

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

June 4, 2026

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415-352-3653; larry.goldzband@bcdc.ca.gov)
Tessa Filipczyk, Climate Adaptation & Nature-based Solutions Specialist (415-352-3604; tessa.filipczyk@bcdc.ca.gov)

SUBJECT: **Staff Report and Recommendation to Revise Regionwide Permits and Application Form to Conform with Updated Commission Permitting Regulations**
(For Commission consideration June 4, 2026)

Staff Recommendation

Staff recommends that the Commission vote to revise and readopt 9 regionwide permits as well as the Regionwide Permit Application Form. The changes are necessitated because of changes to the regionwide permitting program resulting from recent amendments to BCDC's regulations. The revised regulations go into effect on July 1, 2026, and so would the revised materials included here if approved by the Commission.

Background

Regionwide permits are a type of BCDC permit that authorize routine activities that do not have a significant impact on areas within the Commission's jurisdiction—such as routine construction, reconstruction, replacement, and maintenance projects—through a streamlined process. Regionwide permits allow eligible projects to receive authorization in significantly less time and at lower cost than as compared to the major and administrative permitting process. Regionwide permits have only been issued for projects that would not have a significant impact on the environment and that would not adversely impact public access to the Bay.

BCDC is undertaking a comprehensive effort to modernize and ultimately expand the scope of its regionwide permit program. The first step in this project was to amend BCDC's permitting regulations. On March 5, 2026, the Commission voted to adopt amendments to its permitting regulations, which are codified at Title 14 of the California Code of Regulations, Division 5. These amendments comprehensively revised the rules that govern the regionwide permit program. The amendments also eliminated the need for permit applicants to obtain permits for 20 categories of "de minimis" activities within the shoreline band, some of which had previously been authorized through BCDC regionwide permits.

With the revised regulations to go into effect on July 1, 2026, there are certain changes that the Commission should make to its existing regionwide permits so that they conform with these updated regulations. None of these changes make any substantive modifications to the existing regionwide permits, except to delete categories of work that no longer require coverage under the revised permitting rules. The Commission should also adopt a new application form that contains informational requests outlined in the revised regulations.



Summary of Proposed Changes

To conform to the amended permitting regulations, staff propose the following changes to the regionwide permit suite:

1. **Permits revoked or narrowed in scope to reflect changed permitting requirements**

The Commission's amended regulations identify certain de minimis activities in the shoreline band that no longer require a permit, provided the activities do not adversely impact existing public access or block views of the Bay from the nearest public road or other publicly accessible location. As a result, several regionwide permits that previously authorized these activities should be revoked or narrowed in scope in order to align the regionwide permits with the updated regulations when they take effect on July 1, 2026.

- **Revoke Abbreviated Regionwide Permit 2.** This permit currently authorizes routine repair and maintenance of approximately 50% or less of an existing structure, or the removal of one- and two-family residences and ancillary residential structures within the shoreline band. The updated regulations no longer require a permit for projects involving one- and two-family residences seeking routine repairs and maintenance, and renovation and remodeling that does not increase the building footprint. The removal of structures in the shoreline band also does not require a permit under the amended regulations. Because the activities authorized by this permit are either no longer subject to permitting requirements or are covered by another regionwide permit, staff propose to revoke this permit.
- **Narrow scope of Regionwide Permit 4 (to be readopted as Regionwide Permit 6).** This permit currently authorizes construction of new ancillary facilities such as retaining walls less than three feet high, stairs, patios, driveways, and decks; remodeling, reconstruction, and replacement of existing residences; and small additions to existing one- and two-family residences within the shoreline band. Under the amended regulations, ancillary facilities and remodeling, reconstruction, and replacement of single-family and two-family residences that do not increase the building footprint no longer require a permit. However, small additions that increase the building footprint, floor area, or height of a structure by up to 25% still need a permit under the amended regulations. Staff propose to narrow this permit to authorize only small additions to existing one- and two-family residences within the shoreline band that do not increase the building footprint, floor area, or height of the structure by more than 25% or involve any substantial change in use (*i.e.*, not a substantial enlargement to or change in use of the structures, per Regionwide Permit 4 currently); do not involve any new fill in the Bay; and are on parcels that either do not have a topography suitable for shoreline access or would not adversely affect adjacent existing or possible future public access areas. (The latter qualifications are already incorporated into existing Regionwide Permit 4. The proposed narrowing of the scope of Regionwide Permit 4 is non-substantive because it excludes the ancillary facilities, remodeling, reconstruction, and replacement of single-family and two-family residences that do not increase the building

footprint which no longer requires a permit under the updated regulations, and simply clarifies that the qualification that small additions that increase the building footprint, floor area, or height of a structure such that it is not a substantial enlargement to or change in use of the structure within the scope of existing Regionwide Permit 4 is capped at 25%, which limitation itself derives from the updated regulations defining “minor repair or improvement” as codified at 14 CCR section 10601(b)(5).)

- Revoke Regionwide Permit 5.** This permit currently authorizes routine repair and maintenance of existing multi-unit residential and non-residential structures, associated facilities, and paved surfaces such as parking lots, driveways, and paths within the shoreline band, where the work does not involve any substantial change in use or any substantial increase in size or height. Because under the updated regulations, routine repairs and maintenance, and renovation, remodeling, or alteration of existing commercial, office, industrial, recreational, and multi-family residential structures that do not increase the building footprint no longer require a permit in the shoreline band, staff proposes to revoke this permit.

2. Combining the abbreviated regionwide and regionwide permit programs

The amended regulations repealed the abbreviated regionwide permit program and consolidated it into a single updated regionwide permit program. Previously, the two programs authorized similar categories of activities under an identical standard but had different application requirements and processing timeframes, which created unnecessary confusion.

To reflect this change, staff propose to remove the word "abbreviated" from the formerly abbreviated regionwide permits, readopt them as regionwide permits, and renumber the full suite sequentially. With Abbreviated Regionwide Permit 2 and Regionwide Permit 5 revoked (see Section 1), nine permits remain. The renumbering is as follows:

Current permit	Proposed action
Abbreviated Regionwide Permit 1	Readopt as Regionwide Permit 1
Abbreviated Regionwide Permit 3	Readopt as Regionwide Permit 2
Regionwide Permit 1	Readopt as Regionwide Permit 3
Regionwide Permit 2	Readopt as Regionwide Permit 4
Regionwide Permit 3	Readopt as Regionwide Permit 5



Regionwide Permit 4	Readopt as Regionwide Permit 6 (scope narrowed; see Section 1)
Regionwide Permit 6	Readopt as Regionwide Permit 7
Regionwide Permit 7	Readopt as Regionwide Permit 8
Regionwide Permit 8	Readopt as Regionwide Permit 9

3. Adding new environmental impact finding and other non-substantive changes

The updated regulations require that each new or amended regionwide permit includes a factual finding that the authorized activities will not have a significant impact on areas within the Commission's jurisdiction. (14 CCR section 11710(c)(2).) Staff propose to add the following sentence to the findings section of each readopted permit: "The activities authorized by this regionwide permit will not have a significant impact on areas within the Commission's jurisdiction." The authorizations for the existing permits are already premised upon this conclusion, but lack the specific finding regarding no "significant impact" required in the regulations.

Staff also propose the following minor conforming changes throughout all readopted permits:

- Replace "Notice of Intent to proceed under a regionwide permit" or "Notice of Intent to proceed under an abbreviated regionwide permit" with "application," consistent with the updated regulations' revised application procedures.
- Replace "California Regional Water Quality Control Board, San Francisco Bay Region" with "San Francisco Bay Regional Water Quality Control Board" to reflect the agency's current name.
- Replace "California Department of Fish and Game" with "California Department of Fish and Wildlife" to reflect the agency's current name.
- Revise references within the permit's findings to the Commission's administrative regulations to reflect renumbering as a result of recent amendments.

4. Adopting new Regionwide Permit Application Form

Previously, abbreviated regionwide permits had a separate application form, and regionwide permits shared the same application form used for major and administrative permits. The updated regulations establish a distinct set of application requirements specific to the regionwide permit program, which need to be incorporated into a form and approved by the Commission. Staff propose that the Commission adopt the new Regionwide Permit Application Form, which incorporates the specific questions and information requirements specified in the updated regulations.

Exhibits

Approving the staff recommendation will have the effect of replacing the existing abbreviated regionwide permits and regionwide permits with the following attached suite of permits, effective July 1, 2026.

