

# San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

August 30, 2017

City of Foster City  
610 Foster City Boulevard  
Foster City, California 94404

**ATTENTION:** Mr. Allan Shu

**SUBJECT:** BCDC Permit No. M1978.057.00 (Amendment No. Two)

Ladies and Gentlemen:

Enclosed please find an original of BCDC Permit No. M1978.057.00, Amendment No. Two, stamped "BCDC Original," and one copy stamped "Permittee's Copy," both executed by the Executive Director, incorporating the amendment requested in your letter dated October 13, 2015. In the amended permit, deleted language has been ~~struck through~~ and added language has been underlined.

I am issuing this amendment, which is included in the attached amended permit, on behalf of the Commission and upon the following findings and declarations:

1. This amendment to the permit is issued pursuant to Regulation Section 10810 upon the same criteria provided for the issuance of administrative permits in that the project authorized by this amendment, the dredging of up to 12,800 cubic yards of sediment over a period of one year and with placement at a non-aquatic location, is a "minor repair or improvement" pursuant to Regulations 10602(a) and 10609, for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a).
2. The amendment to the permit is consistent with the San Francisco Bay Plan and the McAteer-Petris Act because the proposed project will not adversely affect the Bay nor public access to and enjoyment of the Bay consistent with the project.

You must (1) **complete** the acknowledgment section of the amended permit stamped "BCDC Original," which indicates that you have read and that you understand all of the terms and conditions of the amended permit, and (2) **return** that entire executed "BCDC Original" to the Commission's office within the ten-day time period. The copy stamped "Permittee's Copy" should be retained by you for your records along with the Notice of Completion and Declaration of Compliance form, which you must return 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 stamped "BCDC Original" is executed and returned to the Commission. Until the Commission receives the executed permit, the City of Foster City 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.

The Commission Staff, while reviewing the City's file, noted that the City paid the application fee for Amendment No. Two processing twice. The first payment was received on April 7, 2016, please see the receipt for this payment enclosed, and the second payment was received on July 25, 2017. Both payments were in the amount of \$650.00. The application fee for the permit is \$650.00. The permit analyst, Anniken Lydon, will work with our accounting staff to refund the July 25, 2017 payment.

Your permit also contains special conditions regarding dredging and dredged material placement that require you to do the following: (1) obtain authorization for each dredging episode prior to commencing the event, (2) notify the Commission Staff at least two weeks prior to undertaking **any** dredging episode, and (3) provide post-dredge reports to the Commission Staff within 30 days of completing the dredging episode. If you should have any questions regarding the amended permit or the procedure outlined above, please contact Anniken Lydon at 415-352-3624 or [anniken.lydon@bcfdc.ca.gov](mailto:anniken.lydon@bcfdc.ca.gov)

Sincerely,



BRAD McCREA  
Regulatory Program Director

BM/AL/go

Enc.

PERMIT NO. M978.057.02

PERMITTEE: CITY OF FOSTER CITY

## NOTICE OF COMPLETION AND DECLARATION OF COMPLIANCE

Send to the Attention of: Greg Ogata

San Francisco Bay Conservation  
and Development Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102

Ladies and Gentlemen:

You are hereby informed that the work authorized by the above-referenced permit was completed on \_\_\_\_\_.

I have personally reviewed the terms and conditions of the permit, the final plans approved by or on behalf of the Commission, and the completed project and hereby certify that the project is in compliance with all terms and conditions of the permit and conforms to the plans previously reviewed and approved by or on behalf of the Commission. I further certify that all conditions of the permit, particularly with regard to dredging, and other special conditions have been met.

I, \_\_\_\_\_, hereby declare under penalty of perjury that the foregoing is true and correct and that if called upon to testify to the contents of this notice, I would so testify.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_, at \_\_\_\_\_, California.

