

July 9, 2026

Dear Mayor McMillian and Town Council:

RE: Public Comment - Agenda Item 17: Winship Bridge Project Update

Please put my comments on the record along with all the attachments:

The Winship Bridge replacement project has presented serious challenges from the outset, and many of those challenges remain unresolved. The Ross Town Council should not move the project forward until it has a clear understanding of the impacts to property owners, the scope of mitigation exposure, and a fully budgeted allowance for mitigation measures, as well as any damages or restoration that may be required on downstream private parcels. It is essential that all supporting documentation be made publicly available for full review before the project advances further.

The potential flooding and negative consequences for downstream residents in Ross and neighboring towns are too significant to proceed without that information. I therefore recommend that the incoming Public Works Director conduct a comprehensive review of the record, which spans more than a decade, examine the project from start to finish, and address these unresolved issues before any further action is taken.

In the interim, I will point out that the Agenda Item 17, July 9, 2026, staff report, appears to minimize the hydrologic implications of the project associated with the bridge's removal and replacement and does not fully address the risks to downstream homeowners. Also not discussed: What is the funding for specific mitigation measures and/or repair and restoration for impacted property owners?

These omissions are particularly egregious when one considers that **mitigation has become the third rail of flood control in Marin County** as evidenced by the District's recent costly failures. However inconvenient, no one is allowed to alter a regulatory waterway to the detriment of downstream property owners. And you cannot raise the Water Surface Elevation (WSE) against a structure at all without mitigation. The staff report maintains there is "no-rise" but the evidence says otherwise.

As an impacted property owner, I urge the Town of Ross to take the time to fully assess the impacts to all downstream properties including Unit 4, which has largely been ignored. Increasing WSE could potentially impact many of the homes between Winship Bridge and where the creek meets the canal at the College of Marin.

In addition, when will the NEPA submission and accompanying documents be shared with the public for review? The July 9, 2026 staff report states "*that NEPA is in the closing stages of National Environmental Policy Act (NEPA) certification*" but does not specify dates for when this information will be shared for public review. Have all the NEPA requirements been met?

Here are some additional considerations with supporting documents.

Indemnification?

The County has made it clear, in writing, that they will not indemnify the Town. At the Final Initial Study/Mitigated Negative Declaration held on March 12, 2020, Mayor Brekhus suggested that the Town of Ross seek indemnification. Here is what the minutes show:

Mayor Brekhus commented that residents are paying taxes which fund the Flood Control District and this is a flood control project. The Town is relying on the District in terms of their modeling, expertise, and flood improvements are needed, Her vote will be based upon the condition for an indemnity clause, as Ross residents would have to bear the burden.

Mayor Brekhus suggested the Town be prudent with funds, said many questions have not been answered in the EIR, did not support taking on unlimited liability and thinks the District should indemnify the Town.

Mr. Stock restated the recommendation before the Council and said the drawings must be approved before going out for bid. He suggested the Council direct staff to seek indemnity from the District and then return when the bid set of plans are before the Council. If they do not have indemnity at that time, the Council can decide whether or not to approve the plans.

Mayor Brekhus said at that point in time the Town could owe a lot more because they will have spent a lot to have the plans to 80% and recommended discussing the indemnity now.

In the end, at one Council Members urging, the decision was made to simply “request” indemnification rather than “require” it. Not surprisingly the District denied the request and the Town of Ross will not be indemnified by the County, and therefore liability rests entirely upon the Town of Ross.

See Attachment: Page 11 - march 12 2020 adopted minutes (1).pdf

Here is the record of the Town’s written request and the District’s rejection.

On April 8, 2020, Town Manager, Joe Chinn wrote to District Engineer, Ron Rojas requesting that the District “*shoulder the risk associated with these upstream projects, we hereby request that MCFCDW indemnify the Town.*” On April 20, 2020, Rojas wrote the Town of Ross back stating that although the District provided relevant technical studies and data, that the “*District has no control over the project and therefore cannot agree to indemnify the Town.*”

If indemnification was a concern in 2020, it is even more so in 2026 and beyond. This mess was created by the District and they should be responsible.

See Attachments: TOR request for indemnification to MCFCD.pdf and MCFCD response to indemnification.pdf

Responsibility and Liability

Complicating this issue, of course, is the fact that the District has paused and/or cancelled most of the larger SAFRR and CMC project elements and now is only pursuing smaller ones such as the fish ladder in Ross. It is likely that the proposed project and modifications made to the regulatory floodway that result in downstream flooding will become a responsibility and liability of the Town. Have the District failures exponentially increased the risk factors to the Town?

