

**PROPOSED COMMISSION REGULATIONS
REGARDING PERMIT APPLICATION FILING REQUIREMENTS**

**Proposed Amendments to
Sections 10310, 10360, 10810, 10820,
and Appendix F**

1. Amend Commission Regulation Section 10310 to read as follows (deletions shown ~~struck through~~; additions shown underlined):

10310. **Summary of Prerequisites for Filing a Major Permit Application.** The Commission shall file a major permit application pursuant to California Government Code Section 66632 only when the Executive Director receives from the applicant ~~has submitted~~ all of the following materials ~~to the Executive Director~~:

- (a) one (1) original and ~~six (6)~~ seven (7) copies of a fully completed and properly executed application form, which these regulations contain as Appendix D;
- (b) an executed Certificate of Posting of "Notice of Pending BCDC Application" form, which these regulations contain as Appendix E;
- (c) exhibits to the application form, as described in Appendix F and Section 10625;
- (d) a check or money order in the amount of all applicable filing fees in compliance with Appendix M;
- (e) for all projects that constitute a "surface mining operation" under the Surface Mining and Reclamation Act and that are not exempt under Cal. Public Resources Code sections 2714 or 2776, a reclamation plan that complies with Cal. Public Resources Code section 2772;
- (f) evidence that:
 - (1) all local discretionary approvals (i.e., all approvals other than ministerial permits such as building permits) have been granted, or
 - (2) for subdivisions or other land divisions requiring a Commission permit for which final local approval or disapproval has not been granted, a statement that the local government either favors the project, with or without conditions, or does not favor the project.

NOTE: Authority cited: Section 66632, Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 65940-65942, 66632(f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520,

Public Resources Code; and the San Francisco Bay Plan.

2. Amend Commission Regulation Section 10360 to read as follows (deletions shown ~~struck through~~; additions shown underlined):

10360. **Distribution of Applications.** The Executive Director shall distribute one (1) copy of the application and drawings to the following persons or agencies:

- (a) U. S. Army Corps of Engineers (San Francisco or Sacramento District);
- (b) California Department of Fish and Game (Manager, Region III);
- (c) San Francisco Bay Regional Water Quality Control Board;
- (d) State Lands Commission;
- (e) Deputy Attorney General assigned to the Commission; ~~and~~
- (f) U. S. Fish and Wildlife Service (Sacramento Office) and;
- (g) National Oceanic and Atmospheric Administration (NOAA)
National Marine Fisheries Service.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66632(d), Government Code; and Section 29520, Public Resources Code.

3. Amend Commission Regulation Sections 10810 and 10820 to read as follows (deletions shown ~~struck through~~; additions shown underlined):

10810. **Applications for and Action on Nonmaterial Amendments to an Administrative Permit.**

- (a) An application for a nonmaterial amendment to an administrative permit shall be made by letter. The application shall state the total cost of the project described in the amendment request, shall contain an adequate description of the proposed amendment, ~~and~~ shall include appropriate maps and drawings, and shall include a check or money order in the amount shown in Appendix M....

10820. **Applications for Nonmaterial Amendments to Major Permits.**

- (a) An application for a nonmaterial amendment to a major permit shall be made by letter. The ~~letter~~ application shall state the total cost of the project described in the amendment request, shall contain an adequate description of the proposed amendment, ~~and~~ shall include appropriate maps and drawings, and shall include a check or money order in the amount shown in Appendix M....

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66632, Government Code; and Section 29520, Public Resources Code.

4. Amend Appendix F, Application Exhibits, to read as follows (deletions shown ~~struck through~~; additions shown underlined):

Appendix F Application Exhibits

The following information must be included as exhibits to an application. Failure to include all the required information will prevent an application from being filed.

Proof of Legal Interest

It is necessary for the applicant ~~of~~ or the land owner to have adequate legal interest in the underlying property....

....

The property map (or maps) must either be a copy of an official parcel map obtained from the county assessor's office annotated as follows or a specially prepared map showing the following:

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- A north arrow, graphic scale, project name, the shoreline edge of the Commission's Bay or certain waterway jurisdiction....

Plans and Maps

Every application must include a vicinity map and a project site plan.

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The project site plan must be at a scale, which allows the details of the proposed project to be adequately illustrated. The plan (or set of plans if all the information cannot be shown on one drawing) must show exactly the nature, scope and location of the proposed work and clearly distinguish between existing and proposed conditions. The plan must include all of the following specific elements:

- The shoreline edge of the Commission's Bay or certain waterway jurisdiction.
- A line 100 feet inland from the shoreline edge of the Commission's Bay jurisdiction.
- Any salt ponds, managed wetlands, tidal marshes or mudflats tidal flats on the project property....

In addition to providing a large scale project site plan, applicants for major projects must also provide ~~seven~~ eight high quality copies of an 8-1/2" x 11" reduction of the site plan. Applicants for minor repairs or improvements or routine maintenance projects or for projects authorized by a regionwide permit need to provide only one high quality 8-1/2" x 11" reduction of the project site plan.

Environmental Documentation

The California Environmental Quality Act and the National Environmental Policy Act

The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) require that the environmental impacts of a proposed development be assessed before any permit is granted for the project....

Other Environmental Documentation. If any species that is affected by the project is known to be threatened or endangered, or if the California Department of Fish and Game or a federal wildlife agency has determined that a species is a candidate for listing as threatened or endangered, or if any species provides substantial public benefits, provide the results of any consultation on the special status species that is required by federal and state endangered species acts.

If the project will likely result in a "take" of any special-status species under federal or state endangered species laws, provide a copy of the "take authorization".

Provide any required water quality certification or waiver or water quality discharge requirements from the San Francisco Bay Regional Water Quality Control Board.

Authority: Sections 66632, Government Code; and Section 29201(e), Public Resources Code.

Reference: Sections 65940-65942, 66605, 66632(b) and (f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.