

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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PROPOSED AMENDMENTS TO THE PERMIT APPLICATION FILING REQUIREMENTS AND APPLICATION PROCESS

Sections 10310, 10360, 10810, 10820, and
Appendix F and Appendix D of the California Code of Regulations

INITIAL STATEMENT OF REASONS

August 3, 2007

Background

The San Francisco Bay Conservation and Development Commission (“Commission” or “BCDC”) permit application and related regulations establish the information that applicants must submit so that the Commission can adequately evaluate a project under its policies and laws. The regulations that are the subject of this regulatory action are as follows.

1. Appendix D to the regulations contains the application form.
2. Appendix F identifies the exhibits that must be submitted with the application.
3. Section 10310 specifies prerequisites to file an application for a major permit.
4. Section 10360 specifies the other resource agencies to which the Commission provides copies of each application.
5. Sections 10810 and 10820 specify prerequisites to file an application for nonmaterial amendments to the major and minor permits, respectively.

By completing the permit application form and complying with the related regulations, an applicant can file the application form. The date of filing is important because it triggers the 90-day period of time in which the Commission must act on the permit.

Problems

Generally, the permit application form and related regulations are no longer fully consistent with existing laws and policies. They were last updated seven years ago and, since that time, the relevant policies found in the Commission’s *San Francisco Bay Plan* (Bay Plan) have changed. Further, some long-standing policies that are often raised by proposed projects are not yet reflected in the application form. The Commission’s analysis of a proposed project is based on the applicable laws and policies. Because the application is not up to date, the Commission is not able to collect information through the application process that relates to these policies. Without this additional information, the Commission cannot adequately evaluate the projects in an efficient manner. Without amending the regulations, the Commission cannot require applicants to submit the information.

Further, on February 17, 2006, after a public hearing, the Commission approved recommendations to address concerns of the regulated public including those of the Bay Planning Coalition, a non-governmental organization, and representatives of the Bay Area environmental community. In approving the recommendation, the Commission agreed to two changes to the application filing requirements, but it has not yet

implemented those changes. Recommendation 7 directs the Commission staff to amend the regulations to: "...specify that the results of any consultation on special status species required by federal or state endangered species acts must be provided as a filing requirement...." Recommendation 10 directs the Commission staff to amend the regulations to "...specify that any required Regional Water Quality Control Board approval...be provided as a filing requirement...."

In the Commission's early years, the application form was very general, and simply asked an applicant to provide all relevant information and describe how the project satisfied the required laws and policies. This approach, however, does not help the applicants to determine the type of information that they should provide. Further, it does not organize the information in a manner that results in an efficient evaluation by the Commission staff. The current application form still contains some narrative-style questions that could be revised so that applicants may more readily answer them, and the Commission staff may more efficiently understand the project.

Finally, the current application form contains duplicative questions, errors in spelling and grammar, and internal inconsistencies.

Organization of Initial Statement of Reasons

One goal of the Initial Statement of Reasons ("ISR") is to explain the basis for each addition and amendment to the regulations. In this case, the reasons for the regulatory changes fall into three categories. To help organize the explanations in a clear and efficient manner, this ISR first describes each category of change. The categories are followed by a list of each change. For all substantive changes, the law or policy basis for is explained.

Proposal

The proposed amendments would accomplish the following categories of changes, to resolve the problems noted above. The list of specific changes follows.

- 1. Update the regulations to reflect current policies.** The proposed changes and additions to the regulation sections and application form are tailored to generate information sufficient for an analysis of the project under the current laws and policies.

Some policies have changed or been added over the past seven years. The proposed changes include new or revised questions that would elicit information needed to address those policies.

Some existing laws and policies are not now reflected in the existing application form but are raised in many proposed projects. The proposed changes include new or revised questions that would elicit information needed to address those policies.

- 2. Amend the filing requirements to ensure all necessary information is submitted and to help applicants complete the form, and the Commission staff evaluate the information, efficiently.**

On February 17, 2006, after a public hearing, the Commission approved recommendations to amend its permit application filing requirements. Recommendation No. 7 would require the submittal of the results of any consultation on special status species required by federal or state endangered species laws. Recommendation No. 10 would require the applicant to submit any required Regional Water Quality Control Board approval. Both these requirements would be added to Appendix D, the application form, and to Appendix F, the list of application exhibits. Submittal of these documents is also consistent with the Commission's updated Bay Plan Policies on Fish, Other Aquatic Organisms and Wildlife, especially Policy 4 that call for advice from the resource agencies.

Further, the proposals include the addition of some new questions that would help the Commission understand the project, and in turn help the applicant through the permitting process. For example, the latitude and longitude would be required. This would assist the Commission in determining the exact location along the shoreline or within the Bay where the project would be located, what part of the Commission's jurisdiction would be affected by the project, and whether another permit has already been issued for the property. This information facilitate an efficient evaluation of the project.

3. **Edit and re-organize the application form to make it easier to complete.** These changes are minor and do not have regulatory effect. The amendments include edits to correct terminology, to clarify the question, to improve readability, and to reduce duplication. The entire application form would be re-numbered.

In addition, some questions that are now in narrative form would be converted to a fill-in-the-blank style. This approach would allow applicants to provide numbers (e.g., length of shoreline) rather than reply in a narrative fashion. The chart would also assist the Commission staff to readily identify the information and analyze it efficiently. The chart would also make the questions more specific and narrow, rather than asking a broader, narrative-style question. The Commission understands that the application process requires significant effort by the applicant and so believes that specificity in the application would make the applicant's effort more straightforward, and would result in a permit as efficiently as possible.

Rationale/Reasons

The specific reasons for each change is listed below.

Overall, changes and additions to the Commission's filing requirements are necessary because the current regulations have not been updated for seven years, and meanwhile the relevant policies have changed. In addition, some existing laws and policies are typically raised by proposed projects but the application form does not now request some important information. The proposed updates to the application would result in information that is needed by the Commission to understand and evaluate the entire project under the McAteer-Petris Act (Government Code); the Suisun Marsh Preservation Act (Public Resources Code); and the San Francisco Bay Plan ("Bay Plan") Policies. Further, the current application and description of exhibits could be improved for clarity and thoroughness. Editorial changes would help make the application questions more consistent, less duplicative, more readable, and more efficient for the applicants to complete. Overall, the changes would assist the applicant in providing

complete information so that the permit may be processed efficiently by the Commission staff.

Alternatives

Change more of the application questions to more broad, “narrative” type questions.

