

f. "Complete Permit Application." An application that contains information judged adequate by the member agencies to process the application, including results of testing that have been approved by the member agencies.

7. **Problem.** The de facto permitting system for dredging and disposal can be lengthy and complex and consists of six federal and state agencies that issue a permit or other legal approval. In addition, federal and state laws require that resource agencies comment on many of the permit actions and consider endangered species impacts under their own jurisdiction (Section 7 Consultation). The actual number of permits and types of approvals depend upon the location of the dredging and disposal sites, ownership of project area, and whether the project requires new permits or is considered an episode under existing permits. Coordination of the dredging permitting process to decrease redundancy and increase efficiency is a main purpose of the DMMO.

Secondly, the suitability determination for the disposal of dredged material often requires agency interpretation of an extensive battery of tests which characterize the physical, chemical, and biological nature of the sediment proposed for dredging. The contributions of member agencies to the suitability determination process reflect the staff's differing areas of technical expertise. Thus, the coordinated exchange of technical information among staff creates a common knowledge base to insure that permit actions are taken in a consistent and timely manner.

8. **Goals, Objectives, and General Operating Principles.** These items are contained in the *General Operating Principles*, which is incorporated by reference.

9. **Scope.** This MOU will provide the operating guidance necessary to implement the Pilot DMMO under the previously agreed upon *General Operating Principles*.

10. **Required Actions.** The Pilot Dredged Material Management Office will make joint staff recommendations on the approval, modification or denial of:

- a. Sampling and testing plans;
- b. Results of testing pursuant to the approved plans;
- c. Consolidated Permit Application completeness; and
- d. Material suitability for disposal at existing in-bay disposal sites, ocean disposal site or upland disposal sites (DMMO staff members will sign a DMMO recommendation for a given disposal site only if they have regulatory authority for that site).

Agency staffs will also recommend general permit conditions (i.e. length of permit, bathymetric surveys) and special permit conditions (i.e. timing of dredging operations, turbidity controls), as appropriate, to be included in permit approvals.

Agency staffs shall support the consensus recommendations made through this process subject to final approval by the respective agencies. Recommendations will be documented in the minutes of the meetings and through member agency correspondence.

11. DMMO Agreements, Responsibilities And Roles

For at least the first phase, DMMO responsibilities and roles will be as follows:

a. Host Agency Role.

1. Provide logistical support (meeting rooms, etc.).
2. Provide for agenda preparation and distribution, a mutually agreeable schedule of meetings, and preparation of meeting minutes and their distribution.
3. Provide staff who are knowledgeable regarding DMMO projects and actions to act as the initial point of contact to and field questions from applicants and the public regarding the DMMO, and to refer inquiries to appropriate member-agency staff.
4. Maintain current files on the projects under the Pilot DMMO Program.
5. Coordinate processing of emergency dredging requests.
6. Prepare and mail joint Public Notices on DMMO matters.
7. Maintain (1) an electronic database for DMMO data containing status of dredging and disposal applications, and (2) electronic records of disposal site monitoring data that are accessible to the member agencies, applicants and the public.

b. Member Agency Roles.

Each agency will provide adequate staff to participate in the DMMO. Knowledgeable staff will attend each scheduled meeting and at least one meeting will be held each month. At least one primary and one backup staff member will be designated to ensure that there will be representation from all DMMO member agencies. DMMO staff will work together in a cooperative approach as outlined in the General Operating Principles. Each representative will strive to reach consensus with the other DMMO members while representing the laws and policies of his or her agency. DMMO staff representatives will sign a DMMO recommendation for a given disposal site only if they have regulatory authority for that site. Member agencies may be required to provide electronic updates to the database mentioned above.

If a member agency is unable to provide staff to attend a scheduled DMMO meeting, the agency's DMMO representative shall submit a written summary of the agency's position(s) and/or questions regarding all projects listed on the final agenda for that meeting and that are within their jurisdiction or regulatory authority. Should an agency representative choose to defer on a particular project to the consensus reached by the other agencies, than this should also be indicated in the summary. This summary should be submitted to the host agency on or before the scheduled meeting date and be provided to the other members at the DMMO meeting.

c. Role of Non-member Resource Agencies

The non-member resource agencies, United States Fish and Wildlife Service, National Marine Fisheries Service and California Department of Fish and Game, will be requested to attend the DMMO meetings to provide their expertise and participate in discussions of the suitability of material for disposal, and any special permit considerations. While the non-member resource agencies will be invited to provide their recommendations, the member agencies will make the final DMMO recommendations on permit/lease related matters.

d. Public Review and Input.

1. Project Notification.

The member agencies will continue to follow their existing notification and comment procedures on pending applications, including circulation of staff reports, public notices, response letters, etc. The host agency will also provide information on the status of permit applications and other activities pending before the DMMO through an electronic database that can be accessed by applicants and the public through the internet.

A listing of all pending and recently approved 401 Water Quality Certification actions and 404 Nationwide Permits issued in the San Francisco Bay Area, pursuant to the federal Clean Water Act, will also be available from the Regional Board via a voice mail system and an internet connection (WWW Site).

2. Comments.

In addition to comments received through the existing public comment process of the member agencies, written comments on the DMMO or pending applications will be distributed by the host agency for consideration by member agencies at regularly scheduled meetings. The beginning portion of each DMMO meeting will be reserved for public and applicant comments. Each applicant or interested party may make a presentation of up to 30 minute in length to the DMMO staff, provided that the presentation is scheduled at least five days in advance and any written materials are submitted to the DMMO host at the time of scheduling.

If any additional tasks are added to the DMMO as a result of the final implementation plan, public involvement will be revisited to determine whether additional special public involvement is necessary.

3. Annual Review.

At least once per year, the DMMO will prepare an annual report and conduct a public meeting on the report. The report will contain information regarding dredging projects, permit issues, disposal site monitoring and other matters considered during the year. Presentations will be made, as needed, on technical issues and any studies and research that may have a direct or significant bearing on management of Bay Area dredging and disposal activities. The proceedings of the annual meeting will be compiled and made available to the public.

e. Conflict Resolution.

If consensus on substantive issues cannot be reached by the staff assigned to the DMMO, then a meeting or conference call will be arranged as soon as possible with the Dredging Management Committee (DMC). The DMC will attempt to resolve the conflict to the mutual satisfaction of the members. If resolution is not accomplished within two (2) DMC meetings, then the subject project will no longer be managed under the auspices of the DMMO and existing agency policies and procedures will be applied to the project. The Host agency will prepare a written report to be signed by all members, which will document in detail for the DMC, the nature and magnitude of the disagreement.