- **Regionwide Permit 1:** Minor repairs and maintenance (i.e., less than approximately 50% of an existing structure) to utilities, boat docks, pilings, and the removal of structures in the Bay, certain waterways, managed wetlands, and shoreline band
- **Regionwide Permit 2:** Temporary installations in the Bay, certain waterway, managed wetland and shoreline band
- **Regionwide Permit 3:** Reconstruction, replacement, and maintenance of bulkheads and seawalls in the Bay, certain waterways, managed wetlands, and shoreline band
- **Regionwide Permit 4:** Reconstruction, replacement, incidental additions, and maintenance of service lines, utilities, utility cables, pipelines, and outfalls in the Bay, certain waterways, managed wetlands, and shoreline band; and installation of new pipelines where the majority of work would occur below the ground surface and Bay bottom
- **Regionwide Permit 5:** Construction, reconstruction, replacement, and maintenance of: (1) new docks, piers, boat hoists, associated pilings and mooring buoys of less than 1,000 square feet; (2) wildlife habitat improvement structures; and (3) other pile-supported, water-oriented uses in the Bay, certain waterways, managed wetlands and shoreline band
- **Regionwide Permit 6:** Small additions to single-family and two-family residences within the shoreline band
- **Regionwide Permit 7:** Seismic retrofit and repairs of state bridges
- **Regionwide Permit 8:** Repair and maintenance of pile-supported residential structures in the Bay or certain waterway
- **Regionwide Permit 9:** Routine maintenance dredging of existing navigation channels and berthing areas of no more than 100,000 cubic yards with disposal at approved disposal sites

Approving the staff recommendation will also result in adopting the attached **Regionwide Permit Application Form**.

San Francisco Bay Conservation and Development Commission

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**REGIONWIDE PERMIT NO. RWP-1
(As Amended Through June 4, 2026)
(Minor repairs and maintenance (i.e., less than
approximately 50% of an existing structure) to
utilities, boat docks, pilings, and the removal of
structures in the Bay, certain waterways,
managed wetlands, and shoreline band)**

NO. NOIXXXX.XXX.XX

May 27, 2025

Permittee
Addressee Number One
Street Address, Suite
City, State, Zip Code

On April 18, 1996, the San Francisco Bay Conservation and Development Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this Regionwide Permit. On February 5, 2009, the Commission by a vote of 23 affirmative, 0 negative, and 0 abstentions, approved Amendment No. One to the permit. And on June __, 2026, the Commission unanimously approved Amendment No. Two to the permit via its consent calendar upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Abbreviated Regionwide Permit ARWP-1 to Regionwide Permit RWP-1.

I. Authorization

- A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location:

Description:

- B. This authority is limited to activities undertaken at a site where activities are not already authorized by another BCDC permit and to projects that would not adversely impact: (1) the Bay; (2) Bay resources such as those that are scarce or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public access to and along the



Bay from public access areas, public roads and pathways. This authority is generally pursuant to and limited by your application dated [REDACTED], including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.

- C. Work authorized herein must commence within two years of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization of your work will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or within three years of the date of transmittal of this Regionwide Permit to you, whichever is earlier, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. Limit of Work

Authorized work shall be built in general conformance with the plans entitled [REDACTED], prepared by [REDACTED] and dated [REDACTED], submitted as part of the application.

B. Construction Operations and Debris Removal

All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee(s), its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the Commission's jurisdiction.

C. Habitat Protection

The work authorized by this Regionwide Permit shall be performed so as to prevent any significant adverse impact on any tidal marsh, tidal flat, eelgrass habitat or other sensitive Bay resources. If any unforeseen adverse impacts occur to any such area as a result of the activities authorized herein, the permittee(s) shall restore the area to or improve the area above its previous condition, which may include returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate vegetation.

D. Creosote Treated Wood

No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action in the Bay or any certain waterway, or in any

managed wetland within the Commission's jurisdiction as part of the project authorized herein.

E. Maintenance and Replacement of Authorized Facilities

Any in-kind repairs and maintenance of an authorized shoreline protective work shall only use construction material that is approved by the Commission in consultation with the San Francisco Bay Regional Water Quality Control Board and the California Department of Fish and Wildlife for use in San Francisco Bay. Construction shall only occur during those months of the year, as approved by the Commission in consultation with resource agencies such as U.S. Fish and Wildlife Service, Department of Fish and Wildlife and National Marine Fisheries Service, that avoid or minimize potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions.

F. Impacts to Fish from Pile Driving

The permittee shall assure that sound pressure levels generated from pile driving do not exceed injury threshold levels for fish established by the National Marine Fisheries Service. Two criteria have been established to determine the onset of physical injury to fish: peak sound pressure level of 206 decibels (dB) or more, and accumulated sound exposure level (SEL). The criterion for accumulated SEL is based upon the mass of the fish under consideration. The onset of physical injury is expected if fish smaller than 2 grams are present and 183 dB SEL is exceeded. If larger fish are present, physical injury is expected if 187 dB SEL is exceeded. Projects where sound pressure levels may exceed either or both of these criteria do not qualify for a regionwide permit.

G. Diked Wetlands Protection

No work authorized herein on culverts, outfalls, tide gates, or similar facilities shall significantly alter water management, circulation or drainage patterns or otherwise adversely affect any salt pond or other sensitive diked wetland resources.

H. Water Quality

Prior to undertaking any work authorized herein on any outfall pipe or similar facility, the permittee(s) shall receive all necessary approvals from the San Francisco Bay Regional Water Quality Control Board for any discharge or emission from such structure.

I. Abandonment

If, at any time, the Commission determines that the improvements authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittee(s), its assigns or successors in interest, or by the owner of the improvements within 60 days or such other reasonable time as the Commission may direct.

J. Notice to Contractor



The permittee(s) shall provide a copy of this Regionwide Permit to any contractor or person working in concert with the permittee(s) to carry out the activities authorized herein and shall point out the special conditions contained herein.

III. Findings

The Commission hereby finds, declares, and certifies that:

A. Consistency with Commission Regulations

The projects authorized by this Regionwide Permit involve repairs and maintenance to less than approximately 50% of an existing structure anywhere within the Commission's jurisdiction. Such work includes: (1) repairs to existing protective works such as timber or steel bulkheads or seawalls in the minimum amount necessary to stabilize existing dikes and banks, as defined in Regulation Sections 10601(a)(2), 10601(a)(6) and 10601(b)(1); (2) routine in-kind repairs and maintenance to outfall pipes approved by the San Francisco Bay Regional Water Quality Control Board, utility cables on or under the bottom of the Bay that do not involve any substantial enlargement or extension into the Bay, and similar facilities, as defined in Regulation Sections 10601(a)(5), 10601(a)(6), 10601(b)(1) and 10601(b)(5); (3) routine repair, reconstruction, replacement, and maintenance of pilings, boat docks in pilings, boat slips on pilings, and similar structures, and repairs to facilities needed to provide improved wildlife habitat, as defined in Regulation Sections 10601(a)(6), 10601(b)(5) and 10601(c)(2); and (4) removal of deteriorated structures and facilities, as defined in Regulation Sections 10601(a)(6), 10601(b)(1), 10601(b)(5) and 10601(c)(2), or activities similar to those described above, as defined in Regulation Section 10601(e)(3), and thus are equivalent to a "minor repair and improvement" and qualify for authorization under a Regionwide Permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission's regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission's jurisdiction.

B. Consistency with McAteer-Petris Act and San Francisco Bay Plan

The project authorized by this permit is consistent with the McAteer-Petris Act and with the *San Francisco Bay Plan* in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special conditions have been included to assure that project construction, materials and the improvements themselves will not adversely affect the Bay's natural resources, water quality or navigation and that any deteriorated improvements will be removed if they adversely impact the Bay's natural resources, water quality, or pose a navigation hazard, as required by the *San Francisco Bay Plan* policies on fish, other aquatic organisms, and wildlife, tidal marshes and tidal flats, water quality, and navigational safety.

C. Consistency with Coastal Zone Management Act



The activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Consistency with California Environmental Quality Act

California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of "categorical exemptions" is located at 14 Cal. Admin. Code Sections 15300 through 15329. Section 15301 (Class 1) exempts the operation, repair, maintenance or minor alteration of existing public or private structures or facilities that involve negligible or no expansion of previous use. Section 15302 (Class 2) exempts the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the replaced structure. The Commission's own regulations provide that the Commission need not prepare an environmental assessment before it issues a permit for a project that falls within the list of categorically exempt activities (14 Cal. Admin. Code Section 11501). This Regionwide Permit is therefore categorically exempt because it authorizes routine repair and maintenance of existing structures that do not involve any substantial enlargement or any substantial extension into the Bay.

In addition, the California Environmental Quality Act (CEQA) generally requires that before an agency can issue a permit for a project that is neither statutorily exempt nor categorically exempt, it must either certify a "negative declaration" that the project will have no substantial adverse impact on the environment or it must prepare an environmental impact report (EIR). Pursuant to CEQA Section 21080.5, the Secretary for Resources has certified the Commission's permit regulations as functionally equivalent to the CEQA review process. Commission Regulation Section 11511 requires the Executive Director to determine either that a project will have no substantial adverse environmental impact or to prepare an "environmental assessment," which functions as a Commission equivalent to an EIR. This Regionwide Permit also authorizes the removal of structures or improvements from the Commission's jurisdiction. However, this Regionwide Permit requires that the removal will not adversely affect present or future public access to the Bay, will not affect a structure or improvement of historical, archeological, or architectural significance, will be performed to minimize turbidity and the roiling of waters and to prevent the drifting of construction materials, will not adversely affect any tidal marsh, managed wetland, or other sensitive wetland resource, and will not result in any disposal within any wetland. Therefore, the Commission finds that the removal authorized by this Regionwide Permit will have no substantial adverse impact on the environment.