This would simplify and shorten the nature of the application form, but it would place the burden on the applicant to analyze the Commission’s laws and policies and determine as best as possible the type of information that is needed. In the past, the Commission used this type of application. In revisions over the past fifteen years, however, the Commission has adopted a more specific approach. This allows applicants to “fill in the blank” or answer questions that are more focused in the response, and leaves to the Commission staff the analysis of the provided information.

The Commission must determine that no alternative it considers would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Impacts on Small Businesses

The Commission has determined that the amendments would not result in an economic impact, and would not affect small businesses differently than it would other businesses, private persons and public agencies, that apply for a Commission permit.

On July 6, 2006, the Commission held a public workshop on the proposed amendments, and the public participated, including representatives of the businesses community and local agencies. All those who attended the workshop will be provided with a notice of the proposed regulatory change.

Material Relied Upon

On February 17, 2006, after a public hearing, the Commission approved recommendations to address concerns of the regulated community including Bay Planning Coalition, a non-governmental organization and representatives of the Bay Area environmental community. In adopting the recommendations, the Commission agreed to two changes to the application filing requirements, which require the amendment to the application form and related regulations. These recommendations are included in the rulemaking file.

EVALUATION OF EACH REGULATORY CHANGE

Section 10310 Summary of Prerequisites for Filing a Major Permit Application

Revise:	Change the filing from when the applicant sends the application to the when the Executive Director receives the application.
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Justification: This approach is preferable because the date of receipt can be ascertained. The date an application is sent is more difficult to ascertain. This date is important to ascertain because it starts the 90-day time in which the Commission must act on the application.

Section 10360 Distribution of Applications

Add: The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service would be added as a resource agency to which the Commission distributes a copy of the application.

Justification: The addition of this agency is consistent with the Bay Plan policies on Fish, Other Aquatic Organisms and Wildlife, Policy 4 which states that the Commission must rely on advice from other resource agencies about impacts to special-status species, such as endangered species, and about other species and habitats in the Bay.

Section 10810 Applications for and Action on Non-material Amendments to an Administrative Permit

Add: The applicant shall state the total cost of the project, and shall include the fee for the application shown in Appendix M.

Justification: This section describes how to apply for a non-material amendment to an administrative permit. Because the applicant would not use an application form for a request to amend an existing permit, the additions would make the filing requirements complete.

Section 10820 Applications for Non-Material Amendments to Major Permits

Add: The applicant shall state the total cost of the project, and shall include the fee for the application shown in Appendix M. Changes "letter" to "application."

Justification: This section describes how to apply for a non-material amendment to a major permit and the additions would state the complete filing requirements. The change in terms from "letter" to "application" is correct because the letter serves as the application; non-substantive.

Application Form

The application form is separated into several "Boxes;" each Box focuses on a different topic. The proposed changes are listed in order as they appear in the application form or, in some cases, are identified as applying to more than one Box or subsection. Unless otherwise stated, references are to the proposed subsection numbers.

1. All Boxes

Add/Change: Renumbering throughout.

Justification: These are editorial in nature and are non-substantive.

2. Boxes 1, 2, 5, 7, 8 and 9 - Title

Add: "Must be completed by all applicants"
 Justification: This phrase is added to only those Boxes that apply to every applicant. Those Boxes that are not labeled with this instruction are required only of some applicants. The first question in those Boxes help the applicant decide whether to complete the Box.

3. Box 1 - Title

Add: "Property Ownership" to the section title.
 Justification: This Box would include information on property ownership and so the title is a more accurate statement of the Box's topic.

4. Box 1 Sub-sections a, b and c – Owner, Applicant and Co-applicant

Revise: Reorganize the order in which information on the Owner, Applicant and Co-Applicant appears on the form.
 Justification: This is a non-substantive change.

5. Box 1 Sub-sections a and b–Applicant and Co-applicant:

Add: Property rights checklist.
 Justification: The regulations already require the applicant to provide proof of ownership or control of the property. This checklist allows the applicant to readily identify its property interests, and allows the staff to more efficiently determine the types of property documents that are required and determine whether special documents would be required, such as for projects that would be owned by home owner associations.

Add: Applicant, co-applicant and owner's title.
 Justification: This allows the Commission to correctly address the applicant, co-applicant and owner; and to determine whether the identified representative of a corporation or agency has adequate authority to act on its behalf.

Add: Request for Email.
 Justification: This would facilitate communication between the staff and the applicant so the application may be processed more efficiently.

Add: Instruction to "Print Name".
 Justification: This would help the staff decipher signatures.

6. Box 1 Subsection c

Add: Property Owner Checklist

Justification: This allows the staff to readily ascertain whether the owner is the same as the applicant or co-applicant.

Add: Title and Email and Print Name.

Justification: Same as for subsections a and b, above.

7. Box 1 Subsection d

Add: Request for documentation of property interests, a referral to Appendix F, and editorial changes.

Justification: This additional question would ensure the information is received with the application. The reference to Appendix F currently requires that applicants submit property documents, and a reference to Appendix F is convenient for the applicant who needs a fuller description. Further, Section 66605(g) of the McAteer-Petris Act requires that a permit may be issued only to those who have adequate property rights. Editorial changes are non-substantive.

8. Box 1 Subsection e

Add: Disclosures of Campaign Contribution; update contribution limits and identify representative as a potential contributor.

Justification: This section is relocated from the original Box 12. The section incorrectly states that contributions of \$250 or more are reportable, and reportable if made by the applicant's agent. The correct statement is "more than \$250." Further, the applicant as well as the applicant's representative may make contributions. The word "representative" is consistent with that term used in Subsections a, b and c.

9. Box 1 Subsection f

Add: Certification of Accuracy of Information; authorization to inspect the project site. Additional lines are provided for applicants and co-applicants.

Justifications: This certification is relocated from former Box 2. The applicant's certification is logically included under project location and applicant information. Inspection would allow the Commission to determine that work does not take place prior to the issuance of a Commission permit as required by the McAteer-Petris Act and would allow a more thorough understanding of the project site.

10. Box 3 - Project Information

Delete: Subsections 3-a, 3-b, 3-c, 3-d, and 3-h. These subsection have been relocated to new Box 2 - Total Project and Site Information.

Justifications: These are non-substantive changes.

Delete: Subsections 3-e, 3-f, and 3-g.

Justifications: These subsections are used to guide applicants to fill out the correct Boxes of the application. Instead, each separate Box would state that all applicants must complete the Box, or contain a guide to help applicants determine whether to provide the requested information. These are non-substantive changes.