\_\_\_\_\_  
(Permittee)

\_\_\_\_\_  
(Title)

# San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

## PERMIT NO. M1978.057.02

(Originally Issued on August 15, 1978, As Amended Through August 30, 2017)

## AMENDMENT NO. TWO

City of Foster City  
Estero Municipal Improvement District  
610 Foster City Boulevard  
Foster City, California 94404

ATTENTION: Mr. Allan Shu

Gentlemen:

### I. Authorization

A. Subject to the conditions stated below, the permittee, City of Foster City, is ~~You~~ are hereby authorized to do the following:

~~in the Bay at Belmont Slough, to dredge 20,000 cubic yards of material and to dispose of the spoils outside of the Commission's jurisdiction to provide a 12-foot bottom width channel from an existing lagoon intake structure to the main channel slough of Belmont Slough to improve water circulation in an existing lagoon system at Foster City, in San Mateo County.~~

**Location:** In the Bay, at Belmont Slough and at the West Intake Channel for the Foster City Lagoon, in the City of Foster City, San Mateo County, (Exhibit A) and in the Commission's certain waterway jurisdiction, at the Cullinan Ranch Restoration Project (CRRP), located in the San Pablo Bay National Wildlife Refuge in Napa County.

**Description:** (1) Dredge 20,000 cubic yards of material and to dispose of the ~~sediments~~spoils outside of the Commission's jurisdiction to provide a 12-foot bottom width channel from an existing lagoon intake structure to the main channel ~~slough~~ of Belmont Slough to improve water circulation in an existing lagoon system (completed); and

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(2) Mechanically dredge up to 12,800 cubic yards (cy) of sediment to an authorized depth of minus 5 feet (ft) Mean Lower Low Water (MLLW) plus one foot of authorized overdredge allowance, in the West Intake Channel for the Foster City Lagoon (Exhibit B) and place the material at the Cullinan Ranch Restoration Project (CRRP) or other suitable and authorized upland location (Amendment No. Two).

B. This authority is generally pursuant to and limited by your application dated May 4, 1978, your letter requesting a time extension and Amendment No. One on December 19, 1978, and your request for Amendment No. Two on October 13, 2015 and its accompanying exhibits and all conditions of this permit.

C. ~~Work authorized herein must by the original permit was to commence prior to September 1, 1978, and this permit will lapse and become null and void. Such work must was to be diligently pursued prosecuted to completion and must be completed within six (6) months of commencement or by March 1, 1979, whichever was earlier. Amendment No. Two must commence prior to November 1, 2017, or this permit will become null and void. The work authorized by Amendment No. Two must be completed by November 30, 2018 unless an extension of time is granted by amendment of the permit (Amendment No. Two).~~

**II. Special Condition**

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

A. **Mosquito Control.** Work must be performed in a manner assuring that the area is adequately flushed and drained for the purposes of mosquito control. All reasonable measures shall be undertaken to eliminate depressions and ground cracks that might trap tidal waters and cause ponding. Maintenance of sloughs and ditches shall be performed periodically as necessary to provide adequate water circulation and to preclude the ponding of stagnant waters.

B. **West Intake Channel Design and Dredging Limits.** ~~The applicant/permittee shall use a mechanical dredge to grade the side slopes of the proposed channel to a 4:1 slope. The maximum width of the invert of the channel shall be not more than 10 feet and maximum depth of channel dredging shall be minus five (5) feet MLLW plus one foot of overdredge allowance as shown on Exhibit C, and be constructed in such a manner to provide elevations suitable for the establishment of the native cordgrass (*Spartina foliosa*) (Amendment No. Two).~~

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**C. Marsh Vegetation.** The permittee, or its contractor, shall not disturb or remove tidal marsh vegetation that is present near the project site. All dredging and construction activities shall occur in the non-vegetated mudflats in front of the West Intake for the Foster City Lagoons. If tidal marsh is removed or disturbed during the activities, the permittee shall contact the Commission and other necessary agencies within one week of the incident and shall execute any remedial measures required by the agencies within six months (Amendment No. Two).