If a member agency determines that a pilot application will not be processed in an acceptably expeditious time period, then, after informing the other DMC members by phone or in writing, it may withdraw processing of the pilot application from the DMMO.

If an individual agency decides, for any reason, to process an application *outside of the DMMO (without formal elevation to the Management Committee) that normally would be considered as a DMMO project, then this position should immediately be transmitted in writing, with the signature of the Management Committee member of that agency, to the DMC members.

f. Timelines and Process.

The following time frames will be considered goals:

1. The member agencies will respond to inquires from applicants, the public or each other, within two (2) days for telephone responses, and within one (1) week for written response.
2. All applicant submittals will be placed on the next DMMO agenda providing that they are received at least one week in advance of a scheduled meeting.
3. The DMMO will respond to an applicants submittal of sampling plans, sampling results and/or other agendized items within two weeks of DMMO consideration of the item. However, any dredging project proposing a change in a previously permitted material disposal environment, must submit a complete DMMO application prior to DMMO consideration of the SAP or sampling results.
4. The Host agency will distribute to the member agencies any submittals by applicants within five (5) days of receipt.
5. The member agencies will respond to applicants regarding the completeness of a submitted application within thirty (30) days after the application is submitted.
6. The Host agency will prepare and distribute draft meeting minutes to member agencies within five (5) days of the meeting date.

7. The DMMO agencies will issue any necessary public notices, or other staff reports regarding pending applications within thirty (30) days after the application is deemed complete.
 8. The DMMO agencies will process applications in an expeditious manner so that the member agencies can issue or deny permits for those applications within ninety (90) days after the application is deemed complete.
 9. Applicants will have an opportunity to appeal a DMMO recommendation, but only if DMMO staff agrees that there are sufficient grounds to warrant reconsideration, based on the written request and documentation submitted by the applicant. If a recommendation is modified by the member agencies, the host agency will make a written finding for the record. The applicant will be notified by letter or through a supplemental public notice.
12. **Amendment, Duration and Termination.** The DMMO is a phased program. The first two phases constitute the first year of the "pilot" program and each of these first two phases will last six (6) months. The pilot phases will implement the basic approach as outlined in this document and include the processing of dredging and disposal permit applications in order to judge the effectiveness of the approach and the need for subsequent modifications. The first six-month phase will begin upon signature by the member agencies, and the member agencies will use the results of the first phase to reevaluate DMMO tasks as well as agency responsibilities, consistent with management plan alternatives selected in the EIS/EIR for the LTMS program. It is envisioned by the member agencies that more tasks will be added to the DMMO over time as the effectiveness of the DMMO is demonstrated. These tasks could include joint agency sediment-suitability decisions, processing of all dredging and disposal permit applications and Corps civil work dredging and disposal projects, and establishing a database of sediment test results.
- a. During the first six-month phase, the following conditions will apply:
 1. The COE will undertake the role of host agency.
 2. The DMMO will process all maintenance dredging and disposal permit applications.
 3. COE civil works projects, navigation improvements, etc., shall not be processed through the DMMO.
 4. Large new-work dredging and disposal projects and projects where dredging and disposal is a minor part of the project (as determined on a case-by-case basis) will not be processed through the DMMO.
 5. Each member agency will issue sediment suitability recommendation letters.
 - b. During the second six-months phase, the above conditions will apply with the following changes:
 1. COE civil works projects, navigation improvements, etc., shall be processed through the DMMO consistent with the procedures contained in this MOU, however the Corps will not submit a formal DMMO application form and DMMO approval letters will not be written for COE projects. Results of DMMO deliberations will be documented in the meeting minutes.
 2. The Development and implementation of the web page and associated database will

occur during this period.

- c. A third phase of the pilot program, will be initiated following the completion of the first two phases. This third phase will begin with the signing of the revised MOU at the end of the second phase and will last for a one year period. During the one-year third phase, the above conditions will apply with the following changes:
 1. The DMMO will consider the review of dredging projects where upland/reuse of dredged material is among the range of disposal alternatives. Where the DMMO determines that such a project may proceed more rapidly through the permitting process under existing administrative agency processes, such as the COE Nationwide Permit authorization, the proposed project would not be processed through the DMMO. However, applicants proposing dredging projects that include upland disposal/reuse of dredged material may still use the DMMO application form. The DMMO agencies will be notified by the host agency of any dredging project involving upland disposal/reuse and the process proposed to be use to process the application.

After the completion of each pilot phase, the member-agency staffs will prepare a report to the Dredging Management Committee on the progress and success of the DMMO. The reports will contain an analysis of problems and issues and recommendations for further actions. Within one month of receipt, the DMC shall review the progress reports, decide whether to continue with the DMMO, and revise, as necessary, the conditions under which the office will operate.

The next phase of the pilot program will implement the DMMO subject to the revisions, if any, approved by the DMC.