Yes, and with most of the District's projects paused, providing mitigation measures before removing and replacing Winship Bridge falls upon the Town of Ross. On November 28, 2023, the District met with neighbor my Jenny Mota to discuss mitigation for her home. I attended along with another neighbor in support of Jenny, and we were informed of the following:

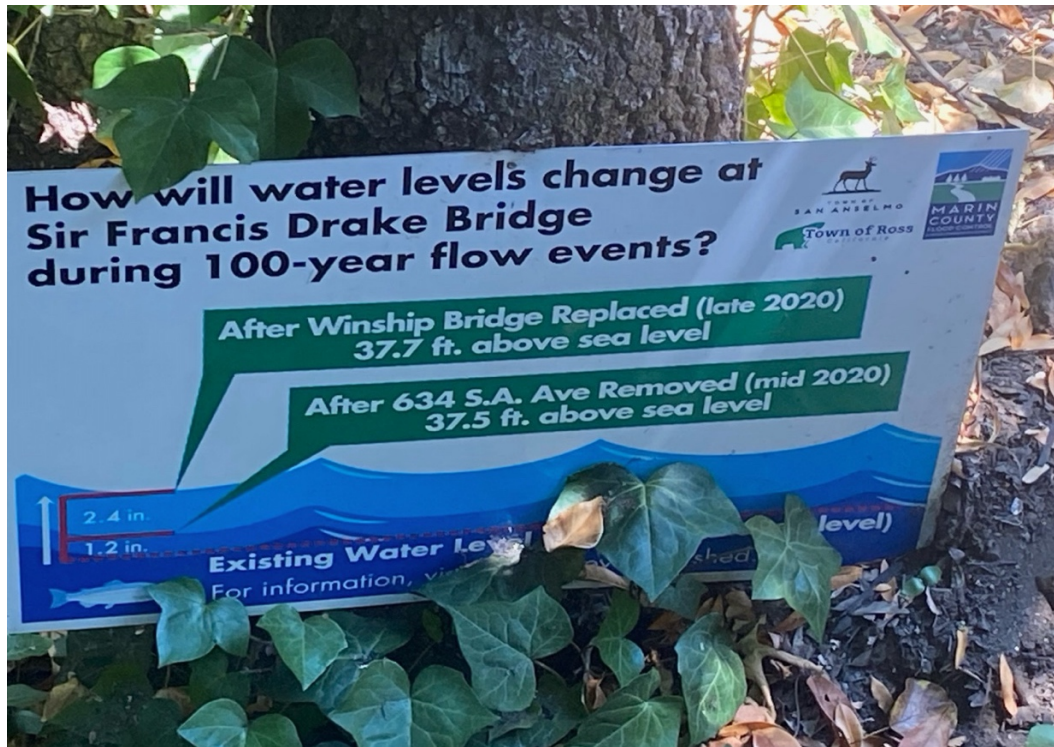
"No. The process is – Richard cannot remove Winship Bridge unless he runs a model at the time that he removes Winship Bridge that shows the impacts of the removal of Winship. He knows that's a requirement. He knows."

"No one -- no one, not Richard, not us. No one can remove Winship Bridge before mitigating the impacts. That's going to have to happen."

"The Winship Bridge is a Town of Ross project...Regardless of who pays for the mitigations that bridge cannot come out until the mitigations are completed."

The inability to fund and implement mitigation per FEMA guidelines halted the District's flood control plans, and now, according to the District, the burden falls to the Town of Ross. However, there does not appear to be money in the Winship Bridge project's current budget for mitigation and/or repairing any homes or properties that are harmed in the process. This needs to be addressed before proceeding further as it is of major concern to homeowners.

The No-Rise Issue



As you can see in the sign above located at Sir Francis Drake Bridge that **after Winship Bridge is replaced there is a 2.4” rise**. It should be noted that after Jenny’s November 28, 2023, meeting when this 2.4” rise was discussed with the District they immediately removed the sign the following day. That sign was in place at Sir Francis Drake Bridge for 5 to 6 years before it was removed. This does not foster trust.

On January 18, 2020, Richard Simonitch told the Marin IJ that *“downstream water levels would be increased by a very minor, insignificant amount.”* In a June 14, 2018, staff report, he wrote, *“If the bridge is completed the rise downstream is more pronounced but there is a significant lowering of the upstream water surface.”*

Any rise, however small or insignificant, is not acceptable to FEMA. 0.0’ is the standard as noted in the July 9, 2026, staff report.