The second amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be expected to have an impact, individually or cumulatively, on the environment. The second amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC's updated regulations pertaining to regionwide permits, effective July 1, 2026.

E. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. Permit Execution

This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Permit Assignment

The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/ transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. Permit Runs With the Land



Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. Other Government Approvals

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. Built Project must be Consistent with Application

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

F. Life of Authorization

Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. Commission Jurisdiction

Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

H. Changes to the Commission's Jurisdiction as a Result of Natural Processes

This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.

I. Violation of Permit May Lead to Permit Revocation



Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. Should Permit Conditions Be Found to be Illegal or Unenforceable

Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. Permission to Conduct Site Visit

The permittee(s) shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

LJG/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch



San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of [REDACTED] Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee

On _____

By: _____

Print Name

Title



San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

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REGIONWIDE PERMIT NO. RWP-2
(As Amended Through June 4, 2026)
(Temporary Installations in the Bay, certain
waterway, managed wetland and Shoreline Band)
NO. NOIXXXX.XXX.XX

[Date]

Permittee
Addressee Number One
Street Address, Suite
City, STATE Zip Code

On April 18, 1996, the San Francisco Bay Conservation and Development Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this Abbreviated Regionwide Permit. On February 5, 2009, the Commission by a vote of 23 affirmative, 0 negative, and 0 abstentions, approved Amendment No. One to the permit. And on June __, 2026, the Commission unanimously approved Amendment No. Two to the permit via its consent calendar upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Abbreviated Regionwide Permit ARWP-3 to Regionwide Permit RWP-2.

Authorization

- A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location:

Description:

- B. This authority is limited to activities undertaken at a site where activities are not already authorized by another BCDC permit and to projects that would not adversely impact: (1) the Bay; (2) Bay resources such as those that are scarce or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public access to and along the Bay from public access areas, public roads and pathways. This authority is generally pursuant to and limited by your application dated _____, including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.



- C. Work authorized herein must commence within two years of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization of your work will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or within three years of the date of transmittal of this Regionwide Permit to you, whichever is earlier, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. Limit of Work

Authorized work shall be built in general conformance with the plans entitled _____, prepared by _____ and dated _____, submitted as part of the application.

B. Construction Operations and Debris Removal

All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee(s), its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the Commission's jurisdiction.

C. Habitat Protection

The work authorized by this Regionwide Permit shall be performed so as to prevent any significant adverse impact on any tidal marsh, tidal flat, eelgrass habitat or other sensitive Bay resources. If any unforeseen adverse impacts occur to any such area as a result of the activities authorized herein, the permittee(s) shall restore the area to or improve the area above its previous condition, which may include returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate vegetation.

D. Creosote Treated Wood

No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action in the Bay or any certain waterway, or in any managed wetland within the Commission's jurisdiction as part of the project authorized herein.

E. Removal

All temporary facilities, structures, and uses authorized herein shall be completely removed within 180 days of the commencement of work. All areas and natural resources affected by the installation and use of the temporary facilities and structures authorized herein shall be restored to their pre-existing conditions immediately upon removal of the temporary facilities and structures.

F. Diked Wetlands Protection

No work authorized herein on or that could affect culverts, outfalls, tide gates, or similar facilities shall significantly alter water management, circulation or drainage patterns or otherwise adversely affect any salt pond or other sensitive diked wetland resources.

G. Notice to Contractor

The permittee(s) shall provide a copy of this Regionwide Permit to any contractor or person working in concert with the permittee(s) to carry out the activities authorized herein and shall point out the special conditions contained herein.

III. Findings and Declarations

The Commission hereby finds, declares, and certifies that:

A. Consistency with Commission Regulations

The projects authorized by this Regionwide Permit involve placement, installation or construction, and use, of new temporary facilities or improvements in the Bay, in certain waterways, in managed wetlands, and within the shoreline band that comply with all of the following: (1) do not involve any substantial enlargement to or change in use of any structure; (2) do not involve any new permanent fill in the Bay, certain waterway, managed wetland, or shoreline band; (3) are no larger than a total of 1,000 square feet; (4) are in place for no longer than 180 days; (5) do not adversely affect existing and future maximum feasible public access to the Bay and shoreline; and (6) have no adverse impact on Bay-related resources. Such projects have been authorized by the Commission as qualifying for a Regionwide Permit because they involve the installation of temporary facilities that do not raise public access issues and that have no adverse impact on Bay related resources, as defined in Regulation Section 10601(e)(1) and (2), and thus are a “minor repair and improvement” and qualify for authorization under a Regionwide Permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission’s regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission’s jurisdiction.

B. Consistency with McAteer-Petris Act and San Francisco Bay Plan

The project authorized by this permit is consistent with the McAteer-Petris Act and with the *San Francisco Bay Plan* in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special conditions have been included to assure that project construction, materials and the improvements themselves will not adversely affect the



Bay's natural resources, water quality or navigation and that any deteriorated improvements will be removed if they adversely impact the Bay's natural resources, water quality, or pose a navigation hazard, as required by the *San Francisco Bay Plan* policies on fish, other aquatic organisms, and wildlife, tidal marshes and tidal flats, water quality, and navigational safety.

C. Consistency with Coastal Zone Management Act

The activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Consistency with California Environmental Quality Act

California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of "categorical exemptions" is located at 14 Cal. Admin. Code Sections 15300 through 15329. Section 15301 (Class 1) exempts the operation, repair, maintenance or minor alteration of existing public or private structures or facilities that involve negligible or no expansion of previous use. Section 15302 (Class 2) exempts the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the replaced structure. The Commission's own regulations provide that the Commission need not prepare an environmental assessment before it issues a permit for a project that falls within the list of categorically exempt activities (14 Cal. Admin. Code Section 11501). This Regionwide Permit is therefore categorically exempt because it authorizes routine repair and maintenance of existing structures that do not involve any substantial enlargement or any substantial extension into the Bay.

In addition, the California Environmental Quality Act (CEQA) generally requires that before an agency can issue a permit for a project that is neither statutorily exempt nor categorically exempt, it must either certify a "negative declaration" that the project will have no substantial adverse impact on the environment or it must prepare an environmental impact report (EIR). Pursuant to CEQA Section 21080.5, the Secretary for Resources has certified the Commission's permit regulations as functionally equivalent to the CEQA review process. Commission Regulation Section 11511 requires the Executive Director to determine either that a project will have no substantial adverse environmental impact or to prepare an "environmental assessment," which functions as a Commission equivalent to an EIR. This Regionwide Permit also authorizes the removal of structures or improvements from the Commission's jurisdiction. However, this Regionwide Permit requires that the removal will not adversely affect present or future public access to the Bay, will not affect a structure or improvement of historical,

archeological, or architectural significance, will be performed to minimize turbidity and the roiling of waters and to prevent the drifting of construction materials, will not adversely affect any tidal marsh, managed wetland, or other sensitive wetland resource, and will not result in any disposal within any wetland. Therefore, the Commission finds that the removal authorized by this Regionwide Permit will have no substantial adverse impact on the environment.

The second amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be expected to have an impact, individually or cumulatively, on the environment. The second amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC's updated regulations pertaining to regionwide permits, effective July 1, 2026.

E. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. Permit Execution

This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Permit Assignment

The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/ transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the

assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. Permit Runs With the Land

Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. Other Government Approvals

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. Built Project must be Consistent with Application

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

F. Life of Authorization

Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. Commission Jurisdiction

Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Abbreviated Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

H. Changes to the Commission's Jurisdiction as a Result of Natural Processes



This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.

I. Violation of Permit May Lead to Permit Revocation

Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. Should Permit Conditions Be Found to be Illegal or Unenforceable

Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. Permission to Conduct Site Visit

The permittee(s) shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND

Executive Director



San Francisco Bay Conservation and
Development Commission

LJG/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of _____ Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee

On _____

By: _____

Print Name

Title



San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

REGIONWIDE PERMIT NO. RWP-3
NOIxxxx.xxx.xx
(As Amended Through June 4, 2026)
(Reconstruction, replacement and maintenance of
bulkheads and seawalls in the Bay, certain waterways,
managed wetlands, and shoreline band)

[Date]

Permittee
Addressee Number One
Street Address, Suite
City, STATE Zip Code

On December 4, 1986, the San Francisco Bay Conservation and Development Commission, by a vote of 21 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this Regionwide Permit. On April 18, 1996, the Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved Amendment No. One of this Regionwide Permit. On December 18, 2008, the Commission by a vote of 18 affirmative, 0 negative, and 0 abstentions, approved Amendment No. Two to the permit. And on June 4, 2026, the Commission unanimously approved Amendment No. Three to the permit via its consent calendar, upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Regionwide Permit RWP-1 to Regionwide Permit RWP-3.

I. Authorization

A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location:

Description:

B. This authority is limited to activities undertaken at a site where activities are not already authorized by another BCDC permit and to projects that would not adversely impact: (1) the Bay; (2) Bay resources such as those that are scarce or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public access to and along the Bay from public access areas, roads and pathways. This authority is generally pursuant



to and limited by your application dated _____, including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.