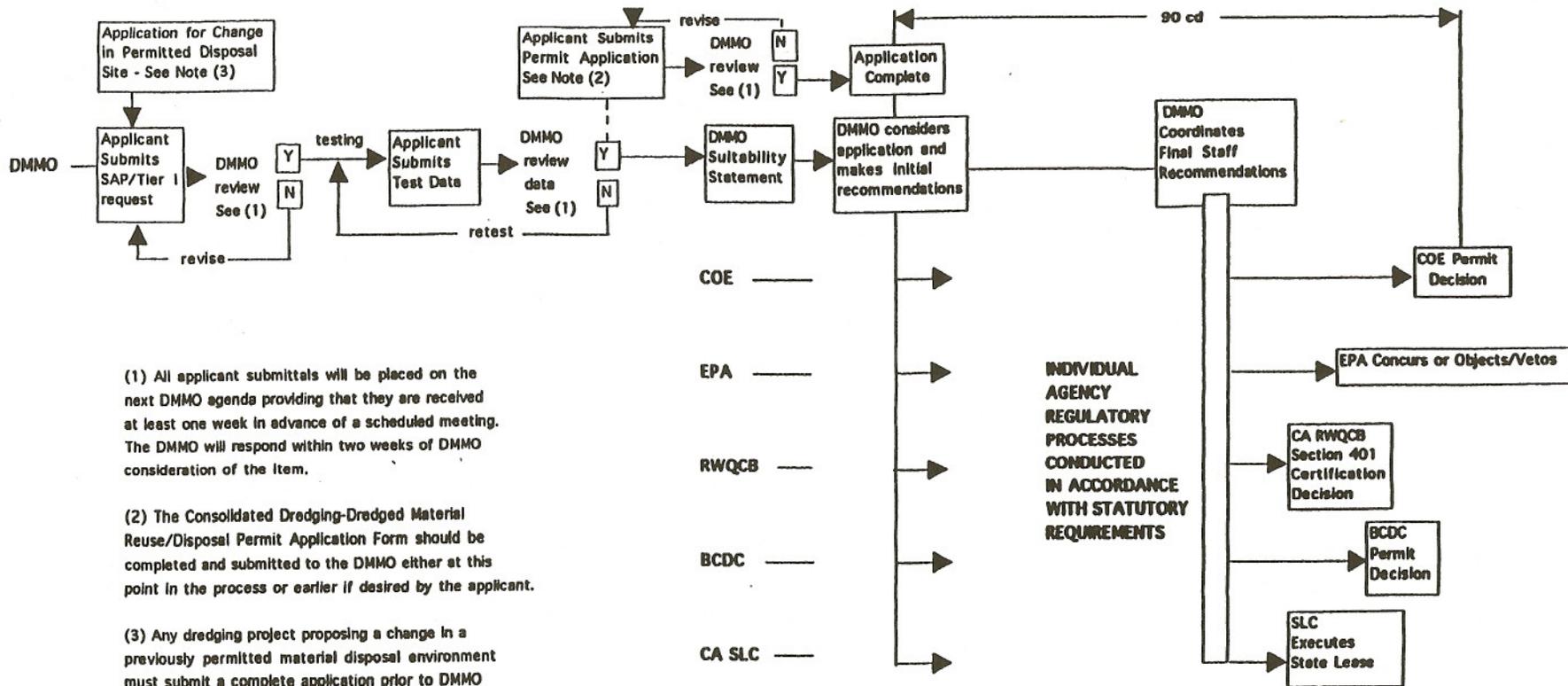
At the end of the Pilot program the DMC will initiate whatever changes are needed to implement a permanent DMMO, based on the findings and recommendations of the three reports prepared by member agency staff.

This MOU is intended to remain in effect for as long as it continues to serve the purpose and objectives defined herein, subject to the following conditions:

- a. This MOU may be modified or amended by mutual consent of the signatories to this agreement or their designees. All such changes shall be documented by written agreement.
- b. Any of the agencies may terminate this MOU thirty (30) days after giving formal written notice of intent to terminate.

Pilot Dredged Material Management Office (DMMO) Geographic Area





(1) All applicant submittals will be placed on the next DMMO agenda providing that they are received at least one week in advance of a scheduled meeting. The DMMO will respond within two weeks of DMMO consideration of the item.

(2) The Consolidated Dredging-Dredged Material Reuse/Disposal Permit Application Form should be completed and submitted to the DMMO either at this point in the process or earlier if desired by the applicant.

(3) Any dredging project proposing a change in a previously permitted material disposal environment must submit a complete application prior to DMMO consideration of the SAP or sampling results.

- COE —————>
- EPA —————>
- RWQCB —————>
- BCDC —————>
- CA SLC —————>

INDIVIDUAL AGENCY REGULATORY PROCESSES CONDUCTED IN ACCORDANCE WITH STATUTORY REQUIREMENTS

cd = calendar days

- DMMO - Dredge Materials Management Office
- COE - Corps of Engineers
- EPA - U.S. Environmental Protection Agency
- RWQCB - CA Regional Water Quality Control Board
- BCDC - San Francisco Bay Conservation and Development Commission
- CA SLC - CA State Lands Commission
- SAP - Sampling and Analysis Plan

13. **Effective Date.** This revised MOU is effective immediately after execution by all the signatories.



WILL TRAVIS
San Francisco Bay Conservation &
Development Commission

MARCH 6, 1998

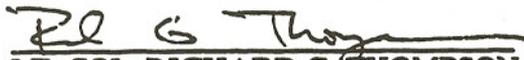
(date)



ALEXIS STRAUSS
U.S. Environmental Protection Agency

6 March 1998

(date)



LT. COL. RICHARD G. THOMPSON
U.S. Army Corps of Engineers

6 MARCH 1998

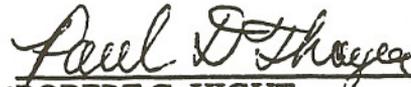
(date)



LORETTA BARSAMIAN
Regional Water Quality Control Board
San Francisco Bay Region

March 6, 1998

(date)



for ROBERT C. HIGHT
State Lands Commission

March 9, 1998

(date)

**CONSOLIDATED DREDGING-DREDGED MATERIAL
REUSE/DISPOSAL PERMIT APPLICATION FORM**

(Revised December 1997)

CONSOLIDATED DREDGING-DREDGED MATERIAL
REUSE/DISPOSAL APPLICATION

(Please completely follow instructions provided with application) [rev 12/97]

SECTION I - GENERAL INFORMATION

1. APPLICANT INFORMATION

Individual Legal Entity Government Non-profit

Applicant Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: a. Residence () _____ - _____

b. Business () _____ - _____

Applicant Business Type - Check One If Applicable (See Instructions) Sole Proprietorship

Partnership Corporation Government Agency Other Association
Description _____

2. REPRESENTATIVE INFORMATION

Applicant's authorized agent, point of contact and/or representative None

Name, Title: _____

Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: () _____ - _____

I hereby authorize _____
to act as my representative and bind me in all matters concerning this application.

Signature of Applicant

Date

Who should receive correspondence relevant to this application?

Applicant Representative Both

FOR DMMO OFFICE USE ONLY: Data Base Entry Yes No

Date Received: _____

COE No. _____

Date Complete: _____

BCDC No. _____

SAP Approved: _____

RWQCB No. _____

Data Submitted: _____, Approved: _____

SLC No. _____

"This application shall serve as, and be functionally equivalent to, a Report of Waste Discharge, pursuant to Sections 13260, 13374 and 13377 of Article 4, Chapter 4 of the Porter-Cologne Water Quality Control Act."