Delete: Subsection 3-i - Processing Fee.
Justifications: The processing fee is specified by a separate regulation. Further, applicants do not necessarily know what the fee should be when they first apply. This determination could be made with the assistance of the staff.

11. Box 2 Total Project and Site Information

Add: Subsections 2-f, 2-g, 2-h, 2-i, and 2-t.
Justification: The subsections added to this Box would be relocated from existing Box 3. Non-substantive change.

12. Box 2 Subsection d

Add: Latitude and longitude
Justification: This information would allow the Commission to determine the exact location in the Bay or on the shoreline and determine whether a permitted project or enforcement action already exists in this location, and so understand existing requirements at the site.

13. Box 2 Subsection e

Add: Editorial changes
Justification: Clarify the sentence and improve readability.

14. Box 2 Subsection g

Add: "Brief" project description
Justification: This item is intended to be brief, because it is quoted in the staff report to the Commission as a summary of the project. The applicant would have other opportunities to provide thorough details of the project elsewhere in the application.

15. Box 2 Subsection k

Add: Correct the question to focus on the applicant's property rights at adjacent property. Editorial changes.
Justification: Currently, the question only addresses ownership, but other property rights should be included; leases and easements may also constitute sufficient property rights to obtain a permit. Rephrasing for clarity.

16. Box 2 Subsections l, m, n, o and p

Add: State the size of the project within each of the Commission's several jurisdictions.

Justification: The areas are important to understand because the law provides different rules for development in the different areas of jurisdiction. The sizes of the project inside, and outside, of the Commission's jurisdiction help evaluate the impact of the project within jurisdictional areas and the project's relationship to public access needs. Proposed subsection "m" uses a term of art to describe the Commission's jurisdiction and replaces subsection "j," which was confusing to applicants.

17. Box 2 Subsections r and s

Add Specify the area is for the total project site, rather than for only the project within the Commission's jurisdiction.

Justification: This is a clarification for the applicant; the existing question is not specific and applicants have been uncertain how to answer, or answer inconsistently.

18. Box 2 Subsection j

Delete: Delete this question

Justification: This question is rephrased as new subsection m.

19. Box 2 Subsection u

Add/Revise: This chart would identify the areas covered by various features of the project within BCDC jurisdictions.

Justifications: This chart has four justifications:

- (1) A chart is more specific and understandable to the applicant, and allows the Commission staff to analyze the information more readily than by reading a narrative answer.
- (2) The chart would replace existing narrative style questions: (a) in existing Box 2 Subsection v-2 regarding areas for roads, parking, landscaping, and left undeveloped; (b) in Box 3 subsection o-1 regarding fill in water covered areas for roads, parking, sidewalks, piers, docks, etc.; and (c) in existing Box 4 subsections e-1 and e-2 regarding the number of parking spaces and the area covered by structures, roads, etc., in the shoreline band.
- (2) The narrative question is vague as to what was meant by "...within the Commission's jurisdiction and within the total project site..." The Chart would make this more specific by separating the question into the three main areas of the Commission's jurisdiction: water covered areas (Bay, certain waterway, managed wetlands or Suisun Marsh); shoreline band; and outside BCDC jurisdiction. The chart would help guide the applicant by providing a separate line for each project element.
- (3) A description of the square-footage for each type of use (e.g. landscaping) separately described for each area of the

Commission's jurisdiction would be new to the application. These answers are needed by the Commission to understand and evaluate the entire project under the McAteer-Petris Act (Government Code) Section 66632, which requires a permit for placement of fill, extraction of materials or change in use within the Commission's jurisdiction; Section 66605 which establishes the criteria for fill projects; and the Suisun Marsh Preservation Act (Public Resources Code) Section 29500, among other sections.

(4) The chart would allow the applicant to demonstrate, and the Commission to understand, that all the proposed project elements are included and would add up to the total project area.

20. Box 2 Subsection v-1

Add: Provide a detailed project description.
 Justification: This is the applicant's opportunity to fully describe the project. The staff would use this information to prepare a staff report on the project and to ensure that the other application details are sufficient to cover the described project.

21. Box 2 Subsection v-2

Delete: Existing subsection v-2, a narrative question about areas within Commission jurisdiction.
 Justification: This question is recast in the chart, subsection u.

22. Box 2 Subsection v-2

Add: This newly numbered subsection would request photographs of existing site conditions; delete "present" and "current."
 Justification: Staff experience has shown that photographs can elucidate the project site better than a written description. Ideally, the staff would visit each project site but many times this is not feasible. Photographs are easy to provide and add greatly to the understanding of the site. Deletions would eliminate redundancy with "existing."

23. Box 2 Subsection v-3

Add: Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors
 Justification: Sedimentation and hydrology can affect the accretion and depletion of tidal marshes and tidal flats, and can cause sedimentation in the deeper waters of the Bay. The Commission needs this information to evaluate whether the project would comply with the Bay Plan Policies on Water Surface Area and Volume, Policy 2, that calls for an evaluation of projects that would affect water circulation;

and Fish, Other Aquatic Organisms and Wildlife Policies, especially Policy 1, which calls for conservation of tidal marshes and tidal flats, and subtidal habitat.

24. Box 2 Subsection v-4

Add: Identify endangered, threatened or other special status species; provide biological opinion or take authorizations.
 Justification: The Commission has agreed with the regulated community that this information should be provided as part of the application. The Commission needs this information to evaluate the project under its Bay Plan policies on Fish, Other Aquatic Organisms and Wildlife, Policy 4, which states that the Commission must rely on advice from other resource agencies about impacts to special-status species, such as endangered species. The application should identify these species to facilitate the staff's coordination with other agencies and to process the application as efficiently as possible.

25. Box 2 Subsection v-5

Add: Identify subtidal areas that are scarce (etc.).
 Justification: This information is needed to evaluate the project under its Bay Plan Policies on Subtidal Areas, Policy 2 that calls for the conservation of these areas and places limits on projects that would adversely affect them.

26. Box 2 Subsection v-6

Add: "...describe how the proposed project...would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay.... Provide any storm water pollution prevention plant...or other water pollution or erosion and sediment control plans...."
 Justification: This information is needed to evaluate the project under its Bay Plan policies on Water Quality, especially Policies 1 and 2, that protect water quality and Policy 3 that calls for design and best management of projects to achieve these goals.
 Add: Change "will" to "would."
 Justification: This is an editorial change for correctness and clarity and is non-substantive.

27. Box 2 Subsection v-7

Add: Editorial changes
 Justification: Non-substantive change for clarity and syntax.

28. Box 2 Subsection v-8

Add: Provide copies of approvals from the Regional Water Board and DTSC.

