

# Draft proposed amendments to Commission regulations, Title 14, Division 5

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Additions to existing text shown in underscore: Example

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## Chapter 1. General Provisions

### Article 1. Interpretation of Regulations

#### § 10112. How to Calculate Deadlines.

To calculate the time allowed to perform any act required by these regulations, do not count the first day of the applicable time period but count the last day, except if the last day falls on a Saturday, Sunday, or state holiday, in which case the deadline is the next business day.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 7 and 10, Civil Code, Sections 6700, 6701, and 6702, Government Code.

### Article 2. Definitions

#### § 10125. Substantial Change.

A “~~S~~ubstantial change in use” includes any one of the following:

(a) in the “Bay” or any “certain waterway,” any construction, reconstruction, replacement, or alteration of a structure, or any other activity that:

(1) changes the general category of use of a structure or water;

(2) converts the use of a property or structure or an activity from public to private, or from private to public;

(3) significantly increases or decreases the intensity of a use; or

(4) adversely impacts existing public access.

~~(a)~~(b) as to in any “salt pond” or “managed wetland;”:

(1) any change in the general category of use of water or land; including abandonment which, for the purposes of this section, shall include

(2) any draining of water except temporary draining for a short period of time in accordance with routine operating practice; or

(3) complete or partial removal or breaching of a levee or berm; or

(4) construction, reconstruction, replacement, or alteration of a structure.

~~(b) (c) in the “shoreline band,” as to other areas within the Commission's McAteer-Petris Act jurisdiction, any construction, reconstruction, replacement, or alteration of a structure, or any other activity, whether or not involving a structure, if the construction, reconstruction, or alteration of a structure or the activity either that:~~

~~(1) has an estimated cost of \$500,000 or more;~~

~~(2) (1) involves a changes in the general category of use of a structure or of water or land; (i.e., agriculture, residential, commercial, office, industrial, recreational, vacant non-use, etc.);~~

(2) converts the use of a property or structure or an activity from public to private, or from private to public;

~~(3) involves a substantial change in significantly increases or decreases the intensity of a use, to either a substantially greater or lesser intensity of use;~~

~~(4) adversely affects (i) impacts existing public access or (ii) future public access as shown on any Commission permit, the San Francisco Bay Plan, any Commission special area plan, or any other Commission planning document; or~~

~~(5) is any subdivision of land pursuant to the Subdivision Map Act (Government Code Section 66410 et seq.) or other division of land, including a lot split, where the subdivision or other division of land will substantially affect either (i) present or future existing public access to or along the shoreline or substantially affect either (ii) the present or future suitability of a water-oriented priority land use site for that priority use, but not a subdivision or other division of land that is brought about in connection with the acquisition of an interest in such land by a public agency for wildlife habitat, marsh restoration, public recreation, or public access.~~

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66632(a) and 66654, Government Code.

### Article 3. Boundary and Jurisdictional Questions

#### § 10130. Exclusion of Extraction of Materials for Sampling.

The term ~~“extraction of materials worth more than \$20”~~ “to extract materials” as used in the McAteer-Petris Act and the term “extraction of any materials” as used in the Suisun Marsh Preservation Act shall exclude the extraction of any material or materials for environmental or seismic testing purposes only, as well as incidental activities to restore a site to its previous condition such as backfilling or sealing small-diameter boring holes or monitoring wells once sampling has been completed.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66604 and 66632(a), Government Code; and Sections 29114 and 29508, Public Resources Code.

§ 10133. Determination of ~~Shoreline and Map Boundaries~~ Commission Jurisdiction.

(a) Upon written request, the Commission's staff will furnish a description in words of the Commission's jurisdiction. Upon written request and upon submission by any person of a map at an appropriate scale and showing sufficient topographic data, the Commission's staff will indicate upon such map or a copy thereof the location of the Commission's jurisdiction or of any particular boundary in a particular area represented by one or more of the San Francisco Bay Plan Maps.

(b) Upon written request from any person who has obtained a map or description as provided in the preceding paragraph, the Commission shall by resolution determine by map or in words the location of the Commission's jurisdiction.

(c) These maps or descriptions in words need not be based upon surveys performed for the Commission, but may be based on any reliable sources available.

(d) The Commission shall determine its jurisdiction based on existing conditions if the nature of an area has changed (1) as authorized by a Commission permit, except as provided in section 10710, or (2) due to: (i) failure to maintain any use of land or water or any human-made works including any structure, dike, levee, tide gate, or other water-control structure, (ii) the natural destruction of and failure to timely repair any human-made works including any structure, dike, levee, tide gate, or other water control structure, except to the extent an area remains excluded from Commission jurisdiction pursuant to section 10123(a), or (iii) an area becoming subject to tidal action due to periodic inundation with tidal waters or sea level rise.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections ~~66602~~, 66610 and 66653, Government Code; and San Francisco Bay Plan; and Sweeney v. San Francisco Bay Conservation & Development Comm'n (2021) 62 Cal.App.5th 1, 14-16.

Chapter 3. Permit Definitions and General Provisions; Major Permits Procedures: Applications, and Amendments to Applications, ~~and Application Summaries~~

Subchapter 1. ~~Definitions~~ Permits Definitions and General Provisions

Article 1. ~~Definitions~~. Permit Definitions and General Provisions

~~§ 10300. Major Permits.~~

~~A major permit is any Commission permit other than an administrative permit, an emergency permit, a regionwide permit or an abbreviated regionwide permit.~~

~~NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66632, Government Code; and Section 29601, Public Resources Code.~~

#### § 10300. Types of Permits.

There are four types of Commission permits: (a) major permit; (b) administrative permit; (c) regionwide permit; and (d) emergency permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505, and 29509(b), Public Resources Code.

#### § 10301. Major Permit.

A major permit is a permit issued by the Commission to place fill, extract materials, or make any substantial change in use of any water, land, or structure within an area of the Commission's jurisdiction under the McAteer-Petris Act or to perform or undertake any development within an area of the Commission's jurisdiction under the Suisun Marsh Preservation Act, other than for minor repairs or improvements as authorized by an administrative permit or a regionwide permit or for emergency work as authorized by an emergency permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a) and 29505, Public Resources Code.

#### § 10302. Administrative Permit.

An administrative permit, sometimes referred to as a minor permit, is a permit issued by the Executive Director for an activity described as minor repairs or improvements in sections 10601 or 10602, other than a regionwide permit adopted by the Commission to authorize a specific category of minor repairs or improvements.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a) and 29505, Public Resources Code.

#### § 10303. Regionwide Permit.

A regionwide permit is a permit the Commission has adopted to authorize a specific category of activities that are minor repairs or improvements which the Commission has determined will have no significant impact on areas within the Commission's jurisdiction. Any person or governmental agency can apply to be covered under an adopted regionwide permit to

conduct the authorized activities described in the permit. The Executive Director will review the application and approve coverage under the statewide permit if the applicant's project includes only the activities authorized by the permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a) and 29505, Public Resources Code.

#### § 10304. Emergency Permit.

An emergency permit is a permit issued by the Executive Director for work that is necessary due to a sudden, unexpected situation that poses an immediate danger to life, health, property, or essential public services and that requires action more quickly than can reasonably occur when following the Commission's procedures for issuing other types of permits.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505, and 29509, Public Resources Code.

#### § 10305. Determining What Type of Permit is Required for a Project.

The type of permit required depends on a project's nature and scope:

(a) **Regionwide Permit.** The Commission has adopted regionwide permits for certain activities that are minor repairs or improvements as described in or within the scope of sections 10601 and 10602 which the Commission has determined will have no significant impact on areas within its jurisdiction. Apply for coverage under a regionwide permit if a project includes only activities authorized under one or more adopted regionwide permits. The application process for a regionwide permit is streamlined in comparison to the process for a major or an administrative permit. See sections 11741 through 11746 for the application requirements for a regionwide permit.

(b) **Administrative Permit.** Apply for an administrative permit if a project includes only activities that are minor repairs or improvements as described in sections 10601 or 10602 but are not authorized under one or more adopted regionwide permits. See section 10610(a) for the application requirements for an administrative permit.

(c) **Major Permit.** Apply for a major permit if a project includes activities that are not authorized under one or more adopted regionwide permits and are not minor repairs or improvements as described in sections 10601 or 10602. See section 10610(a) for the application requirements for an administrative permit.

(d) **Emergency Permit.** Apply for an emergency permit only in an "emergency" situation as defined in section 10120. See sections 10640 and 10641 for the application requirements for an emergency permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505, and 29509, Public Resources Code.

§ 10306. Pre-application Meeting with Staff.

(a) For questions about what type of permit will be required for a project, permit application requirements, or how the laws and policies administered by the Commission apply to a project, a pre-application meeting is available upon request with Commission staff.

(b) A pre-application meeting is not required to apply for a permit but is recommended for large, complex, or mixed-use projects and any project that will require a major permit.

(c) For small or straight-forward projects, staff may respond to questions by phone or email instead of holding a pre-application meeting.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a) and 29505, Public Resources Code.

§ 10307. Uses or Activities In the Shoreline Band That Do Not Require a Permit

Each of the following uses or activities does not require a permit when conducted in an area of the Commission's shoreline band jurisdiction under Government Code section 66610)(b) because each is not a "substantial change in use" or "fill" under Government Code section 66632(a). No permit is required only if these activities or uses: (i) are located or conducted entirely in the shoreline band or partially in the shoreline band and partially in areas outside the Commission's jurisdiction; (ii) do not adversely impact existing public access; and (iii) do not block views of the Bay from the nearest public road or other publicly accessible locations.

(a) For existing single-family or two-family residences (duplexes):

(1) Routine repairs and maintenance.

(2) Construction, replacement, or alteration of accessory structures, such as garages, carports, storage sheds, tool sheds, or playhouses.

(3) Construction of an Accessory Dwelling Unit (ADU).

(4) Renovation, remodeling, or alteration of an existing structure that does not increase the building footprint.

(5) Reconstruction or replacement of an existing residence that was constructed under a Commission permit as long as the new residence would not increase the building footprint.

(6) Construction, replacement, or alteration of ancillary facilities, such as stairs, decks, patios, driveways, and retaining walls less than five feet in height and that will not serve a flood protection function or require drilled piers or pile driving.