SECTION II - PROJECT INFORMATION

3. DREDGING PROJECT

Project Name or Title: _____

Type of Dredging Project: Maintenance New Work (see instructions)
 Single Episode Multi-Episode

Project Description: _____

Project Need and/or Purpose: _____

Month and year work is proposed to begin: _____, complete: _____

Estimated total project cost: _____

Project Location:

County: _____ Nearest City: _____
Latitude(s): _____ Longitude(s): _____
Waterway: _____

Proposed type of equipment to be used: _____

Will the project result in the construction of temporary or permanent structures or other than normal dredging equipment? Yes No If Yes, describe _____

Depth of dredging based on	Proposed design depth	_____
Mean Lower Low Water datum (MLLW):	Over/depth tolerance	_____
(Existing depth _____)	Proposed total depth	_____

Volume of material to be dredged: _____ cy, area of dredging _____ acres

Type(s) of substrate being dredged: Sub-tidal Bottom Mudflat Wetlands
 Other (explain): _____

Does the project involve activities within the Suisun Marsh Protection Zone? Yes No If Yes, complete Box 7

Please list agency and identification numbers of any previous permits for this activity:

SECTION III - DISPOSAL SITE INFORMATION

4. DIRECTIONS (Please answer all questions)

Does the project involve unconfined aquatic disposal? Yes No
If Yes complete box 5

Does the project involve upland, wetland or reuse disposal? Yes No
If Yes complete box 6

Does the project involve disposal within the Suisun Marsh Protection Zone? Yes No
If Yes complete box 7

5. AQUATIC DISPOSAL

Site: SF-9 (Carquinez Strait) SF-10 (San Pablo Bay)
 SF-11 (Alcatraz) SF-DODS (Deep Ocean Disposal Site)
 Other (Explain): _____

Note: Disposal at other aquatic sites without prior authorization is prohibited, separate authorization will be required to use such sites (see instructions)

6. PROPOSED UPLAND, WETLAND OR REUSE DISPOSAL SITE INFORMATION

Site Name: _____

Site Description (see instructions): _____

Site Address: _____

City: _____ State: _____ Zip: _____

Latitude(s): _____ Longitude(s): _____ Zoning: _____

Owner's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: () _____ - _____

Does project affect jurisdictional wetlands? Yes No If Yes, give name and permit number of approved wetland project where material will be placed: _____

SECTION III - DISPOSAL SITE INFORMATION (CONTINUED)

6. CONTINUED

Is the site an existing site that regularly receives dredged material: Yes No

Year site was last used for dredged material disposal: _____

Will the dredged material be sold or used for private purposes? Yes No

If Yes, annual income received or projected: _____

If projected please show basis of projection (see instructions): _____

Anticipated volume (in-place) of dredged material to be disposed: _____ cu. yds.

Will the disposal result in the construction of temporary or permanent structures or the use of other than normal dredged material disposal equipment?

Yes No

If Yes, describe: _____

Will the proposed disposal affect existing public access or public recreational facilities?

Yes No

If Yes, describe how impacts would be mitigated: _____

7. SUISUN MARSH DEVELOPMENT INFORMATION

ID number(s) of any previous local marsh development permit(s) issued for work at this site:

_____ None

Duck Club number(s) _____ None

If Yes, is the project consistent with the individual management plan for the property certified by the San Francisco Bay Conservation and Development Commission? Yes No

If No, submit an explanation of how the project can be approved despite the inconsistency.

SECTION III - DISPOSAL SITE INFORMATION

4. DIRECTIONS (Please answer all questions)

Does the project involve unconfined aquatic disposal ? Yes No
 If Yes complete box 5

Does the project involve upland, wetland or reuse disposal ? Yes No
 If Yes complete box 6

Does the project involve disposal within the Suisun Marsh Protection Zone ? Yes No
 If Yes complete box 7

5. AQUATIC DISPOSAL

- Site: SF-9 (Carquinez Strait) SF-10 (San Pablo Bay)
 SF-11 (Alcatraz) SF- DODS (Deep Ocean Disposal Site)
 Other (Explain): _____

Note: Disposal at other aquatic sites without prior authorization is prohibited, separate authorization will be required to use such sites (see instructions)

6. PROPOSED UPLAND, WETLAND OR REUSE DISPOSAL SITE INFORMATION

Site Name: _____

Site Description (see instructions): _____

Site Address: _____
 City: _____ State: _____ Zip: _____
 Latitude(s): _____ Longitude(s): _____ Zoning: _____

Owner's Name: _____
 Mailing Address: _____
 City: _____ State: _____ Zip: _____
 Phone: () _____ - _____

Does project affect jurisdictional wetlands ? Yes No If Yes, give name and permit number of approved wetland project where material will be placed: _____

SECTION III - DISPOSAL SITE INFORMATION (CONTINUED)

6. CONTINUED

Is the site an existing site that regularly receives dredged material: Yes No

Year site was last used for dredged material disposal: _____

Will the dredged material be sold or used for private purposes? Yes No

If Yes, annual income received or projected: _____

If projected please show basis of projection (see instructions): _____

Anticipated volume (in-place) of dredged material to be disposed: _____ cu. yds.

Will the disposal result in the construction of temporary or permanent structures or the use of other than normal dredged material disposal equipment?

Yes No

If Yes, describe: _____

Will the proposed disposal affect existing public access or public recreational facilities?

Yes No

If Yes, describe how impacts would be mitigated: _____

7. SUISUN MARSH DEVELOPMENT INFORMATION

ID number(s) of any previous local marsh development permit(s) issued for work at this site:

_____ None

Duck Club number(s) _____ None

If Yes, is the project consistent with the individual management plan for the property certified by the San Francisco Bay Conservation and Development Commission? Yes No

If No, submit an explanation of how the project can be approved despite the inconsistency.