- C. Work authorized herein must commence within two years of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization of your work will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or within three years of the date of transmittal of this Regionwide Permit to you, whichever is earlier, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. Limit of Work

Authorized work shall be built in general conformance with the plans entitled _____, prepared by _____ and dated _____, submitted as part of the application.

B. Construction Operations and Debris Removal

All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent any construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee(s), its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the Commission's jurisdiction.

C. Habitat Protection

The work authorized by this Regionwide Permit shall be performed so as to prevent any significant adverse impact on any tidal marsh, tidal flat, eelgrass habitat or other sensitive Bay resources. If any unforeseen adverse impacts occur to any such area as a result of the activities authorized herein, the permittee(s) shall restore the area to or improve the area above its previous condition, which may include returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate vegetation.

D. Creosote Treated Wood

No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action in the Bay or any certain waterway, in any salt pond, or in any managed wetland within the Commission's jurisdiction as part of the project authorized herein.

E. Maintenance and Replacement of Authorized Facilities

Any in-kind repairs and maintenance of an authorized shoreline protective work shall only use construction material that is approved by the Commission in consultation with the San Francisco Bay Regional Water Quality Control Board and the California Department of Fish and Wildlife for use in San Francisco Bay. Construction shall only occur during those months of the year, as approved by the Commission in consultation with resource agencies such as U.S. Fish and Wildlife Service, Department of Fish and Wildlife and National Marine Fisheries Service, that avoid or minimize potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions.

F. Abandonment

If, at any time, the Commission determines that the improvements authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittee(s), its assigns or successors in interest, or by the owner of the improvements within 60 days or such other reasonable time as the Commission may direct.

G. Notice to Contractor

The permittee(s) shall provide a copy of this Regionwide Permit to any contractor or person working in concert with the permittee(s) to carry out the activities authorized herein and shall point out the special conditions contained herein.

III. Findings

The Commission hereby finds, declares, and certifies that:

A. Consistency with Commission Regulations

The projects authorized by this Regionwide Permit include reconstruction, replacement and maintenance of existing, currently-used timber, steel, or concrete, shoreline protective works, such as bulkheads and seawalls, that do not involve any substantial enlargement or any substantial extension into the Bay, into certain waterways,



managed wetlands or the 100-foot shoreline band. Such projects have been authorized by the Commission as qualifying for a Regionwide Permit because they involve repairs to protective works in the minimum amount necessary to stabilize existing dikes and banks, as defined in Regulation Sections 10601(a)(2), 10601(a)(6), 10601(b)(1), 10601(b)(5) and 10601(c)(2) or activities similar to those described above, as defined in Regulation Section 10601(e)(3), and thus are equivalent to a “minor repair and improvement” and qualify for authorization under a Regionwide Permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission’s regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission’s jurisdiction.

B. Consistency with McAteer-Petris Act and San Francisco Bay Plan

The project authorized by this permit is consistent with the McAteer-Petris Act and with the *San Francisco Bay Plan* in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special conditions have been included to assure that project construction, materials and the improvements themselves will not adversely affect the Bay’s natural resources, water quality or navigation and that any deteriorated improvements will be removed if they adversely impact the Bay’s natural resources, water quality, or pose a navigation hazard, as required by the *San Francisco Bay Plan* policies on fish, other aquatic organisms, and wildlife, tidal marshes and tidal flats, water quality, and navigational safety.

C. Consistency with Coastal Zone Management Act

The activities authorized herein are consistent with the Commission’s Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Consistency with California Environmental Quality Act

California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of “categorical exemptions” is located at 14 Cal. Admin. Code Sections 15300 through 15329. Section 15301 (Class 1) exempts the operation, repair, maintenance or minor alteration of existing public or private structures or facilities that involve negligible or no expansion of previous use. Section 15302 (Class 2) exempts the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same



purpose and capacity as the replaced structure. The Commission's own regulations provide that the Commission need not prepare an environmental assessment before it issues a permit for a project that falls within the list of categorically exempt activities (14 Cal. Admin. Code Section 11501). This Regionwide Permit is therefore categorically exempt because it authorizes only reconstruction and replacement of existing shoreline protective works that do not involve any substantial enlargement or any substantial extension into the Bay.

The third amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be expected to have an impact, individually or cumulatively, on the environment. The third amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC's updated regulations pertaining to regionwide permits, effective July 1, 2026.

E. Listing with the Commission

The Commission staff will prepare a description and indicate the location of any project authorized under this Regionwide Permit, along with the name and address of the permittee(s), and attach such information to the listing of administrative permits, marsh development permits, and federal consistency actions that is sent to the Commission, following the Executive Director's approval of the project under this Regionwide Permit.

F. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions



A. Permit Execution

This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Permit Assignment

The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/ transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. Permit Runs With the Land

Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. Other Government Approvals

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. Built Project must be Consistent with Application

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.



F. Life of Authorization

Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. Commission Jurisdiction

Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

H. Changes to the Commission's Jurisdiction as a Result of Natural Processes

This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.

I. Violation of Permit May Lead to Permit Revocation

Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. Should Permit Conditions Be Found to be Illegal or Unenforceable

Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative



ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. Permission to Conduct Site Visit

The permittee(s) shall grant permission to any member of the Commission’s staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

LJG/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of _____ Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee



REGIONWIDE PERMIT NO. RWP-3
NOIXXXX.XXX.00
[PERMITTEE]
[DATE]
Page 9

On _____

By: _____

Print Name

Title



San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

REGIONWIDE PERMIT NO. RWP-4

NOIxxxx.xxx.00

(As Amended Through June 4, 2026)

(Reconstruction, replacement, incidental additions, and maintenance of service lines, utilities, utility cables, pipelines, and outfalls in the Bay, certain waterways, managed wetlands, and shoreline band; installation of new pipelines where the majority of work would occur below the ground surface and Bay bottom.)

[Date]

Permittee
Addressee Number One
Street Address, Suite
City, STATE Zip Code

On March 19, 1992, the San Francisco Bay Conservation and Development Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this Regionwide Permit. On April 18, 1996, the Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved Amendment No. One of this Regionwide Permit. On December 18, 2008, the Commission by a vote of 18 affirmative, 0 negative, and 0 abstentions, approved Amendment No. Two of this Regionwide Permit. On January 7, 2010, the Commission by a vote of 19 affirmative, 0 negative, and 0 abstentions, approved Amendment No. Three to the permit. And on June 4, 2026, the Commission unanimously approved Amendment No. Four to the permit via its consent calendar, upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Regionwide Permit RWP-2 to Regionwide Permit RWP-4.

I. Authorization

- A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location:

Description:

- B. This authority is limited to activities undertaken at a site where activities are not already authorized by another BCDC permit and to projects that would not adversely impact:



(1) the Bay; (2) Bay resources such as those that are scarce, easily disturbed or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public access to and along the Bay from public access areas, public roads and pathways. This authority is generally pursuant to and limited by your application dated _____, including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.

- C. Work authorized herein must commence within two years of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization of your work will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or within three years of the date of transmittal of this Regionwide Permit to you, whichever is earlier, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. Limit of Work

Authorized work shall be built in general conformance with the plans entitled _____, prepared by _____ and dated _____, submitted as part of the application.

B. Construction Operations and Debris Removal

All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee(s), its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the Commission's jurisdiction and the site left in the same condition and grade as existed prior to project implementation. Any material used to backfill excavated holes and trenches shall be free of contaminants and approved for such use by the Regional Water Quality Control Board.

C. Habitat Protection

The work authorized by this Regionwide Permit shall be performed so as to prevent any significant adverse impact on any tidal marsh, tidal flat, eelgrass habitat or other sensitive Bay resources. If any unforeseen adverse impacts occur to any such area as a



result of the activities authorized herein, the permittee(s) shall restore the area to or improve the area above its previous condition, which may include returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate vegetation.

D. Creosote Treated Wood

No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action in the Bay or any certain waterway, in any salt pond, or in any managed wetland within the Commission's jurisdiction as part of the project authorized herein.

E. Maintenance and Replacement of Authorized Facilities

Any in-kind repairs and maintenance of an authorized structure or improvement shall only use construction material that is approved by the Commission in consultation with the San Francisco Bay Regional Water Quality Control Board and the California Department of Fish and Wildlife for use in San Francisco Bay. Construction shall only occur during those months of the year, as approved by the Commission in consultation with resource agencies such as U.S. Fish and Wildlife Service, Department of Fish and Wildlife and National Marine Fisheries Service, that avoid or minimize potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions.

F. Water Quality

Prior to undertaking any work authorized herein on any outfall pipe or similar facility, the permittee(s) shall receive all necessary approvals from the San Francisco Bay Regional Water Quality Control Board, for any discharge or emission from such structure.

G. Diked Wetlands Protection

No work authorized herein on culverts, outfalls, tide gates, or similar facilities shall significantly alter water management, circulation or drainage patterns or otherwise adversely affect any salt pond or other sensitive diked wetland resources.