Justification: Currently, the Commission requires Regional Board approvals for dredging and mining projects. This addition would require such approval from all applicants. This requirement to provide water quality approvals was approved as part of recommendations to the Commission after public workshops on improving the application process.

Further, the Commission needs this information in order to evaluate the project under its laws and policies governing water quality and public access on the shoreline. In particular, the San Francisco Bay Plan Policies on Water Quality, Policy 2, says the Commission should rely on the Regional Water Board's determinations to protect water quality. The Bay Plan Policies on Public Access, Policy 2, requires public access except where public access would be inconsistent with a project due to safety concerns. The DTSC would determine whether a shoreline area contains toxic conditions that would pose a hazard to the public.

29. Box 2 Subsection v-9

Add: The requirement that the applicant must justify the project based on the laws and policies; indicate that the staff would assist the applicant in identifying the issues so that the applicant may discuss them. Currently, this is required under Box 3 subsection 15. This paragraph would be relocated from that section, and the text would be amended.

Justification: This paragraph currently notifies applicants that he or she is responsible for justifying the project as consistent with the Commission's laws and policies. However, applicants have complained that the paragraph seems bureaucratic and burdensome and is not helpful in determining what analysis is needed. In addition, the Commission's laws and policies apply to every subject and so this statement should be generalized and applied to all topics. Box 2 governs the overall project and so this is the most logical location.

The revised paragraph would offer assistance in determining any other applicable laws and policies in a more "user-friendly" format.

30. Box 2 Subsection v-10

Add: Description of Project Plans and Plan Requirements, including a public access and open space exhibit, and cross reference to Appendix F.

Justification: With one exception these plans are required by Appendix F (Application Exhibits), which gives additional guidance on preparing these exhibits. Describing the required plans in the application is helpful to applicants. Further, including this item in the Box governing the overall project information is logical.

The public access and open space exhibit is a new requirement. Currently, the Commission issues a permit that has "Exhibit A" attached. Exhibit A depicts the location of public access and open space areas on the project site. This visual depiction conveys an important understanding to the project sponsor and the Commission and the public about the required location and extent of these areas. Currently, the Commission might not receive a legible plan that depicts these areas and the staff often creates the exhibit. This plan should, however, be prepared by the applicant who is proposing the areas. In many cases, it is not difficult to prepare because most site plans are prepared digitally, and a simple graphic for public access and open space can be created from this data.

31. Box 3 Title of Section

Add: Reference to Government Code Section 66632(a).

Justification: This section is the primary source of the "fill" definition and it would be helpful to cite this section for reference.

32. Box 3 Subsection a

Add: This checklist would take the place of the narrative question that asks the location where the fill would be placed. The narrative question is relocated from the existing Box 3 subsection e.

Delete: The narrative question about location of fill.

Justification: A checklist is easier to understand and faster to complete than reading a narrative question. The checklist format would be consistent with the one in Box 6. In both cases activities could take place in a list of locations and a checklist that sets out the possible combinations is easier to understand than a narrative question.

33. Box 3 Subsection b

Add: Surface area of tidal and subtidal property to be covered with fill.

Justification: The Commission must understand the area to be covered by fill in order to analyze the project under Section 66610(c) of the McAteer-Petris Act that allows only the minimum amount of fill necessary, and under the San Francisco Bay Plan Policies that promote retention of the Bay's surface area and allow filling for limited purposes (San Francisco Bay Plan's Major Conclusions and Policies; and Policies on Water Surface Area and Volume, Policy 1).

34. Box 3 Subsection c

Replace: "Tidal and subtidal" for "water or marsh".
 Justification: The new terms are consistent with language in the laws and policies such as the Bay Plan policies on Tidal Marshes and Tidal Flats. "Water and marsh" are vague and not defined. The replacement of terms makes the question more specific and understandable.

35. Box 3 Subsection d

Add: "Type of Fill"
 Replace: "[A]rea to be covered with" with "surface area", and consolidate the same question for four types of fill into one question.
 Justification: The question would be more readable and understandable by making it clear that each subpart refers to the surface area that is covered by each separate type of fill. The consolidation is a non-substantive change.

36. Box 3 Subsection e

Add: The title "Types of Areas to be Filled."
 Delete: The cross-reference to subsection "f";
 "...or wetland area to be filled."
 Add: The specific question: "...what is the footprint of fill that would be placed in...", and consolidate the same question for the six jurisdictional areas into one question.
 Add: "Tidal flat."
 Add: Editorial changes include correcting words to be plural and deleting repetitive phrases ("area to be filled"). Non-substantive changes.
 Justification: The question would be more readable and understandable by eliminating the reference to information in another subsection; by titling the question by its topic; and by consolidating related questions into one question.

The deletion of "...or wetland area to be filled" and the addition of "tidal flat" clarifies "wetland area." Tidal flat is a term that is consistent with the Commission's policies. The Commission's Bay Plan Policies on Tidal Marshes and Tidal Flats, Policy 1, sets out the importance of retaining these areas and stating the limited circumstances for filling them. The Commission's policies on Fish, Other Aquatic

Organisms and Wildlife, Policy 1, declares that the Bay's tidal marshes, tidal flats, and subtidal habitats should be conserved, restored and increased. The Commission needs the requested information to evaluate the project under these policies.

37. Box 3 Subsections f and m

Add: "...non-public access..." would be added to the areas reserved on new fill for private and non-commercial uses.
 Delete: "Area on new fill to be reserved for..." This would remove repetitive language in former subsection m and consolidates the two questions.
 Justification: The revised language would delete "non-public-access," which was difficult to define, and uses the more direct "private uses." Consolidating the two questions is more efficient and understandable.

38. Box 3 Subsection n

Delete: Delete the question.
 Justification: The question is duplicative of other questions in this application.

39. Box 3 Subsection g

Delete: Delete subsection g-1.
 Justification: This information is now asked in the chart in new subsection 2-u.

40. Box 3 Subsection g-4

Revise: Pose the explicit question at the beginning of the paragraph rather than at the end; identifies each jurisdictional area that could be affected by fill.
 Add: [M]inor fill for"; adds a reference to "in the Suisun Marsh."
 Justification: This question is difficult to read because the question is posed at the end of the paragraph and did not give clear direction to the applicant. The added initial sentence, and the added reference to the Suisun Marsh, clarifies the exact information that is requested. The addition of "minor fill" makes the question correctly reflect the test of law (McAteer-Petris Act Section 66605(a)).