- (7) Installation, replacement, alteration, or removal of landscaping, gardens, and plantings.
- (8) Installation, replacement, or alteration of a fence or gate less than five feet in height.
- (b) For existing commercial, office, industrial, recreational, multi-family residential, and other uses besides existing single-family and two-family residences (duplexes):
  - (1) Routine repairs and maintenance.
  - (2) Construction, replacement, or alteration of accessory structures, such as waste disposal or recycling stations, utility structures, signage associated with the existing use, and other facilities provided such structures do not change of the type or intensity of use of the use (for instance, by adding capacity for new residents, workers, or customers).
  - (3) Renovation, remodeling, or alteration of an existing structure that: (i) has an estimated cost of less than \$500,000; and (ii) does not increase the building footprint.
  - (4) Construction, replacement, or alteration of ancillary facilities, such as stairs, sidewalks, parking lots, driveways, and retaining walls less than five feet in height and that will not serve a flood protection function or require drilled piers or pile driving.
  - (5) Installation, replacement, alteration, or removal of landscaping, gardens, and plantings.
  - (6) Installation, replacement, or alteration of a fence or gate less than five feet in height.
  - (c) Removal of any existing structure, accessory structure, ancillary facility, fence, or gate, or removal of any existing use or activity, other than removal of existing public access or public access improvements.
  - (d) Transfer of ownership or a change of tenant for an existing structure or activity as long as the new owner or tenant continues the same general category of use or activity and does not substantially change the intensity of use or activity.
  - (e) A subdivision or other division of land in connection with a public agency acquiring an interest in such land for wildlife habitat, marsh restoration, public recreation, or public access.
  - (f) Installation or relocation of a utility box to provide electrical, gas, communications, water, sewage, or any other public services for an existing use or structure.
  - (g) Installation, replacement, alteration, relocation, or maintenance of any public service facilities (for electrical, gas, communications, water, sewage, or any other public services) within or upon any public highway or street.
  - (h) Environmental remediation activities, including installation of borings to collect soil or groundwater samples, installation and sampling of groundwater monitoring wells, and removal or treatment of contaminated soil or groundwater, where the California Department of Toxic Substances Control, the San Francisco Bay Regional Water Quality Control Board, or the United

States Environmental Protection Agency has approved and is overseeing a soil or groundwater sampling plan, site investigation plan, remedial action plan, or other cleanup plan, or has issued an imminent and substantial endangerment order, cleanup and abatement order, cease and desist order, or other administrative enforcement order to compel the potentially responsible parties to investigate and remediate environmental contamination.

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66632(a) and 66632(e), Government Code.

#### § 10308. Judicial Review of Any Decision on a Permit Application

Any aggrieved person may seek judicial review of any decision of the commission or Executive Director to deny or approve a permit application by filing a petition for writ of mandate, within the time specified by Section 66632(i) of the Government Code or Section 29602 of the Public Resources Code, as applicable, in accordance with Section 1094.5 of the Code of Civil Procedure.

NOTE: Authority cited: Section 66632(f), Government Code, and Section 29201(e), Public Resources Code. Reference: Section 66632(i), Government Code, Section 29602, Public Resources Code; and Section 1094.5, Code of Civil Procedure.

### Chapter 6. Permit Procedures: Administrative and Emergency Permits

#### Subchapter 1. Procedures for Administrative ~~Permits for Minor Repairs or Improvements~~ (~~Administrative Permits~~)

##### Article 1. Definitions

#### ~~§ 10600. Administrative Permit.~~

~~“Administrative permit,” sometimes referred to as a “minor permit,” means a permit issued for minor repairs or improvements.~~

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

#### § 10601. Minor Repairs or Improvements.

“Minor repairs or improvements” means any activity for which a Commission permit is required, that is either (a) ~~necessary to the health, safety, or welfare of the public in the entire Bay Area,~~ (b) consistent with the Government Code sections 66600 through 66661 and the San Francisco Bay Plan, or (c) (b) consistent with the Public Resources Code sections 29000 through 29612 and Suisun Marsh Protection Plan or with the certified Suisun Marsh Local Protection Program, and that falls into one or more of the following categories:



(a) ~~with respect to activities in San Francisco Bay and areas within the Commission's "certain waterways" jurisdiction:~~

(1) ~~the construction of a new single boat dock and associated docking facilities (such as lifts, gangways, and pilings) no larger than 1,500 square feet or a new multiple boat dock and associated facilities no larger than 5,000 square feet, or up to 20,000 square feet of expansion of boat docking facilities within an existing marina;~~

(2) ~~the installation of new shoreline protective works and repairs to protective works, such as bulkheads, levees, natural or nature-based features, and riprap, that meet the following criteria:~~

(A) the size of the new work(s) or the repairs to the existing work(s) constitute the minimum amount of fill necessary to stabilize existing dikes and banks or to provide improved fish or wildlife habitat, and

(B) ~~the new work(s) or repairs to existing work(s) would cover less than 10,000 square feet of the Bay or a certain waterway;~~

(C) if a project incorporates natural or nature-based features to provide improved fish or wildlife habitat, the new works or repairs to existing works may cover up to 12,500 square feet of the Bay or a certain waterway;

(3) ~~the placement of piles to support extensions of portions of principal an existing structure, as defined in section 10702(b), over the water where the total of any such extensions would not exceed 1,000 square feet in area;~~

(4) ~~the placement of outfall pipes approved by the California San Francisco Bay Regional Water Quality Control Board, San Francisco Bay Region;~~

(5) ~~the placement of utility cables or pipelines on or under the bottom of the Bay or a certain waterway;~~

(6) routine repairs, reconstruction, replacement, removal, ~~or~~ maintenance or alteration of a ~~an existing structure that does not increase the building footprint, floor area, or height of the structure by more than 25% or do not involve any substantial enlargement or change in use;~~

(7) minor fill for improving shoreline appearance that complies with section 10700 and that does not exceed 1,000 square feet in area; and

(8) minor fill for improving public access that complies with section 10701 and that does not exceed 5,000 square feet in area; and

~~(9) habitat restoration or enhancement activities that would not exceed 20,000 square feet in the Bay or a certain waterway, would include the minimum amount of fill necessary to improve wildlife habitat, and would not have significant adverse habitat conversion impacts; and~~

~~(10) extraction or dredging of no more than 10,000 cubic yards of materials to enhance tidal connectivity or restore habitat or the disposal of such materials within an existing site for such purposes.~~

~~(b) with respect to activities in the 100-foot shoreline band:~~

(1) the placement of small amounts of inert inorganic fill, the extraction of small amounts of materials, or a substantial change of use of any area so long as the placement, extraction, or change in use does not have a significant adverse effect on existing or possible future public access, on existing or possible future use for a designated water-oriented priority land use, or on the environment;

(2) ~~the construction of one- and or two-family residences and ancillary residential structures on any parcel except in cases where the parcel was subdivided after June 17, 1987 and the subdivision was not authorized by a Commission permit, or when the residence would adversely affect existing physical or visual public access, or affect potential visual public access or views of the Bay or shoreline from the nearest public road or other publicly accessible locations;~~

(3) any substantial change in use of a structure built on piles placed over the Bay prior to September 17, 1965 where the change in use does not involve any change in the structure, piles, or the extent of water coverage;

(4) ~~the installation of new shoreline protective works and repairs to protective works, such as bulkheads, levees, natural or nature-based features, and riprap, in the minimum amount necessary to stabilize existing dikes and banks or to provide improved fish or wildlife habitat;~~

(5) ~~routine repairs, reconstruction, replacement, removal, or maintenance or alteration of a~~ an existing structure that does not increase the building footprint, floor area, or height of the structure by more than 25% or ~~do not involve any substantial enlargement or any substantial change in uses; and~~

(6) any subdivision of land or other division of land.

~~(c) with respect to activities in salt ponds and managed wetlands:~~

(1) ~~the reconstruction of power transmission towers, communication towers, and walkways providing access to such towers; and~~

(2) ~~the installation of new shoreline protective works and repairs to protective works, such as bulkheads, levees, natural or nature-based features, and riprap, in the minimum amount of fill necessary to stabilize existing dikes or to provide improved wildlife habitat;~~

~~(3) habitat restoration or enhancement activities that would not exceed 50 acres in salt ponds or managed wetlands and would include the minimum amount of fill necessary to improve wildlife habitat; and~~

~~(4) extraction or dredging of no more than 10,000 cubic yards of materials to enhance tidal connectivity or habitat, or the disposal of such materials within an existing site for such purposes.~~

~~(d) with respect to activities in the Suisun Marsh:~~

~~(1) one or more of the activities listed in paragraph (a), (b), or (c) of this section;~~

~~(2) any subdivision of land or other division of land, including lot splits;~~

~~(3) the removal of vegetation;~~

~~(4) the discharge of any gaseous, liquid, or thermal waste as approved by the California San Francisco Bay Regional Water Quality Control Board, San Francisco Bay Region;~~

~~(5) the grading of any materials; and~~

~~(6) the construction, reconstruction, relocation, demolition, or alteration of the size of any one- or two-family residence, duck club structure, farm structure and or ancillary structures, and any facility of any private, public, or municipal electrical generating facility with a capacity of less than ten (10) megawatts electrical (10MWe), and any other private, public, or municipal utility facility of less than 10,000 square feet.~~

~~(e) with respect to activities anywhere in the Commission's jurisdiction:~~

~~(1) the placement of a temporary structure provided that the structure is removed no later than 180 days after its placement and the area is returned to its pre-existing condition within a reasonable time thereafter;~~

~~(2) the a temporary substantial change in use of water, land, or a structure, provided that the initial use is reestablished no later than 180 days after the temporary change in use;~~

~~(3) any other activity similar to those listed in paragraphs (a), (b), (c), and (d) of this section that would have no greater adverse impact on the Bay than the listed activities; and~~

~~(4) the placement of facilities required for environmental quality testing that does not involve a change in use or alteration of public access for a period of time longer than provided by the permit for completion of the work, and would not otherwise have a substantial effect on Bay-related resources; and~~

(5) any habitat restoration, enhancement, or establishment project ("habitat project") up to 1,000 acres in total area that will result in a net increase in habitat resources or functions.

(A) if a habitat project will restore or enhance an existing habitat type (for example, restore degraded tidal marsh to healthy tidal marsh), the permit application must include all the information described in San Francisco Bay Plan Tidal Marshes and Tidal Flats Policy 6 or Subtidal

Area Policy 3, as applicable to the project site, and an analysis and evaluation of the project that demonstrates the project will result in a net increase in habitat resources or functions;

(B) if a habitat project will result in the conversion of a distinct habitat type to another habitat type (for example, convert subtidal habitat to tidal marsh), the permit application must include all the information described in San Francisco Bay Plan Tidal Marshes and Tidal Flats Policy 6 or Subtidal Area Policy 3, as applicable to the project site, and either:

(i) the results and all supporting data from an evaluation of the project using the Aquatic Resource Type Conversion Evaluation Framework, version 2.0, Southern California Coastal Research Project, Technical Report 1110 (March 2022) ("Framework"), showing that the project achieved a positive score in all three Framework modules which shall be sufficient to demonstrate the project will result in a net increase in habitat resources or functions; or

(ii) an analysis and evaluation of the project that demonstrates the project will result in a net increase in habitat resources or functions.

(C) The Commission hereby adopts and incorporates by reference the Aquatic Resource Type Conversion Evaluation Framework, version 2.0, Southern California Coastal Research Project, Technical Report 1110 (March 2022), pages 1-39 and 61-67 (Appendix B). The Framework is posted on the Commission's website and available upon request from staff.

~~(f) with respect to dredging, beneficial reuse, or disposal activities located anywhere within the Commission's jurisdiction, those activities as specified in Section 10602.~~

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and (f), Government Code; and Sections 29501~~(e)~~~~(a)~~, and 29505 and 29520(a), Public Resources Code.