See Attachments: Marin IJ 1.18.2020 and Staff Report June 14, 2018

On September 22, 2022, Serena Cheung, Floodplain Management Specialist, Mitigation Division, FEMA Region 9, explained the no-rise requirement in an email to Richard Simonitch, stating that because *“the project is in a floodway, it must comply with Title 44 of the Code of Federal Regulations, section 60.3(d)(3), which provides that alterations to a floodway must not cause any rise in base flood elevation.”*

See Attachment: Seren Cheung FEMA & Richard Town of Ross

The No-Rise Certification Question

It should be noted that the No-Rise Certificate in the staff report is based on a preliminary design examined in 2022, when Stetson Engineers performed a hydraulic analysis of the proposed bridge conditions using the 2016 FEMA Effective Model.

Suffice it to say, that a great deal has changed since 2016, and it is not clear what parameters were used, or should now be considered, going forward. As the District noted in 2023 the hydrological models need to be re-run before this project can proceed.

Unless proven otherwise, the No-Rise Certification has not been approved by FEMA. This is a matter that should not be overlooked, as FEMA compliance is essential as the District learned regarding the CLOMR submitted for removal of BB2.

On November 5, 2025, Brian Koper, Designated Federal Officer for FEMA's Technical Mapping Advisory Council, informed Judd Goodman, Senior Civil Engineer with the Marin County Flood Control and Water Conservation District, that: *"The project may not be approved because it would not comply with NFIP Regulation 44 CFR §65.12."* He also stated, *"Mitigation action should take place prior to the initiation of the project in order for the project to be 65.12 compliant."*

The Town of Ross should take note and avoid a similar rejection.

See Attachment: November 5, 2025, Brian Koper FEMA.pdf

Stetson: The Flood Risk is Higher

I believe that FEMA's approval is not a given, and a letter obtained in a Public Records Request revealed that on June 6, 2018, James Reilly of Stetson Engineers identified several problems with the 2016 FEMA HEC-RAS modeling, including the following:

- *The FEMA model contains an incorrect representation of the Winship Bridge. It does not account for the solid headwall on both the upstream and downstream faces of the bridge. This headwall exacerbates the already significant backwater effect of the bridge soffit. The Stetson-calibrated model does account for this headwall, and it contributes to the higher Stetson WSE profile.*
- *The FEMA model configured the Winship Bridge as a culvert and used a Manning's n value of 0.016, which is very low and contributes to a lower WSE profile.*

This issue cannot be ignored, particularly because a corrected FEMA model is often referenced but has not been publicly shared. As James Reilly stated:

*"We should point out that the FEMA model WSE profile and, for that matter the BFEs indicated in the FEMA FIRM, along this reach may give property owners an unrealistic assessment of their flood risk — i.e., **flood risk is probably higher as reflected by the higher WSE profile of the Stetson-calibrated model.**"*

James Reilly also recommended: *“Another reason why FEMA should re-map the flood hazard zone by preparing a revised FIRM. Perhaps the Town of Ross, as the FEMA local floodplain administrator, should make this request?”*

Bringing the FEMA maps up to date would have eliminated a major controversy over the accuracy of the hydrological models. Instead, there are two conflicting hydrological models that cast doubt on the process, and the reliability of the data. It is too bad that the Town of Ross FEMA’s local floodplain administrator apparently did not heed this advice.

See Attachment: James Reilly June 6, 2018 to District

Where Will More Water go?

Winship Bridge reportedly holds back approximately 18 inches of water on the upstream side in the existing 100-year condition and allowing that water to move downstream at an increased velocity without the current bridge’s existing effect of slowing and holding it back could have significant impacts. Alleviating the inundation of upstream properties, not surprisingly comes at the expense of downstream properties.

See Attachment: BarberTractParcels StetsonTable2-1-FFE-WSE crossection

Notably, the no-rise condition was not achieved through engineering the bridge design by Quincy Engineering (now Consor) in 2017 as noted in the engineering analysis:

*“With regard to the channel grading at the bridge downstream face cross-section, initial model tests found that the channel grading in **the Quincy 2017 design would not achieve no-rise.**”*

