



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
1455 MARKET STREET, 16<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94103-1398

**OCT 24 2018**

Regulatory Division

Subject: File Number: 2005-290200N: Paradise Cay Homeowners Maintenance Dredging;  
Individual Permit; Second Transmittal

Mr. Anthony Williams  
Marin County Department of Public Works  
P.O. Box 4186  
San Rafael, California 94903

Dear Mr. Williams:

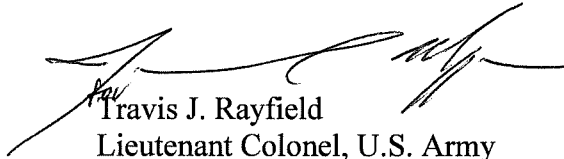
Enclosed is your signed copy of a Department of the Army permit (Enclosure 1) to dredge approximately 100,000 cubic yards of sediments from the area of Paradise Cay residential development and dispose the suitable material at the Alcatraz Disposal Site (SF-11), an open ocean disposal site, a permitted beneficial reuse site, or at an appropriate upland disposal location outside Corps jurisdiction.

Please complete the appropriate parts of the "Project Status" form (Enclosure 2) for each episode, and return them to this office. You are responsible for ensuring that the contractor (or workers) executing the activity authorized herein is knowledgeable with the terms and conditions of this authorization.

**Be advised that your signed permit will NOT be an authorization to proceed. You must first fulfill the requirements of Standard DMMO Conditions 8b, 8c, and 8d on pages 2B and 2C. The conditions are for the submittal, to this office for approval, of a dredge operations plan, a before-dredge survey and a solid-debris management plan. Once these items have been submitted and approved, by this office, you will receive written authorization to commence your work. It is important that all the information requested in the above-mentioned Standard DMMO Conditions is submitted as specified or the submittal might be considered incomplete. An incomplete submittal can be returned for completion, causing delays to your project. You are also responsible for all other general and special conditions contained in your permit.**

Should you have any questions please call Jessica Vargas at (415) 503-2936 or e-mail to Jessica.M.Vargas@usace.army.mil. If you wish to write, please address all correspondence to Jessica Vargas, Operations and Readiness Division and refer to the file number at the head of this letter.

Sincerely,



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

Enclosures

Copy Furnished (electronically):

US EPA, San Francisco, CA, Attn: Jennifer Siu (Siu.Jennifer@epa.gov)  
CA BCDC, San Francisco, CA, Attn: Brenda Goeden (brenda.goeden@bcdcc.ca.gov)  
CA RWQCB, Oakland, CA, Attn: Beth Christian (Elizabeth.Christian@waterboards.ca.gov)  
CA SLC, Sacramento, CA, Attn: Al Franzoia (al.franzoia@slc.ca.gov)  
CA DFW, Santa Rosa, CA, Attn: Arn Aarreberg (Arn.Aarreberg@wildlife.ca.gov)  
US NMFS, Santa Rosa, CA, Attn: Sara Azat (sara.azat@noaa.gov)  
US FWS, Sacramento, CA, Attn: Kim Turner (kim\_s\_turner@fws.gov)  
OSHA, Oakland, CA, Attn: Amber Rose (Rose.Amber@dol.gov)  
USCG, San Francisco, CA Attn: Scott Humphrey (scott.humphrey@uscg.mil)

**PROJECT STATUS**

Please use the forms below to report the dates when you start and finish the work authorized by the enclosed permit. Also if you suspend work for an extended period of time, use the forms below to report the dates you suspended and resumed work. If you find that you cannot complete the work within the time granted by the permit, please apply for a time extension at least one month before your permit expires. If you materially change the plan or scope of the work, it will be necessary for you to submit new drawings and a request for a modification of your permit.

(cut as needed) -----  
Date: \_\_\_\_\_

**NOTICE OF COMPLETION OF WORK** under Department of the Army Permit No. 2005-290200, Episode 1  
**TO:** District Engineer, US Army Corps of Engineers, Operations and Readiness Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No. 2005-290200, this is to notify you that work was completed on \_\_\_\_\_.

Permittee: Anthony Williams, Marin County Department of Public Works  
Address: P.O. Box 4186, San Rafael, California 94903

(cut as needed) -----  
Date: \_\_\_\_\_

**NOTICE OF RESUMPTION OF WORK** under Department of the Army Permit No. 2005-290200, Episode 1  
**TO:** District Engineer, US Army Corps of Engineers, Operations and Readiness Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No. 2005-290200, this is to notify you that work was resumed on \_\_\_\_\_.

Permittee: Anthony Williams, Marin County Department of Public Works  
Address: P.O. Box 4186, San Rafael, California 94903

(cut as needed) -----  
Date: \_\_\_\_\_

**NOTICE OF SUSPENSION OF WORK** under Department of the Army Permit No. 2005-290200, Episode 1  
**TO:** District Engineer, US Army Corps of Engineers, Operations and Readiness Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No. 2005-290200, this is to notify you that work was suspended on \_\_\_\_\_.