H. Abandonment

If, at any time, the Commission determines that the improvements authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittee(s), its assigns or successors

in interest, or by the owner of the improvements within 60 days or such other reasonable time as the Commission may direct.

I. Notice to Contractor

The permittee(s) shall provide a copy of this Regionwide Permit to any contractor or person working in concert with the permittee(s) to carry out the activities authorized herein and shall point out the special conditions contained herein.

III. Findings

The Commission hereby finds, declares, and certifies that:

A. Consistency with Commission Regulations

The projects authorized by this Regionwide Permit include installation, reconstruction, replacement and maintenance of, and incidental additions to, existing currently-used outfall pipes, service lines, utility cables, pipelines, and similar facilities that do not involve any substantial enlargement or any substantial extension into the Bay, into certain waterways, managed wetlands or the 100-foot shoreline band and the installation of new pipelines where the majority of work would occur below the ground surface or Bay bottom. Such projects have been authorized by the Commission as qualifying for a Regionwide Permit because they involve repairs to outfall pipes approved by the San Francisco Bay Regional Water Quality Control Board, utility cables on or under the bottom of the Bay, and similar facilities, as defined in Regulation Sections 10601(a)(4), 10601(a)(5), 10601(a)(6), 10601(b)(1) and 10601(b)(5), or activities similar to those described above, as defined in Regulation Section 10601(e)(3), and thus are equivalent to a “minor repair and improvement” and qualify for authorization under a Regionwide Permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission’s regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission’s jurisdiction.

B. Consistency with McAteer-Petris Act and San Francisco Bay Plan

The project authorized by this permit is consistent with the McAteer-Petris Act and with the *San Francisco Bay Plan* in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special conditions have been included to assure that project construction, materials and the improvements themselves will not adversely affect the Bay’s natural resources, water quality or navigation and that any deteriorated improvements will be removed if they adversely impact the Bay’s natural resources, water quality, or pose a navigation hazard, as required by the *San Francisco Bay Plan*

policies on fish, other aquatic organisms, and wildlife, tidal marshes and tidal flats, water quality, and navigational safety.

C. Consistency with Coastal Zone Management Act

The activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Consistency with California Environmental Quality Act

California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of “categorical exemptions” is located at 14 Cal. Admin. Code Sections 15300 through 15329. Section 15301 (Class 1) exempts the operation, repair, maintenance or minor alteration of existing public or private structures or facilities that involve negligible or no expansion of previous use. Section 15302 (Class 2) exempts the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the replaced structure. Section 15303 (Class 3) exempts the construction of limited numbers of new, small facilities or structures, and subsection (e) specifically exempts accessory structures. The Commission's own regulations provide that the Commission need not prepare an environmental assessment before it issues a permit for a project that falls within the list of categorically exempt activities (14 Cal. Admin. Code Section 10910). This Regionwide Permit is therefore categorically exempt because it authorizes only reconstruction and replacement of, and incidental additions to, existing, currently used outfall pipes, service lines, utility cables, pipelines, and similar facilities that do not involve any substantial enlargement or any substantial extension into the Bay.

The fourth amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be expected to have an impact, individually or cumulatively, on the environment. The fourth amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC’s updated regulations pertaining to regionwide permits, effective July 1, 2026.

E. Listing with the Commission



The Commission staff will prepare a description and indicate the location of any project authorized under this Regionwide Permit, along with the name and address of the permittee(s), and attach such information to the listing of administrative permits, marsh development permits, and federal consistency actions that is sent to the Commission, following the Executive Director's approval of the project under this Regionwide Permit.

F. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. Permit Execution

This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Permit Assignment

The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/ transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the

Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. Permit Runs with the Land

Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. Other Government Approvals

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. Built Project must be Consistent with Application

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

F. Life of Authorization

Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. Commission Jurisdiction

Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.



H. Changes to the Commission's Jurisdiction as a Result of Natural Processes

This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.

I. Violation of Permit May Lead to Permit Revocation

Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. Should Permit Conditions Be Found to be Illegal or Unenforceable

Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. Permission to Conduct Site Visit

The permittee(s) shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.



LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

LJG/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of _____ Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee

On _____

By: _____

Print Name

Title



San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

**REGIONWIDE PERMIT NO. RWP-5
NOIxxxx.xxx.00
(As Amended Through June 4, 2026)
(Construction, reconstruction, replacement, and maintenance of: (1) new docks, piers, boat hoists, associated pilings and mooring buoys of less than 1,000 square feet; (2) wildlife habitat improvement structures; and (3) other pile-supported, water-oriented uses) in the Bay, certain waterways, managed wetlands and shoreline band)**

[Date]

Permittee
Addressee Number One
Street Address, Suite
City, STATE Zip Code

On December 4, 1986, the San Francisco Bay Conservation and Development Commission, by a vote of 21 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this Regionwide Permit. On April 18, 1996, the Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved Amendment No. One of this Regionwide Permit. On February 5, 2009, the Commission by a vote of 23 affirmative, 0 negative, and 0 abstentions, approved Amendment No. Two to the permit. And on June 4, 2026, the Commission unanimously approved Amendment No. Three to the permit via its consent calendar, upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Regionwide Permit RWP-3 to Regionwide Permit RWP-5.

I. Authorization

A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location:

Description:

B. This authority is limited to activities undertaken at a site where activities are not already authorized by another BCDC permit and to projects that would not adversely impact:



(1) the Bay; (2) Bay resources such as those that are scarce or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public access to and along the Bay from public access areas, roads and pathways. This authority is generally pursuant to and limited by your application dated _____, including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.

- C. Work authorized herein must commence within two years of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization of your work will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or within three years of the date of transmittal of this Regionwide Permit to you, whichever is earlier, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. Limit of Work

Authorized work shall be built in general conformance with the plans entitled _____, prepared by _____ and dated _____, submitted as part of the application.

B. Construction Operations and Debris Removal

All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee(s), its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the Commission's jurisdiction.

C. Habitat Protection

The work authorized by this Regionwide Permit shall be performed so as to prevent any significant adverse impact on any tidal marsh, tidal flat, eelgrass habitat or other sensitive Bay resources. If any unforeseen adverse impacts occur to any such area as a result of the activities authorized herein, the permittee(s) shall restore the area to or improve the area above its previous condition, which may include returning the



disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate vegetation.

D. Creosote Treated Wood

No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action in the Bay or any certain waterway, in any salt pond, or in any managed wetland within the Commission's jurisdiction as part of the project authorized herein.

E. Maintenance and Replacement of Authorized Facilities

Any construction of a new boat dock or wildlife habitat improvement facility, and any in-kind repairs and maintenance of an authorized boat dock, pier, boat hoist, wildlife habitat improvement or other water-related structure, shall only use construction material that is approved by the Commission in consultation with the San Francisco Bay Regional Water Quality Control Board and the California Department of Fish and Wildlife for use in San Francisco Bay. Construction shall only occur during those months of the year, as approved by the Commission in consultation with resource agencies such as U.S. Fish and Wildlife Service, Department of Fish and Wildlife and National Marine Fisheries Service, that avoid or minimize potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions.

F. Impacts to Fish from Pile Driving

The permittee shall assure that sound pressure levels generated from pile driving do not exceed injury threshold levels for fish established by the National Marine Fisheries Service. Two criteria have been established to determine the onset of physical injury to fish: peak sound pressure level of 206 decibels (dB) or more, and accumulated sound exposure level (SEL). The criterion for accumulated SEL is based upon the mass of the fish under consideration. The onset of physical injury is expected if fish smaller than 2 grams are present and 183 dB SEL is exceeded. If larger fish are present, physical injury is expected if 187 dB SEL is exceeded. Projects where sound pressure levels may exceed either or both of these criteria do not qualify for a statewide permit.

G. Diked Wetlands Protection

No work authorized herein on any structure of facility shall significantly alter water management, circulation or drainage patterns or otherwise adversely affect any salt pond, managed wetland, or other sensitive diked wetland resources.

H. Abandonment

If, at any time, the Commission determines that the improvements authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittee(s), its assigns or successors in interest, or by the owner of the improvements within 60 days or such other reasonable time as the Commission may direct.

I. Notice to Contractor

The permittee(s) shall provide a copy of this Regionwide Permit to any contractor or person working in concert with the permittee(s) to carry out the activities authorized herein and shall point out the special conditions contained herein.

III. Findings

The Commission hereby finds, declares, and certifies that:

A. Consistency with Commission Regulations

The projects authorized by this Regionwide Permit include: (1) construction, reconstruction, maintenance and use of a floating dock, fixed pier, gangway, boat hoist or mooring buoy in the Bay, in certain waterways, in managed wetlands, and within the 100-foot shoreline band that satisfies the following criteria: (a) the pier, gangway, and/or dock is no larger than a total of 1,000 square feet; and (b) any pile-supported or cantilevered portion of the pier, is no more than 8 feet wide; (2) wildlife habitat improvements, such as fish screens and ladders, tidegates and other devices that do not involve any substantial enlargement or extension into the Bay, in certain waterways, and within managed wetlands; and (3) reconstruction, replacement and maintenance of other pile-supported, water-oriented uses in the Bay, certain waterways and managed wetlands. Such projects have been authorized by the Commission as qualifying for a Regionwide Permit because they involve a “minor repair and improvement” as defined in Regulation Sections 10601(a)(1), 10601(a)(2), 10601(a)(6) and 10601(c)(2), or activities similar to those described above, as defined in Regulation Section 10601(e)(3), and thus are equivalent to a “minor repair and improvement” and qualify for authorization under a Regionwide Permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission’s regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission’s jurisdiction.