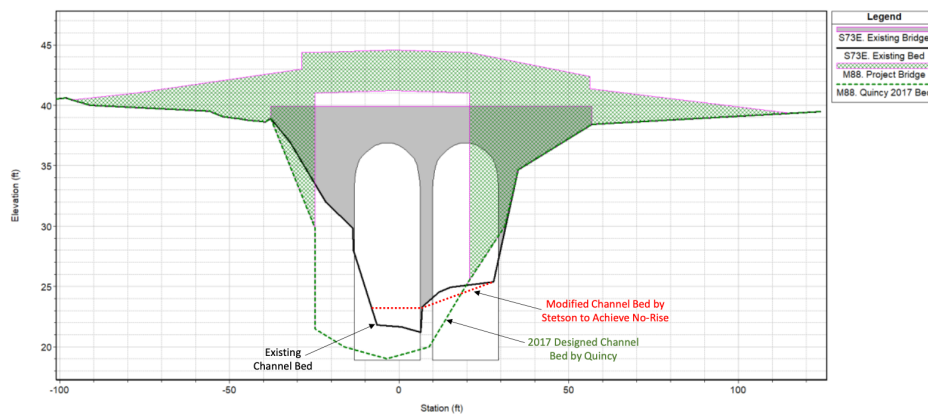
To address this, it is proposed that the issue could theoretically be offset by grading beneath Winship Bridge. However, grading or dredging a river bottom does not ensure a permanent lowering of riverbeds, because riverbeds constantly adjust toward dynamic equilibrium, and flood management experts do not generally recommend relying on that approach alone. Therefore, will this approach standup to the rigors of increased velocity and erosion? Clearly this needs to be verified and determined if FEMA will accept it.

Revised or Post-Project Conditions Model

The Pre-Project (or Existing) Conditions Model as modified to reflect the proposed project condition is called the Revised or Post-Project Conditions Model. In this “No-Rise” investigation, the Post-Project Conditions Model and the Pre-Project (or Existing) Conditions Model have the following differences:

- Different bridge geometry between the existing bridge and the replacement bridge designed by Quincy Engineering Inc in 2017 (Quincy 2017 design).
- Different channel geometry at the bridge downstream face cross section due to channel grading under project conditions.

With regard to the channel grading at the bridge downstream face cross-section, initial model tests found that the channel grading in the Quincy 2017 design would not achieve no-rise. Iterative modeling was performed to identify a grading condition that would achieve no-rise. The red dashed line shows a modified channel bed grading at the bridge downstream face cross-section that would achieve no-rise. No grading to any/all other model cross-sections is needed to achieve no-rise. The modified channel bed grading would be limited to the bridge downstream face cross-section and the nearby area without affecting any/all other model cross-sections.



Modified Channel Bed Grading at the Bridge Downstream Face Cross Section to Achieve No-Rise

(Note: No grading is needed to any/all other cross sections to achieve no-rise)

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See Attachment: EXCERPT Supporting Analysis for No-Rise Certification for Winship Bridge Replacement Project (10.17.2022).pdf.

Property Impacts and Due Diligence

On March 12, 2020, I appeared before the Town Council and presented my concerns during the Final Initial Study/Mitigated Negative Declaration hearing. Today, there are still as many unanswered questions about the Winship Bridge project as there were then. Chief among them is how many downstream properties between Winship Bridge and the Bay will be impacted. This is a serious question that should not be ignored.

My concerns regarding my home include the location of the wingwall on my property, changes in hydrology due to widening of the bridge opening, specific repairs to my home beyond my deck, what to do when pile driving exceeds acceptable levels of ground-borne vibration, flooding concerns, and more. The Town Council previously expressed sympathy regarding the impact on my home at 86 Sir Francis Drake Boulevard and recognized that I may need to be relocated

during demolition and construction. I am extremely grateful and appreciative of their understanding and support. No one wants to have their homes of more than 30 years destroyed.

At the March 12, 2020 Town Council meeting, Councilmember Beach Kuhl stated:

“...we can see the possibility he is going to suffer some serious problems related to this project.”

Mayor Elizabeth Brekhus said:

“...this could be a \$500,000 expense for this, it could be a million.”

Councilmember Julie McMillian added:

“John, your house is so close to that bridge and I really feel like you’re going to go through massive suffering, just personally, and I think we need to explore a way to get John out of his house if this project goes forward, so that 3 or 4 months, that all that heavy construction is going on because it’s going to be really, really difficult...”

It is clear that my home and property may suffer damage. What remains unclear is how that damage will be remedied. If the Winship Bridge project proceeds, I have repeatedly asked that the Town of Ross have a plan for repairing my home. That is not an unreasonable request, given that the potential for damage is entirely foreseeable.

