



San Rafael Channel Association

November 9, 2020

[REDACTED]
[REDACTED]

RE: Update on Dredging of San Rafael Channel and Umbrella Permitting

Dear [REDACTED] - (APN [REDACTED]) Waterfront Property Owner,
Resident or Business Owner:

As you know, the last full dredging of the Channel was in 2002, and limited dredging occurred in 2011. The City of San Rafael, together with the San Rafael Channel Association (a non-profit group representing waterfront businesses and residents actively involved in the dredging effort), has been working with Congressman Jared Huffman, County Supervisors Damon Connolly and Dennis Rodoni, and the U.S. Army Corps of Engineers (USACE) to ensure that the USACE includes funding for dredging of the San Rafael Federal Channel in their ongoing operations and maintenance budget.

As recent news articles have highlighted, this combined effort has been successful, and this year the USACE budget includes \$1.3m towards the first phase of dredging the San Rafael Channel: www.marini.com/2020/02/11/feds-allot-1-3m-for-san-rafael-canal-dredging-plans/ In this first phase, USACE plans to conduct a pre-dredge sediment quality evaluation and engineering work in support of future dredging for the Channel during the 2021 fiscal year (October 2020 – September 2021): www.spn.usace.army.mil/ (Search “San Rafael Creek”)

It is important to note that the US Army Corps of Engineers is only responsible for dredging the limits of the Federal Channel. Waterfront property owners/tenants wishing to dredge the berthing space at their private docks must obtain their own permits to do so. They are also responsible for the cost of any dredging outside of the limits of the Federal Channel.

Under an **Umbrella Permitting** approach, the City of San Rafael will arrange for Haley and Aldrich, a local consulting firm, to coordinate with property owners and tenants to aggregate all individual private permits into one dredging and disposal “Umbrella Permit” application package to be reviewed and approved by the various agencies involved in the dredging process.

The permitting process can take up to one year, and includes the following components:

- DMMO Application: The Dredged Material Management Office (DMMO) is the main office responsible for reviewing the permits, and will result in issuance of 10 year permits from the USACE and San Francisco Bay Conservation and Development Commission (BCDC), and a Water Quality Certification from the Regional Water Quality Control Board. The DMMO application includes engineering design drawings for each property, GIS map overlays for those drawings, description of the project parameters, and a catalogue of all adjacent properties.
- California Fish and Wildlife Permit: Separate permits must also be obtained from Cal Fish and Wildlife
- City of San Rafael Dredging Tidelands Permit

Aggregating individual dredging and disposal applications and permits into one set of umbrella permits will help ensure every property is ready when the Corps begins dredging the federal portion of the Channel. This will allow property owners to take advantage of preferred pricing with the Corps dredging contractor, as the Corps will have already paid for the high cost of the contractor's mobilization.

The *combined* cost for Umbrella Permitting is likely to be in the range of \$40,000 to \$70,000 and includes the permits, Tier I evaluation, and the hiring of the above-mentioned consultant (Haley & Aldrich) to coordinate the process with the agencies. The permitting cost will be split equally among applicants. The cost of dredging would be in addition to the permitting cost and can only be estimated once USACE completes its testing and engineering phase of the project. Dredging costs will be split based on the proportionate amount of dredge material that needs to be removed from respective private docks.

Scott Bodensteiner, Program Manager with Haley & Aldrich will lead the permitting process and connect directly with each interested property owner or tenant. Scott has made himself available for further questions on the permitting and testing process and can be reached directly at SBodensteiner@haleyaldrich.com.

If you are interested in taking advantage of the upcoming dredge cycle to clear your property of sediment, it is imperative that you apply for, and participate in, the permitting process. Visit www.cityofsanrafael.org/dredging and fill out the "Umbrella Permits Form" by November 30, 2020.

Respectfully,



Bill Guerin, Director of Public Works
City of San Rafael

CC: Talia Smith, Senior Management Analyst, Department of Public Works

Frequently Asked Questions

1. As a property owner/tenant, how involved do I have to be throughout this process once I sign up?

During the initial permit acquisition process you will be asked to provide information about your property. It is not anticipated that additional involvement in the permitting process beyond the initial information gathering phase will be necessary.

2. Do I have to be a property owner to apply for a permit, or can I be a tenant? If I am a tenant, do I need the permission of the property owner?