~~§ 10602. Administrative Permits Related to for Dredging and Beneficial Reuse and or Disposal Projects.~~

The following dredging, beneficial reuse, and disposal projects constitute "minor repairs or improvements" that may be authorized administratively:

(a) All maintenance dredging projects that are completed within ~~a period of~~ 10 years;

(b) Any new dredging of 200,000 cubic yards or less completed within ~~a period of~~ 10 years;

(c) Sand mining projects where the sand is sold or re-used, where the project is completed within ~~a period of~~ five years, and where no more than 250,000 cubic yards are dredged in any one year;

(d) New dredging projects to deepen existing navigation channels or basins that do not result in significant adverse environmental impacts or raise conflicts with the Commission's laws and policies, and where the dredged ~~material~~ sediment is beneficially reused within the

Commission's jurisdiction, or disposed of outside the Commission's Bay or certain waterways jurisdictions;

(e) ~~the disposal of dredged material sediment that occurs only at a site listed in Regulation Section section 10713.5; and meets either one of the following criteria:~~

(1) the amount of ~~material sediment~~ to be disposed of does not exceed, individually or cumulatively with other projects for the calendar year, the following volumes for the listed disposal sites:

(A) at the Alcatraz Island site (SF-11): 4 million cubic yards annually with a monthly maximum of 400,000 cubic yards between October 1st of each year and April 30th of the following year and a monthly maximum of 300,000 cubic yards between May 1st and September 30th of each year;

(B) ~~At at~~ the San Pablo Bay site (SF-10): 500,000 cubic yards annually;

(C) ~~At at~~ the Carquinez Strait site (SF-9): 3 million cubic yards annually in a wet or above normal water flow year as those years are classified by the Department of Water Resources and 2 million cubic yards annually in all other year classifications, and in either case with a maximum of 1 million cubic yards in any one month; and

(D) ~~At at~~ the Suisun Bay Channel site (SF-16): 200,000 cubic yards annually for U.S. Army Corps of Engineers Suisun Bay Channel and New York Slough channel maintenance dredging projects only; or

(2) the disposal involves only the disposal of ~~material sediment~~ dredged by a small dredger as defined in ~~Section section~~ 10727.

(f) ~~the disposal of less than 30,000 cubic yards of dredged material sediment at any location other than that identified in Section section 10602(e)(1) in a manner and at a time approved by the Executive Director, after consultation with National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game Wildlife and agreement by the U.S. Army Corps of Engineers, San Francisco District, and by the Executive Officer of the California San Francisco Bay Regional Water Quality Control Board, San Francisco Bay Region, as involving no or small potential risk of an adverse environmental impact;~~

(g) ~~The disposal of any amount of dredged sediment in the ocean, or the beneficial reuse or disposal of any amount of sediment in the Suisun Marsh, a salt pond, a managed wetland, or a non-aquatic location.~~

NOTE: Authority cited: Section 66632(f), Government Code; and ~~Section~~ 29201(e), Public Resources Code. Reference: Sections 66632(a) and (f), and 66663-66666, Government Code; and sections ~~29201(e)~~ 29501(a), ~~and~~ 29505 and 29520(a), Public Resources Code.

Article 3. Approval or Denial of Administrative Permits

## § 10620. Administrative Listing.

(a) Before acting on any permit application for ~~“minor repairs or improvements,”~~ an administrative permit, the Executive Director shall submit a list of the applications that are ready to be acted on to the Commission, to each applicant whose application is listed, to any persons who requested receipt of the list in writing, and to all agencies that have jurisdiction by law with respect to the proposed activity that is the subject of the matter listed. The list shall include the following for each application:

- (1) the name and address of each of the applicant(s);
- (2) the date on which the application was filed;
- (3) an informative summary of the work proposed, including the location of the proposed project;
- (4) the number assigned to each application;
- (5) the name of the responsible staff member;
- (6) whether the Executive Director recommends approval or denial of the application or has not yet reached a decision; and
- (7) a summary of all significant environmental points raised during the review process and a staff response to each of those points.

(b) The listing will be mailed or sent by electronic mail and posted on the Commission's website at least five (5) days prior to a regularly scheduled Commission meeting date. Any further significant environmental concerns raised after the list was submitted, along with the staff response to each concern, shall be provided to the Commission at the regularly scheduled meeting.

(c) The listing provided to the Commission and posted on the Commission's website pursuant to subsection (b) shall include a section providing notice of the issuance, granting, or approval by the Executive Director, since the date of the previous listing, of all the following: each administrative permit, emergency permit, nonmaterial amendment to a major permit, nonmaterial amendment to an administrative permit, and coverage under a regionwide permit. The notice shall include the following for each issued permit or approval:

- (1) the name of the permittee(s);
- (2) the project address or location;
- (3) the permit number; and
- (4) the date of issuance or approval.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66632(f), Government Code; and Sections 21080.5(d)(2)(C), 21080.5(d)(2)(D) and 29520, Public Resources Code.

## Subchapter 2. Emergency Permits

### Article 2. Procedures

#### § 10654. ~~Report to Commission~~ Notice of Granting Emergency Permits.

The Executive Director ~~shall report to the Commission, as part of the administrative permit listing at each meeting, the permits for “emergencies” that he or she has issued since the last report~~ will provide notice of granting each emergency permit in the listing provided to the Commission and posted on the Commission’s website in accordance with section 10620(c).

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66632(f), Government Code; and Section 29509, Public Resources Code.

## Chapter 7. Special Rules

### Article 2. Other Special Rules

#### § 10710. Continuing Commission Jurisdiction.

Areas once subject to Commission Bay or certain waterways jurisdiction under Government Code sections 66610(a) or 66610(d), respectively, remain subject to that same jurisdiction even if filled or otherwise ~~artificially~~ altered whether pursuant to a Commission permit or ~~not by other means.~~

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66610 and 66632(a), Government Code.

## Chapter 8. Amendments to Permits

### Article 2. Amendments to Administrative Permits

#### § 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. If there are two or more co-permittees, each co-permittee shall sign the letter requesting the amendment. The application shall state the total cost of the project described in the amendment request, shall contain an adequate description of the proposed amendment, shall include appropriate maps and drawings, and shall include a check or money order in the amount shown in Appendix M.

(b) The Executive Director shall approve a nonmaterial amendment to an administrative permit only if he or she finds that the proposed amendment is nonmaterial and is consistent with either (1) California Government Code Sections 66600 through 66661, the San Francisco Bay Plan, California Public Resources Code Sections 21000 through 21177, and the Commission's Regulations if the Commission has jurisdiction under California Government Code Sections 66610 and 66632, (2) California Public Resources Code Sections 29000 through 29612, the Suisun Marsh Protection Plan, California Public Resources Code Sections 21000 through 21177, and the Commission's regulations if the Commission has jurisdiction under California Public Resources Code Section 29101, 29500, and 29501 and the Commission has not certified a Suisun Marsh Local Protection Program or, (3) either California Public Resources Code Sections 29000 through 29612 and the Suisun Marsh Protection Plan, or the certified Suisun Marsh Local Protection Program, in addition to California Public Resources Code Sections 21000 through 21177 and the Commission's regulations if the Commission has jurisdiction under Public Resources Code Section 29101, 298500, and 29501 and if the Commission has certified a Suisun Marsh Local Protection Program.

(c) When the Executive Director approves a nonmaterial amendment to an existing administrative permit, he or she shall not impose any new permit condition or modify any existing permit condition except when the new or modified condition either (1) relates solely to the non-material amendment, (2) is required by changes in the law or in regulations, or (3) is needed to make existing conditions consistent with the proposed amendment.

(d) The Executive Director will provide notice of approval of the nonmaterial amendment to the permit in the listing provided to the Commission and posted on the Commission's website in accordance with section 10620(c).

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.

### Article 3. Amendments to Major Permits

#### § 10822. Criteria and Procedures for Processing Nonmaterial Amendments to Major Permits.

(a) The Executive Director shall approve a nonmaterial amendment to a major permit only if he or she finds that the amendment is consistent with California Government Code Sections 66600 through 66661 and the San Francisco Bay Plan if the Commission has jurisdiction under California Government Code Sections 66610 and 66632, with California Public Resources Code Sections 29000 through 29612 and the Suisun Marsh Protection Plan or the certified Suisun Marsh local protection program if the Commission has jurisdiction under California Public Resources Code Sections 29101, 29114, 29500, 29501, and 29505, with California Public



Resources Code Sections 21000 through 21177, and with these regulations and will not result in a material alteration of the project.

(b) The Executive Director will provide notice of approval of the nonmaterial amendment to the permit in the listing provided to the Commission and posted on the Commission's website in accordance with section 10620(c).

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.

## Chapter 17. Regionwide Permits

### ~~Article 1. Issuance of Regionwide Permits and Abbreviated Regionwide Permits~~

#### ~~§ 11700. Regionwide Permit.~~

~~The San Francisco Bay Conservation and Development Commission may issue, by resolution, one or more regionwide permits and abbreviated regionwide permits to authorize throughout its McAttee Petris Act jurisdiction a specific category or categories of activities hat the Commission determines will have no substantial impact on areas within the Commission's McAttee Petris Act jurisdiction, including but not limited to routine repair and maintenance of existing structures located within San Francisco Bay, a managed wetland, or a certain waterway and routine repair, maintenance, and improvements to structures located within the shoreline band. Regionwide permits and abbreviated regionwide permits have the same force and effect as other permits that the Commission issues, and the Commission may enforce the terms and conditions of regionwide and abbreviated regionwide permit in the same manner as the Commission enforces the terms and conditions of other Commission permits.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

#### ~~§ 11700.1. Abbreviations.~~

~~When used in this Chapter, "Notice of Intent to Proceed" may be abbreviated as "NOI."~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

### ~~Article 2. Notice of Intent to Proceed Under Regionwide Permits~~

#### ~~§ 11710. Need to File Notice of Intent to Proceed.~~

~~Prior to commencing any project for which a Commission permit is required and which the project sponsor believes is authorized by a Commission regionwide permit, the project sponsor shall submit to the Executive Director a written notice of intent to proceed that complies with~~

~~Section 11711, shall receive approval of the notice of intent to proceed pursuant to Section 11713, and shall acknowledge the terms and conditions of the regionwide permit pursuant to Section 11715.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11711. Contents of Notice of Intent to Proceed.~~

~~The written notice of intent to proceed that Section 11710 requires shall contain the following:~~

- ~~(a) a detailed description of the proposed project, which may consist of either;~~
  - ~~(1) a fully completed application form, Part I only, as set out in Appendix D to these regulations; or~~
  - ~~(2) a letter that provides the same information as a fully completed form;~~
- ~~(b) proof of legal interest, and one copy each of a large scale site plan, an 8 1/2" x 11" copy of the site plan, and vicinity map, all as described in Appendix F;~~
- ~~(c) a check or money order in the amount specified in Appendix M to these regulations; and~~
- ~~(d) an executed Certificate of Posting of "Notice of Pending BCDC Application," as specified in Appendix E.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11712. Executive Director's Determination Whether a Notice of Intent to Proceed Is Complete.~~