B. Consistency with McAteer-Petris Act and San Francisco Bay Plan



The project authorized by this permit is consistent with the McAteer-Petris Act and with the *San Francisco Bay Plan* in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special conditions have been included to assure that project construction, materials and the improvements themselves will not adversely affect the Bay's natural resources, water quality or navigation and that any deteriorated improvements will be removed if they adversely impact the Bay's natural resources, water quality, or pose a navigation hazard, as required by the *San Francisco Bay Plan* policies on fish, other aquatic organisms, and wildlife, tidal marshes and tidal flats, water quality, and navigational safety.

C. Consistency with Coastal Zone Management Act

The activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Consistency with California Environmental Quality Act

California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of "categorical exemptions" is located at 14 Cal. Code Reg. Sections 15300 through 15329. Section 15301 (Class 1) exempts the operation, repair, maintenance or minor alteration of existing public or private structures or facilities that involve negligible or no expansion of previous use. Section 15302 (Class 2) exempts the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the replaced structure. The Commission's own regulations provide that the Commission need not prepare an environmental assessment before it issues a permit for a project that falls within the list of categorically exempt activities (14 Cal. Code Reg. Section 11501). This Regionwide Permit is therefore categorically exempt because it authorizes only reconstruction and replacement of existing, currently-used pilings, boat docks on pilings, boat slips, and other pile-supported structures being used for water-oriented purposes, and wildlife habitat improvement structures such as fish screens and ladders and other waterway devices, that do not involve any substantial enlargement, any substantial extension into the water or wetlands, or any substantial change in use.

The third amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be



expected to have an impact, individually or cumulatively, on the environment. The third amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC's updated regulations pertaining to regionwide permits, effective July 1, 2026.

E. Listing with the Commission

The Commission staff will prepare a description and indicate the location of any project authorized under this Regionwide Permit, along with the name and address of the permittee(s), and attach such information to the listing of administrative permits, marsh development permits, and federal consistency actions that is sent to the Commission, following the Executive Director's approval of the project under this Regionwide Permit.

F. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. Permit Execution

This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission..

B. Permit Assignment



The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/ transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. Permit Runs With the Land

Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. Other Government Approvals

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. Built Project must be Consistent with Application

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

F. Life of Authorization

Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. Commission Jurisdiction



Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

H. Changes to the Commission's Jurisdiction as a Result of Natural Processes

This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.

I. Violation of Permit May Lead to Permit Revocation

Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. Should Permit Conditions Be Found to be Illegal or Unenforceable

Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. Permission to Conduct Site Visit

The permittee(s) shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

LJG/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of _____ Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee

On _____

By: _____

Print Name



REGIONWIDE PERMIT NO. RWP-5
NOIXXXX.XXX.00
[PERMITTEE]
[DATE]
Page 10

Title



San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

REGIONWIDE PERMIT NO. RWP-6
NOIxxxx.xxx.00
(As Amended Through June 4, 2026)
(Small additions to single-family and two-family residences
within the shoreline band)

[Date]

Permittee
Addressee Number One
Street Address, Suite
City, STATE Zip Code

On March 19, 1992, the San Francisco Bay Conservation and Development Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this Regionwide Permit. On April 18, 1996, the Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved Amendment No. One of this Regionwide Permit. On December 18, 2008, the Commission by a vote of 18 affirmative, 0 negative, and 0 abstentions, approved Amendment No. Two of this Regionwide Permit. On January 7, 2010, the Commission by a vote of 19 affirmative, 0 negative, and 0 abstentions, approved Amendment No. Three to the permit. And on June 4, 2026, the Commission unanimously approved Amendment No. Four to the permit via its consent calendar, upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Regionwide Permit RWP-4 to Regionwide Permit RWP-6.

I. Authorization

- A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location:

Description:

- B. This authority is limited to activities undertaken at a site where activities are not already authorized by another BCDC permit and to projects that would not adversely impact: (1) the Bay; (2) Bay resources such as those that are scarce, easily disturbed or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public access to and along the Bay from public access areas, roads and pathways. This



authority is generally pursuant to and limited by your application dated _____, including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.

- C. Work authorized herein must commence within two years of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization of your work will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or within three years of the date of transmittal of this Regionwide Permit to you, whichever is earlier, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. Limit of Work

Authorized work shall be built in general conformance with the plans entitled _____, prepared by _____ and dated _____, submitted as part of the application.

B. Construction Operations and Debris Removal

All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee(s), its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the Commission's jurisdiction.

C. Maintenance and Replacement of Authorized Facilities

This Regionwide Permit authorizes in-kind repairs and maintenance of the facilities and improvements authorized herein provided there is no change in use.

D. Notice to Contractor

The permittee(s) shall provide a copy of this Regionwide Permit to any contractor or person working in concert with the permittee(s) to carry out the activities authorized herein and shall point out the special conditions contained herein.

III. Findings

The Commission hereby finds, declares, and certifies that:

A. Consistency with Commission Regulations

The projects authorized by this Regionwide Permit include small additions to existing one- and two-family residences within the shoreline band that comply with all of the following: (1) do not increase the building footprint, floor area, or height of the structure by more than 25% or substantial change in use; (2) do not involve any new fill in the Bay; and (3) are on parcels that do not have a topography suitable for shoreline access or would adversely affect adjacent existing or possible future public access areas. Such projects have been authorized by the Commission as qualifying for a Regionwide Permit because they involve reconstruction, replacement, or alteration of an existing structure that does not increase the building footprint, floor area, or height of the structure by more than 25% or any substantial change in uses, as defined in Regulation Section 10601(b)(5), and thus are a “minor repair and improvement” and qualify for authorization under a Regionwide Permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission’s regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission’s jurisdiction.

B. Consistency with McAteer-Petris Act and San Francisco Bay Plan

The project authorized by this permit is consistent with the McAteer-Petris Act and with the *San Francisco Bay Plan* in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special conditions have been included to assure that project construction, materials and the improvements themselves will not adversely affect the Bay’s natural resources, water quality or navigation and that any deteriorated improvements will be removed if they adversely impact the Bay’s natural resources, water quality, or pose a navigation hazard, as required by the *San Francisco Bay Plan* policies on fish, other aquatic organisms, and wildlife, tidal marshes and tidal flats, water quality, and navigational safety.

C. Consistency with Coastal Zone Management Act

The activities authorized herein are consistent with the Commission’s Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Consistency with California Environmental Quality Act

California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of “categorical exemptions” is located at 14 Cal. Admin. Code Sections 15300 through 15329. Section 15301 (Class 1) exempts the operation, repair, maintenance or minor alteration of existing public or private structures or facilities that involve negligible or no expansion of previous use. Section 15302 (Class 2) exempts the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the replaced structure. The Commission’s own regulations provide that the Commission need not prepare an environmental assessment before it issues a permit for a project that falls within the list of permit is therefore categorically exempt because it authorizes only reconstruction and replacement of existing shoreline protective works that do not involve any substantial enlargement or any substantial extension into the Bay.

The fourth amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be expected to have an impact, individually or cumulatively, on the environment. The fourth amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC’s updated regulations pertaining to regionwide permits, effective July 1, 2026.

E. Listing with the Commission

The Commission staff will prepare a description and indicate the location of any project authorized under this Regionwide Permit, along with the name and address of the permittee(s), and attach such information to the listing of administrative permits, marsh development permits, and federal consistency actions that is sent to the Commission, following the Executive Director's approval of the project under this Regionwide Permit.

F. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between



\$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. Permit Execution

This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission..

B. Permit Assignment

The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/ transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. Permit Runs With the Land

Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. Other Government Approvals

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of



these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. Built Project must be Consistent with Application

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

F. Life of Authorization

Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. Commission Jurisdiction

Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

H. Changes to the Commission's Jurisdiction as a Result of Natural Processes

This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.

I. Violation of Permit May Lead to Permit Revocation

Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the



Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. Should Permit Conditions Be Found to be Illegal or Unenforceable

Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. Permission to Conduct Site Visit

The permittee(s) shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

LJG/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency



City of _____ Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee

On _____

By: _____

Print Name

Title



San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

REGIONWIDE PERMIT NO. RWP-7

NOIxxxx.xxx.xx

(As Amended Through June 4, 2026)

(Seismic retrofit and repairs of state bridges)

[DATE]

On September 1, 1994, the San Francisco Bay Conservation and Development Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this Regionwide Permit. On April 18, 1996, the Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved Amendment No. One of this Regionwide Permit. On December 18, 2008, the Commission by a vote of 18 affirmative, 0 negative, and 0 abstentions, approved Amendment No. Two to the permit. And on June 4, 2026, the Commission unanimously approved Amendment No. Three to the permit via its consent calendar, upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Regionwide Permit RWP-6 to Regionwide Permit RWP-7.