41. Box 3 Subsection g-5- (a) and (b)

Revise: Delete "effects" and add "impacts." Edit the sentence to eliminate redundancy and make it clearer.
 Justification: "Impacts" is used in the sentence already for each subpart of (a); "effects" adds another term and could be confusing in this context. In subpart (b), "effects to the Bay" is quoted from the McAteer-Petris Act Section 66605(d). Other changes are editorial and non-substantive.

42. Box 3 Subsection g-6

Add: This is a new question.
 Justification: This question addresses an element of the Bay Plan Policies on Subtidal Areas, Policy 2, which says that subtidal areas that are scarce or that have an abundance and diversity of fish should be conserved, and should only be allowed if there are no alternatives and the project would result in public benefits. The Commission needs this information to adequately evaluate the project under the policy.

43. Box 3 Subsections g-7, -8, -9, -10, -11 and -13

Revise: Editorial and style changes.
 Justification: These are non-substantive changes and make the questions more readable.

44. Box 3 Subsection g-10

Add: "...of sea level rise."
 Justification: This question addresses an element of the Bay Plan Policies on Safety of Fills, Policies 4, 5 and 6, which call for project design for shoreline protection in cases of sea level rise, among other conditions. The Commission needs this information to adequately evaluate the project under the policy.

45. Box 3 Subsection g-12

Add: "...and subtidal...", "clearly" and "tidal marshes or tidal flats."
 Delete: "...or marshlands."
 Justification: This question addresses the Bay Plan Policies on Tidal Marshes and Tidal Flats, Policies 1 and 2; Policies on Subtidal Areas, Policies 1 and 2, and Policies on Mitigation. These policies address the value of conserving the areas, and ensuring public benefits from the project. The Commission needs this information to adequately evaluate the project under the policy.

46. Box 3 Subsection g-14

Add: This is a new question.
 Justification: This question addresses the Bay Plan Policies on Tidal Marshes and Tidal Flats, Policies 4 and 5; Policies on Subtidal Areas, Policies 3 and 4, and Policies on Mitigation, Policies 1 through 11. These policies establish the criteria for restoration projects, including mitigation. The Commission needs this information to adequately evaluate the project under the policy.

47. Box 3 Subsection g-15

Delete: Remove the entire paragraph, and relocate to Box 2 Subsection v-8.

Justification: This paragraph notifies applicants that he or she is responsible for justifying the project as consistent with the Commission's laws and policies. However, applicants have complained that the paragraph seems burdensome and is not helpful in determining what is needed. In addition, the paragraph as written applies only to fill. The paragraph has been revised in its new location in Box 2 subsection v-8.

48. Box 4 Subsection a

Substitute: "This Box" for "Box 6."

Justification: This is a more straightforward statement; non-substantive.

49. Box 4 Subsection b

Add: "Fill" and "structures" as items to be placed in the shoreline band.

Justification: Currently, a request to identify "materials" to be placed in the shoreline band is vague and might not be clear to the applicants. Adding the terms "fill" and "or structures" would help explain the general term "materials." These terms are also used in the Bay Plan Policies on Fills.

50. Box 4 Subsection c

Delete: "Water-oriented"

Add: Citation to the website where Bay Plan maps may be found.

Revise: Make editorial changes to the text.

Justification: The Commission needs to know whether the project would take place within any area specified in the Bay Plan as a priority use, not just for water-oriented designations, in order to evaluate the appropriateness of the project. A citation to the web site would assist the applicant by providing the maps in a readily accessible manner. Editorial changes are non-substantive.

51. Box 4 Subsection d

Add: "Private" uses.

Delete: Duplicative language

Justification: These changes would consolidate three questions about the area in the shoreline band into one unified question. Language can be reduced and duplication eliminated. The term "private" helps describe what "non-public access uses" means.

52. Box 4 Subsection e - Title

Revise: Title of the subsection's topic.
 Justification: The changes are non-substantive and are easier to read.

53. Box 4 Subsection e-1

Delete: Existing subsection e-1 that requires applicants to describe square-footage of a variety of features such as structures, roads, etc.
 Add: New subsection e-1 to narrow down the requirement to the dimensions of structures to be built.
 Justification: The square-footage for most of these features is now covered in the chart shown in Box 2 subsection u. Charts are easier to fill in than answering a narrative question. New subsection e-1 expands on the requirement to describe the structures. This information would be useful to the Commission when determining the need for the project to provide maximum amount of public access consistent with the project; the Commission may only require public access that is related to, an in proportion with, the features of the development. Size, height, and stories relate to the numbers of people who would be using the shoreline and its physical impact on the existing uses of the shoreline.

54. Box 4 Subsection e-2

Delete: Existing subsection e-2 that requires applicants to identify total parking spaces.
 Add: New subsection e-2 to require photographs of existing conditions within the 100-foot shoreline band.
 Justification: The number of parking spaces is now covered in the chart shown in Box 2 subsection u. Charts are easier to fill in than answering a narrative question.

Regarding photographs, the staff's experience has shown that photographs can elucidate the shoreline conditions better than a written description. Ideally, the staff would visit each project site but many times this is not feasible. Photographs are easy to provide for applicants and add greatly to the understanding of the shoreline conditions.

55. Box 5 Subsection d

Delete: Former subsection d would be deleted.
 Justification: This information has been re-organized into the new chart, subsection a-6.

56. Box 5 Subsection a

Revise: Add “details” and delete extraneous words.
 Justification: The sentence is revised to be short and more specific.

57. Box 5 Subsection a-1

Add “...or from nearby roads or public access areas”.
 Justification: In evaluating the project to determine whether it provides the “maximum feasible public access” as required by Section 66602 of the McAteer-Petris Act, the Commission needs to know the impact of the proposed project on existing public views. Existing views from nearby roads or public access, in addition to views from the project site and contiguous property, are taken into account in determining whether additional public access should be required.

58. Box 5 Subsection a-2, a-3 and a-4

Revise: These subsections are currently contained in one paragraph containing multiple questions. The revisions separate the questions for clarity, readability, the applicant’s ease in answering, and the staff’s efficiency in analyzing the responses.
 Justification: This is editorial in nature and a non-substantive change.

59. Box 5 Subsection a-2

Delete: Existing question.
 Add: Request to explain how the project would or would not adversely impact public access, and any offsets.
 Justification: This information would be deleted from subsection 3 and consolidated here in subsection 2. Further, the Commission needs the information in order to evaluate a project under the McAteer-Petris Act that calls for maximum feasible public access consistent with the project (section 66602), and with the Bay Plan Policies on Appearance, Design and Scenic Views, especially Policies 2, 4 and 14, and Policies on Public Access that call for an evaluation of the impacts of shoreline development on public access and how access can be provided.