You may apply as a tenant, however you will ultimately need the permission of the property owner as would be the case with any other property renovation.

3. Is it still possible to get permitted if I don't sign up for Umbrella Permitting through this process?

Yes, but you will have to navigate the permitting process on your own, and you will not be able to take advantage of the substantially discounted group rate for permits under the Umbrella Permitting process.

4. Who will be listed as the applicant on the Umbrella Permits?

The City of San Rafael will be listed as the permittee.

5. What permitting and dredging costs will I be responsible for as a property owner and/or tenant?

For the permitting process, the participating property owners/tenants will also be responsible (and pay an equal portion) for the cost of retaining a specialized consultant to manage the process. For the dredging, each participating property owner/tenant will contribute a portion of the total fee based on the volume of material present above the target dredge depth in their property's dredge area.

6. Why is the City retaining a firm to manage the process (as opposed to leading the process themselves) and who will be responsible for the cost of hiring the firm?

The City of San Rafael does not have dredging permitting expertise on staff, as the process is something the City has engaged in only twice in the past 25 years. A firm with expertise facilitating the maintenance dredging permitting process is necessary to ensure all permits and approvals are in place when the USACE initiates their dredging project. The cost of retaining the firm will be equally split between dock owners/tenants which participate in the Umbrella Permitting process.

7. How long with the permit be good for?

Once approved, maintenance dredging permits are good for 10 years.

8. Is a permit required for dredging?

Yes, you may not perform dredging operations in and around a private dock without a valid permit.

9. Will there be an opportunity to group together to bring down the cost of dredging operations on individual docks/marinas? E.g. “Umbrella Dredging”

Yes, the City and the firm will follow up with participating dock owners/tenants at a later date once the USACE dredging contract has been awarded.

10. What if there is contaminated material found in and around my private dock/marina?

Property owners with contaminated material in the sediment around their private dock/marina are responsible for the cost of disposing that material. Disposing of contaminated dredge material is more costly than disposing of clean dredge material. If the USACE detects higher than acceptable contaminant concentrations in the Federal Channel near the dredge area of a participating dock-owner, that dock owner will be grouped with other dock-owners with the same predicament to share the cost of disposing the contaminated sediment. It is recommended that dock owners near portions of the Federal Channel with elevated contamination perform their own sediment testing to determine whether their private property sediment has lower contaminant concentrations than the USACE sediments, and therefore may not require specialized disposal. The cost of the dockface sediment testing will be incurred by the individual property owner/tenant. However, because this testing will involve *only* the contaminant(s) observed at elevated concentrations in the Federal Channel, the cost will be significantly less than what would be required without the USACE testing data.

11. How long will the process of getting permitted take?

The permitting process will take approximately one year.

12. Who should I direct questions about the Umbrella Permitting process to?

You may contact Scott Bodensteiner, Program Manager with Haley & Aldrich at SBodensteiner@haleyaldrich.com.

13. If my private dock was dredged recently, is there a reason to still be a part of the umbrella permitting process?

It would be advisable to review your current permits to determine when they expire. If there are still three or more years on the permit, then, assuming the USACE initiates the federal channel dredging within three years, you will not need a new permit through the Umbrella Permitting process. Those permits can be used to participate in the umbrella dredging episode to be performed in conjunction with the USACE dredging. If your individual permits expire in less than three years and you choose to not participate in the Umbrella Permitting process, then you may have an expired permit and unable to dredge at the time of the USACE dredge episode.

14. Who are the agencies that must approve the permit?

The permitting agencies include the U.S. Army Corps of Engineers (USACE), the San Francisco Bay Conservation and Development Commission (BCDC), the Regional Water Quality Control Board, California Fish and Wildlife, and the City of San Rafael.

15. What happens if the San Rafael Federal Channel is not allocated federal funding to be dredged within the next three years?

The primary maintenance dredging permits to be acquired under the umbrella permit process are good for 10 years, so a delay in USACE funding will not require significantly more expenditures. Renewal of the City permits may be necessary, but this will not require significant effort.

16. How can I further support efforts to lobby the U.S. Army Corps of Engineers for the full funding of dredging of the San Rafael Federal Channel?

Please contact Craig DeRoy of the San Rafael Channel Association at craig.deroy@gmail.com.