

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Transmitted Via Electronic Mail Only

March 21, 2024

TO: Sausalito-Marin City Sanitary District
1 East Road
Sausalito, CA 94965

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Katharine Pan, Shoreline Development Program Manager (415/352-3650;
katharine.pan@bcdc.ca.gov)

SUBJECT: Instructions for Completing BCDC Permit No. M2023.002.00; Beach Force Main Rehabilitation Project

Dear BCDC Permit Holder:

Enclosed please find a copy of your BCDC Permit, executed by the Executive Director.

All permittees must (1) **complete** the acknowledgment section of the permit¹, which indicates that you have read and that you understand all of the terms and conditions of the permit, and (2) **return** the entire permit within the ten-day time period (see Standard Conditions IV-A). The [Notice of Completion and Declaration of Compliance Form](#), shall be returned to the Commission upon project completion.

Furthermore, your permit contains special conditions which require you to take certain specific actions. Please understand that **no** work may commence on the project until the permit is executed and returned to the Commission. Until the Commission receives the executed permit, the permittee does not have the necessary authorization for the work authorized under the permit. The commencement of any work within the Commission's jurisdiction without the necessary authorization from the Commission is a violation of the McAteer-Petris Act and could subject you to substantial fines.

If you should have any questions regarding the permit or the procedure outlined above, please contact our staff at 415-352-3600 or info@bcdc.ca.gov.

¹ For your convenience, you will receive an email copy of the permit via DocuSign for your acknowledgement and e-signature.



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PERMIT NO. M2023.002.00

March 21, 2024

Sausalito-Marin City Sanitary District
1 East Road
Sausalito, CA 94965

I. Authorization

A. Authorized Project

Subject to the conditions stated below, the permittee is hereby authorized to do the following:

Location: Within the Commission’s Bay and 100-foot shoreline band jurisdictions, at the foot of Main Street and on the beach near 38 Alexander Avenue in the City of Sausalito, Marin County, and at the Sausalito-Marin City Sanitary District Wastewater Treatment Plant at 1 East Road within a Waterfront Park/Beach Priority Use Area in unincorporated Marin County.

Description: Rehabilitate an existing force main along approximately 2,200 feet of shoreline by inserting approximately 2,180 linear feet of slip-lining from a liner entry pit at Main Street to a receiving pit at the treatment plant, and install additional infrastructure at the Main Street pump station and treatment plant, involving the following:

1. At Main Street

a. In the Bay:

- i. Remove riprap and excavate an approximately 35-foot-long, 6-foot-wide, and 6-foot-deep liner entry pit with a shoring box.
- ii. Clean force main using a jetter and vacuum truck and insert liner.
- iii. Backfill excavation area with native beach sand and construct public access improvements as previously authorized and conditioned under BCDC Permit No. M2015.019.02.

b. Within the 100-foot shoreline band:

- i. Temporarily use the terminus of Main Street as construction staging for the duration of the project.
- ii. Excavate an approximately 50-foot-long, 4- to 6-foot-wide, and 14-foot-deep area and install new underground valves and piping below Main Street.
- iii. Relocate existing public bench.

2. **At the Wastewater Treatment Plant**

a. In the Bay and within the 100-foot shoreline band:

- i. Remove existing riprap at excavation area and excavate an approximately 55-foot-long, 4-foot-wide, and 1-foot-deep liner receiving pit.
- ii. Clean force main using a jetter and vacuum truck and receive liner.
- iii. Remove a portion of the existing force main and install approximately 35 linear feet of new 16-inch force main involving trenching along the beach.
- iv. Backfill excavation area with native soil and compacted aggregate base and replace riprap.

3. At a Location near 38 Alexander Avenue

- a. Temporarily shift existing riprap to access the intermediate wye on the beach as needed.

B. Permit Application Date

This authority is generally pursuant to and limited by the application dated April 24, 2023, including all accompanying and subsequently submitted correspondence and exhibits, subject to the modifications required by conditions hereto.

C. Deadlines for Commencing and Completing Authorized Work

Work authorized herein must commence prior to December 31, 2025, and be diligently pursued to completion within one year of commencement or no later than December 31, 2026, whichever date is earlier. This permit will lapse and become null and void if the authorized work is not commenced as specified, unless an extension is granted by an amendment of the permit.



II. Special Conditions

The authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Plan Review

1. Project Plans

The development authorized herein shall be built generally in conformance with the plan set entitled "Sausalito-Marín City Sanitary District Beach Force Main Rehabilitation," prepared by Woodard & Curran, dated August, 2023. Plan review is required subject to the process in Special Condition II.A.2 below.

