaluated. Commencement of work before you receive our notification will be interpreted as a violation of our regulations.

You are advised that the Corps has established an Administrative Appeal Process, as described in 33 C.F.R. Part 331 (65 Fed. Reg. 16,486; March 28, 2000), and outlined in the enclosed flowchart and "Notification of Administrative Appeal Options, Process, and Request for Appeal" form (NAO-RFA). If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to the District Engineer for reconsideration or submit a completed NAO-RFA form to the Division Engineer to initiate the appeal process. You will relinquish all rights to appeal, unless the Corps receives new information or a completed NAO-RFA form within sixty (60) days of the date of the NAO-RFA.

Should you have any questions regarding this matter, please call Paula C. Gill of our Regulatory Branch at (415) 503-6776. Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available through the Forms and Contacts Block on our website:
<http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane M. Hicks" with a stylized flourish at the end.

Jane M. Hicks
Chief, Regulatory Branch

Enclosures

Copy Furnished (w/o Enclosures):

H.T. Harvey & Associates, Attn: John Bourgeois, 983 University Ave. Bldg. D, Los Gatos, Ca 95032

CA RWQCB, Oakland, CA
CA SWRCB, Sacramento, CA
US EPA

California Department of Fish and Game, Mr. John Krause, 84 Monterey Avenue, San Anselmo, CA 94960



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SUBJECT: File Number 27703S

California Department of Fish and Game
Attn: John Krause
84 Monterey Avenue
San Anselmo, CA 94960

Dear Mr. Krause:

This letter is written in response to your submittal of July 10, 2007 requesting confirmation of the extent of Corps of Engineers' jurisdiction at the Eden Landing Complex Salt Ponds (E8, E8A, E8x, E9, E12, and E13) situated on the fringe of the San Francisco Bay, south of Mount Eden Slough, north of Old Alameda Creek, and east of the San Francisco Bay, west of Hayward and Union City in Alameda County, California.

Enclosed are two maps showing the extent and location of Corps of Engineers' jurisdiction. We have based this jurisdictional delineation on the current conditions on the site as verified during a site visit performed by our staff on November 13, 2007. A change in conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. If there has been a change in circumstances that affects the extent of Corps' jurisdiction, however, a revision may be completed before that date.

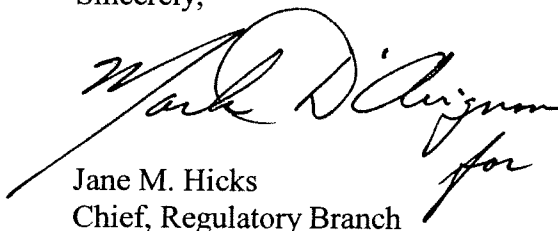
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Sincerely,


Jane M. Hicks
Chief, Regulatory Branch

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US EPA

U.S. Fish and Wildlife Service, Attn: Mendel Stewart and Clyde Morris, Don Edwards San Francisco Bay Wildlife Refuge, 9500 Thornton Ave., Newark, CA 94560