- ~~(a) The Executive Director shall determine within 30 days of receipt of a Notice of Intent to Proceed whether the notice complies fully with Section 11711.~~
- ~~(b) If the Executive Director determines that a Notice of Intent to Proceed complies fully with Section 11711, the Executive Director shall proceed according to Sections 11713 and 11714 to determine whether the activity is authorized by the regionwide permit.~~
- ~~(c) If the Executive Director determines that a Notice of Intent to Proceed does not fully comply with Section 11711, the Executive Director shall within 30 days of receipt of the notice notify the project sponsor in writing of his or her determination, the reasons for the determination, and what further information is needed to complete the Notice of Intent to Proceed.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11713. Approval of a Notice of Intent to Proceed.~~

~~(a) If the Executive Director has determined that a Notice of Intent to Proceed complies fully with Section 11711, he or she shall approve or disapprove the notice within 14 days of the determination of completeness.~~

~~(b) The Executive Director shall base his or her determination on whether to approve or disapprove the Notice of Intent to Proceed only on the proposed project's consistency with any one or more Commission regionwide permit.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11714. Notification of Executive Director's Decision.~~

~~(a) If the Executive Director approves a Notice of Intent to Proceed, he or she shall notify the project sponsor in writing of the approval and shall include a copy of the applicable regionwide permit with the written approval.~~

~~(b) If the Executive Director disapproves a Notice of Intent to Proceed, he or she shall notify the project sponsor in writing of the disapproval and the reasons for the disapproval.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11715. Project Sponsor Acknowledgment and Execution of Regionwide Permit.~~

~~The project sponsor shall acknowledge receipt and acceptance of the terms and conditions of the regionwide permit by signing and dating a copy of the regionwide permit and returning the executed copy of the regionwide permit to the Executive Director within 14 days of receipt of the written approval of the notice and of the copy of the applicable regionwide permit.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11716. Application After Executive Director's Determination That a Notice of Intent to Proceed Is Not Complete or from Executive Director's Disapproval of a Notice of Intent to Proceed.~~

~~If a project sponsor believes that the Executive Director has either improperly determined that a Notice of Intent to Proceed is not complete or improperly disapproved a Notice of Intent to Proceed, the project sponsor may apply for a Commission permit without waiting 90 days.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~Article 3. Notice of Intent to Proceed Under Abbreviated Regionwide Permits~~~~§ 11717. Need to File Notice of Intent to Proceed.~~

~~Prior to commencing any project for which a Commission permit is required and which the project sponsor believes is authorized by a Commission abbreviated regionwide permit, the project sponsor shall complete, sign and submit to the Executive Director a Notice of Intent to Proceed under an Abbreviated Regionwide Permit (which these regulations contain as Appendix N); shall receive approval of the NOI pursuant to Section 11719; and shall acknowledge the terms and conditions of the abbreviated regionwide permit pursuant to Section 11720.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11718. Executive Director's Determination Whether a Notice of Intent to Proceed Under an Abbreviated Permit is Complete.~~

~~(a) The Executive Director shall determine within thirty (30) days of receipt of a completed NOI for an Abbreviated Regionwide Permit whether the information provided in the notice is complete.~~

~~(b) If the Executive Director determines that an NOI for an Abbreviated Regionwide Permit is complete, the Executive Director shall proceed according to Section 11720 to determine whether the activity is authorized by the abbreviated regionwide permit.~~

~~(c) If the Executive Director determines that an NOI for an Abbreviated Regionwide Permit is incomplete, the Executive Director shall within thirty (30) days of receipt of the notice notify the project sponsor in writing of his or her determination, the reasons for the determination, and what further information is needed to complete the NOI.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11719. Approval or Disapproval of a Notice of Intent to Proceed Under an Abbreviated Regionwide Permit; Notification of Determination.~~

~~(a) If the Executive Director has found that an NOI for an Abbreviated Regionwide Permit is complete, he or she shall determine whether the NOI is approved or disapproved and, within seven (7) working days of the determination of completeness, notify the project sponsor in writing of the determination of approval or disapproval, as follows:~~

~~(1) If the NOI is approved, the Executive Director shall enclose a copy of the applicable abbreviated regionwide permit with the written approval; or~~

~~(2) If the NOI is disapproved, the Executive Director shall notify the project sponsor of the reasons for the disapproval.~~

~~(b) The Executive Director shall base a determination on whether to approve or disapprove the NOI only on the proposed project's consistency with any one or more Commission abbreviated regionwide permits.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11720. Project Sponsor Acknowledgement and Execution of Abbreviated Regionwide Permit.~~

~~The project sponsor shall acknowledge receipt and acceptance of the terms and conditions of the abbreviated regionwide permit as follows:~~

~~(a) the project sponsor shall sign and date a copy of the abbreviated regionwide permit;~~

~~(b) the project sponsor shall return the executed copy to the Executive Director within fourteen (14) days of receipt of the written approval of the NOI and of a copy of the abbreviated regionwide permit.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

~~§ 11721. Application After Executive Director's Determination That a Notice of Intent to Proceed Is Not Complete or from Executive Director's Disapproval of a Notice of Intent to Proceed Under an Abbreviated Regionwide Permit.~~

~~If a project sponsor believes that the Executive Director has either improperly determined that a Notice of Intent to Proceed is not complete or improperly disapproved a Notice of Intent to Proceed, the project sponsor may apply for a Commission permit without waiting ninety (90) days.~~

~~NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66604 and 66632, Government Code.~~

Article 1: About Regionwide Permits

§ 11700. Terms Used in This Chapter.

The following definitions apply to this Chapter:

(a) "Regionwide permit." For the definition of "regionwide permit," see section 10303.

(b) "Authorized activities." "Authorized activities" means the activities that may be conducted when covered under a regionwide permit. The authorized activities are described in the regionwide permit.

(c) "You" and "I." "You" and "I" means a person or governmental agency that is an applicant or prospective applicant to be covered under a regionwide permit.

(d) "Your" and "my." "You" and "my" means proposed by, belonging to, or associated with a person or governmental agency that is an applicant or prospective applicant to be covered under a regionwide permit.

(e) “Covered under a regionwide permit.” “Covered under a regionwide permit” means the Executive Director has approved your application to be covered under a regionwide permit and has issued a copy of the permit to you to conduct the authorized activities at a specific location, and that you have confirmed your acceptance of the permit’s terms and conditions.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a) and 29505, Public Resources Code.

#### § 11701. Availability of Adopted Regionwide Permits.

The Commission will post each adopted regionwide permit on its website (bcd.ca.gov). To see the regionwide permits and the authorized activities under each permit, visit the Commission website or request copies from Commission staff.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

#### § 11702. How to Apply to be Covered Under a Regionwide Permit.

You can apply to be covered under a regionwide permit if your proposed project consists only of the authorized activities described in a regionwide permit that has been adopted by the Commission. The information required to apply is described in sections 11741 through 11746, and the application review process is described in sections 11734 through 11739.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

### Article 2. How the Commission Adopts or Amends a Regionwide Permit

#### § 11710. Contents of a Proposed Regionwide Permit or Amended Regionwide Permit.

The Executive Director will prepare a proposed regionwide permit or a proposed amendment to a previously adopted regionwide permit for the Commission’s consideration. Each proposed regionwide permit or amended regionwide permit will include:

- (a) **Authorized Activities.** A clear description of the authorized activities that can be conducted when covered under the permit.
- (b) **Terms and Conditions.** The terms and conditions that the permittee must agree to and follow under the permit.
- (c) **Findings of Fact.** Findings of fact showing that the authorized activities, if conducted in compliance with the permit’s terms and conditions, will meet the following standards:

(1) That the authorized activities are consistent with:

(A) the relevant provisions of California Government Code Sections 66600 through 66661 and the San Francisco Bay Plan if the regionwide permit authorizes activities in areas under the Commission's jurisdiction under California Government Code section 66610, and

(B) the relevant provisions of California Public Resources Code sections 29000 through 29612, the San Francisco Bay Plan, and the Suisun Marsh Protection Plan or of the certified local protection program for the Suisun Marsh if the regionwide permit authorizes activities in areas under the Commission's jurisdiction under California Public Resources Code sections 29501 or 29505;

(2) That the authorized activities will not have a significant impact on areas within the Commission's jurisdiction;

(3) That the authorized activities are "minor repairs or improvements" as described in sections 10601 or 10602;

(4) That the authorized activities are either statutorily or categorically exempt under the California Environmental Quality Act or will not have any individually or cumulatively significant adverse effect on the environment.

Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 21080.5, 29501(a), 29505, and 29520(a), Public Resources Code.

§ 11711. Public Notice and Opportunity for Review and Comment.

The Executive Director will issue a public notice of a proposed regionwide permit or a proposed amended regionwide permit at least 30 days before the Commission will consider and may vote on the proposed permit or amended permit. The Executive Director will post the notice on the Commission's website and distribute it to all agencies, organizations, and individuals who have requested in writing notice of proposed regionwide permits and to any other parties known to the Executive Director to have an interest in regionwide permits. The public notice will include:

- (a) A copy of the proposed regionwide permit or proposed amended regionwide permit;
- (b) The date and time of the Commission meeting when the Commission will consider and may vote on the proposed permit or amended permit; and
- (c) The deadline for submitting written comments on the proposed permit or amended permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

§ 11712. The Executive Director Will Provide Public Comments to the Commission.

Before the Commission considers a proposed regionwide permit or proposed amended regionwide permit, the Executive Director will distribute to the Commission all written comments received during the public comment period. The Executive Director will also post these comments on the Commission's website along with the materials for the meeting when the Commission will consider the proposed permit or amended permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

§ 11713. How the Commission Votes to Adopt or Amend a Regionwide Permit.

Adoption of a regionwide permit or an amended regionwide permit requires 13 or more "yes" votes of members of the Commission.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

§ 11714. Amendment of a Regionwide Permit Does Not Affect a Project Covered Under the Permit.

Once your project is covered under a regionwide permit, that coverage remains valid and is not affected if the Commission later amends the regionwide permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

Article 3. How the Commission Revokes a Regionwide Permit§ 11720. The Executive Director Will Prepare a Proposed Resolution to Revoke a Regionwide Permit.

If the Executive Director finds good cause to revoke a regionwide permit — for example, if the authorized activities are harming the Bay or Bay resources — the Executive Director will prepare a proposed resolution to revoke a regionwide permit for the Commission's consideration. The proposed resolution will state the reasons why the permit is revoked and specify the effective date on which the permit is revoked.

Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.



§ 11721. Public Notice and Opportunity for Review and Comment.

The Executive Director will issue a public notice of a proposed resolution to revoke a regionwide permit at least 30 days before the Commission will consider and may vote on the proposed resolution. The Executive Director will post the notice on the Commission's website and distribute it to all agencies, organizations, and individuals who have requested in writing notice of proposed regionwide permits and to any other parties known to the Executive Director to have an interest in regionwide permits. The public notice will include:

- (a) A copy of the proposed resolution to revoke the regionwide permit;
- (b) The date and time of the Commission meeting when the Commission will consider and may vote on the proposed resolution; and
- (c) The deadline for submitting written comments on the proposed resolution.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

§ 11722. The Executive Director Will Provide Public Comments to the Commission.