60. Box 5 Subsection a-3

Delete: Reference to impact of the project on public access use.
 Justification: This question would be consolidated in subsection a-2.

61. Box 5 Subsection a-4

Revise: Re-organize the sentence.
 Justification: This is an editorial, non-substantive change.

62. Box 5 Subsection a-5

Revise; Add: Re-organize the sentence. Add “area and improvements” to make “proposed public access” more specific.
 Justification: Most of the additions and deletions are editorial, non-substantive change. The addition of “area and improvements” would make the clause “proposed public access” more specific and understandable by the applicant.

63. Box 5 Subsection a-6

Add: A chart to describe the dimensions and area of elements of the proposed public access.
 Justification: This information is currently located in subsections 5-d and 5-b-1. Subsection 5-b-1 refers to public access “improvements” which is a vague term. The chart would specify certain improvements to help applicants narrow the information. The chart would also be easier to complete in an organized fashion that is a response to a narrative question.

64. Box 5 Subsection b - Title

Add: “Additional”
 Delete: “Detailed” and extraneous text.
 Justification: The modifications clarify the heading.

65. Box 5 Subsection b-1

Add: “Both on-site and off-site;” “signs, benches;” “any;” “proposed;” and “improvements.”
 Delete: The requirement to provide dimensions of these public access elements.
 Justification: Dimensions are now requested in subsection 5-a-6. The additions would help specify the meaning of “the existing and proposed public access improvements” and so assist the applicant in responding.

66. Box 5 Subsection b-2

Add: “And” and “disabled.”
 Justification: These changes specify that the accessibility of both the public access area and its facilities should be described, and uses the correct term (“disabled”). The Commission needs to know how areas and facilities are accessible in order to analyze the project under the accessibility requirement of the Bay Plan Policies on Public Access, Policy 6.

67. Box 5 Subsection b-3

Add: “Proposed.”
 Justification: This non-substantive change would clarify that the question relates to the proposed project, not existing facilities.

68. Box 5 Subsection b-4

Add: "Would" and "and how the areas and improvements would be maintained."
 Justification: "Would" refers to the proposed project and would be more correct than "will". The Commission needs to know how the areas and improvements are maintained because maintenance is required by the Bay Plan Policies on Public Access, Policy 6.

69. Box 5 Subsection b-5

Add: This new question asks for a description of species, wildlife use, and habitat conditions, the degree of human use, and how potential adverse effects on wildlife would be avoided or minimized by the proposed access.
 Justification: The Commission needs the information in order to analyze the project under the provisions for public access and wildlife found in the Bay Plan Policies on Public Access, especially Policies 3 and 4, that call for a careful evaluation and design, and possible limitation, on public access in wildlife areas.

70. Box 6 - Title

Add: Request information on "mining" as well as "dredging."
 Justification: Technically, dredging includes any excavation of material from the land underlying the Bay, salt pond, and other areas within the Commission's jurisdiction and so dredging includes mining. However, mining is undertaken by a different industry and involves separate considerations; for instance, mining takes Bay resources – sand or oyster shell – and sells it commercially. It does not necessarily relate to navigational safety, as does dredging. Some Bay Plan policies address dredging as a separate activity. To avoid confusion, "mining" should be separately identified.

71. Box 6 Subsection a

Revise: The directions for filling out the "Dredging and Mining" information would be relocated from existing Box 3-g, and would be revised to include a checklist of the areas where dredging or mining might occur.
 Justification: The revisions would clarify the direction to complete this section and change the narrative description of dredging areas to a checklist, which would be easier for the applicants and allow the staff to more readily understand the affected areas. The change is non-substantive.

72. Box 6 Subsection b

Add: The question whether the applicant is submitting a separate application to the DMMO.

Justification: This request would address the Bay Plan Policies on Dredging, especially Policies 3, 4 and 12. The Commission, as a member of the long Term Management Strategy for Dredging, and in coordination with the other federal and state agencies that must permit dredging and mining, needs to know if the applicant has contacted the Dredged Material Management Office so that it may better coordinate its application review with the other relevant agencies.

73. Box 6 Subsection c

Add: Change “purpose” to “type” of activity.

Justification: The type of activity, summarized in the proposed checklist, is also the purpose. This change saves the applicant time by checking the appropriate activity, rather than explaining the activities in narrative fashion. The checklist also saves staff’s time by reviewing a checklist rather than a narrative answer.

74. Box 6 Subsection d

Add: Identify “mining” as an activity in addition to “dredging.”

Justification: Technically, dredging includes any excavation of material from the land underlying the Bay, salt pond, and other areas within the Commission’s jurisdiction and so dredging includes mining. However, mining is undertaken by a different industry and involves separate considerations; for instance, mining takes Bay resources – sand or oyster shell – and sells it commercially. It does not necessarily relate to navigational safety, as does dredging. Techniques for dredging and for mining may vary. Therefore, they should be separately identified.

75. Box 6 Subsections e and h

Add: Existing subsection h requests the area (square-footage) where material is dredged or mined. That information would be merged with this subsection on volume (cubic yards). The question would be amended to specify that both the area and volume be requested.

Justification: Consolidation of these two subsections makes sense and would be more efficient, and would avoid a confusing repetition of similar questions. The consolidation of subsections is non-substantive.

- Add: Existing subsection c would be separated into two subsections so that information on open waters is separated from information on tidal marshes. "Sloughs and creeks" would be deleted.
- Justification: Sloughs and creeks are considered the same under the Commission's laws as open waters. However, tidal marshes are treated separately in the Bay Plan Policies on Tidal Marshes and Tidal Flats. The values of marshes are distinct, and the Commission needs this information in order to adequately evaluate the impacts of the proposed project.
- Add: The terms "Tidal flats," "salt ponds," "other managed wetlands," "subtidal areas that are scarce or have an abundance and diversity of fish (etc.)," and "other" would be added to the areas for which information is requested.
- Justification: The Commission needs to know the areas dredged or mined to evaluate the potential impacts on those areas as required by the San Francisco Bay Plan Policies on Dredging, especially Policies 2 (seasonal restrictions in certain areas), and the Policies on Tidal Marshes and Tidal Flats, Salt Ponds, Managed Wetlands, and Fish, Other Aquatic Organisms and Wildlife that encourage preservation or conservation of the values of these areas. A provision for "other" allows applicants to explain the location of dredging projects that do not fit into the above-named categories.