**D. Biological Monitor.** The permittee shall hire USFWS-service approved biological monitors and ensure that the monitors are onsite during all dredging and construction activities authorized by Amendment No. Two, and the permittee shall follow all the conservation measures in the USFWS *Informal Consultation on the Foster City Lagoon Intake Structure Dredging Project in Foster City, San Mateo County, CA* letter (USFWS letter) dated January 19, 2017 (Amendment No. Two).

**E. Impacts to Public Access.** Materials and equipment shall be placed/stored at the staging area outside the Commission's shoreline band jurisdiction, and construction activities shall not impede public access along the Bay Trail alignment between the staging area and dredging project site (Exhibit B). If necessary and feasible, a public access detour for the duration of the work shall be provided. Any proposed public access impacts, detours, or temporary closures resulting from the project shall be reported to the Commission two weeks prior to the closure for review and approval (Amendment No. Two).

**F. Dredging and Placement Activities.**

1. **Water Quality Approval.** All activities authorized herein shall adhere to the requirements of the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board's) Water Quality Certification dated April 14, 2017. The permittee shall employ all minimization measures required in the water quality certification to reduce impacts to water quality (Amendment No. Two).
2. **Two -Year Permit for Dredging.** The approximately 12,800 cy or less of maintenance dredging authorized shall be completed within two years of the date of issuance of this permit. No further dredging is authorized (Amendment No. Two).
3. **Episode Approval.**
  - a. **Pre- Dredging and Disposal Report and Notice.** At least 45 days before the commencement of any dredging episode and disposal/placement authorized herein, the permittee shall submit to the Commission's Executive Director: a bathymetric map showing the location of all areas authorized to be dredged, the authorized depth including overdredge depth based on MLLW, the volume of material proposed to be dredged, and the approximate date of project

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commencement. At least two (2) weeks prior to any dredging episode, the permittee shall notify the Commission Staff of the commencement date by telephone or in writing. If the date of commencement changes, the permittee shall provide an updated schedule as soon as it is available.

**b. Authorization of Placement/Disposal.** The authorization for placement of dredged sediment shall become effective only if the Commission Staff: (1) informs the permittee in writing via letter or email that the episode is consistent with the authorization provided herein, and if applicable, that the material is suitable for the placement location; or (2) does not respond to the permittee's pre-disposal report within 30 days of its receipt.

**c. Post-Dredging Requirements**

(1) Within 30 days of completion of the dredging episode authorized by this permit, the permittee shall submit to the Commission a bathymetric map showing the actual area(s) and depths dredged including overdredge depth based on MLLW, any dredging that occurred outside the area or below the depths authorized herein, and a written statement indicating the total volume of material dredged and the placement location.

(2) If the dredging episode stops for longer than six consecutive months, the permittee must submit, before the dredging episode has resumed, notification to the Commission that dredging will begin again. If a dredging episode is suspended for more than six months, the Commission may require the permittee to complete: (1) new sediment characterization; (2) a re-survey of the dredge area; and/or (3) a revised alternative disposal option analysis.

(3) If the dredging episode continues longer than one year, whether dredging is continual throughout the year or is fragmented within the episode, the permittee must provide the Commission with the following dredging report: (1) the actual areas and the depth dredged based on MLLW, and any dredging that occurred outside the area dredged; (2) the actual volume of the material dredged; and (3) the volume and location of the material disposed/placed. The dredging report must be submitted no later than one year after the commencement of the episode, and must be submitted every six months thereafter throughout the life of the permit or until the episode is complete. The Commission may require additional sediment characterization, bathymetric surveys, and/or alternative disposal analyses at the commencement of the next episode. Within 30 days of the completion of the episode, the permittee must submit a dredging report as described above (Amendment No. Two).