Before the Commission considers a proposed resolution to revoke a regionwide permit, the Executive Director will distribute all written comments received during the public comment period to the Commission. The Executive Director will also post these comments on Commission's website along with the materials for the meeting when the Commission will consider the proposed resolution.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

§ 11723. How the Commission Votes to Revoke a Regionwide Permit.

Revocation of a regionwide permit requires 13 or more "yes" votes of members of the Commission.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

§ 11724. Revocation of a Regionwide Permit Does Not Affect a Project Covered Under the Permit.

Once your project is covered by a regionwide permit, that coverage remains valid and is not affected if the Commission later revokes the regionwide permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(f) and 66632(f), Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

#### Article 4. Applying to Be Covered Under a Regionwide Permit

##### § 11730. Check if Your Project Qualifies to Be Covered Under a Regionwide Permit.

Before applying to be covered under a regionwide permit, review the adopted regionwide permits on the Commission's website to confirm that your proposed project includes only the authorized activities described in a regionwide permit. You can apply to be covered under a regionwide permit even if your property or project site is subject to an existing administrative permit or major permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f) Government Code; and Sections 29501(a), 29505, and 29520(a), Public Resources Code.

##### § 11731. You Can Apply to Be Covered Under Multiple Regionwide Permits.

If your proposed project includes authorized activities described in more than one regionwide permit, you can apply to be covered under multiple regionwide permits. You only need to submit one application and pay one regionwide permit application fee as set forth in Appendix M.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505 and 29520(a), Public Resources Code.

##### § 11732. You Cannot Apply to Be Covered Under a Regionwide Permit if Your Project Includes Activities that Are Not Authorized Activities Described in a Regionwide Permit.

(a) You cannot apply to be covered under a regionwide permit if your proposed project includes any activities that are not authorized activities described in one or more regionwide permits, even if your project includes some activities that are authorized by a regionwide permit. The Commission and the Executive Director are required by law (the McAteer-Petris Act, the Suisun Marsh Preservation Act, and the California Environmental Quality Act) to consider your project in its entirety.

(b) If your project includes any activities that are not authorized activities described in a regionwide permit, you must apply for an administrative permit or a major permit. Refer to section 10305 to determine the type of permit required for your project based on its nature and scope.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; Sections 21065, 29501(a), 29505 and 29520(a), Public Resources Code; and *Bozung v. Local Agency Formation Com.* (1975) 13 Cal. 3d 263, 283-84; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal App. 3d 151, 165.

§ 11733. How to Apply to Be Covered Under a Regionwide Permit.

To apply to be covered under a regionwide permit, complete and submit the regionwide permit application form available on the Commission's website and upon request from Commission staff. The required contents of the application are stated in sections 11741 through 11746.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505 and 29520(a), Public Resources Code.

§ 11734. How Your Application Will Be Reviewed.

The Executive Director will review your application and notify you within 30 days of receiving it if any of the information required by sections 11741 through 11746 is missing. If you do not submit the missing information within 45 days of the Executive Director's notice, your application will be considered withdrawn.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505 and 29520(a), Public Resources Code.

§ 11735. You Can Appeal if Your Application Is Found Incomplete.

If you believe the Executive Director incorrectly determined that your application is missing information required by sections 11741 through 11746, you can appeal this decision to the Commission. To do so, submit your appeal in writing to the Executive Director within 30 days of the determination. The Executive Director will schedule your appeal for consideration at a regularly scheduled Commission meeting. The Commission will decide only whether the Executive Director correctly determined that your application is missing required information.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505 and 29520(a), Public Resources Code.

§ 11736. How a Decision is Made to Approve or Deny Your Application.

The Executive Director will approve or deny your application within 10 days of determining it is complete.

(a) **Approval.** Your application will be approved if your proposed project includes only authorized activities described in one or more statewide permits.

(b) **Denial.** Your application will be denied if your proposed project includes any activities that are not authorized activities described in one or more statewide permits or if the project would harm the Bay or Bay resources, including environmentally sensitive areas, or public access to the Bay, due to its unique location.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505 and 29520(a), Public Resources Code.

§ 11737. If Your Application is Approved.

(a) The Executive Director will approve coverage under a statewide permit by issuing a copy of the applicable statewide permit(s) to you. The approval will include the applicant's and any co-applicant's name and address and the location of the project. You must acknowledge and accept the terms and conditions of the permit within 14 days of receiving it. To do this, sign and date the permit and return a signed copy to the Executive Director. You are not covered under the permit until the Executive Director receives the signed copy.

(b) The Executive Director will provide notice of approval of coverage under the statewide permit in the listing provided to the Commission and posted on the Commission's website in accordance with section 10620(c).

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505 and 29520(a), Public Resources Code.

§ 11738. If Your Application is Denied.

If your application is denied, the Executive Director will notify you in writing within 10 days of determining that your application is complete. The notice will explain the reasons for the denial. If your application is denied, you can apply for an administrative permit or a major permit at any time.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505(e) and 29520(a), Public Resources Code.

§ 11739. You Can Appeal if Your Application is Denied.

If you believe the Executive Director incorrectly denied your application to be covered under a statewide permit, you can appeal the Executive Director's denial to the Commission. To do so, submit your appeal in writing to the Executive Director within 30 days of the denial. The Executive Director will schedule your appeal for consideration at a regularly scheduled

Commission meeting. The Commission will decide only whether the Executive Director correctly denied your application.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505(e) and 29520(a), Public Resources Code.

#### Article 5. Regionwide Permit Application.

##### § 11740. Form of Application.

The Commission will adopt an application form to apply to be covered under a regionwide permit. The application form will be posted on the Commission's website and available upon request from Commission staff. A complete application must include the information and documents specified in sections 11741 through 11746.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 11340.9(c), 65940, 66632(a), 66632(b), 66632(f), 21080.5, and 21160, Government Code; and Sections 29501(a), 29505(e), and 29520, Public Resources Code.

##### § 11741. Application Fee.

Your application must include the application fee for a regionwide permit as set forth in Appendix M. Payment can be made by check, money order, or electronic payment.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505(e) and 29520(a), Public Resources Code.

##### § 11742. Applicant and Property Owner Information.

Your application must include the following information:

(a) **Applicant and Property Owner Contact Information.** Provide the following for each applicant and the property owner (if different from the applicant):

(1) Name

(2) Mailing Address

(3) Telephone

(4) Email Address

(5) Representative Authorization. If you authorize someone to act as your representative concerning this application, include the following statement:

"I hereby authorize \_\_\_\_\_ to act as my representative and bind me in all matters concerning this application."

**(b) Applicant's Representative Contact Information.** If you authorize someone to represent you concerning this application, provide the following for your representative:

(1) Name

(2) Mailing Address

(3) Telephone

(4) Email Address

**(c) Proof of Legal Interest in Property.** Submit documentation of your legal interest in the property as described in Appendix F (subsection entitled Proof of Legal Interest). Acceptable proof of legal interest includes a grant deed, lease, easement, or the Conditions Covenants and Restrictions for a homeowners' association that demonstrates you have a legal interest in the property that is the site of the proposed project.

**(d) Certify the Accuracy of All Information and Provide Authorization to Inspect.** Each applicant, property owner, and any representative must acknowledge and agree to the following statement:

"I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all accompanying exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking coverage under a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission. I agree that the Commission staff may, with 24-hours-notice, inspect the project site while this application is pending."

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505(e) and 29520(a), Public Resources Code.

**§ 11743. Project Information.**

Your application must include the following information:

**(a) Identify the Regionwide Permit(s) which Apply.**

(1) Identify the regionwide permit(s) under which you are applying for coverage.

(2) Certify that you have reviewed the regionwide permit(s) under which you are applying for coverage and that your project includes only authorized activities described in one or more regionwide permits.

(b) **Project Location.** Identify the location of the project, including its street address, name of local jurisdiction (whether an incorporated City or unincorporated area of a County), Assessor's Parcel Number (APN), and latitude and longitude coordinates.

(c) **Existing Conditions.**

(1) Describe the existing condition of the project site, including any existing vegetation, structures, public access, water areas, and uses.

(2) Provide one or more photographs of existing site conditions.

(3) Provide the identification number of any Commission permits that have been issued for the site.

(4) Identify any known threatened or endangered species, or any species that the California Department of Fish and Wildlife or a federal wildlife agency has determined are candidates for listing as threatened or endangered that may be found at the project site.

(d) **Project Description.** Provide a narrative project description that summarizes the project and its purpose.

(e) **Timeline.** State the month and year work is proposed to begin and the expected completion date.

(f) **Project Site Plan.** Submit a project site plan (or set of plans if all the information cannot be shown on one drawing) that shows the nature, scope, and location of the proposed work and clearly distinguishes between existing and proposed conditions. The project site plan must be at a scale that allows the details of the proposed project to be clearly illustrated.

(g) **Total Project Cost.** Indicate the total project cost. As defined in Appendix M, section (d), "Total project cost" means all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.

(h) **Information on Government Approvals.** State whether each of the following government approvals is required for your project. For each required approval that has been received, submit a copy of the approval. If you have applied for but not received a required approval, state the date you submitted your application and provide the name and phone number or email address of your contact person at the agency, if any. If you have not yet applied for a required approval, state the estimated date by which you will submit your application and

provide the name and phone number or email address of your contact person at the agency, if any.

(1) Water quality certification or waste discharge requirements from the San Francisco Bay Regional Water Quality Control Board.

(2) An approval from the California Department of Toxic Substances Control.

(3) A “biological opinion” from a state or federal agency as the result of endangered species consultation.

(4) A “take” authorization from the California Department of Fish and Wildlife or any federal agency.

(5) A discretionary approval from the local government with jurisdiction.

**(i) Environmental Impact Documentation.**

(1) State if any government agency has made a determination that your project is statutorily or categorically exempt from the need to prepare environmental impact documentation under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). If so, submit a copy of that determination or a statement that identifies and supports the statutory or categorical exemption.

(2) State if any government agency has prepared or is in the process of preparing an Environmental Impact Report (EIR), Environmental Impact Statement (EIS), Negative Declaration, or Mitigated Negative Declaration (MND) for your project. If such a document has been prepared, submit a copy of the document. If any agency is in the process of preparing such a document, provide the name and phone number or email address of your contact person at the agency.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 21160, 29501(a), 29505(e) and 29520(a), Public Resources Code.

**§ 11744. Fill Information.**

“Fill” means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Cal. Govt. Code section 66632(a). If your project includes placing fill in San Francisco Bay, a salt pond, managed wetland, a certain waterway, or the primary management area of the Suisun Marsh, submit the following information:

**(a) Quantity of Fill.**

(1) Surface area of tidal and subtidal property to be covered with fill.



(2) Total volume of fill to be placed in tidal and subtidal areas.

(b) **Description of Fill.** Provide dimensions of all structures to be built on fill, including length, width, area, height, and number of stories.

(c) **Minimization of Fill.** Explain how the project has been designed to minimize the amount of fill.

(d) **Environmental Impacts.** Describe any potential impacts from the fill on the following resources, and any measures taken to avoid or minimize these impacts.