Permittee: Anthony Williams, Marin County Department of Public Works  
Address: P.O. Box 4186, San Rafael, California 94903

(cut as needed) -----  
Date: \_\_\_\_\_

**NOTICE OF COMMENCEMENT OF WORK** under Department of the Army Permit No. 2005-290200, Episode 1  
**TO:** District Engineer, US Army Corps of Engineers, Operations and Readiness Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No. 2005-290200, this is to notify you that work commenced on \_\_\_\_\_.

Permittee: Anthony Williams, Marin County Department of Public Works  
Address: P.O. Box 4186, San Rafael, California 94903





**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET, 16<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94103-1398

**DEPARTMENT OF THE ARMY PERMIT**

PERMITTEE: Anthony Williams, Marin County Department of Public Works

PERMIT NO. 2005-290200N

ISSUING OFFICE: San Francisco District, U.S. Army Corps of Engineers (USACE)

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 permittee is authorized to remove approximately 100,000 cubic yards (cys) of sediment from the 10.8-acre (approximately) dredge area over the life of the permit at the Paradise Cay residential development, located near the City of Tiburon, Marin County, California. The design depth for the Paradise Cay waterways is -7 feet mean lower low water (MLLW) plus an additional 2-foot overdredge allowance, and -8 MLLW plus an additional 2-foot overdredge allowance in the Paradise Cay south entrance channel. The material will be removed using a clamshell dredge and barged to an in-Bay dredged material disposal site, such as the Alcatraz Disposal Site (SF-11), an open ocean disposal site, a permitted beneficial reuse site, or at an appropriate upland disposal location outside Corps jurisdiction. Work shall be conducted in accordance with the attached drawings entitled, "USACE File No. 2005-290200N, Paradise Cay residential development Maintenance Dredging," in 3 sheets, dated May 2018.

Prior to each dredging episode, the Dredge Material Management Office (DMMO) will evaluate the sediments to be dredged for disposal or reuse suitability. The DMMO includes representatives from the U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (Corps). The DMMO is tasked with approving sampling and analysis plans in conformity with testing manuals, reviewing the test results and reaching consensus regarding a suitable disposition for the material.

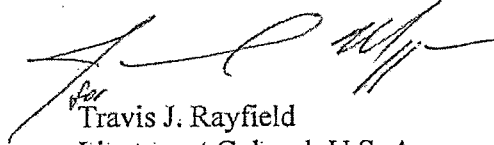
PROJECT LOCATION: Dredging would occur at Paradise Cay residential development near the City of Tiburon, Marin County, California.

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on **December 31, 2027**. 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.

You may refer any questions on this matter to Jessica Vargas by telephone at (415) 503-2936 or by e-mail at [Jessica.M.Vargas@usace.army.mil](mailto:Jessica.M.Vargas@usace.army.mil). All correspondence should be addressed to Jessica Vargas, Operations and Readiness Division, referencing the file number at the head of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis J. Rayfield". The signature is stylized and cursive.

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

Enclosures



DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET, 16<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94103-1398

OCT 03 2018

Regulatory Division.

Subject: File Number: 2005-290200N: Paradise Cay Homeowners Maintenance Dredging;  
Individual Permit; First Transmittal

Mr. Anthony Williams  
Marin County Department of Public Works  
P.O. Box 4186  
San Rafael, California 94903

Dear Mr. Williams:

This correspondence is in reference to your Department of the Army permit application of May 4, 2018 on behalf of the Marin County Department of Public Works, for the maintenance dredging of the Paradise Cay residential development located near the city of Tiburon, Marin County, California. The enclosed two (2) copies of the Department of the Army Permit authorize the removal of an estimated 100,000 cubic yards of sediment, over a 10-year period, from the Paradise Cay residential development waterways and entrance channel.

Based on a recently completed review and evaluation of your Department of the Army permit application and the recommendations of my Regulatory staff, your request for a Department of the Army Permit is hereby *tentatively* approved, subject to the procedures described herein. This decision on permit issuance has been developed under the provisions of 33 C.F.R. Sections 320.4(a) and 325.8(b), which authorize the District Engineer, or his designee, to issue a permit when he determines that permit issuance complies with the Section 404(b)(1) Guidelines and is not contrary to the public interest. This initial proffered permit will **not** be valid until it has been signed and dated by the District Engineer, or his designee.

You are advised that the Corps has established an Administrative Appeal Process, as described in our regulations at 33 C.F.R. pt. 331 (65 Fed. Reg. 16486 (March 28, 2000)) and outlined in the enclosed flowchart and Notification of Administrative Appeal Options, Process, and Request for Appeal (NAO-RFA) form. The following two options are available to you in your evaluation of the enclosed permit: You are advised that the Corps has established an Administrative Appeal Process, as described in our regulations at 33 C.F.R. pt. 331 (65 Fed. Reg. 16486 (March 28, 2000)) and outlined in the enclosed flowchart and Notification of Administrative Appeal Options, Process, and Request for Appeal (NAO-RFA) form. The following two options are available to you in your evaluation of the enclosed permit:

1. You may sign and date both copies of the permit on the line designated for "Permittee". Your signature on the permit indicates that you accept the permit in its

entirety, and waive all rights to appeal the permit, including its terms and conditions. Both copies of the permit must be returned to this office for final authorization. We will then forward one copy of the fully executed permit for your records, at which time you will be authorized to commence work.

