

**DEPARTMENT OF THE ARMY REGIONAL PERMIT No. 9**  
**SAN RAFAEL CANAL BERTH MAINTENANCE DREDGING**

**SPONSOR:** City of San Rafael Public Works Department

**File No.:** 26633N

**ISSUING OFFICE:** San Francisco District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee. 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.

Authorized work: **The following work is authorized in the San Rafael Canal between the Grand Avenue bridge and Sorrento Way as depicted on the attached drawings.**

- 1. A single episode of maintenance dredging for each boat berth and fairway to the project depth of -6 feet Mean Lower Low Water (MLLW) and no more than 1 foot of overdepth using a clamshell dredge.**
- 2. Dredged material disposal**
  - a. Suitable material dredged between June 1 and November 30 may be disposed at SF -10.**
  - b. Suitable material dredged between December 1 and May 31, when Salmonids are present in the Bay, should be disposed at an available and practicable upland facility. Until an appropriate facility becomes available, SF -11 shall be used.**
  - c. Dredging of contaminated material site shall only occur between June 1 and November 30. All contaminated material shall be disposed at an approved upland site.**
  - d. Material dredged from the upper reach, upstream from station 174 (between Harbor and Hoag Streets) to the Grand Avenue bridge shall be disposed at Winter Island or other suitable upland site unless the DMMO, on the basis of further testing, approves aquatic disposal.**
  - e. Material from Bayward of station 174 is suitable for aquatic disposal.**

**PROJECT LOCATION:** San Rafael Canal, San Rafael, Marin County, California

**PERMIT CONDITIONS:**

**GENERAL CONDITIONS:**

- 1. This authorization ends on 31 July 2008.**
- 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.

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. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. 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.

7. 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.

**SPECIAL CONDITIONS:**

1. **This Regional Permit will not be valid until a Tidelands Permit is obtained from the City of San Rafael. The City shall submit a report to the Corps identifying all work conducted under this permit within a calendar year by 1 April of the following year.**

(Continued on pages 2A-2E following)

**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).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

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.

SPECIAL CONDITIONS TO REGIONAL PERMIT NUMBER 9

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 in writing, at least two weeks before you start maintenance dredging activities under the authorization of this permit.
4. To provide notification to the maritime community of activities affecting navigation, the permittee shall provide in writing to the addresses below the following information at least two weeks before commencing work:
  - a. Name and telephone number of the project manager.
  - b. Size and placement of any floating construction equipment.
  - c. Radio telephone frequencies and call signs of any marine equipment.
  - d. Work start and completion dates.

Commander (oan)  
11th Coast Guard District  
Coast Guard Island, Bldg 50-6  
Alameda, California 94501-5100

POC:  
Operations Officer  
Aids to Navigation Section  
PH: 510-437-2969  
FAX: 510-437-5836

Commander (mso)  
11th Coast Guard District  
Coast Guard Island, Bldg 50-6  
Alameda, California 94501-5100

POC:  
Captain of the Port  
Waterways Section  
PH: 510-437-2770  
FAX: 510-437-3702

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 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.

When utilizing the Alcatraz Island Disposal Site (SF-11), the permittee shall dispose of all dredged material within a circular area of radius 1000 with center located at latitude 37°49'17"N; longitude 122°25'23"W.

The District Engineer upon receipt of the Dredging Operation Plan will determine the specific disposal area and the specific location within the disposal area.

8. For each group contract dredging event, the permittee shall cause to be submitted the following reports for review and comment to:

U.S. Army Corps of Engineers, San Francisco District  
Chief, Operations and Readiness Division  
ATTN: Regulatory Branch, Suite 812  
333 Market Street  
San Francisco, California 94105-2197,

a. Dredging 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. 9, 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 Dredging Operation 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.**

b. Before Dredging 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 the following: areas to be dredged with overdepth allowances; existing depths; estimated quantities to be dredged for the project; and estimated quantities for overdepth. **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.**

c. 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 demolition or construction operation is retained and properly disposed of 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.**

d. Disposal Site Verification Log (DSVL): Submit on a weekly basis by noon Monday, the log (downloadable from <http://www.spn.usace.army.mil/conops/forms/dsvsl.pdf>) which enumerates work accomplished during the preceding week to:

U.S. Army Corps of Engineers, San Francisco District  
Chief Operations and Readiness Division

ATTN: Mr. David Dwinell, DMMO, Suite 809  
333 Market Street  
San Francisco, California 94105-2197

or FAX (415) 977-8495, or e-mail to [DMMO](#). **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.

e. Overflow requirements:

1. No overflow or decant water shall be discharged from the barge, with the exception of spillage incidental to clamshell dredge operations.
2. 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.
3. During dredging operations, overflow shall be limited to a maximum of 15 minutes for hopper dredge only. Adjustments to the dredging operation may be required to insure that once overflow commences, it will not exceed the 15 minute limit.
4. In approved sand dredging, overflow will not exceed 15 minutes or the economic load, whichever occurs first.

f. Post Dredging Survey: Submit, within 15 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 which delineates 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 for the project, and actual quantities of overdepth.** The permittee shall substantiate the total quantity dredged by including calculations used to determine the volume difference (in cubic yards) between the Before- and Post-Dredging Surveys and explain any variation in quantities greater than 15% beyond estimated quantities. **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. 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 clamshell 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 of 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.

10. **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 Mr. Clyde Davis, in writing to the address below; or FAXed to (415) 977-8495; e-mailed to [DMMO](#) or via telephone message at (415) 977-8449.

USACE, San Francisco District  
Chief, Operations and Readiness Division  
ATTN: Regulatory Branch, Suite 812  
333 Market Street  
San Francisco, California 94105-2197

11. 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.

12. The permittee shall allow the dredging area and equipment to be inspected by the Corps staff upon request.

13. 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 San Pablo Bay or Alcatraz Disposal Site under authority of 33 CFR 325.7 and 40 CFR 230.10(a).

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

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

---

Michael McCormick  
Lieutenant Colonel, U.S. Army  
District Engineer

---

(DATE)