It was suggested at the hearing that the General Contractor’s General Liability Insurance would be used to repair damage caused by the demolition and construction of Winship Bridge. Is the Town of Ross concerned that this use is proper of insurance and that it will be sufficient for the damage that is foreseeable? Does the Town of Ross really believe that the use of a contractor’s general liability insurance is a cure-all for solving all damage to trees, homes, and property?

As noted in the 3.12.2020 hearing, it may be difficult to find a contractor who would agree to this condition. The Town should set aside the necessary funds for this purpose so we all assured that property owners will be made whole.

As noted previously, during the hearing, Mayor Brekhus expressed the view that *“Ross residents are funding a flood control district”* and that she did not understand why the Town rejected indemnity. That question remains.

Flow and Erosion

At a special meeting of the Ross Town Council on February 9, 2016, Brent Lemon, Project Engineer with Quincy Engineering, stated that he *“expects the water to flow faster, but as part of their work, they are going to mitigate those actions and protect the channel from erosion.”* However, the Town of Ross is not considering any mitigation measures mentioned in the July 9, 2026 current staff report.

See Attachment: Exhibit C 2016 Staff Report and Exhibit D Geomorph

Construction Impacts

Should staff be minimizing the impacts of demolition and construction in a residential neighborhood when Quincy Engineering specifically identified key disadvantages and concerns, as summarized in the attached Exhibit D from its March 2018 project report?

Quincy Engineering prepared the Roadway and Bridge Design Criteria Memos, which include summary design data and information to be used during the final design phase of the project. In doing so, they identified both the advantages and disadvantages of their criteria. The Town Council should be aware of those concerns.

Quincy Engineering identified the following disadvantages:

- *Using precast slabs, as now planned, will require large equipment to erect the slab units, and foundation elements will require excavations of approximately 10 feet below the existing creek bed elevations and 30 feet below the roadway.*
- *“Driving CISS piles deep into the bedrock layer, given the project is in a residential neighborhood, is not the most desirable option.”*
- *“...the span depth for a steel girder bridge with a concrete deck will likely require lifting the roadway profile, which is a key disadvantage.”*

For the record, the concerns raised by Quincy Engineering are not mentioned in the IS/MND. Please see Exhibit D for a summary of those concerns.

See Attachment: Quincy Exhibit D

Wingwall Location

At the hearing, why was staff unable to answer questions regarding the location of the bridge wingwall in relation to the right-of-way that will directly affect my home, deck, and property at 86 Sir Francis Drake Boulevard?

On page 2-11 of the IS/MND, it states: “Additionally, a portion of the existing deck located on APN# 072-161-01 (southwest corner of bridge) encroaches on the road right of way and may conflict with the replacement bridge wingwall construction at that location.”

APN# 072-161-01 is my home at 86 Sir Francis Drake Boulevard. When direct questions were asked regarding the location and placement of the wingwall on my property, staff was unable to answer and provide details.

Staff acknowledged that the right-of-way has not been definitively established. The precise location of the wingwall will determine the magnitude of the impact on my deck and home. That should be determined in advance rather than treated as an insignificant issue.

Project Cost and Risk

All of this matters because I believe the true cost of replacing Winship Bridge is far higher than has been presented. I respectfully urge the Town Council to proceed only after fully considering the benefits to the Town of Ross against the actual costs of replacing Winship Bridge.

As you know, I believe there is foreseeable damage to my property that has not been properly addressed in the IS/MND, and that the financial ramifications of repairing this damage may have been overlooked.

For example, Attachment 3 on page 9 of the Response to Comments and Modifications to Draft IS/MND states that the *“proposed project will require removal of a portion of the existing deck and the Town will coordinate with commenter during the final design process to rebuild the deck.”* However, there is no mention of replacing my fence, trellis, side-yard walkway, trees and vegetation, or relocating utilities. And that is only the beginning, because there is also a substantial possibility of permanent damage to my home’s foundation, the plaster on the walls, my 100-year-old glass windows, and more.

Budgeted Mitigation

The most important question the Council should place on the record is this:

How much has the Town of Ross budgeted specifically for mitigation measures on private property, and for potential damages to private property owners that may be caused by the Winship Bridge replacement project, and where are those amounts identified in the Town’s capital and project budgets?

That question is especially important because the current staff report identifies ongoing reimbursable consulting and right-of-way costs, but it does not clearly identify any dedicated reserve or line item for private-property mitigation or damage claims related to the project. Asking that question now is a measured due-diligence step that will help ensure the Council understands whether the Town has set aside adequate fiscal protection before the project advances further.