2. You may decline to sign the permit because you object to certain terms and conditions, and you may request that the permit be modified. If you decline the permit, you must return the permit to the District Engineer and may not proceed with your project until notified by the District Engineer. You must outline your objections to the terms and conditions of the permit by completing Section II of the NAO-RFA form. Your objections must be received by the District Engineer within 60 days of the date of this letter or you will forfeit your right to request changes to the terms and conditions of the permit.

Upon receipt of the completed NAO-RFA Form, the District Engineer will evaluate your objections and may: (1) revise the permit to address all of your objections; (2) revise the permit to address some of your objections; or (3) not revise the permit, after determining that the permit should be issued as initially written. For any of these three cases, the District Engineer will send you a proffered permit for your reconsideration, as well as a second NOA-RFA Form. If you then intend to decline the proffered permit, you may elect to submit a completed NAO-RFA Form to the Division Engineer to initiate the appeal process; the completed NAO-RFA Form must be submitted directly to the Appeal Review Officer at the address specified on the NAO-RFA Form. You will relinquish all rights to an appeal, unless the Division Engineer receives your objections within sixty (60) days of the date on the second NAO-RFA Form. If, on the other hand, you intend to accept the proffered permit as recommended by the District Engineer, you should follow the execution procedures outlined under Option A.

Under the provisions of 33 C.F.R. Section 325.2(d)(5), this office may elect to withdraw your Department of the Army permit application from active processing, if you fail to sign and return both copies of this permit or fail to initiate the appeal process within sixty (60) days of the date on the enclosed NAO-RFA Form.

**Be advised that your signed permit will NOT be an authorization to proceed. You must first fulfill the requirements of Standard DMMO Conditions 8b, 8c, and 8d on pages 2B and 2C. The conditions are for the submittal, to this office for approval, of a dredge operations plan, a before dredge survey and a solid debris management plan. Once these items have been submitted and approved, by this office, you will receive written authorization to commence your work.**

REGULATORY DIVISION  
CORPS OF ENGINEERS

2018 OCT 19 P 2:55

RECEIVED  
OF DISTRICT



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. For each dredge episode, you must obtain a water quality certification from the Regional Water Quality Control Board for your project, you must comply with the conditions specified in the certification as Special Conditions to this permit.

6. If a conditioned coastal zone consistency concurrence or determination has been issued for your project, you must comply with the conditions specified in the concurrence or determination as Special Conditions to this permit. (*San Francisco Bay Conservation and Development Commission Permit No. M1994.068.00, Amendment No. Nine, Issued on March 30, 1995, As Amended Through September 13, 2018.*)

7. 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.

8. 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 (Section 10 only).

#### **SPECIAL CONDITIONS:**

**1. Dredging shall be limited to June 1 through November 30 each year for the following reasons:**

**a. In order to minimize impacts to listed species of steelhead trout (*Oncorhynchus mykiss*), dredging and disposal operations shall occur only from June 1 through November 30. Dredging outside this environmental work window would require consultation with the National Marine Fisheries Service (NMFS) (pursuant to Section 7 of the Endangered Species Act) and approval from the NMFS and the U.S. Army Corps of Engineers.**

**b. In order to minimize impacts to listed species of Chinook salmon (*Oncorhynchus tshawytscha*), dredging and disposal operations shall occur only from June 1 through November 30. Dredging outside this environmental work window would require consultation with the National Marine Fisheries Service (NMFS) (pursuant to Section 7 of the Endangered Species Act) and approval from the NMFS and the U.S. Army Corps of Engineers.**

**c. In order to minimize impacts to listed species of coho salmon (*Oncorhynchus kisutch*), dredging and disposal operations shall occur only from June 1 through November 30. Dredging outside this environmental work window would require consultation with the National Marine Fisheries Service (NMFS) (pursuant to Section 7 of the Endangered Species Act) and approval from the NMFS and the U.S. Army Corps of Engineers.**

**d. In order to minimize impacts to listed North American green sturgeon (*Acipenser medirostris*), dredging and disposal operations shall occur only from June 1 through November 30. Dredging outside this environmental work window would require consultation with the National Marine Fisheries Service**

**(NMFS) (pursuant to Section 7 of the Endangered Species Act) and approval from the NMFS and the U.S. Army Corps of Engineers.**

**2. No dredging shall occur in areas with submerged aquatic vegetation (SAV). If the project cannot avoid impacts to SAV, the applicant must contact the Corps to initiate consultation with NMFS to create a compensatory mitigation plan. If SAV is encountered during the dredging operation, work must stop and the Corps must be contacted.**

**3. Additional Standard DMMO Conditions found on pages 2A-E (attached) shall be adhered to at all times.**

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. § 403). Section 10 of the Rivers and Harbors Act generally regulates all structures and work 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. The term "structure" includes, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island or reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, or any other obstacle or obstruction. The term "structure" does **not** include bridges and causeways constructed in or over navigable or tidal waters of the United States, since this regulatory responsibility has been delegated to the U.S. Coast Guard under the Department of Transportation Act of 1966 (Pub. L. No. 89-670). The term "work" includes, without limitation, any dredging or disposal of dredged material, filling, or other modification of a navigable water of the United States.