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G. **Seasonal Limitations.** Except as provided below, all dredging and disposal activities shall be confined to the work window, between **September 1<sup>st</sup> and November 30<sup>th</sup>** of any year, to minimize disturbance to the following endangered and special status species:

<u>Species of Concern</u>	<u>Work Window Period</u>	<u>Consulting Agency</u>
<u>Pacific herring</u>	<u>March 1-November 30</u>	<u>CDFW</u>
<u>Steelhead trout</u>	<u>June 1-November 30</u>	<u>NMFS, CDFW</u>
<u>Ridgway's Rail</u>	<u>September 1-January 31</u>	<u>USFWS, CDFW</u>

CDFW-California Department of Fish and Wildlife; NMFS-NOAA National Marine Fisheries Service, USFWS—U.S. Fish and Wildlife Service

The work window between **September 1<sup>st</sup> and November 30<sup>th</sup>** is established by the USFWS Informal Consultation on the Foster City Lagoon Intake Structure Dredging Project in Foster City, San Mateo County, CA letter (USFWS letter) dated January 19, 2017 and the NMFS Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response letter (NMFS letter) dated July 21, 2016, providing measures to protect federally-listed species in the project area and the habitat. No work inconsistent with the time and location limits contained herein may be conducted without the approval of the Executive Director, provided that such approval may only be issued after (1) consultation between the U.S. Army Corps of Engineers (USACE) and the USFWS and/or NMFS has occurred; (2) the permittee has consulted with CDFW and any additional requirements or documents are submitted to the Commission within 30 days; and (3) the Executive Director has determined that dredging and disposal outside of the work window is consistent with the Commission's laws and policies (Amendment No. Two).

H. **No Take of State-listed Species.** This permit does not authorize take or incidental of any state-listed species. If, at any time during the life of this permit, the permittee has reason to believe that incidental take of state-listed species may occur, it is the permittee's responsibility to consult with CDFW to obtain all necessary authorizations. The permittee shall submit any additional CDFW authorizations, such as an incidental take permit, to the Commission within 30 days of issuance (Amendment No. Two).

I. **Barge Overflow Sampling and Testing.** Results of any effluent water quality or other testing required by the California Regional Water Quality Control Board, San Francisco Bay Region shall be submitted in writing to Commission staff at the same time such testing is submitted to the Regional Board (Amendment No. Two).

J. **Monitoring and Enforcement.** The permittee shall allow the Commission staff or representatives of other state or federal agencies to come aboard the dredge or barge associated with any dredging or disposal episode subject to reasonable safety and operational

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considerations and observe the operation(s) to ensure that these activities are consistent with pre-dredging reports required herein and other terms and conditions of this permit. Further, the Commission reserves the right to have post-dredging reports inspected by a reliable third-party familiar with bathymetric mapping in order to verify the contents of these reports. If a third-party selected by or on behalf of the Commission indicates that a post-dredging report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report within 30 days that meets the conditions of this permit. If the Commission determines that the post-dredging report indicates that work has occurred beyond that authorized by this permit, such violation may result in the initiation of enforcement action by or on behalf of the Commission (Amendment No. Two).

**III. Findings and Declarations**

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

- A. **Project.** The original project authorized by this permit involves the dredging of 20,000 cubic yards of material to provide a 12-foot bottom width channel to improve lagoon circulation, an activity defined in Regulation Section 10122(a)(2) and the disposal of the dredge sediments ~~spoils~~ outside of the Commission's jurisdiction; and thus, is a "minor repair *or* improvement" *for* which the Executive Director may issue a permit pursuant to Government Code Section 66632(f) and Regulation 10530(a).

**Amendment No. One.** Amendment No. One was issued on December 29, 1978 as a time extension for the permit commencement time on the original permit. The time extension was issued pursuant to Government Code Section 66632(f), and Regulation 10722 and based upon a finding that the time extension was not a material alteration of the project authorized by the original permit (Amendment No. Two).