SECTION IV - OTHER REQUIRED INFORMATION

8. ENVIRONMENTAL APPROVALS

- a. Has an EIR or an EIS been prepared for the project? Yes No
- b. Is the project categorically exempt from the need for any environmental documentation? Yes No
 If "Yes" attach a statement from the lead agency supporting this categorical exemption _____
- c. Was an EA prepared for previous dredging at this site? Yes No
- d. If (a) is No, will an EIR or be prepared ? Yes No
- e. If (d) is No, has a negative declaration been prepared (or is one being prepared)? Yes No
- f. If (d or e) is Yes, please answer the following:
 (1) Who will prepare the EIR or negative declaration ? _____

 (2) Approximate date of completion: _____
- g. Provide a copy of the project environmental documentation with your application

9. OTHER APPROVALS (see instructions)

CA DEPARTMENT OF FISH AND GAME - 1601 & 1603 Approval None Required

<u>Number</u>	<u>Date of Application</u>	<u>Date of Issuance</u>
-----	-----	-----

LOCAL GOVERNMENT APPROVALS None Required

<u>Approving Agency</u>	<u>Type of Approval</u>	<u>Date of Approval</u>	<u>Local Contact and Phone</u>
-----	-----	-----	-----
-----	-----	-----	-----

10. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Disclose any campaign contributions in excess of \$250 to officials of the agencies using this application form: No such campaign contributions have been made

<u>Contribution Made To:</u>	<u>Contribution Made By:</u>	<u>Date of Contribution:</u>
-----	-----	-----
-----	-----	-----

11. ADJOINING PROPERTY OWNERS

Provide addresses of property owners, lessees, etc., whose property adjoins the project and disposal site (disposal site information not required for the designated aquatic sites). If more than can be entered here, please attach a supplemental list:

==

12. CHECKLIST OF ADDITIONAL INFORMATION TO BE SUBMITTED

Complete and attached or Expected Submission Date

Sampling & Analysis Plan (SAP):	<input type="checkbox"/>	<input type="checkbox"/>	_____
Testing Data:	<input type="checkbox"/>	<input type="checkbox"/>	_____
Calculations:	<input type="checkbox"/>	<input type="checkbox"/>	_____
Organizational Document	<input type="checkbox"/>	<input type="checkbox"/>	_____
Environmental Document	<input type="checkbox"/>	<input type="checkbox"/>	_____
Drawings and Maps:	<input type="checkbox"/>	<input type="checkbox"/>	_____
Proof of Legal Interest	<input type="checkbox"/>	<input type="checkbox"/>	_____
Statement of Consistency	<input type="checkbox"/>	<input type="checkbox"/>	_____
Fees	<input type="checkbox"/>	<input type="checkbox"/>	_____
BCDC Posting Certification	<input type="checkbox"/>	<input type="checkbox"/>	_____

13. CERTIFICATION OF ACCURACY OF INFORMATION

I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representation, or for the seeking of such other and further relief as may seem proper to the permitting agencies.

Signature of Applicant or Applicant's Representative _____ Date _____

**CONSOLIDATED DREDGING-DREDGED MATERIAL
REUSE/DISPOSAL PERMIT APPLICATION FORM
INSTRUCTIONS**

(Revised December 1997)

Instructions for Preparing the
Consolidated Dredging-Dredged Material Reuse/Disposal Application

[rev 12/97]

A pilot inter-agency Dredge Material Management Office (DMMO) has been established to simplify the dredging approval process in the San Francisco Bay region. The Consolidated Dredging-Dredge Material Reuse/Disposal Application is part of this process and is the only application that you need to complete for most proposed dredging projects in the San Francisco Bay area. The application is accepted for Section 404 and/or Section 10 dredging authorization by the San Francisco District of the Corps of Engineers, for an administrative San Francisco Bay Conservation and Development Commission dredging authorization, the application shall serve as, and be functionally equivalent to, a California Regional Water Quality Control Board, Report of Waste Discharge, pursuant to Sections 13260, 13374 and 13377 of Article 4, Chapter 4 of the Porter-Cologne Water Quality Control Act and for dredging project leases from the California State Lands Commission.

These instructions are intended to assist you in the preparation of the Consolidated Dredging Application. The application form is divided into four sections. Section I covers the general information that is needed for all applications, Section II covers the specific details of the proposed dredging project, Section III covers the proposed dredge disposal site, and Section IV covers other required information.

These instructions also provide guidance on the types and format of drawings and other information that must accompany the completed application.

SECTION I

Box 1. Applicant Information: Enter the name of the responsible party or parties. If more than one party is associated with the application, please attach a sheet providing the same information for co-applicants (marked Box 1).

If the applicant is a partnership, corporation, government agency or other association, evidence must be provided to ensure that the person who signs the application is empowered to represent and make commitments on behalf of the organization submitting the application. To accomplish this, such applications must include either a resolution authorizing the person who signs the application to represent and bind the applicant or bylaws that establish that the person who signs the application holds a position that is empowered to act on behalf of the legal entity. Corporate resolutions must be from the corporation's board of directors. Public agency resolutions must be from the city council, board of supervisors or similar highest policy body which governs the organization. Space is provided to describe the nature of the empowerment if necessary.

Box 2. Representative Information: Sometimes an applicant, owner or co-applicant is represented by another person who handles the details of securing the required approvals for the project. If this is the case, indicate the name of the individual or agency, designated to be the representative for the project. An agent can be an attorney, builder, contractor, consultant or any other person or organization. Note: An agent is not required. If the applicant, owner or co-applicant is represented by someone else, the applicant must complete and sign the authorization portion of Box 2. If a representative is authorized, please indicate who should receive correspondence regarding the application.

SECTION II

Box 3. Dredging Project: This section must be completed by all applicants.