(X) Section 404 of the Clean Water Act (33 U.S.C. § 1344). Section 404 of the Clean Water Act generally regulates all discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters. Waters of the United States generally include the territorial seas; all traditional navigable waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide; wetlands adjacent to traditional navigable waters; non-navigable tributaries of traditional navigable waters that are relatively permanent, where the tributaries typically flow year-round or have continuous flow at least seasonally; and wetlands directly abutting such tributaries. Where a case-specific analysis determines the existence of a "significant nexus" effect with a traditional navigable water, waters of the United States may also include non-navigable tributaries that are not relatively permanent; wetlands adjacent to non-navigable tributaries that are not relatively permanent; and wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary. The term "dredged material" means material that is excavated or dredged from waters of the United States. The term "fill material" means material placed in waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land or of changing the bottom elevation of any portion of a water of the United States. Examples of such fill material include, but are not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in waters of the United States. The term "fill material" does not include trash or garbage.

(X) Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. § 1413). Section 103 of the Marine Protection, Research, and Sanctuaries Act generally regulates the transport of dredged material for the purpose of disposal in ocean waters. Ocean waters is defined as those waters of the open seas lying seaward of the base line from which the territorial seas is measured, as defined in the Convention of the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

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.

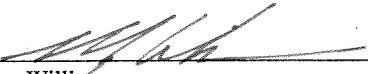
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- 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. Section 325.7 or enforcement procedures such as those contained in 33 C.F.R. Sections 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. Section 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

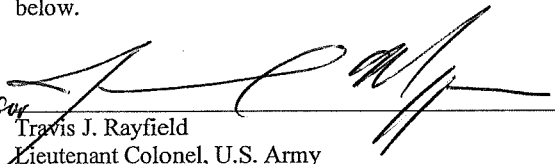
6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable 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.

  
\_\_\_\_\_  
Anthony Williams,  
Marin County Department of Public Works

*10/15/18*  
\_\_\_\_\_  
(DATE)

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

*For*   
\_\_\_\_\_  
Travis J. Rayfield  
Lieutenant Colonel, U.S. Army  
District Engineer

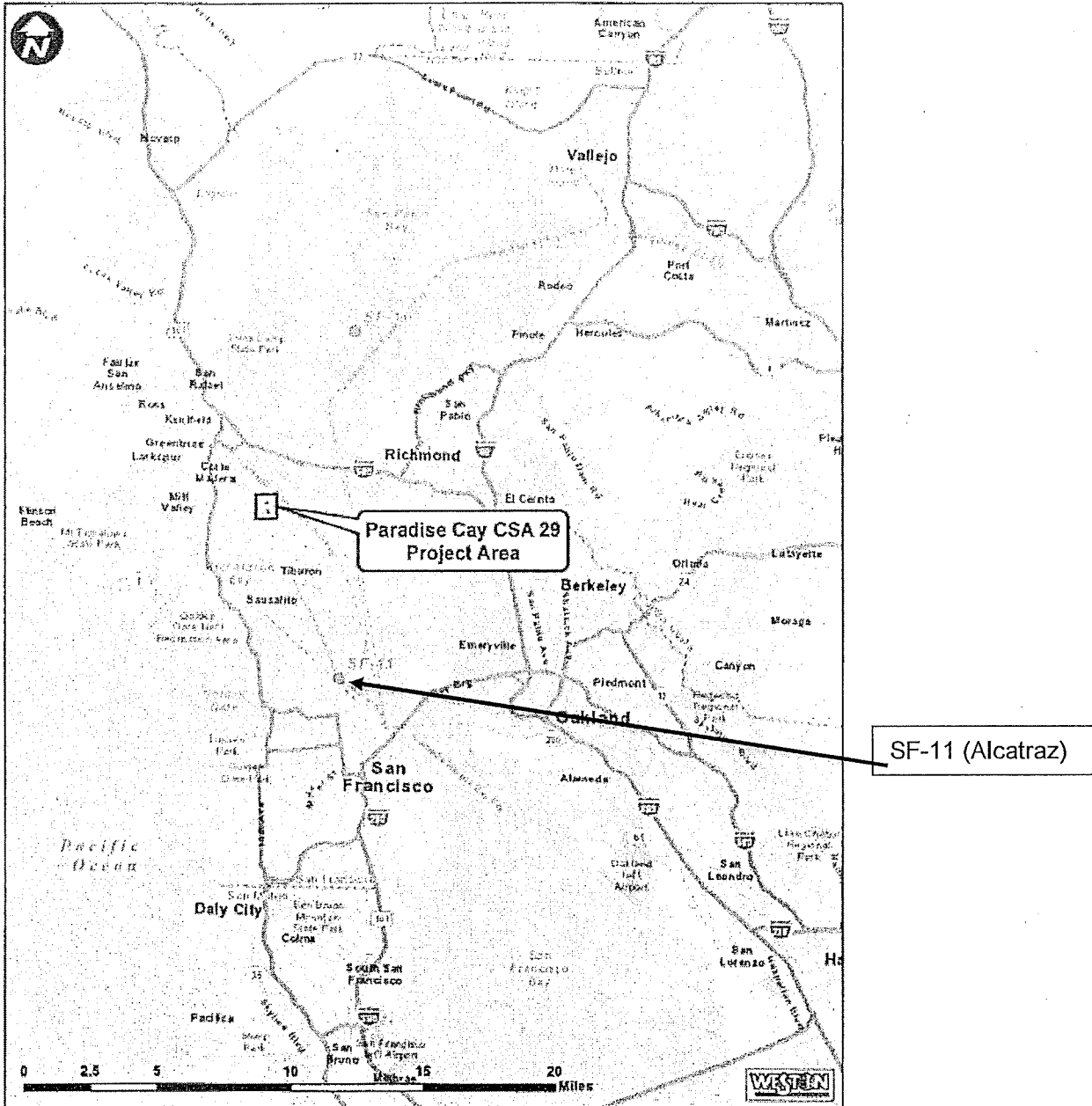
*10/24/18*  
\_\_\_\_\_  
(DATE)