(1) Water quality.

(2) Tidal marshes.

(3) Tidal flats.

(4) Subtidal areas.

(5) Shell deposits.

(e) **Safety of Fill.**

(1) Have any soils, grading, or geotechnical reports been prepared that show how the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions, of sea level rise, or of flood or storm waters? If so, submit a copy of all such reports.

(2) Provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information regarding the safety of the project.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505(e) and 29520(a), Public Resources Code.

§ 11745. Information for Projects Involving Maintenance Dredging and Beneficial Reuse or Disposal of Dredged Sediment.

If your project includes maintenance dredging and the beneficial reuse or disposal of dredged sediment in San Francisco Bay, a salt pond, managed wetland, a certain waterway, or the primary management area of the Suisun Marsh, submit the following information:

(a) **Purpose of Dredging.** State whether the dredging at this location is for navigation maintenance, facility maintenance (such as a culvert or outfall), or some other purpose.

(b) **Application to Dredged Material Management Office.** If you have submitted a complete application for your project to the Dredged Material Management Office (DMMO), provide a

copy of that application. If you provide a copy of your completed DMMO application, you do not need to submit any of the information identified in subsections (c) through (l).

(c) **Type of Dredging.** Identify the type of dredging and frequency, whether single episode, or multi-episode.

(d) **Volume of Material to be Dredged.** State the total volume (in cubic yards) of sediment to be dredged.

(e) **Depth and Area Information.** State the existing depth, proposed design depth, the over-dredge depth allowance, and the total proposed depth (design depth plus over-dredge depth) in Mean Lower Low Water datum, and the area (square feet or acres) to be dredged.

(f) **Substrate Type.** Indicate the type of substrate being dredged, whether subtidal bottom, intertidal bottom, and the sediment type (sand, mud, or gravel). State if eelgrass is present in the project area.

(g) **Sediment Quality.** Provide the results of testing for biological, chemical, and physical properties of the sediment to be dredged.

(h) **Date of Last Dredging.** State the date the area was last dredged, provide the dredged depth and volume of sediment dredged, and identify the beneficial reuse or disposal site used.

(i) **Proposed Equipment.** Describe the proposed dredging equipment (clamshell, excavator, hydraulic) and any dredged sediment disposal or offloading equipment.

(j) **Beneficial Reuse or Disposal Site Information.** Provide the name and location of each proposed beneficial reuse or disposal site, including latitude and longitude coordinates, and a map or figure of the area for the dredged sediment disposal or the placement site, and state if the site is permitted to receive dredged sediment.

(k) **Sediment Delivery Method.** Describe how the sediment will be transported to the beneficial reuse or disposal site, and identify the equipment that will be used to transfer the sediment to the site.

(l) **Volume of Sediment to be Reused or Disposed.** State the volume of sediment to be beneficially reused or disposed of, and, if multiple sites, the volume to be reused or disposed of at each site.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66632(a) and 66632(f), Government Code; and Sections 29501(a), 29505 and 29520(a), Public Resources Code.

§ 11746. Information for a Regionwide Permit that Requires an Adaptive Management, Monitoring, or Mitigation Plan.

The Commission may adopt regionwide permits that authorize tidal or habitat restoration projects which include conditions requiring you to prepare and implement an adaptive management, monitoring, or mitigation plan. A regionwide permit that requires such a plan will identify the purpose and goals of the plan and describe the required components of the plan. If you are applying for coverage under a permit that requires such a plan, submit a proposed plan that includes the following information:

- (a) Describe the current condition and functionality of the impacted ecosystem(s).
- (b) Identify measurable performance standards and success criteria to meet the plan goals and the time frame necessary to achieve each performance standard.
- (c) Identify the monitoring parameters, monitoring schedule, and the protocols that will be used to determine if each performance standard has been met.
- (d) Describe the long-term management and maintenance practices that will be used to achieve the plan's goals and performance standards.
- (e) Identify the reporting schedule for the time frame necessary to achieve the plan's goals and performance standard.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66604 and 66632, Government Code; and Sections 29501(a), 29505 and 29520(a), Public Resources Code.

## Appendix D

BCDC Application Form December 28, 2020

**Box 1 Property Ownership and Applicant Information****(must be completed by all applicants)**

a. APPLICANT:

☐ Owns project site ☐ Leases project site ☐ Homeowner Association owns/will own ☐ Other Property Rights: \_\_\_\_\_**APPLICANT'S REPRESENTATIVE: ☐ None**

Name/Title: \_\_\_\_\_ Name/Title: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_/\_\_\_\_/\_\_\_\_ Fax: \_\_\_\_/\_\_\_\_/\_\_\_\_ Telephone: \_\_\_\_/\_\_\_\_/\_\_\_\_ Fax: \_\_\_\_/\_\_\_\_/\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

*I hereby authorize \_\_\_\_\_ to act as my representative and bind me in all matters concerning this application.*

Signature of Applicant	Print Name	Date	
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b. CO-APPLICANT:

☐ Owns project site ☐ Leases project site ☐ Homeowner Association owns/will own ☐ Other Property Rights: \_\_\_\_\_**CO-APPLICANT'S REPRESENTATIVE: ☐ None**

Name/Title: \_\_\_\_\_ Name/Title: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_/\_\_\_\_/\_\_\_\_ Fax: \_\_\_\_/\_\_\_\_/\_\_\_\_ Telephone: \_\_\_\_/\_\_\_\_/\_\_\_\_ Fax: \_\_\_\_/\_\_\_\_/\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

*I hereby authorize \_\_\_\_\_ to act as my representative and bind me in all matters concerning this application.*

Signature of Co-Applicant	Print Name	Date	
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c. PROPERTY OWNER: ☐ Same As Applicant or Co-Applicant OWNER'S REPRESENTATIVE: ☐ None

Name/Title: _____	Name/Title: _____
Address: Address: _____	Address: Address: _____
City, State, Zip: _____	City, State, Zip: _____
Telephone: ____/____/____ Fax: ____/____/____	Telephone: ____/____/____ Fax: ____/____/____
Email: _____	Email: _____

*I hereby authorize \_\_\_\_\_ to act as my representative and bind me in all matters concerning this application.*

Signature of Owner	Print Name	Date	
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d. Provide documentation of property interests, such as a copy of a grant deed, lease or easement, and Conditions Covenants and Restrictions, for a homeowner's association, that demonstrates that the owner or applicant has adequate legal interest in the property to undertake the proposed project. See Commission regulations Appendix F for complete details.

e. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

The following contributions of more than \$250 were made by the applicant or applicant's representative to a BCDC commissioner or commissioner's alternate in the preceding twelve months to support the commissioner's or alternate's campaign for election to a local, state or federal office.

Contribution Made To	Contribution Made By:	Date of Contribution:	

☐ No such contributions have been made.

f. CERTIFICATION OF ACCURACY OF INFORMATION AND AUTHORIZATION TO INSPECT:

*I hereby certify under penalty of perjury that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission. I further agree that the Commission staff may, with 24 hours notice, inspect the project site while this application is pending.*

<input type="checkbox"/>	Signature of Applicant or Applicant's Representative	Date	
<input type="checkbox"/>	Signature of Co-applicant or Co-applicant's Representative	Date	
<input type="checkbox"/>	Signature of Co-applicant or Co-applicant's Representative	Date	
<input type="checkbox"/>	Signature of Co-applicant or Co-applicant's Representative	Date	

**Box 2 Total Project and Site Information**

**(must be completed by all applicants)**

- a. Project Street Address: \_\_\_\_\_
- b. City, County, Zip: \_\_\_\_\_
- c. Assessor's Parcel Number(s): \_\_\_\_\_
- d. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_
- e. Previous BCDC permit number(s) for work at this site: \_\_\_\_\_
- f. Project Name: \_\_\_\_\_
- g. Brief Project Description: \_\_\_\_\_

h. Date work is expected to begin: \_\_\_\_\_

Date work is expected to be completed: \_\_\_\_\_

i. Total Project Cost: \$ \_\_\_\_\_

j. Length of shoreline on the project site: \_\_\_\_\_ feet

k. Length of shoreline at adjacent property owned or controlled by the applicant: \_\_\_\_\_ feet

l. Approximate size of project site within BCDC's "shoreline band" jurisdiction: \_\_\_\_\_ square feet

m. Approximate size of project site within BCDC's "Bay" or "certain waterway" jurisdiction: \_\_\_\_\_ square feet

n. Approximate size of project site within BCDC's managed wetland or salt pond jurisdiction: \_\_\_\_\_ square feet

o. Approximate size of project site within the Suisun Marsh: \_\_\_\_\_ square feet

p. Approximate size of project site outside of BCDC's jurisdiction \_\_\_\_\_ square feet

q. Approximate total size of project site (including areas outside BCDC's jurisdiction): \_\_\_\_\_ square feet

r. Area of total project site reserved for non-public access uses: \_\_\_\_\_ square feet

s. Area of total project site reserved for public access: \_\_\_\_\_ square feet

t. Does the project involve development within the primary management area of the Suisun Marsh?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If "Yes," provide any relevant duck club number(s): \_\_\_\_\_

u. Project Details. Complete all that apply.

<b>Proposed Elements of the Project</b>	<b>In BCDC's Bay, Certain Waterway, Managed Wetlands or Suisun Marsh Jurisdiction*</b>	<b>In BCDC's Shoreline Band jurisdiction</b>	<b>Outside BCDC's jurisdiction</b>	<b>Totals</b>
1. Structures	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
2. All Roads, Parking, Pathways, Sidewalks	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
3. Number of Parking Spaces:				
4. All Landscaping	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
5. Left undeveloped	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
6. Shoreline Protection	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
7. Piers, docks and other marine-related purposes	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
8. Areas used for other purposes (specify)	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
Totals:	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

\* If project will occur in more than one of these jurisdictions, provide the requested information for each area separately.

v. INFORMATION ABOUT THE TOTAL PROJECT AND SITE (PROVIDE IN AN ATTACHMENT):

1. Provide a detailed project description.
2. Describe the existing condition of the site, including the elevations, underwater topography, vegetation, structures and uses. Provide one or more photographs of existing site conditions.
3. Identify bathymetric features, tidal hydrology and sediment movement at the project site and describe how the project may influence these factors.
4. Endangered or Threatened Species.
  - a. identify any known threatened or endangered species, or any species that the California Department of Fish and Wildlife or a federal wildlife agency has determined are candidates for listing as threatened or endangered species, or any species that provide substantial public benefits that may be found at the project site.
  - b. Provide any "take" authorizations issued by the state or federal resource agencies.
  - c. Provide any "biological opinion" issued by a state or federal agency as the result of an endangered species consultation.
5. Identify any subtidal areas that are scarce or that have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eel grass beds, sandy deep water or underwater pinnacles) at the site. Add the identified areas to the project site plan (see below).
6. Indicate whether the project would involve the release of pollutants or have the potential for accidental pollutant discharge into the Bay. If so, describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay, including non-point source pollution (storm water runoff). Provide any storm water pollution prevention plans, when available, storm water management plans, or other water pollution or erosion and sediment control plans showing proposed best management practices developed for the project and the project site.
7. Identify any suspected or known sites of toxic contamination on or in proximity to the project site, and provide the following information: (a) the types of pollutants present; (b) the location of the pollutants (show on the site plan); (c) the extent to which the pollutants are accessible to humans, fish, wildlife or vegetation, or are moving offsite; and (d) steps being taken (including government actions) to control or clean up the pollutants.
8. Provide a copy of any water quality certification or waste discharge requirements that are required by the San Francisco Bay Regional Water Quality Control Board, and any approvals that are required by the State Department of Toxic Substances Control.
9. You must provide information to show that your project would be consistent with the Commission's laws and policies. This application addresses the most common policies raised by most projects. The Commission staff will assist you in identifying additional policies, if any, that apply to your project. Once they are identified, please explain how they offer support for your project and how the project would be consistent with them. The Commission's laws and policies may be found in the digital library at [www.bcdc.ca.gov](http://www.bcdc.ca.gov).
10. PROJECT PLANS: Provide the following types of plans: (a) vicinity map sized 8.5"x11"; (b) public access and open space exhibit; (c) project site plan reduced to 8.5"x11"; and (d) full-sized project site plan.