**Amendment No. Two.** Amendment No. Two involves 12,800 cy of dredging to a depth of minus five feet MLLW plus one foot of overdredge depth to maintain the west intake channel and structure for the Foster City Lagoon (Lagoon) and restore the flow of water into the Lagoon. Pursuant to the McAteer-Petris Act and Regulation 10602 (a) and 10602(g) the project consists of a "minor repair or improvement" as described as maintenance dredging that will occur within the period of 10 years, with placement of the dredged sediment in a non-aquatic location, respectively, for which the Executive Director is authorized to issue an amendment to the permit pursuant to Regulation 10810 (Amendment No. Two).

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- B. The original project authorized herein is consistent with the McAteer-Petris Act and the San Francisco Bay Plan (Bay Plan) in that dredging is necessary to enlarge an intake channel in order to improve water circulation in an existing lagoon system.

The project authorized by Amendment No. Two, as conditioned, is consistent with the Bay Plan policies on water quality policies because the sediment has been analyzed and the results showed that it is suitable for beneficial reuse in the Cullinan Ranch Restoration Project. Further, the Regional Water Quality Control Board issued a water quality certification requiring the use of best management practices to reduce the project's impacts on water quality and these conditions are included, by reference, herein. Special Condition II-E-1 of this permit requires compliance with the Water Board's water quality certification. Additionally, the project is consistent with the Bay Plan policies on dredging, in that the dredging: is necessary to maintain the function of the water intake structure, is the minimum amount necessary to maintain flows through the water intake, will be done with a mechanical dredge, and the dredged sediment will be placed at the Cullinan Ranch Wetland Restoration Project, which will benefit fish species when the site is restored to tidal action. Additionally, Special Condition II-G ensures all dredging will occur in the period between September 1<sup>st</sup> and November 30<sup>th</sup> of any year to limit the impacts to special status species and their habitats adjacent to or within the project site. This work window is consistent with the USFWS informal consultation letter dated January 19, 2017, and the NMFS letter dated July 21, 2016 (Amendment No. Two).

The project includes a staging area necessary for storing equipment and vehicles during the construction period. A section of the Bay Trail is located between the in-Bay work area and the staging area. Special Condition II-E ensures that the project will not impact the public access area and if temporary impacts do occur, the permittee is required to consult with the Commission Staff on any closures (Amendment No. Two).

The project is in close proximity to areas of tidal marsh habitat and will occur in non-vegetated mudflats. The project is consistent with the Bay Plan policies on Tidal Marsh and Tidal Flats, in that the project design/footprint limits and avoids impacts to adjacent tidal marsh. Additionally, Special Condition II-B and C have been added to ensure the tidal marsh habitat adjacent to the project site is not impacted and to minimize the amount of dredging needed in the mudflats (Amendment No. Two).

Regarding federally listed species, the USACE initiated informal consultation with the USFWS and NMFS, and both agencies required minimization measures, incorporated in Special Condition II-G, to limit the impacts of the project on special status species and their habitat. The project, as conditioned, includes measures to minimize impacts to essential fish habitat; NMFS anticipates that adverse impacts to essential fish habitat

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resulting from the project will be short-term and minor, and that the benthic community recovery would occur within several months. The permittee consulted with the CDFW regarding the activities authorized in this permit. On July 20, 2017 CDFW informed the permittee that the agency did not expect take of state-listed species based upon the use of mechanical dredging methods and that all work will be performed in the environmental work window required herein. As a result of this discussion, the permittee did not apply for or obtain an Incidental Take Permit for the proposed project. Further, CDFW did not request that the permittee obtain a Streambed Alteration Agreement for the project. Special Condition II-H, of this permit, requires the permittee to consult with CDFW, at any time during work authorized in Amendment No. Two, if take of listed species is anticipated. These measures ensure the project is consistent with the Bay Plan policies on Fish, Other Aquatic Organisms and Wildlife (Amendment No. Two).