76. Box 6 Subsection f

- Add: Request for information about "knockdowns."
- Justification: The Commission needs to have information about knockdowns, which is one of several dredging processes. Knockdowns move high areas of underwater mud or sand into lower areas; it is less expensive than dredging with a suction hose or by a clamshell dredge. These events, like the primary dredging activity, can result in adverse environmental impacts. An evaluation of those impacts is required by the San Francisco Bay Plan Policies on Dredging, especially Policies 1 and 2.

77. Box 6 Subsection h

- Delete: Eliminate this subsection, and relocate the question on the square-footage of areas to be dredged.
- Justification: This information would be consolidated with subsection e to consolidate the questions on volume (cubic yards) and area (square footage). This consolidation would be efficient and less confusing for the applicant and facilitates an evaluation of the project by the Commission staff.

78. Box 6 Subsection l

Add: This new section would ask for proposed design depth, over-depths, and number of dredging episodes.

Justification: The Commission needs to have information about these depths and the number of episodes in order to adequately analyze the project under its Bay Plan Policies on Dredging especially Policies 1 regarding impacts of dredging on wildlife, and Policy 7 that relates to design depths of the project. The number of episodes is important to an understanding of the impacts of dredging on wildlife, and how the design would be achieved over time.

79. Box 6 Subsection m

Add: This new section asks whether the project would have an annual dredging volume of less than 50,000 cubic yards.

Justification: The Commission may authorize these small dredging projects through administrative permits, and these projects also could qualify to dispose of dredged material in the Bay at the designated in-Bay disposal sites. The targets for disposing material at these sites is set by the LTMS and DMMO, as established by the Bay Plan Policies on Dredging, Policies 1, 3, 4 and 6.

80. Box 6 Subsection n-1

Add: This question asks the applicant to explain why the dredged material cannot "feasibly" be "beneficially re-used"; revise "out" to "outside."

Justification: The Commission needs this information to evaluate whether the project would comply with the Bay Plan Policies on Dredging, Policies 3 and 4, which state that dredged material should be beneficially re-used if feasible. The revision of "out" to "outside" would be for clarity and is more correct.

81. Box 6 Subsection n-2

Add: Provide the results of testing of the material to be dredged.

Justification: The Commission needs this information to evaluate whether the project would comply with the Bay Plan Policies on Dredging, Policy 3, that calls for the quality of material to be consistent with Regional Water Quality Control Board advice, and that the material should be beneficially re-used; contaminants might be inconsistent with using the material to create wetland habitat or in another beneficial manner.

82. Box 6 Subsection n-3

Revise: Correct the reference to the San Francisco Bay Regional Water Quality Control Board and its approvals.

Justification: These are corrections and are non-substantive changes.

83. Box 6 Subsection n-4

Add: Identify effects of the projects on invasive species, hydrology and sediment, aquatic organisms, aquatic vegetation, and the Bay's bathymetry.

Justification: The Commission needs this information to evaluate whether the project would comply with the Bay Plan Policies on Dredging, Policy 2, that calls for an evaluation of the effects on important fisheries; Policy 5 that calls for the protection of the Bay's natural resources; Policy 6 that addresses the effects of disposal on navigation hazards and sedimentation; Policy 11 that addresses impacts of the use of dredged material to create habitat with regard to hydrology, introduction of invasive species, and adverse impacts to wildlife; and Fish, Other Aquatic Organisms and Wildlife policies that specify that projects should be evaluated for their impact to those resources.

84. Box 6 Subsection n-5

Add: Identify feasible alternatives and public benefits if the project would occur in subtidal areas that have an abundance and diversity of fish, etc.

Justification: The Commission needs this information to evaluate whether the project would comply with the Bay Plan Policies on and Fish, Other Aquatic Organisms and Wildlife, Policy 2, which calls for an evaluation of projects that would occur in subtidal areas that have an abundance and diversity of fish, etc., and allow them only if there are no alternatives, and if the project would result in public benefits. Further, Bay Plan Policies on Dredging, Policy 2, that calls for an evaluation of the effects on important fisheries; and Policy 4 that calls for an evaluation of alternatives to disposal.

85. Box 6 Subsection n-6

Delete: Remove the entire paragraph, and relocate to Box 2 Subsection v-8.

Justification: This paragraph would notify applicants that he or she is responsible for justifying the project as consistent with the Commission's laws and policies. However, applicants have complained that the paragraph seems burdensome and is not helpful in determining what is needed. In

addition, the paragraph as written applies only to dredging. The paragraph has been revised in its new location in Box 2 subsection v-8.

86. Box 7 - Title

Add: "Information on...."
Justification: This addition would supplement the title to describe the nature of the requested information. Non-substantive change.

87. Box 7

Delete: "Relevant...."
Add: "Discretionary...."
Justification: "Relevant local approvals" is vague because the applicant may not know what approvals are relevant. "Discretionary" is more specific, and reflects the language of the McAtter-Petris Act Section 66632(b) that requires local discretionary approvals prior to Commission action.

Add: Regional Board Number
Justification: The Commission would use this number to help to process the application efficiently; the Commission staff would be able to readily contact the Regional Board with any questions about any pending approval and to anticipate when the application would be complete. This could help facilitate a more efficient permitting process.

Add: California Department of Toxic Substances Control.
Justification: The requirement to provide any required approval is stated in Box 2 subsection v-8 and would be added here to complete the checklist. The Commission would use this information to help the staff coordinate with the DTSC and allow the staff to contact the DTSC with questions rather than asking the applicant to do so. This could help facilitate a more efficient permitting process.

Add: Streambed Alteration Permit.
Justification: The Commission would rely on this permit in order to evaluate the project under the Bay Plan Policies on Fish, Other Aquatic Organisms and Wildlife, especially Policies 2 and 4(c) that call for the Commission to consider the advice of the California Department of Fish and Game regarding effects on endangered species habitat, and to avoid possible adverse effects of the project on fish, aquatic organisms and wildlife. The Commission would also use this information to help the staff to contact the Department of Fish and Game with questions rather than asking the applicant to do so. This can help facilitate a more efficient permitting process.

Add: DF&G
 Justification: This provides a place for applicants to list any other permit required by the California Department of Fish and Game. The Commission would rely on additional DF&G permits to evaluate the project under the Bay Plan Policies on Fish, Other Aquatic Organisms and Wildlife, especially Policies 2 and 4(c), that call for the Commission to consider the advice of the California Department of Fish and Game to avoid possible adverse effects of the project on fish, aquatic organisms and wildlife. The Commission would also use this information to help the staff to contact the Department of Fish and Game with questions rather than asking the applicant to do so. This could help facilitate a more efficient permitting process.