The permittee is responsible for assuring that all construction documents accurately and fully reflect the terms and conditions of this permit and any legal instruments submitted pursuant to this authorization. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

2. Plan Review and Approval

Unless otherwise provided by this permit, no work whatsoever shall commence pursuant to this permit until final documents regarding authorized and required activities are approved in writing by or on behalf of the Commission. Documents submitted shall be accompanied by a written request for plan approval, identifying the type of plans submitted, the portion of the project involved, and indicating whether the plans are final or preliminary. All documents will be reviewed within 45 calendar days of receipt. To save time, preliminary documents may be submitted prior to the submittal of final documents. If final document review is not completed by or on behalf of the Commission within the 45-day period, the permittee may carry out the project authorized herein in a manner consistent with the plans referred to in Special Condition II.A.1 of this permit.

a. Document Details

All construction documents shall be labeled with: the Mean High Water line or the upland extent of marsh vegetation no higher than +5 feet above Mean Sea Level and the tidal datum reference (NAVD88 or, if appropriate, Mean Lower Low Water (MLLW)); the corresponding 100-foot shoreline band; property lines; the location, types, and dimensions of materials, structures, and project phases authorized herein; grading limits; and the boundaries of public access areas and view corridor(s) required herein. Documents for shoreline protection projects must be dated and include the preparer's certification of project safety and contact information. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

b. Conformity with Final Approved Documents

All authorized development and uses shall conform to the final documents. Prior to use of the facilities authorized herein, the appropriate professional(s) of record shall certify in writing that the work covered by the authorization and required of this permit has been implemented in accordance with the approved criteria and in substantial conformance with the approved documents. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

c. Discrepancies between Approved Plans and Special Conditions

In case of a discrepancy between final approved documents and the special conditions of this permit or legal instruments, the special condition shall prevail.

d. Reconsideration of Plan Review

The permittee may request reconsideration of a plan review action taken pursuant to this special condition within 30 days of a plan review action by submitting a written request for reconsideration to the Commission's Executive Director. Following the Executive Director's receipt of such a request, the Executive Director shall respond to the permittee with a determination on whether the plan review action in question shall remain unchanged or an additional review and/or action shall be performed by or on behalf of the Commission, including, but not limited to, an amendment to the permit.

B. Public Access**1. Beach Access**

Public access to the beach at Main Street shall be maintained to the extent feasible, including all times during non-working hours, and all times during working hours consistent with public safety. Excavation and staging areas may be closed to the public using temporary construction fencing to be removed at the completion of the project. If public access to the Main Street beach must be closed, alternative access shall be provided at Valley Street and signage shall be provided to direct the public to the Valley Street access point.

2. Public Access Improvements

At the completion of the project on the Main Street beach, the permittee shall replace existing site conditions with construction of the Phase II public access improvements previously required under BCDC Permit No. M2015.019.02 Special Condition II.B.2.g (approximately 180 square feet of amphitheater seating) according to the relevant special conditions of that permit.

C. Construction Timing

All construction activities occurring below the Mean High Tide line shall be confined to the work window between July 1 and March 1 to minimize disturbance to spawning Pacific herring and migrating salmon. All work taking place below the high tide line shall be conducted during low tide.

D. Construction Operations and Debris Removal

All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee, its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the Commission's jurisdiction and the site left in the same condition and grade as existed prior to project implementation, except as provided by Authorization Section I.A.1 and Special Condition II.B.2. Any material used to backfill excavated holes and trenches shall be free of contaminants and approved for such use by the Regional Water Quality Control Board.

E. Habitat Protection

The work authorized herein shall be performed so as to prevent any significant adverse impact on any tidal marsh, tidal flat, eelgrass habitat or other sensitive Bay resources. If any unforeseen adverse impacts occur to any such area as a result of the activities authorized herein, the permittee shall restore the area to or improve the area above its previous condition, which may include returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate vegetation.

F. Water Quality Protection

The permittee shall ensure that project construction and operations are in compliance with the Notice of Applicability to enroll the Beach Force Main Rehabilitation Project under the Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (Order No. 2004-0004-DWQ), Marin County, issued on November 27, 2023.

G. Notice to Contractor

The permittee shall provide a copy of this permit to any contractor or person working in concert with the permittee to carry out the activities authorized herein and shall point out the special conditions contained herein.

H. Certification of Contractor Review

Prior to commencing any grading, demolition, or construction, the general contractor or contractors in charge of that portion of the work shall submit written certification that they have reviewed and understand the requirements of the permit and the final BCDC-approved plans, particularly as they pertain to any public access or open space required herein, or environmentally sensitive areas.