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

D. The City of Foster City certified a Negative Declaration of Environmental Impact on May 30, 1978. On October 17, 2016, the City of Foster City certified a Mitigated Negative Declaration for activities authorized by Amendment No. Two.

E. Pursuant to Regulation Section 10542, this project was listed with the Commission on July 6, 1978.

**IV. Standard Conditions**

A. **Permit Execution.** This amended permit shall not take effect unless the permittee(s) execute the original of this amended permit and return it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission (Amendment No. Two).

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 (Amendment No. Two).

C. **Permit Assignment.** The rights, duties, and obligations contained in this amended permit are assignable. When the permittee(s) 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 amended permit, the permittee(s)/transferors 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

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assignees have read and understand the amended permit and agree to be bound by the terms and conditions of the amended permit, and the assignees are accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the amended permit (Amendment No. Two).

**D. Permit Runs With the Land.** Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land (Amendment No. Two).

**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 amended permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise (Amendment No. Two).

**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 amended permit and any plans approved in writing by or on behalf of the Commission (Amendment No. Two).

**G. Life of Authorization.** Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer (Amendment No. Two).

**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 amended 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 amended 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 amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction (Amendment No. Two).

**I. Changes to the Commission's Jurisdiction as a Result of Natural Processes.** This amended permit reflects the location of the shoreline of San Francisco Bay when the amended 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 amended permit does not guarantee that the Commission's jurisdiction will not change in the future (Amendment No. Two).

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**J. Violation of Permit May Lead to Permit Revocation.** Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittee(s) or their assignees if the amended permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee(s) or their assignees if the amended permit has been assigned (Amendment No. Two).

**K. Should Permit Conditions Be Found to be Illegal or Unenforceable.** Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the amended permittee(s) or their assignees if the amended 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 (Amendment No. Two).

**L. 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 permittee(s), its 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 (Amendment No. Two).

**M. 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 permittee(s), its 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 permittee(s) shall immediately retrieve and remove such material at its expense (Amendment No. Two).

~~A. All required permissions from governmental bodies must be obtained before the commencement of work; this includes, but is not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or~~

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~~county in which the work is to be performed, whenever any of these may be required. This permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.~~

~~B. The attached Notice of Completion shall be returned to the Commission within thirty (30) days following completion of the work.~~

~~C. Work must be performed in the precise manner and at the precise locations indicated in your application.~~

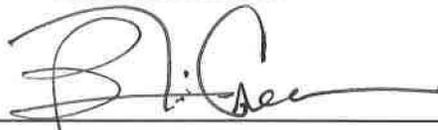
~~D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that regard.~~

~~E. Except as otherwise noted, violation of any of the terms of this permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee or to his assignee if the permit has been effectively assigned.~~

~~F. This permit shall not take effect unless the permittee executes the original of this permit and returns it to the Commission within fifteen (15) days after the date hereof.~~

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

By:   
BRAD McCREA  
Regulatory Program Director  
San Francisco Bay Conservation  
and Development Commission

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

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City of Foster City

(Originally Issued on August 15, 1978, As  
Amended Through August 30, 2017)