- Project Name and Title** - Please provide name identifying the proposed project.
- Type of Dredging Project** - Please place a check in the box indicating whether the project is maintenance dredging or a new work dredging project and also indicate in the appropriate box whether the project is a single episode or multi-episode (year) project.. [Note: new work projects involving over 100,000 cubic yards in 30 months, or any disposal project requesting authorization for more than 30 months time period, cannot be processed as administratively by the San Francisco Bay Conservation and Development Commission (BCDC) and should not applied for using this consolidated form. A standard BCDC application is required.]
- Project Description** - Briefly describe the overall activity or project. If additional space is needed use a continuation sheet marked Box 4.
- Project Need and/or Purpose** - Provide a brief description of the major purposes that the project will serve or the needs that will be met through accomplishment of the project (e.g. deepening a navigational channel, extracting sand, constructing a marina, etc.). Use continuation sheet marked Box 4, if necessary.
- Date work is proposed to begin and be completed** - Based on an estimate of how long it will take to get all the necessary approvals, financing, and other preliminary work, indicate the month and year when the work to be authorized is proposed to begin. In addition, based on a realistic construction schedule indicate the month and year when the work is proposed to be completed.
- Estimated total project cost** - Provide an estimate of the cost of the complete dredging and disposal project being proposed.
- Project Location** - Please provide the name of the county where the dredging project is located and the city nearest the project. Provide the latitude(s) and longitude(s) of the dredging site and identify the waterway in which it is located (e.g. San Pablo Bay, Petaluma River, etc.).
- Type of dredging equipment** - Describe the type of equipment to be used to accomplish the dredging (e.g. clamshell, hydraulic, barge size, etc.). If the project will involve the construction of temporary or permanent structures or utilize other than normal dredging equipment please indicate and describe.
- Depth of dredging** - Provide the existing and proposed design depths, over/depth tolerance and total depth of dredging for the project in terms of Mean Lower Low Water (MLLW) datum.
- Total volume** - Please provide an estimate of the total volume of material to be dredged in cubic yards.
- Area of dredging site** - Provide an estimate of the total acreage of the dredging site.
- Type of substrate** - Please check the appropriate box if sub-tidal bottom (normal S.F. Bay bottom), mudflats or wetlands are involved and provide a brief description of any other types of substrate (bottom) areas being dredged.
- Suisun Marsh** - If the dredging site is located within the Suisun Marsh protection zone please indicate and be sure to complete Box 7 of the application. If you are unsure, contact the San Francisco Bay Conservation and Development Commission.
- Previous authorizations** - Please provide the identification number of any previous authorizations for this dredging activity and the issuing agency. It is often possible to amend an existing approval rather than process a new application and it is helpful to agency analysts to refer to previous approvals.

SECTION III

Box 4. Directions: The purpose of this box, all questions of which must be completed by all applicants, is to serve as a guide that determines what disposal site elements of the application form must be completed for your project. Each of the three questions needs a "Yes" or "No" answer. There may be "Yes" answers to more than one of the questions and the question directs the box to be completed for a "Yes" answer. If a question is answered "No" the box shown as related to that question may be skipped.

Box 5. Aquatic Disposal: Only four sites are currently authorized for unconfined aquatic disposal in the San Francisco Bay region: S.F.- 9 (Carquinez Strait); S.F. -10 (San Pablo Bay); S. F. -11 (Alcatraz) and; S.F. - DODS (Deep Ocean Disposal Site). If one of these disposal sites is proposed to be used for the project mark that box. [Note: any dredging project that proposes a change in a previously authorized material disposal environment, must submit a complete DMMO application prior to SAP approval. Such projects may need to be reviewed by the Dredging Management Committee which will provide management direction to the DMMO]. If you are uncertain about the location or limitations on the use of any of these sites contact the Dredge Material Management Office, or the Corps of Engineers. If the project proposes any form of aquatic disposal other than the use of these designated sites please provide a complete description of the proposed site and method of disposal, use a continuation sheet marked Box 6 if necessary. [Note: it is likely that separate authorization will be necessary to use such sites and that individual applications to the regulatory agencies for such authorization will be required.]

Box 6. Proposed Upland, Wetland or Reuse Disposal Site Information: This box is to be completed if the disposal of dredged material is proposed for other than aquatic disposal.

Site Name - Please provide the name of the proposed disposal site.

Site Description - Provide a brief description of the existing condition of the proposed disposal site, including the present elevations, current vegetation, existing structures and use of the site. Use a continuation sheet marked Box 6, if more space is needed.

Site Address - Provide the most accurate address possible for the disposal site including a street address if one exists. Please provide latitude(s) and longitude(s) for the site and the current zoning designation. If the zoning is not known, it can usually be obtained from the county or city planning office.

Owners Name and Address - Please provide the name and address of the owner of the property on which the proposed disposal site is located.

Jurisdictional Wetlands - Please indicate by marking the appropriate box, whether the disposal will affect any delineated jurisdictional wetlands. If the disposal is a proposed at an approved wetlands project site, give the name and authorization number of the site. [Note: separate authorization involving individual applications to the regulatory agencies will be required for the dredging project if the wetlands disposal site is not already authorized.]

Existing disposal site: - Indicate if the proposed disposal site is an existing, established disposal site that regularly (or periodically) receives dredged material.

- Site last used** - If the proposed disposal site has been used previously for the disposal of dredged material, please give the year of the most recent disposal episode.
- Disposal site income** - If income is produced from the disposal or sale of dredged material at the proposed site, please indicate and provide an estimate of actual or projected annual income. If the annual income is projected show the basis of that projection (e.g. per cubic yard, etc.)
- Anticipated volume** - Provide an estimate of the total in place volume of the dredged material to be placed at the disposal site by the proposed project.
- Type of disposal equipment** - Describe the type of equipment to be used to accomplish the disposal. If the project will involve the construction temporary or permanent structures (eg: levees) or utilize other than normal disposal equipment please indicate and briefly describe.
- Public access/recreational facilities** - Please check if the disposal project will affect existing public access or public recreational facilities. If yes, describe how the project proposes to mitigate those impacts.

Box 7. Suisun Marsh Development Information: Several items are unique to dredging activities that occur with the Suisun Marsh Protection Zone. In this box provide the requested information on local marsh development permits and duck club numbers. Be sure to check "None" if it applies. If your project occurs in the Suisun Marsh area and you are unsure whether it is consistent with the individual management plan for the property, you are advised to consult with the San Francisco Bay Conservation and Development Commission.

SECTION IV

Box 8. Environmental Approvals: The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) require that the environmental impacts of a proposed project be addressed before any authorization. The purpose of this box is to learn the status of the required environmental approvals. [Note: (1) a copy of the project's environmental documentation should be included with the application submittal; (2) an application may not be filed as complete until environmental compliance is assured.]

- (a) EIR and/or EIS - If an Environmental Impact Report (EIR - CEQA) and/or an Environmental Impact Statement (EIS - NEPA) related to dredging in this location has ever been prepared please indicate on the form.
- (b) Categorically Exempt - Normally maintenance dredging is found to be categorically exempt from CEQA requirements. If the project is for maintenance dredging and is known to be covered by the exemption please check "Yes" in the appropriate location on the form and attach documentation from the lead agency.
- (c) Environmental Assessment (EA) - If the site has been dredged previously and a NEPA EA prepared, please indicate on the form and provide a copy.
- (d) EIR Preparation - If no environmental document has been completed, but it is known that an EIR will be prepared to respond to CEQA please note by checking "Yes" and providing the information requested in question (f) of Box 8.
- (e) Negative Declaration - In some instances a Negative Declaration or a finding of no significant impacts is sufficient to respond to CEQA. If a Negative Declaration has been prepared for the proposed project check "Yes" and include a copy. If one is under preparation please complete question (f) in Box 8.
- (f) Preparer - Generally, a local government is the "lead agency" under CEQA and completes the environmental requirements for projects under its jurisdiction. If

CEQA environmental documents are under preparation, please indicate the entity that is preparing them and provide an estimated date of completion.