III. Findings

On behalf of the Commission, I find and declare that:

A. Project

The project authorized by this permit involves work at two locations to rehabilitate an existing force main. Work will involve excavating a liner entry pit in the Bay at Main Street in the City of Sausalito and a liner receiving pit in the Bay and within the 100-foot shoreline band at the Sausalito-Marin City Wastewater Treatment Plant in Marin County and inserting a kevlar slip liner into the main. Access to the main will require the removal of existing riprap at the site. At the conclusion of the project, the excavated area will be backfilled with native beach sand and the riprap will be replaced with the construction of the Phase II public access improvements previously required under BCDC Permit No. M2015.019.02. Work at Main Street will also include the installation of new valves and piping in the shoreline band under the terminus of Main Street to connect the rehabilitated main to the existing Main Street pump station as well as construction staging.

Work at the treatment plant will also include removing a portion of the existing force main and installing approximately 35 linear feet of new 16-inch force main to connect the rehabilitated main to the plant. The work will require shifting existing riprap closer to the Bay during construction, and trenching on the beach to access the force main piping. At the conclusion of the project, the excavated area will be backfilled with native soil and compacted aggregate base, and the riprap that was shifted will be moved back into place.

In the event the slip liner becomes stuck between Main Street and the treatment plant, the permittee may access an intermediate wye on the beach near 38 Alexander Avenue to retrieve the liner.

In the Commission's Bay jurisdiction, the project involves the routine repairs, reconstruction, replacement, removal, or maintenance of a structure that do not involve any substantial enlargement or change in use, as defined in the Commission's Regulation Section 10601(a)(6). In the Commission's shoreline band jurisdiction, the project involves the placement of small amounts of inert inorganic fill, the extraction of small amounts of materials, or a substantial change of use of any area so long as the placement, extraction, or change in use does not have a significant adverse effect on

existing or possible future public access, on existing or possible future use for a designated water-oriented priority land use, or on the environment, as defined in Regulation Section 10601(b)(1) and the routine repairs, reconstruction, replacement, removal, or maintenance of a structure that do not involve any substantial enlargement or any substantial change in uses as defined in Regulation Section 10601(b)(5). Thus, the project is considered a “minor repair or improvement” for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a).

B. Consistency with Commission Law and Policies

The project will rehabilitate the existing underground Beach Force Main between the Main Street pump station in Sausalito and the Sausalito-Marin City Wastewater Treatment Plant in Marin County and make appurtenant improvements to connect the rehabilitated main to existing infrastructure. The project will provide force main redundancy and improve system reliability and allow for inspection and cleaning of the parallel Alexander Avenue Force Main. The existing pipe has reached the end of its useful life as a force main and will be slip-lined to seal any leakages and pressurize the pipe.

All work and impacts associated with the project will be temporary in nature and involve only existing facilities at developed areas. Work at the treatment plant will take place within a Bay Plan-designated Waterfront Park/Beach Priority Use Area, but will affect only existing underground facilities and will not involve any change in use that would conflict with the priority use designation.

Work at the Main Street site will create partial obstructions to public access, as the staging and excavation areas will be fenced off for public safety purposes. The public may continue to access all areas outside of the fencing. Special Condition II.B.1 is included to ensure that the public will be able to access the Main Street public access area outside of work hours and during any work hours where public safety is not a concern. At time when closure of the beach access point is required, Special Condition II.B.1 requires that the nearby Valley Street access point remain open and that the permittee place signage to direct the public to Valley Street.

On April 17, 2023, the Commission issued BCDC Permit No. M2015.019.02 to amend the public access requirements for the Valhalla project at 201 Bridgeway, directly adjacent to and overlapping the Beach Force Main project site. As the Beach Force Main project was already anticipated at that time, the permittees for Permit No. M2015.019.02 agreed to construct their beach access improvements in two phases, with the understanding that the Sausalito-Marin City Sanitary District would need to remove any Phase I improvements in that location to access the force main. While the phasing allows for the Sanitary District’s project to be completed in a more efficient manner, it resulted in the further delay of completed public access for the Valhalla project. Therefore, given the impact to required public access resulting from the Sanitary District’s project, in order to ensure that the project achieves maximum feasible public access, consistent with the project, to the Bay and along the shoreline, Special Condition

II.B.2 is included to require that the existing site conditions be replaced with construction of the Phase II public access improvements previously required by Permit No. M2015.019.02 (approximately 180 square feet of amphitheater seating), in a manner consistent with the special conditions of that permit, at the conclusion of the project. Special Condition II.B.2 requires only the construction of the public access improvements in a manner consistent with the special conditions of that permit; it is the responsibility of the permittees of Permit No. M2015.019.02 to meet all other requirements of that permit, including any pre- or post-construction requirements.