I. Authorization

A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location: _____

Description: _____

B. This authority is limited to activities undertaken at a site where activities are not already authorized by another BCDC permit and to projects that would not adversely impact: (1) the Bay; (2) Bay resources such as those that are scarce or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public access to and along the Bay from public access areas, roads and pathways. This authority is generally pursuant to and limited by your application dated _____, including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.

C. Work authorized herein must commence within two years of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization of your work



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will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within two years of commencement, or within three years of the date of transmittal of this Regionwide Permit to you, whichever is earlier, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. Submittal and Review of Plans and Related Matters

1. An application under this Regionwide Permit shall not be approved until all of the following occur:
 - a. Submittal of a completed Part I of the Commission's application form;
 - b. Review and approval of engineering criteria by the Engineering Criteria Review Board (ECRB) as specified under Special Condition II-A-4 of this Regionwide Permit for seismic retrofit and repairs to support structures such as pilings and abutments;
 - c. Submittal of the final Plans, Specifications and Estimates (PS&Es) and Seismic Retrofit Strategy Report and Repairs to Bridge Supports that include all of the following features:
 - (1) **Site, Architectural, and Grading Plans.** Site, architectural, and grading plans shall include and clearly label the shoreline, the line 100 feet inland of the shoreline, property lines, the boundaries of all areas to be reserved for public access and open space purposes, grading, details showing the location, types, dimensions, and materials to be used for all structures, irrigation, landscaping, drainage, seating, parking, signs, lighting, fences, paths, trash containers, utilities and other proposed improvements.
 - (2) **Engineering Plans.** Engineering plans shall include a complete set of contract drawings and specifications and design criteria. The design criteria shall be appropriate to the nature of the project, the use of any structures, soil and foundation conditions at the site, and potential earthquake-induced forces. Final plans shall be signed by the professionals of record;
 - d. Submittal of evidence that the project design complies with all applicable state and federal design standards;

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- e. Submittal of evidence that an independent or in-house peer review panel has reviewed the project (except that such evidence may be waived by the staff, upon consultation with the Chair of the ECRB, if peer review is determined not to be necessary); and
 - f. Submittal of written certification of the professional of record that the final PS&Es satisfy the recommendations of the ECRB.
2. **Conformity with Final Approved Plans.** All work, improvements, and uses shall conform to the final PS&Es except as provided in subparagraph 3, below. Prior to any use of the facilities authorized herein, the appropriate design professional(s) of record shall certify in writing that, through personal knowledge, the work covered by the authorization has been performed in accordance with the approved design criteria and in substantial conformance with the approved plans. No noticeable changes shall be made thereafter to the final PS&Es or to the exterior of any constructed structure, outside fixture, lighting, landscaping, signage, landscaping, parking area, or shoreline protection work without first contacting the staff, which shall have 10 working days to review and approve, verbally or in writing, the change plans.
3. **Discrepancies between Approved Plans and Special Conditions.** In case of any discrepancy between final PS&Es and any Special Condition of this Regionwide Permit, the Special Condition shall prevail. The permittee(s) is responsible for assuring that all PS&Es accurately and fully reflect the Special Conditions of this Regionwide Permit.
4. **Engineering Criteria Review Board Review.** Preliminary engineering plans and engineering criteria shall be reviewed by or on behalf of the ECRB prior to submittal of a complete application, as follows:
 - a. **Review by the Engineering Criteria Review Board.** If review is required, the staff will convene a Board meeting within 30 days of receipt of all materials required by paragraph 4.b. If the Board requires further review of the project, the staff will convene a second Board meeting within 30 days of receipt of any revised and/or supplemental materials requested by the Board. At the applicant's option, if the Board requests a third review of the project, it may be scheduled using this same procedure. Review may be waived by the Commission staff, upon consultation with the Chair of the Board, if a project is determined not to raise a significant issue with regard to public safety during seismic events.

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- b. **Materials Required for Review.** The specific drawings required, and the appropriate engineer representing the applicant, depend on the type of project and shall be as determined by the Commission staff. Such materials shall demonstrate to the satisfaction of the Board that the applicant has adopted design criteria appropriate to the nature of the project and use of any structures constructed in connection therewith. Such criteria shall take into account the soil and foundation conditions at the site and potential earthquake-induced forces. At a minimum, 13 copies of the following materials shall be submitted for review by the ECRB except in cases where the staff waives the submittal of any item, upon consultation with the Chair of the Board, if the item is determined not to be necessary for Board review:
- (1) A list of all acceptance criteria, including the performance objectives chosen for the structure in question (such as the limitation of damage to localized areas of the structure which would be repairable in a specified amount of time, or retention of elasticity so that the structure would remain in service immediately following a major seismic event);
 - (2) A list of all design criteria, including the design methods employed to ensure the performance objectives given above, including the maximum expected design earthquake, soil and geologic conditions at the site, and a description of any structural features which might contribute to the satisfaction of the performance objectives (such as the absence of expansion joints, the inclusion of isolation or dampening devices, and/or the use of high strength concrete, etc.);
 - (3) Site plans, which include a reduced set of the plans (8 1/2" x 17" maximum) recognizable global landmarks and significant details of the structure and geology;
 - (4) A general project description describing the phases of construction, any temporary structures involved, a general timeline for project completion, structural vulnerabilities which inhibit the existing structure from meeting the current acceptance criteria, and any additional pertinent information;
 - (5) The identification of any other materials that may be either submitted in writing or provided verbally during the presentation, which may include soil and geologic conditions, structural features, relevant degree of risk, type of hazard (liquefaction, slope instability, ground shaking settlement), design criteria, method of analysis, procedures for

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checking calculations and assuring compliance during construction, evidence that the design complies with all applicable state and federal design standards, evidence that a thorough and independent review of the design details, calculations, and construction drawings has been made, and certifying that construction will be in accordance with the terms and conditions of ECRB authorization; and

- (6) An identification of the person or persons who will present the information to the ECRB. The presenters should be familiar with the geology, seismology, and structural details associated with the project.

B. Limit of Work. The structural work authorized herein is confined to the seismic retrofit of an existing State-owned highway structure as specified by Senate Bill SB 131 (Chapter 15), passed by the Legislature and signed by the Governor on March 15, 1994. This structural work shall be limited to the existing state right-of-way and shall not result in the widening of the travel way or a significant raising in elevation of the structure. Any increase in size, enlargement of the structural footprint or new fill in the Bay is limited only for the purposes of achieving seismic safety of the existing highway structure. Seismic retrofit projects covered by this Regionwide Permit include only the structural modification or replacement of an existing highway structure.

C. Construction Operations and Debris Removal. All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent any construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee(s), its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittee(s), its assignee, or successor in interest, or the owner of the improvements, shall remove such material, at its expense, within ten days after it has been notified by the Executive Director of such placement. All temporary structures placed pursuant to this Regionwide Permit shall be completely removed from the Commission's jurisdiction upon completion of each individual project and the area restored to its previous condition.

D. Habitat Protection. The work authorized by this Regionwide Permit shall be performed so as to prevent any significant adverse impact on any tidal marsh, tidal flat, eelgrass habitat or other sensitive Bay resources. If any unforeseen adverse impacts occur to any such area as a result of the activities authorized herein, the permittee(s) shall restore the area to or improve

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the area above its previous condition, which may include returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate vegetation.

E. Diked Wetlands Protection. No work authorized herein on any structure of facility shall significantly alter water management, circulation or drainage patterns or otherwise adversely affect any salt pond, managed wetland, or other sensitive diked wetland resources.

F. Work Windows to Protect Fish and Wildlife. All construction activities shall be confined so as to minimize disturbance to fish and wildlife, as follows: (1) Work in tidal marshes shall be limited to the dry months of May through October to minimize disturbance to migratory waterfowl and nesting resident birds in marshlands; (2) When construction would occur in marshes where California clapper rails are present, no work shall occur from February 1 to August 30 unless the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service determine that no nesting is occurring within 500 feet of the project; (3) Work in open waters of the Bay between the Richmond-San Rafael Bridge and the Hayward-San Mateo Bridge shall be limited to the months of March through December to minimize disturbance to the herring season; and (4) Work on bridges where the peregrine falcon nests shall be limited to July through January to avoid the breeding season. These construction times are general and exceptions may be made upon written approval of the Executive Director in consultation with the California Department of Fish and Wildlife, and with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, where appropriate.

G. Creosote Treated Wood. No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action in the Bay or any certain waterway, in any salt pond, or in any managed wetland within the Commission's jurisdiction as part of the project authorized herein.

H. Limitation of Projects to Exclude Significant Visual or Physical Access Impacts. The work authorized herein is confined to the seismic retrofit of an existing State-owned highway structure that will not result in a significant adverse impact on visual or physical public access to the Bay or on shoreline appearance. Significant adverse impacts include the construction of sheer walls between existing pilings, or other structures that may block existing public views of the Bay or shoreline, or that may alter existing or future public access. The determination of whether a project would result in a significant adverse visual or physical impact shall be determined by the Commission staff.