PLAN REQUIREMENTS: The public access and open space exhibit must include property boundaries, proposed structures, and an accurate depiction of areas to be provided as public access, open space and view corridors. At a minimum, the project site plan must include property boundaries, all existing and proposed structures and improvements (with cross sections and elevations if necessary), and any tidal marshes and tidal flats. All plans must

include a graphic scale, a north arrow, the date and name of the person who prepared the plans, and a depiction of the edge of the Commission's jurisdiction over the Bay or certain waterway (mean high water or, in tidal marshlands, the inland edge of marsh vegetation up to five feet above Mean Sea Level), and the edge of the Commission's shoreline band jurisdiction (100 feet wide measured from the edge of the Bay). See also Appendix F for details.

### Box 3 Fill Information

("Fill" means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Gov. Code Section 66632(a))

a. Complete this box if fill would be placed in any of these areas (check all those that apply):

- ☐ San Francisco Bay ☐ Salt pond ☐ Managed wetland  
☐ "Certain waterway" ☐ Primary management area of the Suisun Marsh ☐ Other: \_\_\_\_\_

b. Surface area of tidal and subtidal property to be covered with fill: \_\_\_\_\_ square feet

c. Total volume of solid fill to be placed in tidal and subtidal areas: \_\_\_\_\_ cubic yard

d. Type of Fill. Surface area of proposed:

Solid fill: \_\_\_\_\_ square feet

Floating fill: \_\_\_\_\_ square feet

Pile-supported fill: \_\_\_\_\_ square feet

Cantilevered fill: \_\_\_\_\_ square feet

Total area to be filled: \_\_\_\_\_ square feet

e. Types of Areas to be Filled. Of the total area to be filled, what is the footprint of fill that would be placed in:

Open water: \_\_\_\_\_ square feet

Tidal marsh: \_\_\_\_\_ square feet

Tidal flat: \_\_\_\_\_ square feet

Salt pond: \_\_\_\_\_ square feet

Managed wetlands in the primary management area of the Suisun Marsh: \_\_\_\_\_ square feet

Other managed wetlands: \_\_\_\_\_ square feet

f. Area on new fill to be reserved for:

Private, commercial, or other non-public-access uses: \_\_\_\_\_ square feet

Public access: \_\_\_\_\_ square feet

g. INFORMATION REGARDING FILL (PROVIDE IN AN ATTACHMENT):

1. Provide dimensions of portions of all structures to be built on new fill, including length, width, area, height and number of stories.

2. Provide one or more photographs of existing shoreline conditions.

3. Explain the purpose of fill in the Bay, salt pond, managed wetland, certain waterway, or Suisun Marsh considering that the Commission can approve new fill for only five purposes: (a) accommodating a water-oriented use; (b) minor



fill for improving shoreline appearance; (c) minor fill for providing new public access to the Bay; (d) accommodating a project that is necessary to the health, safety, or welfare of the public in the entire Bay Area; and (e) accommodating a project in the Suisun Marsh that is consistent with either: (1) the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan; or (2) the Suisun Marsh Local Protection Program.

4. Explain:

i. what possible impacts the fill would have on the Bay Area, including impacts on: (1) the volume of Bay waters, on Bay surface area, or on the circulation of Bay water; (2) water quality; (3) the fertility of marshes or fish or wildlife resources; and (4) other physical conditions that exist within the area, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance; and

ii. how the nature, location, and extent of the fill would minimize possible harmful conditions or effects to the Bay.

5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.

6. Explain: (a) why the fill would be the minimum amount necessary; and (b) why there is no alternative upland location for the project that would avoid the need for Bay fill.

7. If the fill is to be used for improving shoreline appearance or providing new public access to the Bay, explain why it is physically impossible or economically infeasible to accomplish these goals without filling the Bay.

8. Explain how the fill would result in a stable and permanent shoreline.

9. Explain the steps that would be taken to assure that the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions, of sea level rise, or of flood or storm waters.

10. Provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information and certify the safety of the project.

11. Describe in detail the anticipated impacts of the fill on the tidal and subtidal environment, and describe how these impacts would be addressed or mitigated, and explain how the public benefits of the project would clearly exceed the public detriment from the loss of water area, tidal marsh or tidal flats.

12. For marina projects, indicate how many berths, if any, are to be made available for live-aboard boats and explain how these live-aboard boats would contribute to public trust purposes.

13. For tidal, subtidal and other wetland restoration projects, including mitigation projects: (a) identify specific long-term and short-term biological and physical goals; (b) identify success criteria; (c) provide a monitoring program intended to assess the success and sustainability of the project; (d) include an adaptive management plan with corrective measures, if needed, to achieve success and sustainability; and (e) identify the provisions for long-term maintenance, as required by the Bay Plan policies on Mitigation, Tidal and Subtidal Areas. The Commission's laws and policies may be found at [www.bcdc.ca.gov](http://www.bcdc.ca.gov) in the digital library.

**Box 4 Shoreline Band Information**

("Shoreline band" means the land area lying between the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. The Bay shoreline is the Mean High Water Line, or five feet above Mean Sea Level in marshlands.)

a. Does the project involve development within the 100-foot shoreline band around San Francisco Bay?

☐ Yes ☐ No

If "Yes", complete this box.

b. Types of activities to be undertaken or fill, materials or structures to be placed within the shoreline band:

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c. Would the project be located within a priority use area designated in the San Francisco Bay Plan?

☐ Yes ☐ No

The Bay Plan and Maps that depict priority use areas can be viewed in the digital library at [www.bcdc.ca.gov](http://www.bcdc.ca.gov).

If "No," go to section (d). If "Yes," please indicate which priority use the area is reserved for: \_\_\_\_\_

Would the project use be consistent with the priority use for which the site is reserved?

☐ Yes ☐ No

If "Yes," go to section (d). If "No," attach an explanation of how the project can be approved despite this inconsistency

d. Total shoreline band area:

Within project site: \_\_\_\_\_ square feet

To be reserved for private, non-public access uses: \_\_\_\_\_ square feet

To be reserved for public access: \_\_\_\_\_ square feet

e. INFORMATION ABOUT WORK PROPOSED IN THE SHORELINE BAND (PROVIDE IN AN ATTACHMENT):

1. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.

2. Provide one or more photographs of existing conditions within the 100-foot shoreline band.

**Box 5 Public Access Information**

**(must be completed by all applicants)**

a. PUBLIC ACCESS DETAILS:

1. Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

☐ Yes ☐ No

If "Yes", attach a description of the existing public access and views at these areas.

If “No,” explain what is preventing public access to, or views of, the shoreline.

2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.

3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.

4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.

5. Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site?

☐ Yes ☐ No

If “Yes,” describe the public safety considerations or significant use conflicts that make it infeasible to provide public access at the project site and either: (1) identify an offsite area where public access to the shoreline is proposed as part of the project and describe the proposed public access area and improvements at that location; or (2) explain why no offsite public access is proposed as part of the project

6. Dimensions of the public access areas:

☐ None Proposed

	Existing	Proposed
Total public access area including areas outside BCDC's jurisdiction:	_____ square feet	_____ square feet
Public access within Commission's shoreline band jurisdiction:	_____ square feet	_____ square feet
	_____ linear feet	_____ linear feet
	_____ average width	_____ average width
Public access pathways, sidewalks in the shoreline band:	_____ square feet	_____ square feet
	_____ linear feet	_____ linear feet
	_____ average width	_____ average width
Public access area, landscaping in the shoreline band:	_____ square feet	_____ square feet
Public access on fill within Commission's Bay, certain waterways, and managed wetlands	_____ square feet	_____ square feet
jurisdiction:	_____ linear feet	_____ linear feet
	_____ average width	_____ average width
Public access on piers or decks over water/wetlands:	_____ square feet	_____ square feet

	_____ linear feet	_____ linear feet
	_____ average width	_____ average width
View corridor(s):	_____ square feet	_____ square feet
	_____ linear feet	_____ linear feet
	_____ average width	_____ average width
Public access parking:	_____ stalls	_____ stalls

b. ADDITIONAL PUBLIC ACCESS INFORMATION (PROVIDE IN AN ATTACHMENT):

1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements.
2. Describe how the public access area and facilities would be accessible to disabled persons.
3. Describe the proposed connections to existing public streets or offsite public pathways.
4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.
5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.

**Box 6 Dredging and Mining Information**

a. Complete this box if the project involves mining, dredging or the disposal of dredged material in any of the following areas.

☐ San Francisco Bay ☐ Salt pond ☐ Managed wetland ☐ "Certain waterway"

☐ Primary management area of the Suisun Marsh ☐ Other: \_\_\_\_\_

b. Are you submitting a separate application to the Dredged Material Management Office (DMMO)?

☐ Yes ☐ No

If "Yes," attach a copy of that application; it is not necessary to complete this Box. If "No," complete this box.

c. Type of activity: ☐ Maintenance Dredging ☐ New Dredging ☐ Mining

d. Method of dredging or mining: \_\_\_\_\_

\_\_\_\_\_

e. Total volume and area of material to be dredged or mined from:

Open waters: \_\_\_\_\_ cubic yards \_\_\_\_\_ square feet

Tidal marshes: \_\_\_\_\_ cubic yards \_\_\_\_\_ square feet

Tidal flats: \_\_\_\_\_ cubic yards \_\_\_\_\_ square feet

Salt ponds: \_\_\_\_\_ cubic yards \_\_\_\_\_ square feet

Managed wetlands in the primary management area of the Suisun Marsh: \_\_\_\_\_ cubic yards \_\_\_\_\_ square feet

Other managed wetlands: \_\_\_\_\_ cubic yards \_\_\_\_\_ square feet

Subtidal areas that are scarce or have an abundance and diversity of fish, other aquatic organisms and wildlife, such as eelgrass beds and sandy deep water. \_\_\_\_\_ cubic yards \_\_\_\_\_ square feet

Other (specify): \_\_\_\_\_ cubic yards \_\_\_\_\_ square feet

f. Are knockdowns proposed as part of the dredging project?