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)

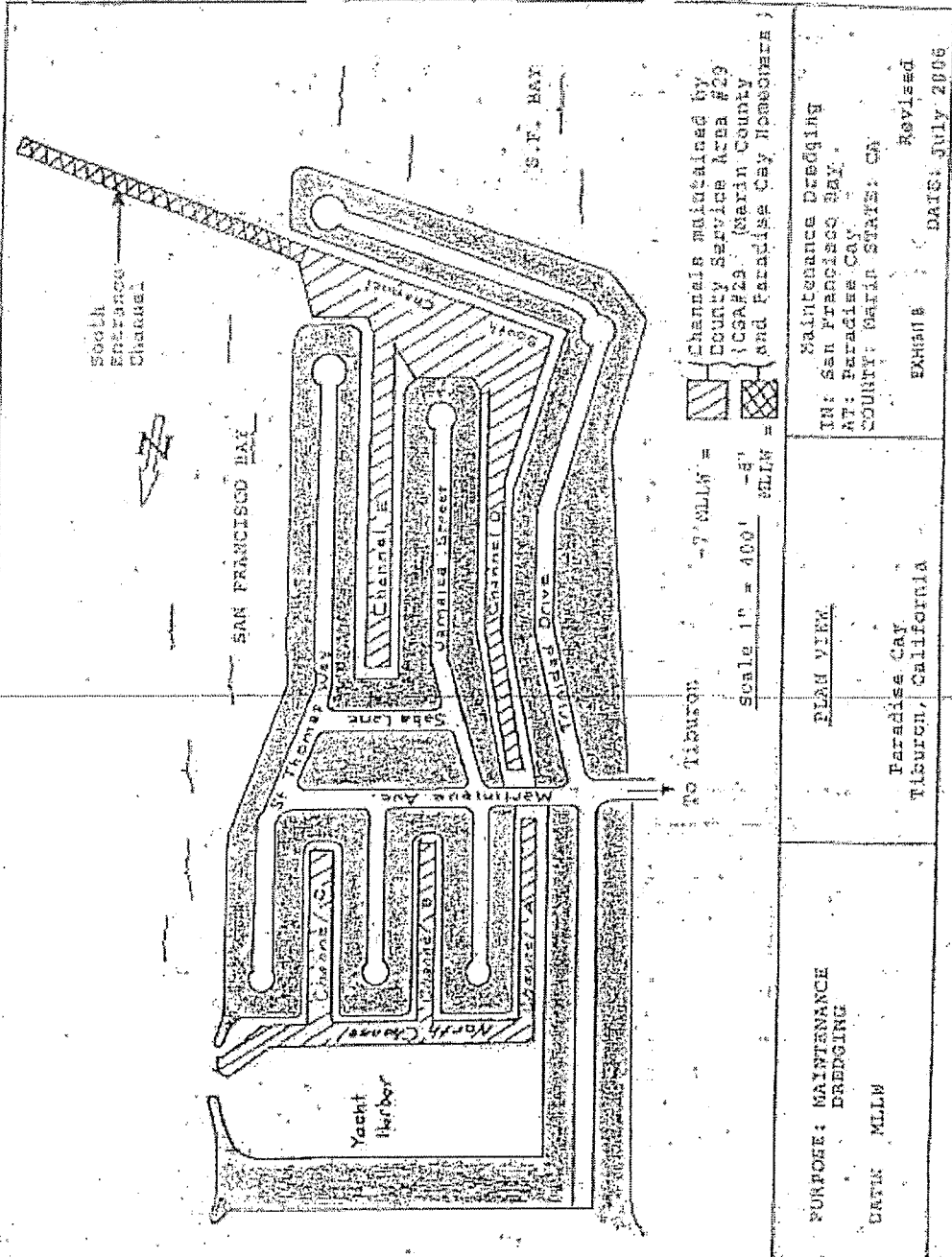
\_\_\_\_\_  
(DATE)