(g) Copies - As noted above, please provide copies of the project's environmental documentation.

Box 9. Other Approvals: Other state and local approvals may be required for a dredging project. Please provide verification of contacts with other agencies to determine if other approvals are (are not) required.

CA Department of Fish and Game - The California Department of Fish and Game (DFG), under the Fish and Game Code, Sections 1601 and 1603, regulates changes made to the bed, channel or banks of streams or rivers. Dredging proposals within the greater San Francisco Bay area that occur on the periphery of the tidally-influenced Bay, but which also are within well defined rivers and streams are subject to these mutual agreements (commonly called Streambed Alteration Agreements) between DFG and the project applicant. The jurisdictional boundaries for areas needing such agreements are defined by DFG. If you are unsure if your project is subject to the need for a 1601 or 1603 agreement you are advised to consult with DFG to determine if the project and/or disposal site falls within their jurisdiction.

Local Government Approvals - If local approvals are required they should be listed on the form. Indicate the name of the approving agency and the type of discretionary approval that is required. Also provide the date of approval and a local contact person and phone number. Note that some state agencies require the issuance of all required local approvals prior to initiating action on permit applications. Early consultation with agencies is recommended.

Box 10. Disclosure of Campaign Contributions: Any campaign contributions in excess of \$250 to officials (including commission members) of the regulatory agencies using this consolidated form must be disclosed. If no contributions have been made please indicate by checking the box.

Box 11. Adjoining Property Owners: List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the dredging and disposal sites so that they may be notified of the proposed activity (usually by public notice). Adjoining owner information is not required for use of the designated disposal sites. Use a continuation sheet if necessary.

Box 12. Checklist of Additional Information to be Submitted: This box identifies other information that is required before your dredging application can be accepted as complete and processing of the application initiated. Please indicate by checking in the appropriate box if the material indicated is complete and attached to the application package. If the material is not complete please indicate the expected submission date on the application form. [Note: See directions for Drawings, Submittals, Application and Processing Fees at the end of these instructions.]

Sampling & Analysis Plan (SAP) - You are required to develop a biological and/or chemical testing plan in accordance with the Corps, San Francisco District Public Notice 93-2 (1 February 1993) or appropriate ocean or inland testing protocol. You should initiate consultation with the DMMO as early as possible in the planning of your dredging project to develop an acceptable

sampling and analysis plan. A hydrographic survey of the dredging site, conducted within the preceding 90 days is necessary to initiate the development of the SAP. The area to be dredged must be clearly delineated on the survey.

Testing Data - When the sampling conducted in accordance with the SAP is complete, preparation and submission of the testing data is required for your consolidated dredging permit application package to be accepted as complete. To be considered valid, the testing of a proposed dredge site must have occurred within one year of the date of submittal of the application. —

Calculations - Provide one copy of the computations used for the determination of the quantities to be dredged.

Organizational Documentation - See instructions for Box 1.

Environmental Documentation - See instructions for Box 8.

Drawings and Maps - See special instructions.

Proof of Legal Interest - It is necessary for the applicant or the land owner to have adequate legal interest in the underlying property to carry out the project and comply with any conditions that may be part of approval. This legal interest must be either through fee interest, an easement, a leasehold, an option or eminent domain. Proof of legal interest is needed for the dredging site and disposal sites, if disposal is proposed at other than the designated aquatic sites. To demonstrate legal interest, it is necessary to submit a property map and a recently issued title report or grant deed, including a metes and bounds description, or other information of similar accuracy and reliability to show that the applicant holds legal interest in the project site.

Statement of Consistency - Please provide a brief explanation of your projects consistency with the policies regarding dredging and disposal in the San Francisco Bay Area. To do this, describe if upland disposal alternatives were considered and if aquatic disposal is proposed, explain how the project relates to limiting disposal site quantities and timing for aquatic resource protection. Also, use this opportunity to explain how your project complies with the BCDC Bay Plan.

Box 13. Certification of Accuracy of Information: This box which certifies the accuracy of the information provided in the application form, must be signed by every applicant or their representatives who have been legally authorized to act on behalf of the applicant. The signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DIRECTIONS FOR DRAWINGS, SUBMITTALS, APPLICATION AND PROCESSING FEES

Drawings and Maps - General instructions are provided for the drawings and maps to support a dredging permit application. Additional detail regarding this subject can be found in the Application Information Booklet (EP 1145-2-1) available from the Corps of Engineers and the General Application Instructions available from the San Francisco Bay Planning and Development Commission.

Three types of illustration are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View and a Typical Cross-Section. Identify each illustration with a figure number.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view or cross-section). Each illustration should also have at least a one-half inch margin on each side, a north arrow, vertical and horizontal scales shown, datum given and be dated.

Both the area to be dredged and the disposal area should be identified and shown on the illustrations. The illustrations should also show testing locations, depths of dredging, and the locations of any adjacent structures (piers, wharfs, etc.).

All illustrations should be legible and on good quality 8 1/2 x 11 inch plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. [Note: While illustrations need not be professional, they should be clear, accurate and contain all necessary information.]

Submittal - If desired, one copy of the completed application form, drawings and testing data may be submitted directly to each of the DMMO participating agencies whose contact names and addresses are provided in these instructions (all other checklist documents are only required to be submitted to BCDC and the Corps) or alternately, six copies of the completed application form, drawings and testing data (and two copies of the supplemental documents) may be submitted to the attention of Mr. David Dwinell, Construction-Operations Division, San Francisco District, Corps of Engineers, 333 Market Street, San Francisco, CA 94105-2197.

Application and Processing Fees - Each of the regulatory agencies participating in the DMMO and accepting the Consolidated Dredge Application has their own unique fee structure and should be provided directly to that agency.

The Corps of Engineers does not require the submittal of a fee with the application. At the time of issuance the Corps requires a fee of \$10 for a private party, \$100 for a commercial project and no fee for a public agency project.

The fee schedule for the San Francisco Bay Conservation and Development Commission is attached.