**AMENDMENT NO. TWO**

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\* \* \* \* \*

**Receipt acknowledged, contents understood and agreed to:**

Executed at \_\_\_\_\_

\_\_\_\_\_

**City of Foster City**

On \_\_\_\_\_

By: \_\_\_\_\_

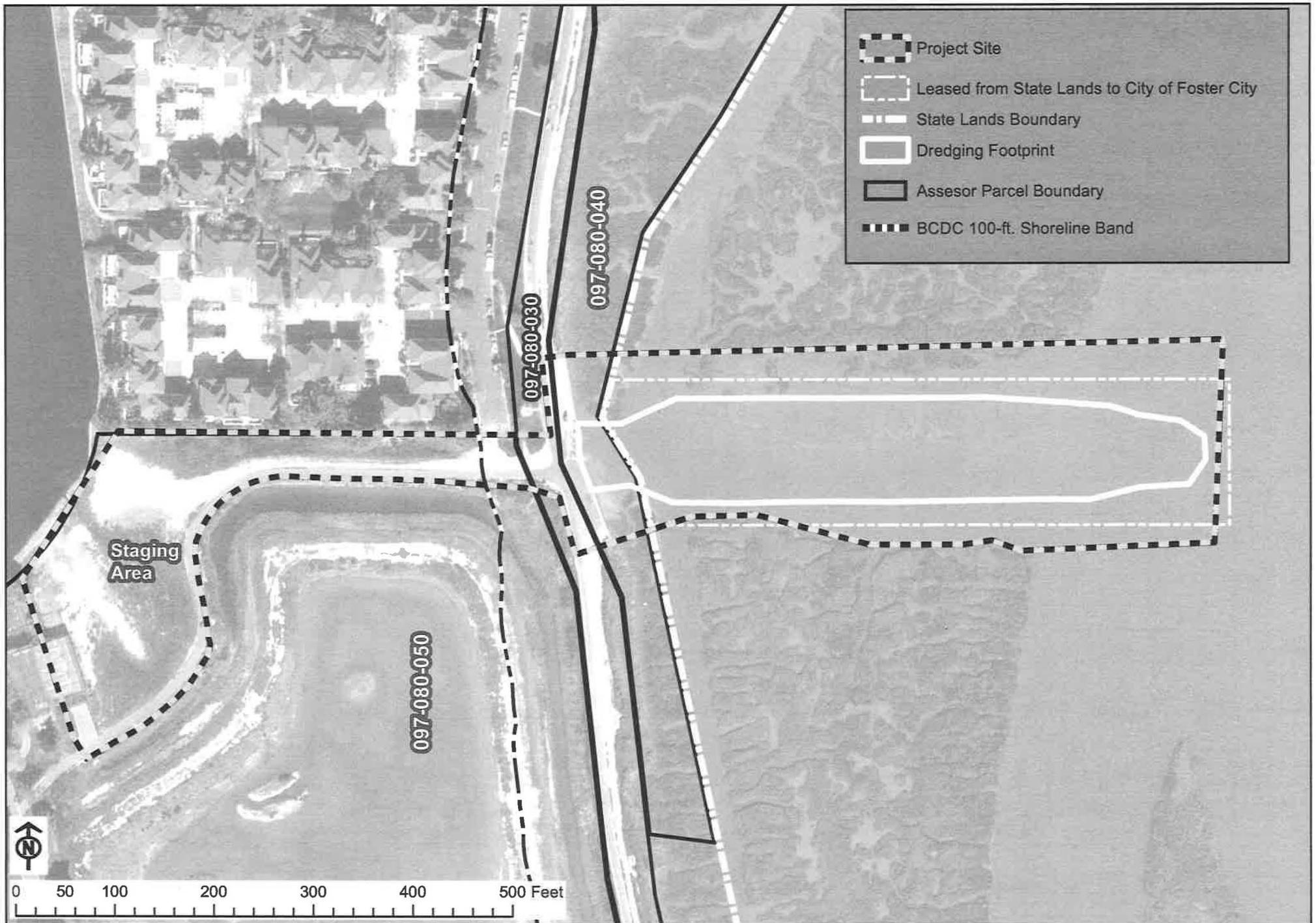
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**Title**

**Exhibit A**  
**BCDC Permit No. M1978.057.00, Amendment No. Two**



Figure 1. Vicinity Map



**Exhibit B**  
**BCDC Permit No. M1978.057.02**

Dredging at the Lagoon Intake Structure (CIP 301-629) Project Foster City, San Mateo County, California

**Huffman-Broadway Group, Inc.**  
 ENVIRONMENTAL REGULATORY CONSULTANTS