Exhibit A – Vicinity Map: Paradise Cay/ SF -11  
Marin County, CA



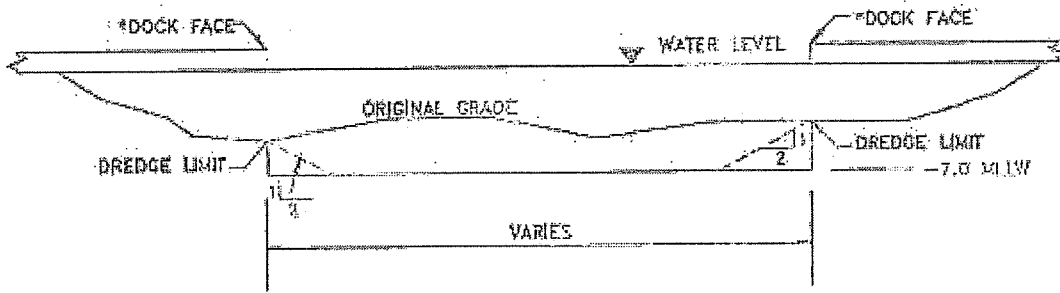
USACE File No. 2005-290200N,  
Paradise Cay residential  
development Maintenance Dredging,  
May 2018

Exhibit B – Plan View Map: Paradise Cay  
Marin County, CA

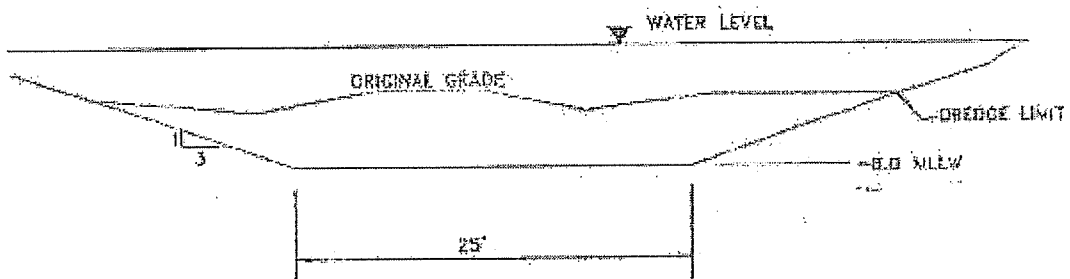


USACE File No. 2005-290200N,  
Paradise Cay residential  
development Maintenance Dredging,  
May 2018

Exhibit C – Typical Cross Sections: Paradise Cay  
Marin County, CA



TYPICAL SECTION  
INSIDE WATERWAYS/CHANNELS  
A, B, C, D, E, NORTH & SOUTH CHANNEL AREAS



TYPICAL SECTION  
ENTRANCE CHANNELS

USACE File No. 2005-290200N,  
Paradise Cay residential  
development Maintenance Dredging,  
May 2018

STANDARD DMMO CONDITIONS TO PERMIT NUMBER 2005-290200N

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
2. You must have a copy of this permit available on the vessel used for the authorized transportation and disposal of dredged material.
3. You must advise this office as per Special Condition 12, on page 4, **before** you start dredging activities under the authorization of this permit.
4. To provide notification of activities affecting navigation, the permittee shall provide the following information by fax, e-mail or standard mail to the contact listed below **at least two weeks before commencing work**:
  - a. Name and telephone number of the dredge and or project manager.
  - b. Size and placement of any floating construction equipment.
  - c. Radio telephone frequencies and call signs of any marine equipment.
  - d. Anticipated work start and completion dates.

Commander (dpw)  
11<sup>th</sup> Coast Guard District  
Coast Guard Island, Bldg 50-3  
Alameda, California 94501-5100

POC:  
Local Notice to Mariners  
Waterways Management Branch  
PH: 510-437-2980  
FAX: 510-437-5836  
E-MAIL: D11LNM@uscg.mil

5. The Coast Guard Captain of the Port of San Francisco Bay may require modifications to marine construction equipment deployment or mooring systems to safeguard navigation while work is in progress.
6. All vessels operated for disposal of dredged material are required to participate in the Coast Guard's Vessel Traffic Control Service (VTS). Five minutes before each departure, the permittee shall notify the VTS by radio, via Channel 14, of the following: The name of vessel; time of departure from dredge site; and time of departure from disposal site.
7. When utilizing the Alcatraz Disposal Site (SF-11), the permittee shall dispose of all dredged material within a circular area of radius 1000 feet with center located at latitude 37°49'17"N; longitude 122°25'23"W. The specific location within the disposal area will be determined by the District Engineer upon approval of the Dredge Operation Plan (see below).