The fee schedule for the CA Regional Water Quality Control Board is attached. The Regional Board's upland disposal annual fee is decided on a case by case basis according to a fee schedule based on the "threat to water quality and complexity". Currently these fees range from \$500 to \$10,000 per year.

The California State Lands Commission requires submittal of an \$825 reimbursable agreement for staff time involved in processing dredging project leases.

BCDC Notice of Application Form - The applicant must complete the attached BCDC Notice of Application and place it in a prominent location at or near the project site so that it will be visible to members of the public. The applicant must then complete and sign the attached Certification of Posting form and return it directly to BCDC at the address shown.

DMMO Participating Agencies and Staff Contacts:

David Dwinell, DMMO Coordinator
Construction-Operations Division
San Francisco District
Corps of Engineers
333 Market Street
San Francisco, CA 94105-2197

Phone (415) 977-8471
FAX (415) 977-8483

Rob Lawrence, Regulatory Dredging Manager
Corps of Engineers
Regulatory Branch
San Francisco District
333 Market Street, Suite 812
San Francisco, CA 94105-2197

Phone (415) 977-8447
FAX (415) 977-8483

Jack Gregg
CA Regional Water Quality Control
Board
San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612

Phone (510) 286-1199
FAX (510) 286-0928

Erika Hoffman
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Phone (415) 744-1986
FAX (415) 744-1078

Eric Larson
S. F. Bay Conservation and
Development Commission
Thirty Van Ness Ave., Suite 2011
San Francisco, CA 94102-6080

Phone (415) 557-3686
FAX (415) 557-3767

Mary Howe
State Lands Commission
Division of Land Management
100 Howe Ave., Suite 100-South
Sacramento, CA 95835-8202

Phone (916) 574-1839
FAX (916) 574-1925

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
1500 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94112
415 398 1255



FEE SCHEDULE FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Pursuant to a memorandum from the State Water Resources Control Board dated 2/23/94, the following are the fees for Regional Board water quality certification and waivers. The authority for issuance of water quality certification is found in the Clean Water Act Section 401(a)(1). Water quality certification may be waived for projects involving less than two acres of fill or less than 50,000 cubic yards of dredging. The fees for waiver or certification are listed below.

1. Waiver of Water Quality Certification for fill (up to 2 acres):

- Processing cost of \$50/hr (staff costs) up to a maximum of \$1000/acre
- Minimum waiver fee is \$500

2. Water Quality Certification for fill:

- One acre or less, flat fee of \$1000
- More than one acre, \$1000 per acre or part thereof, up to a maximum of \$10,000

3. Fees for Dredging (waiver or certification)

- Less than 10,000 cubic yards, flat fee of \$500
- 10,000 to 20,000 cubic yards, flat fee of \$1000
- More than 20,000 cubic yards, \$2000 plus \$250 for each additional 5,000 cubic yards or part thereof (up to maximum of \$10,000)

The authority to collect fees is found in the California Code of Regulations, Section 3833(b). The fee schedule for discharges of dredged and fill material is found in California Code of Regulations, Title 23, Section 2200. Section 2200(h) provides authority to charge for issuing waivers of certification at the rate of \$50.00 per hour of staff time invested.

SPECIAL INSTRUCTIONS: Processing Fees

Fees are charged to cover a small portion of the cost of processing an application. The amount of the fee is based on the project's location and the *total project cost*. The accompanying table indicates the most common categories of fees. Fees for projects that fall into two or more categories are based on the fee for the highest category, not the total of all categories. Fees for emergency permits are the same as fees for ordinary projects. Fees for material amendments are the same as the fees for new projects. Fees for applications arising from enforcement investigations are double the cost of normal fees. [California Code of Regulations, section 10337]

None of the fees can be waived for any reason. Refunds of a portion of a permit fee can be made if an application is withdrawn. The amount of the refund depends on the type of authorization applied for and when the application is withdrawn. [California Code of Regulations, section 10335]

If the Commission serves as the "lead agency" under the provisions of the California Environmental Quality Act, an additional fee of \$300 is charged for analyzing, processing and distributing environmental documents. In addition, another \$500 fee is charged if an environmental assessment must be prepared. The applicant may be required to pay the cost of retaining consultants if the Commission's staff determines that specialized information is needed to complete the required environmental analysis of a project. If an EIR must be prepared for the Commission either by its staff or a consultant, the cost of this work must be paid by the applicant. [California Code of Regulations, section 11540 et seq]

If there is any question about the amount of the fee that must be paid to process an application, this matter should be discussed with the Commission's staff before submitting the application. An application cannot be officially filed until the proper processing fee is received by the Commission.

FEE SCHEDULE

- The first time extension to a permit \$50
- A nonmaterial amendment to a permit other than a first time extension \$100
- An activity authorized by a regionwide permit \$100
- A minor repair or improvement with a total project cost (TPC) of:
 - Less than \$300,000 \$150
 - \$300,000 to \$10,000,000 05% of TPC
 - More than \$10,000,000 \$5,000
- Any other project that does not qualify as a minor repair or improvement with a total project cost (TPC) of:
 - Less than \$250,000 \$250
 - \$250,000 to \$10,000,000 1% of TPC
 - More than \$10,000,000 \$10,000
- Federal consistency submittal none

*All fees are doubled for "after-the-fact" applications to correct violations.

NOTICE

DATE POSTED: _____ 19 ____

NOTICE IS HEREBY GIVEN THAT

HAS SUBMITTED AN APPLICATION TO THE
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
REQUESTING A PERMIT TO (brief description of work and uses)

AT A PROPERTY KNOWN AS (address or other property description)

Persons interested in the project proposed in the application may request further information and notice of any hearings by writing to the Commission at Thirty Van Ness Avenue, Suite 2011, San Francisco, California 94102, or by telephoning (415) 557-3686. The application and any supplementary materials may be reviewed at the Commission's offices immediately.

BCDC PERMIT APPLICATION NO.

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CERTIFICATION OF POSTING OF NOTICE

San Francisco Bay Conservation
and Development Commission
Thirty Van Ness Avenue, Suite 2011
San Francisco, California 94102

RE:

(brief description of project)

I,

(name of applicant or agent)

hereby certify that on _____
(date)

I or my agent or employee posted in a prominent location at or near the project site the Notice of Application provided by the San Francisco Bay Conservation and Development Commission.

Date: _____ By: _____
(Signature)

Title: _____
(Title)