The other obvious concern was articulated by Richard Simonitch, in the February 21, 2025 Marin IJ article on the capital improvement plan: *“There are a few elements that are variable and we need to make sure we’re not overloading our capital projects beyond the ability to fund those projects,”* said Richard Simonitch, the town’s public works director.”

With the firehouse / civic center and other projects being considered, does the Town have the funding to pursue this project at this time? Please see [Ross officials review outlook on capital projects in the Marin IJ](#).

Why This Matters

The *Lessons Learned* guidance recommends that major flood projects be evaluated for total cost, funding reliability, and opportunity cost, including what other work may be delayed or displaced.

For Winship, that principle applies directly to property-owner exposure because unbudgeted mitigation or damage obligations could quickly convert a federally reimbursable infrastructure project into a broader municipal financial burden.

Closing Summary

Winship Bridge is a federally funded replacement project in a mapped FEMA floodway that may raise the roadway profile by up to four feet, require private-property access and easements, and create potential mitigation obligations in a fully built neighborhood. In light of the Marin County Flood Control District's June 2026 *Lessons Learned* guidance, I respectfully ask that the Ross Town Council not advance the project further until it has a clear, written accounting of property-owner impacts, mitigation exposure, and any budgeted allowance for damages or restoration on private parcels.

The District's *Lessons Learned* document also states that property-owner impacts can determine whether a flood project succeeds, because easements, access, mitigation, and owner concurrence can become decisive late-stage obstacles if not identified early. Winship's staff report shows that right-of-way and easement work remains a required project phase and that the original scope and budget have already been exceeded, which makes property-owner risk a live and material issue rather than a theoretical one.

The June 2026 *Lessons Learned* document concludes with a "Future Project Checklist" that can serve as a practical due-diligence tool for the Council. Before approving Winship Bridge to advance, the Council can reasonably ask staff and the Flood Control District to complete and present that checklist for Winship, covering project definition and limits, technical and hydraulic review, FEMA and regulatory strategy, property-owner considerations, and fiscal implications, so the Council's record reflects careful and structured evaluation of risk and compliance.

It is my hope that together we can prevent a catastrophe by addressing foreseeable problems before they happen. Below is a summation of *Lessons Learned* from Marin County Flood Control District's June 2026 guidance and checklist which underscores the need for respect to impacted property owners such as myself. I will note that I have lived in my home at 86 Sir Francis Drake Boulevard for almost 31 years in my home and I have never flooded. Never.

That is despite District's false claims to the contrary. The NFIP records finally supplied to me by Richard show that no incidents or claims have been filed since 1978 – when records started being kept after Ross joined the NFIP in 1974. It should be noted that it took a public records request to obtain that information from the Town.

See Attachment: NFIP No Claims - Crane 86 SFD

Summation from District's *Lessons Learned*:

"The central lesson is that flood risk reduction projects must be evaluated as more than engineering efforts. They must also be evaluated for FEMA compliance, downstream impacts,

property-owner implications, public acceptance, funding reliability, governance complexity, environmental permitting, and long-term maintenance.”

There are many questions regarding Winship Bridge that engineering has not yet resolved, as well as serious questions regarding the Town’s potential liability, funding and so on. I respectfully hope the incoming Public Works Director will review the record carefully before the Town Council takes any further action. The complete checklist is [available at this link](#) for your review.

Respectfully,

John Crane
86 Sir Francis Drake Boulevard, Ross, CA

Attachments in PDF – See Page Numbers below:

See Attachment: march 12 2020 adopted minutes (1).pdf - Page 1

See Attachments: TOR request for indemnification to MCFCD.pdf and MCFCD response to indemnification.pdf- Pages 2 and 3

See Attachments: Marin IJ 1.18.2020 and Staff Report June 14, 2018- Pages 4 and 5

See Attachment: Serena Cheung FEMA & Richard Town of Ross - Page 6

See Attachment: November 5, 2025, Brian Koper FEMA.pdf- Page 9

See Attachment: James Reilly June 6, 2018 to District- Page 16

See Attachment: BarberTractParcels StetsonTable2-1-FFE-WSE crossection- Page 19

See Attachment: EXCERPT Supporting Analysis for No-Rise Certification for Winship Bridge Replacement Project (10.17.2022).pdf. - Page 20

See Attachment: Exhibit C 2016 Staff Report and Exhibit D Geomorph - Page 21 and 22

See Attachment: Quincy Exhibit D- Page 23

See Attachment: NFIP No Claims - Crane 86 SFD- Page 24