When utilizing the San Pablo Bay Disposal Site (SF-10), the permittee shall dispose of all dredged material within a rectangular area, 1500 feet by 3000 feet, long axis bearing 050 true, and center at latitude 38°00'28"N; longitude



122°24'55"W. The specific location within the disposal area will be determined by the District Engineer upon approval of the Dredge Operation Plan (see below).

8. The permittee shall submit the following reports for review and comment to:

U.S. Army Corps of Engineers, San Francisco District  
Operations and Readiness Division  
Attn: Jessica Vargas  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, California 94103-1398

a. Dredge Material Analysis: Submit, for approval, no earlier than 60 days prior to the proposed commencement of any authorized successive dredging episodes, dredge material analysis (Physical, Chemical, and Biological) sampling and testing information. **Please include the U.S. Army Corps of Engineers (Corps) permit number and dredge episode number with this submittal.** Also submit Regional Water Quality Control Board (RWQCB) water quality certification or waiver for disposal of the material. For each dredging episode, the permittee shall obtain the approval of the District Engineer for formulating specific sediment testing procedures for the Dredged Material Analysis. The testing protocol will be in accordance with the testing guidelines as published in the Corps and U.S. Environmental Protection Agency publication entitled, "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual" (The Inland Testing Manual or ITM, EPA-823-B-98-004), dated February 1998, and subsequent amendments thereto. The permittee shall provide a copy of the Dredged Material Analysis to the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife concurrent with the San Francisco Bay Conservation and Development Commission's RWQCB's, and the Corps' receipt of this information. Agency comments submitted to the Corps within 15 calendar days thereafter will be given full consideration in the decision on dredged material disposal.

b. Dredge Operation Plan: Submit, for approval by this office, no earlier than 60 calendar days and no later than 20 calendar days before the proposed commencement of dredging, a plan which includes the following: **Corps permit number, dredge episode number**, a copy of the dredging contract or description of the work under which the contractor will do the permitted work; name and telephone numbers of the dredging contractor's representative on site; dredging start and completion dates; names of vessel; dump scow numbers or identification; bin or barge capacities; identification of work as either maintenance dredging or new dredging; discussion of proposed dredging procedures, as governed under Special Condition No. 11, with detailed drawings or specifications of the grid or centrifugal pump system; quantity of material to be removed; dredging design depth and typical cross section including overdepth; and date of last dredging episode and design depth. The Dredge Operational Plan shall also provide the following information:

1. The controls being established to insure that dredging operations occur within the limits defined by the channel dimensions and typical channel section. The horizontal and vertical positioning systems being utilized must be indicated as noted in 3, below.
2. The controls being established to insure that disposal of the dredged material at the disposal site is at the assigned location and depth. The horizontal and vertical positioning systems being utilized must be indicated as noted in 3, below.

3. Method of determining electronic positioning of dredge or dump scow during entire dredging operation at dredge site, disposal site and en route to and from disposal site.

**Please note that failure to provide all of the above information may result in delays to your project. When your Dredge Operation Plan has been approved, you will receive a written authorization to commence with your project.**

- c. Pre-Dredge Survey: Submit no earlier than 60 calendar days and no later than 20 calendar days before commencement of dredging, a survey with accuracy to one-tenth foot that delineates and labels the following: areas to be dredged with overdepth allowances; existing depths; estimated quantities to be dredged to the design depth; and estimated quantities to the overdepth limit. **All surveys shall be signed by the permittee to certify their accuracy. Please include the Corps permit number and dredge episode number.**

**Please note that failure to provide all the above information may result in delays to your project.**

- d. Solid Debris Management Plan: Submit no earlier than 60 calendar days and no later than 20 calendar days before commencement of work, a plan which describes measures to ensure that solid debris generated during any authorized dredging, demolition or construction operation is retained and properly disposed in areas not under Corps jurisdiction. **At a minimum, the plan shall include the following: source and expected type of debris; debris retrieval method; Corps permit number and dredge episode number; disposal method and site; schedule of disposal operations; and debris containment method to be used, if floatable debris is involved.**

**Please note that failure to provide all the above information may result in delays to your project.**

- e. Post-Dredge Survey: Submit, **within 30 days of the last disposal activity** ("last" is defined as that activity after which no further activity occurs for 15 calendar days), a survey with accuracy to one-tenth foot that delineates and labels the areas dredged and the dredged depths. **Also, include the Corps permit number, dredge episode number, dates of dredging commencement and completion, actual quantities dredged to the design depth, and actual quantities to the overdepth limit.** The permittee shall substantiate the total quantity dredged by including calculations used to determine the volume difference (in cubic yards) between the Pre- and Post-Dredging Surveys and **explain any variation in quantities greater than 15% beyond estimated quantities or dredging deeper than is permitted (design plus overdepth allowance).** All surveys shall be accomplished by a licensed surveyor and signed by the permittee to certify their accuracy. A copy of the Post-Dredge Survey should be sent to the National Ocean Service for chart updating:

NOAA/National Ocean Service  
Nautical Data Branch  
N/CS26, SSMC3, Room 7230  
1315 East-West Highway  
Silver Spring, Maryland 20910-3282.

