



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

Regulatory Division

OCT 23 2009

SUBJECT: File Number 2001-25926S

Dr. Ann Clarke
Chief, Environmental Services Division
Ames Research Center (MS 237-14)
Moffett Field, California 94035

Dear Ms. Clarke:

This letter is written in response to your submittal of August 27, 2008 requesting confirmation of the extent of Corps of Engineers jurisdiction at the National Aeronautics and Space Administration (NASA) Research Park on Moffett Field located on the southwest shoreline of San Francisco Bay in an unincorporated area of Santa Clara County, California.

Enclosed is a map titled, "Mapped Waters of the U.S.", dated October 08, 2009 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 December 4, 2008. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. However, if there has been a change in circumstances that affects the extent of Corps jurisdiction, 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.

Your proposed activity appears to be within our jurisdiction and a permit may be required for your project. Application for Corps authorization should be made to this office using the application found at our web site www.spn.usace.army.mil/regulatory. To avoid delays it is essential that you enter the file number at the top of this letter into Item No. 1 of the application. The application must include plans showing the location, extent and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your project, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a Public Notice for a period of 30 days.

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 Nina Cavett of our Regulatory Division at 415-503-6765. Please address all correspondence to the Regulatory Division 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 online at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copy Furnished

CA RWQCB, Oakland, CA