No new Bay fill will be placed as part of this project. Some portions of the project will take place at or below the Mean High Tide line and therefore could affect Bay resources. Special Condition II.C, II.D, II.E, and II.F are included to ensure that work in the Bay be conducted during the work window between July 1 and March 1 to minimize disturbance to spawning Pacific herring and migrating salmon, that all work taking place below the High Tide Line be conducted at low tides, and that work be conducted in a manner that avoids impacts to water quality and subtidal habitats. Special Conditions II.A, II.G, and II.H are included to ensure that the project is implemented consistent with the specifications of this permit.

As conditioned, the project authorized herein is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay.

I. Coastal Zone Management Act

The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

J. California Environmental Quality Act

On July 14, 2023, the Sausalito-Marin City Sanitary District, as Lead Agency, filed a Notice of Exemption for this project. The Notice of Exemption finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) requirement to prepare an environmental impact report pursuant to CEQA Guidelines Section 15301(b) Existing Facilities as it is a repair, maintenance, or minor alteration of an existing public facility involving negligible or not expansion of use beyond that existing at the time of the determination.

K. Administrative Listing

Pursuant to Regulation Section 10620, this project was listed with the Commission on March 7, 2024.

L. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions**A. Permit Execution**

This permit shall not take effect unless the permittees execute the original of this permit and return it to the Commission within ten days after the date of the issuance of the permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Notice of Completion

The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. Permit Assignment

The rights, duties, and obligations contained in this permit are assignable. When the permittees transfer any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this permit, the permittees/transferrors and the transferees shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignees execute and the Executive Director receives an acknowledgment that the assignees have read and understand the permit and agree to be bound by the terms and conditions of the permit, and the assignees are accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the permit.

D. Permit Runs with the Land

Unless otherwise provided in this permit, the terms and conditions of this permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.



E. Other Government Approvals

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This permit does not relieve the permittees of any obligations imposed by State or Federal law, either statutory or otherwise.

F. Built Project must be Consistent with Application

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the permit and any plans approved in writing by or on behalf of the Commission.

G. Life of Authorization

Unless otherwise provided in this permit, all the terms and conditions of this permit shall remain effective for so long as the permit remains in effect or for so long as any use or construction authorized by this permit exists, whichever is longer.

H. Commission Jurisdiction

Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

I. Changes to the Commission's Jurisdiction as a Result of Natural Processes

This permit reflects the location of the shoreline of San Francisco Bay when the permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this permit does not guarantee that the Commission's jurisdiction will not change in the future.

J. Violation of Permit May Lead to Permit Revocation

Except as otherwise noted, violation of any of the terms of this permit shall be grounds for revocation of the permit. The Commission may revoke the permit for such violation after a public hearing held on reasonable notice to the permittees or their assignees if the permit has been effectively assigned. If the permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this permit shall be removed by the permittees or their assignees if the permit has been assigned.

K. Should Permit Conditions be Found to be Illegal or Unenforceable

Unless the Commission directs otherwise, this permit shall become null and void if any term, standard condition, or special condition of this permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this permit becomes null and void, any fill or structures placed in reliance on this permit shall be subject to removal by the permittees or their assignees if the permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

L. Permission to Conduct Site Visit

The permittees shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

M. Abandonment

If, at any time, the Commission determines that the improvements in the Bay authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittees, their assignees or successors in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.

N. Best Management Practices**1. Debris Removal**

All construction debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittees, their assignees, or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.

2. Construction Operations

All construction operations shall be performed to prevent construction materials from falling, washing or blowing into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittees shall immediately retrieve and remove such material at their expense.

O. In-Kind Repairs and Maintenance

Any in-kind repair and maintenance work authorized herein shall not result in an enlargement of the authorized structural footprint and shall only involve construction materials approved for use in San Francisco Bay. Work shall occur during periods designated to avoid impacts to fish and wildlife. The permittees shall contact Commission staff to confirm current restricted periods for construction.



PERMIT NO. M2023.002.00
SAUSALITO-MARIN CITY SANITARY DISTRICT

March 21, 2024
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Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and Development Commission

DocuSigned by:
Steve Goldbeck
2015CA32FC25415...
By: _____
STEVE GOLDBECK
Chief Deputy Director

LJG/SG/KP/ra

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of Sausalito Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Sausalito-Marine City Sanitary District
Permittee

On _____

Signature

Print Name

Title