9. Disposal Site Verification Log (DSVL): Submit on a weekly basis by noon Monday, the log (downloadable from <http://www.spn.usace.army.mil/Portals/68/docs/Dredging/guidance/document2010-09-07-132110.pdf>) that enumerates work accomplished during the preceding week. Mail to:

U.S. Army Corps of Engineers, San Francisco District  
Attn: Shelah Sweatt, DMMO  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, California 94103-1398;

FAXed to Ms. Shelah Sweatt at (415) 503-6693; or e-mail to [shelah.sweatt@usace.army.mil](mailto:shelah.sweatt@usace.army.mil). **Please include the Corps permit number and dredge episode number.** The log will be provided when the Corps approves the Dredge Operation Plan and authorizes the commencement of the dredging.

10. Overflow requirements:

- a. No overflow or decant water shall be discharged from the barge, with the exception of spillage incidental to mechanical dredge operations.
- b. During transportation from the dredging site to the disposal site, no material shall be permitted to overflow, leak or spill from barge, bins or dump scows.
- c. For hopper dredge only, during dredging operations, overflow shall be limited to a maximum of 15 minutes. Adjustments to the dredging operation may be required to insure that once overflow commences, it will not exceed the 15-minute limit.
- d. For approved sand dredging, overflow will not exceed 15 minutes or the economic load, whichever occurs first.

11. The permittee shall ensure that all dredged material is slurried prior to disposal to prevent any accumulation or build up of material at the disposal site. All dredged material shall be slurried in one of the following manners:

- a. Dredged material will be either pumped with a centrifugal pump prior to leaving the dredge site for the disposal site; or,
- b. If the material is mechanically dredged, passed through a debris grid, with a maximum opening size of 12 inches by 12 inches that will cover the entire loading area of the dump scow. Everything that does not pass through the grid will be considered solid debris and shall be disposed in areas outside of Corps jurisdiction. All such material shall be promptly removed from the grid at the end of each 8 hour shift or sooner.

12. **The permittee or dredge contractor shall inform this office when: 1) a dredge episode actually commences, 2) when dredging is suspended (suspension is when the dredge contractor leaves the dredge site for more than 48 hours for reasons other than equipment maintenance), 3) when dredging is restarted, and 4) when dredging is complete. Each notification should include the Corps permit number and dredge episode number.** The information can be sent to the attention of Jessica Vargas, in writing to the address below; FAXed to (415) 503-6693; e-mailed to [Jessica.M.Vargas@usace.army.mil](mailto:Jessica.M.Vargas@usace.army.mil) or via telephone message at (415) 503-2936.

U.S. Army Corps of Engineers, San Francisco District  
Operations and Readiness Division  
Attn: Jessica Vargas  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, California 94103-1398

13. The permittee, as directed by the District Engineer under authority pursuant to the policies and procedures of 33 CFR 325.7, may be required to modify disposal schedules and monthly disposal quantities for particular dredging episodes.
14. The permittee shall allow the dredging area and equipment to be inspected by the Corps staff upon request.
15. For each dredge episode, the permittee shall be responsible for obtaining a letter of water quality certification from the Regional Water Control Quality Board and authorization from the San Francisco Bay Conservation and Development Commission (BCDC). Water quality certification and BCDC authorization will be a prerequisite to the District Engineer's decision to approve or disapprove specific dredge episodes pursuant to the policies and 33 CFR 325.2(b)(1)(ii) and 325.2(b)(2)(ii).
16. **If a land, ocean, or other aquatic disposal site becomes available for use during the life of the permit, the permittee shall evaluate these disposal alternatives, taking into consideration cost, existing technology, and logistics in light of the overall project purpose to facilitate compliance with the 404(b)(1) Guidelines (40 CFR 230). This evaluation shall be submitted to the Corps at least 60 calendar days before commencement of subsequent dredging episodes. The District Engineer, upon review of this information and after consultation with other resource agencies, may direct the permittee to use such sites in lieu of or in addition to the Alcatraz Disposal Site (SF-11), under authority of 33 CFR 325.7 and 40 CFR 230.10(a).**

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Anthony Williams, Marin County DPW		File Number: 2005-290200N	Date: 10/3/2018
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II- REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
James C. Mazza  
Dredged Material Management Office Chief  
Operations and Readiness Division  
San Francisco District, U.S. Army Corps of Engineers  
1455 Market Street, 16<sup>th</sup> floor  
San Francisco, CA 94103-1398  
Phone: (415) 503-6775 Email: James C. Mazza@usace.army.mil

If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh  
Administrative Appeal Review Officer,  
U.S. Army Corps of Engineers  
South Pacific Division  
1455 Market Street, 2052B  
San Francisco, California 94103-1399  
Phone: (415) 503-6574 Fax: (415) 503-6646  
Email: Thomas.J.Cavanaugh@usace.army.mil

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date: \_\_\_\_\_

Telephone number: \_\_\_\_\_