☐ Yes ☐ No

Number of knockdowns: \_\_\_\_\_

Volume per knockdown event: \_\_\_\_\_ cubic yards

g. Location(s) where dredged or mined material will be deposited:

h. Total volume of dredged material to be disposed of: \_\_\_\_\_ cubic yards

Beneficially re-used: \_\_\_\_\_ cubic yards

i. Estimated future maintenance dredging required annually: \_\_\_\_\_ cubic yards

j. For dredging projects:

Proposed design depths (MLLW): (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

Proposed over-depth dredging (+ feet): (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

Number of dredging episodes: \_\_\_\_\_

k. Does this project have an annual average dredging average of 50,000 cubic yards or less? ☐ Yes ☐ No

g. ADDITIONAL INFORMATION (PROVIDE IN AN ATTACHMENT):

1. If the dredged material is to be disposed of in the Bay, explain why the material cannot feasibly be beneficially re-used or disposed of in the ocean, upland, or inland outside of the Commission's jurisdiction.
2. Provide the results of testing for biological, chemical or physical properties of the material to be dredged.
3. Provide a copy of a water quality certification or waste discharge requirements for the dredging or disposal of dredged material from the San Francisco Bay Regional Water Quality Control Board.
4. Identify local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic vegetation; and (e) the Bay's bathymetry.
5. For projects in subtidal areas that have an abundance and diversity of fish, other aquatic organisms and wildlife, or are scarce such as eelgrass beds and sandy deep water, identify feasible alternatives and public benefits associated with the project.

**Box 7 Information on Government Approvals****(must be completed by all applicants)**

	<i>Required YES NO</i>	<i>Type Approval</i>	<i>Date Approval Expected/Received</i>	<i>Agency Contact and Phone Number</i>
Local Government				
Discretionary Approval(s):	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
State Lands Commission:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
Regional Water Quality Control Board:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
			Regional Board Number:	
California Dept. of Toxic Substances Control:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
California Department of Fish and Wildlife Streambed Alteration Permit:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
DF&W Take Authorization:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
Other DF&W Permit:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
U.S. Army Corps Of Engineers:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
			Public Notice Number:	
U.S. Fish and Wildlife Service:				
Take Authorization	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
Biological Opinion:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	

NOAA Fisheries Service:				
Take Authorization	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
Biological Opinion	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
U.S. Coast Guard:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
Federal Funding:	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	
Other Approval (Specify):		_____	_____	

**Box 8 Environmental Impact Documentation****(must be completed by all applicants)**

a. Is the project statutorily or categorically exempt from the need to prepare any environmental documentation?

☐ Yes ☐ No

If "Yes," please attach a statement that identifies and supports this statutory or categorical exemption.

b. Has a government agency other than BCDC, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project?

☐ Yes ☐ No

If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow the Commission to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the permit.

**Box 9 Public Notice Information****(must be completed by all applicants)**

a. Owners and residents of all properties located within 100 feet of the project site (if more than four, provide the information electronically):

North:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

South:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

East:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

West:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

b. Other persons known to be interested in this project: (if more than two, provide the information electronically). ☐ None

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_



**Checklist of Application Requirements**  
(For Applicant's Use)

	<b>Major Permit</b>	<b>Administrative Permit</b>	<b>Regionwide Permit</b>
<input type="checkbox"/> Application Form	One fully completed and signed original and seven copies	One fully completed and signed original	<del>One fully completed and signed original</del>
<input type="checkbox"/> Large Scale Project Site Plan	One copy	One copy	<del>One copy</del>
<input type="checkbox"/> 8.5"x11" Project Site Plan	Seven copies	One copy	<del>One copy</del>
<input type="checkbox"/> *8.5"x11" Public Access and Open Space Plan	Seven copies	One copy	None
<input type="checkbox"/> 8.5"x11" Vicinity Map	Seven copies	One copy	<del>One copy</del>
<input type="checkbox"/> Proof of Legal Property Interest	One copy	One copy	<del>One copy</del>
<input type="checkbox"/> Local Government Discretionary Approval	One copy	One copy	None
<input type="checkbox"/> Environmental Documentation	One copy of environmental determination and EIR or EIS Summary	One copy of environmental determination	None
<input type="checkbox"/> Water Quality Certification/Waiver	One copy, if applicable	One copy, if applicable	<del>One copy, if applicable</del>
<input type="checkbox"/> Dept. of Toxic Substances Control Approval	One copy, if applicable	One copy, if applicable	<del>One copy, if applicable</del>
<input type="checkbox"/> Biological Opinion/Take Authorization from state and federal agencies	One copy, if applicable	One copy, if applicable	
<input type="checkbox"/> Application Processing Fee	As specified in Commission regulations, Appendix M	As specified in Commission regulations, Appendix M	<del>As specified in Commission regulations, Appendix M</del>
<input type="checkbox"/> *Notice of Pending Application	Posted at project site	Posted at project site	<del>Posted at project site</del>
<input type="checkbox"/> *Certification of Posting the Notice of Application	One signed original returned to BCDC	One signed original returned to BCDC	<del>One signed original returned to BCDC</del>

\* BCDC staff will provide the forms for posting the Notice of Application and the Certification.

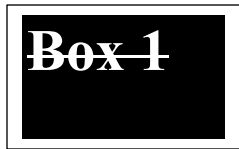
The provisions of this form are self-explanatory and no other instructions are applicable.

NOTE: Authority cited: Sections 66632, Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 65940-65942, 66605, 66632(b), 66632(f) and 84308, Government Code; Sections 2770, 2774, 21080.5, 21082, 21160 and 29520, Public Resources Code; and the San Francisco Bay Plan.

**Appendix N**

Application Checklist	
<div> <div></div> <div>Abbreviated</div> <div>Regionwide</div> <div>Permit</div> </div>	
<input type="checkbox"/> Abbreviated — Application Form:	One fully completed and signed original
<input type="checkbox"/> Large Scale — Project Site Plan	One Copy
<input type="checkbox"/> 8 ½" x 11" — Project Site Plan	One Copy
<input type="checkbox"/> 8 ½" x 11" — Vicinity Map	One Copy
<input type="checkbox"/> Proof of — Legal Interest	One Copy
<input type="checkbox"/> Permit — Processing Fee	As Specified in Appendix M
<p>*Additional drawings are needed for projects that are evaluated by the Commission's Design Review Board or Engineering Criteria Review Board.</p>	

## Application Information

**Applicant Information**

a. ~~PROPERTY OWNER:~~ ☐ Individual ☐ Private Entity ☐ Government ☐ Non-profit

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephones: \_\_\_\_\_

b. ~~OWNER'S REPRESENTATIVE:~~ ☐ None

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephones: \_\_\_\_\_

Affiliation to Applicant: \_\_\_\_\_

*I hereby authorize \_\_\_\_\_*

*to act as my representative and bind me in all matters concerning this application.*

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Owner

c. ~~APPLICANT:~~ ☐ Individual ☐ Private Entity ☐ Government ☐ Non-profit

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephones: \_\_\_\_\_

d. APPLICANT'S REPRESENTATIVE: ☐ None

\_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephones: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Affiliation to Applicant: \_\_\_\_\_

*I hereby authorize \_\_\_\_\_  
to act as my representative and bind me in all matters concerning this application.*

\_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Applicant

e. Co-APPLICANT: ☐ None ☐ Individual ☐ Private Entity ☐ Government ☐ Non-profit

\_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephones: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

f. CO-APPLICANT'S REPRESENTATIVE: ☐ None

\_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

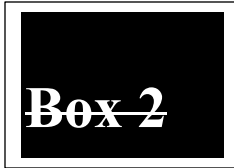
Telephones: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Affiliation to Applicant: \_\_\_\_\_

*I hereby authorize \_\_\_\_\_  
to act as my representative and bind me in all matters concerning this application.*

\_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Applicant



# ~~Certification of~~ ~~Accuracy of Information~~

~~I hereby certify under penalty of perjury that to the best of my knowledge the information in both Part I and Part II of this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission.~~

\_\_\_\_\_  
Signature of Owner or \_\_\_\_\_ Date  
Owner's Representative

\_\_\_\_\_  
Signature of Applicant or \_\_\_\_\_ Date  
Applicant's Representative

\_\_\_\_\_  
Signature of Co-Applcant or \_\_\_\_\_ Date  
Co-Applcant's Representative

**Box 3**

## Project Information

a. Project Name: \_\_\_\_\_

b. Project Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Date work is expected to begin: \_\_\_\_\_

Date work is expected to be completed: \_\_\_\_\_

d. Does the project involve the placement of fill of any type in San Francisco Bay or within a salt pond, a managed wetland, or a certain waterway?

☐ YES ☐ NO

If "Yes", completed Box 5.

e. Does the project involve development within the shoreline band around San Francisco Bay?

☐ YES ☐ NO

If "Yes", complete Box 6.

f. Total Project Cost: \$ \_\_\_\_\_

**Box 4**

## Site Information

a. Street Address: \_\_\_\_\_

b. City, County, State, Zip: \_\_\_\_\_

c. Assessor's Parcel: \_\_\_\_\_

Numbers: \_\_\_\_\_

☐ Noned. ID number(s) of previous BCDC permit(s) issued for work on this site: \_\_\_\_\_  
\_\_\_\_\_☐ None

e. Provide a brief description of the existing condition of the site, including the present elevations, current vegetation, existing structure and use of the site.

**Box 5**

## Bay Fill Information

(“Fill” means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods, such as houseboats and floating docks. Cal. Gov. Code Section 66632(a))

a. What is the basic purpose of the new fill in the Bay?

\_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

b. Total volume of water, marsh, or salt pond to be filled: \_\_\_\_\_ cubic yards

c. Area to be covered with solid fill: \_\_\_\_\_ square feet

d. Area to be covered with floating fill: \_\_\_\_\_ square feet

e. Area to be covered with pile-supported fill: \_\_\_\_\_ square feet

f. Area to be covered with cantilevered fill: \_\_\_\_\_ square feet

g. Area to be covered with any other type of fill:

(Specify type of fill):

\_\_\_\_\_ square feet

\_\_\_\_\_

h. Total area to be filled: \_\_\_\_\_ square feet

**Box 6****Shoreline Band Information**

(“Shoreline band” means “...all territory location between the shoreline of San Francisco Bay...and a line 100 feet landward of and parallel with that line.” Cal. Gov. Code Section 66610(b))

a. Types of activities to be undertaken or materials to be placed along the shoreline:

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b. Will the project be located within a water-oriented priority use area that is designated in the San Francisco Bay Plan?

☐ YES ☐ NO

If “No,” go to section (c).

If “Yes,” indicated which priority use the area is reserved for:

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Will the project use be consistent with the priority use for which the site is reserved?

☐ YES ☐ NO

If “Yes,” go to section (c).

If “No,” attach an explanation of how the project can be approved despite this inconsistency.

c. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories:

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Note: Authority cited: Section 66632, Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 65940-65942, 66632(b) and (f) and 84308, Government Code; Sections 21080.5, 21082 and 29520, Public Resources Code; and San Francisco Bay Plan.