Add: Public Notice Number
 Justification: Corps approval is not required as a filing requirement, but the applicant would be required to provide the Public Notice Number. This information about the U.S. Army Corps of Engineers' approval would help the Commission coordinate with the Corps on project details.

Add: U.S. Fish and Wildlife Service and NOAA's National Marine Fisheries Service Take Authorization and biological Opinion.
 Justification: The Commission would rely on this information to adequately evaluate the project under the Bay Plan Policies on Fish, Other Aquatic Organisms and Wildlife, Policy 4 that calls for the Commission to consider the advice of these agencies to avoid possible adverse effects of the project on endangered species, and on other fish, aquatic organisms and wildlife. The Commission would also use this information to help the staff to contact the Department of Fish and Game with questions rather than asking the applicant to do so. This could help facilitate a more efficient permitting process.

Add: "Other" approval
 Justification: The Commission would use this information to help the staff coordinate with any other agencies that must give an approval for the project; this might result in additional information provided to the Commission, and would help the Commission staff coordinate with other agencies, and contact the other agencies with questions rather than asking the applicant to do so. This could help facilitate a more efficient permitting process.

88. Box 8 Subsection a

Add: "...categorically..." and "...to prepare...." and "that identifies and supports..." and "...or categorical...."
 Delete: Delete existing subsection b and combine it with subsection a.

Justification: Subsections a and b would be combined to efficiently ask the applicant about these California Environmental Quality Act (CEQA) exemptions, which could be either categorical or statutory. It is important to ask the applicant to both identify the particular exemption spelled out in the law, and provide supporting information because the Commission has a statutory basis to evaluate impacts on the Bay's resources that is independent from CEQA requirements; the supporting information would help demonstrate that the Commission may follow the recommendation of the lead agency.

89. Box 8 Subsection b

Add: "...adopted..." and "...or certified an environmental impact report or environmental impact statement..."

Delete: Delete existing subsection d and combine it with subsection b. Delete reference to the Commission's regulations sections.

Justification: Subsections b and d would be combined for efficiency. This would be a non-substantive change.

90. Existing Box 12

Delete/Relocate: Delete existing box 12 and relocate the contents to Box 1 subsection e.

Justification: Combining this information with the applicant and owner information would be efficient.

91. Box 9 Subsections a and b

Add: If the applicant identifies more than four owners or residents of surrounding properties, and identifies more than two additional interested persons, that information would be provided electronically.

Justification: This would make the applicant's job easier because it would avoid writing out contact information, and allow the Commission staff to prepare mailing lists more easily, with potentially fewer errors.

92. Application Checklist. The checklist restates the filling requirements in an organized fashion and is for use by the applicant to help assemble the application materials.

Add: "...seven..." copies of the application

Justification: This would comply with revised regulation section 10360 that would list seven, not six, resource agencies that would receive copies of the application.

Delete: Reference to the footnote concerning the Engineering Criteria Review Board and Design Review Board.

Justification: This requirement need not be stated here; this would simplify the checklist.

Add:	Public access and open space plan
Justification:	This document would be required by the application Box 2 subsection v-10.
Add:	“Property” to legal interest.
Justification:	This makes the type of interest more specific and understandable.
Add:	“Discretionary” to approval
Justification:	This would make the type of approval more specific and understandable.
Add:	Water Quality Certification/Waiver; Dept. of Toxic Substances Control Approval; Biological Opinion/Take Authorization.
Justification:	These documents would be filing requirements stated in the application Box 2 subsections v-4 and v-8. Adding them here assists the applicant in assembling the application materials.
Add:	“Application” to processing fee. Specify the fee is stated in Appendix M.
Delete:	“Permit” and specific fee amounts.
Justification:	The fee is for processing the application, not for the permit. The fees are subject to periodic change, and to avoid listing out of date fees, this should instead be a citation to Appendix M that establishes the fees.
Revise:	Revise “Certification of Posted Notice” to Certification of Posting the Notice of Application” and add footnote stating that “BCDC staff will provide the forms for posting the Notice of application and the Certification.”
Justification:	The revision clarifies the statement that has been confusing to applicants by creating a more complete phrase. The direction helps clarify that the certification should be returned to BCDC, and that the staff would provide the necessary forms. This would help avoid confusion that applicants can have about this certification.

Appendix F – Application Exhibits

1. Proof of legal interest

Revise:	Revise to state that applicant <u>or</u> the landowner may have the appropriate legal property interest, not just the landowner.
Justification:	This correction would be consistent with revisions to the application form Box 1, which allow the applicant and the owner to specify relevant legal interests.

Delete: "Shoreline...."
 Add: "...edge of the Commission's Bay or certain waterway jurisdiction...."
 Justification: The term "shoreline" is vague and is not defined. The edge of the Commission's Bay or certain waterway jurisdiction is more specific and correct in terminology, and subject to the definition of the McAteer Petris Act Section 66610.

2. Plans and Maps

Delete: ". shoreline...."; add a comma.
 Add; "...edge of the Commission's Bay or certain waterway jurisdiction...."; "tidal" marshes and "tidal Flats."
 Justification: The term "shoreline" is vague and is not defined. The edge of the Commission's Bay or certain waterway jurisdiction is more specific and correct in terminology, and subject to the definition of the McAteer-Petris Act Section 66610.

The terms tidal marshes and tidal flats are consistent with up to date terminology in the McAteer-Petris Act and the Commission's Bay Plan Policies on Tidal Marshes and Tidal Flats.

Add: "Projects authorized by a regionwide permit" to the requirement for only one high quality reduction of the project site plan.
 Justification: Applicants for regionwide permits should be treated similarly to applicants for minor repairs or improvements by providing only one copy of the site plan. This reduces the requirements for some applicants and requires only those plans that are necessary.

3. Environmental Documentation

Add: The heading: "The Environmental Quality Act and the National Environmental Policy Act" and "Other Environmental Documentation."
 Justification: These headings would assist the applicant in understanding the instructions under this section by separately identifying the topics.

4. Other Environmental Documentation

Add: Add the description of the need to submit documentation concerning species that are endangered or candidates for listing as endangered including the outcome of any consultation with other resource agencies and any "biological opinion" or "take authorization;" and for any

Justification: water quality certification or discharge requirements by the Regional Water Quality Control Board. These documents would be required by the application Box 2, subsection v-4 and v-8, respectively. The applicant can refer to this description to better understand the requirement to submit this documentation.