I. Inapplicability of this Regionwide Permit. If, in the opinion of the Executive Director, a proposed seismic retrofit project could significantly, adversely affect tidal marshes and mud flats or important fish and wildlife resources of San Francisco Bay, the Executive Director could refuse to approve a notice of intent to undertake work under this Regionwide Permit, or could

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attach new special conditions to this Regionwide Permit to reduce the potential significant, adverse impacts to a point of insignificance. An applicant may appeal a decision to refuse to approve a notice of intent to proceed by filing an application for a permit pursuant to Regulation Sections 10300 and 10310, or by appealing as otherwise permitted by law.

J. **Notice to Contractor.** The permittee(s) shall provide a copy of this Regionwide Permit, final PS&Es and its application to any contractor or person working in concert with the permittee(s) to carry out the activities authorized herein and shall point out the special conditions contained herein.

III. Findings and Declarations

The Commission hereby finds, declares, and certifies that:

A. **Consistency with Commission Regulations.** The projects authorized by this Regionwide Permit involve routine repair, reconstruction, replacement, and other construction activities specifically limited to the seismic retrofitting of existing State-owned highway structures, including bridges, as specified by Senate Bill 131, Chapter 15 as passed by the Legislature and signed by the Governor on March 15, 1994, and as defined in Regulation Sections 10601(a)(2), 10601(a)(3), and 10601(a)(6), 10601(b)(1), 10601(b)(4) and 10601(b)(5), and 10601(c)(2), or activities similar to those described above, as defined in Regulation Section 10601(e)(1) and (3), and thus are equivalent to a "minor repair and improvement" and qualify for authorization under a Regionwide Permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission's regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission's jurisdiction.

B. **Consistency with McAteer-Petris Act and San Francisco Bay Plan.** The project authorized by this Regionwide Permit is consistent with the McAteer-Petris Act and with the *San Francisco Bay Plan* in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay.

C. **Consistency with Coastal Zone Management Act.** The activities authorized herein are consistent with the Commission's coastal management program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. **Consistency with California Environmental Quality Act.** Senate Bill 131, Chapter 15, Section 180.2, specifies that qualifying projects shall be considered to be activities under the California Environmental Quality Act (CEQA) (Public Resource Code) Section 21080(b)(4), which states that CEQA does not apply to "{s}pecific actions necessary to prevent or mitigate an emergency."

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The third amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be expected to have an impact, individually or cumulatively, on the environment. The third amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC's updated regulations pertaining to regionwide permits, effective July 1, 2026.

E. Listing with the Commission. The Commission staff will prepare a description and indicate the location of any project authorized under this Regionwide Permit, along with the name and address of the permittee(s), and attach such information to the listing of administrative permits, marsh development permits, and federal consistency actions that is sent to the Commission, following the Executive Director's approval of the project under this Regionwide Permit.

F. Need for Special Conditions. The Commission finds that the Special Conditions of Part II and the Standard Conditions of Part IV of this Regionwide Permit are reasonable and will not lead to a significant delay in the seismic retrofit project authorized by this Regionwide Permit.

G. Enforcement Program and Civil Penalties. The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. Permit Execution. This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Permit Assignment. The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/transferor and the transferee

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shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. Permit Runs With the Land. Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. Other Government Approvals. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the San Francisco Bay Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. Built Project must be Consistent with Application. Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

F. Life of Authorization. Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. Commission Jurisdiction. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

H. Changes to the Commission's Jurisdiction as a Result of Natural Processes. This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn,

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change the extent of the Commission’s regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission’s jurisdiction will not change in the future.

I. Violation of Permit May Lead to Permit Revocation. Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. Should Permit Conditions Be Found to be Illegal or Unenforceable. Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. Permission to Conduct Site Visit. The permittee(s) shall grant permission to any member of the Commission’s staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

By: _____
HARRIET ROSS
Regulatory Program Director

REGIONWIDE PERMIT NO. RWP-7
NOTICE OF INTENT TO PROCEED NO. NOI_____

[Permittee]

[DATE]

Page 11

BM/xx/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of _____ Planning Department

* * * * *

*

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee

On _____

By: _____

Print Name and Title

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

REGIONWIDE PERMIT NO. RWP-8
NOIxxxx.xxx.xx
(As Amended Through June 4, 2026) (Repair and maintenance of pile-supported residential structures in the Bay or certain waterway)

[DATE]

On April 18, 1996, the San Francisco Bay Conservation and Development Commission, by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this Regionwide Permit. On December 18, 2008, the Commission by a vote of 18 affirmative, 0 negative, and 0 abstentions, approved Amendment No. Two to the permit. And on June 4, 2026, the Commission unanimously approved Amendment No. Three to the permit via its consent calendar, upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Regionwide Permit RWP-7 to Regionwide Permit RWP-8.

I. Authorization

A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location: _____

Description: _____

B. This authority is limited to activities undertaken at a site where activities are not already authorized by another BCDC permit and to projects that would not adversely impact: (1) the Bay; (2) Bay resources such as those that are scarce or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public access to and along the Bay from public access areas, public roads and pathways. This authority is generally pursuant to and limited by your application dated _____, including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.

C. Work authorized herein must commence within two years of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization of your work will lapse and become null and void. Such work must also be diligently pursued to completion



and must be completed within two years of commencement, or within three years of the date of transmittal of this Regionwide Permit to you, whichever is earlier, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. **Limit of Work.** Authorized work shall be built in general conformance with the plans entitled _____, prepared by _____ and dated _____, submitted as part of the application.

B. **Construction Operations and Debris Removal.** All construction operations shall be performed so as to minimize turbidity and the roiling of waters, to prevent construction materials from falling, washing, or blowing into any tidal areas of the Bay or drifting and presenting a navigation or pollution hazard. In the event that any such material is placed or escapes into any area subject to tidal action of the Bay, the permittee(s), its assigns or successors in interest, or the owner of the improvements shall immediately retrieve and remove such material at its expense. All construction debris shall be removed to an authorized location outside the Commission's jurisdiction.

C. **Habitat Protection.** The work authorized by this Regionwide Permit shall be performed so as to prevent any significant adverse impact on any tidal marsh, tidal flat, eelgrass habitat or other sensitive Bay resources. If any unforeseen adverse impacts occur to any such area as a result of the activities authorized herein, the permittee(s) shall restore the area to or improve the area above its previous condition, which may include returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate vegetation.

D. **Creosote Treated Wood.** No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action in the Bay or any certain waterway, or in any managed wetland within the Commission's jurisdiction as part of the project authorized herein.

E. **Maintenance and Replacement of Authorized Facilities.** Any in-kind repairs and maintenance of an authorized pile-supported residential structure shall only use construction material that is approved by the Commission in consultation with the San Francisco Bay Regional Water Quality Control Board and the California Department of Fish and Wildlife for use in San Francisco Bay. Construction shall only occur during those months of the year, as approved by the Commission in consultation with resource agencies such as U.S. Fish and

Wildlife Service, Department of Fish and Wildlife and National Marine Fisheries Service, that avoid or minimize potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions.

F. **Diked Wetlands Protection.** No work authorized herein on any structure of facility shall significantly alter water management, circulation or drainage patterns or otherwise adversely affect any salt pond, managed wetland, or other sensitive diked wetland resources.

G. **Abandonment.** If, at any time, the Commission determines that the improvements authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittee(s), its assigns or successors in interest, or by the owner of the improvements within 60 days or such other reasonable time as the Commission may direct.

H. **Notice to Contractor.** The permittee(s) shall provide a copy of this Regionwide Permit to any contractor or person working in concert with the permittee(s) to carry out the activities authorized herein and shall point out the special conditions contained herein.

III. Findings and Declarations

The Commission hereby finds, declares, and certifies that:

A. **Consistency with Commission Regulations.** The projects authorized by this Regionwide Permit include routine repair and maintenance of existing, currently-used, pile-supported residential structures in the Bay or certain waterway that do not involve any substantial enlargement, any substantial extension into the water or wetlands, or any substantial change in use. Such projects have been authorized by the Commission as qualifying for a Regionwide Permit because they involve routine repair and maintenance of pile-supported structures, used for residential and similar purposes, as defined in Regulation Sections 10601(a)(6), or activities similar to those described above, as defined in Regulation Section 10601(e)(3), and thus are equivalent to a "minor repair and improvement" and qualify for authorization under a Regionwide Permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission's regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission's jurisdiction.

B. **Consistency with McAteer-Petris Act and San Francisco Bay Plan.** The project authorized by this permit is consistent with the McAteer-Petris Act and with the *San Francisco Bay Plan* in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special conditions have been included to assure that project construction, materials and

the improvements themselves will not adversely affect the Bay's natural resources, water quality or navigation and that any deteriorated improvements will be removed if they adversely impact the Bay's natural resources, water quality, or pose a navigation hazard, as required by the *San Francisco Bay Plan* policies on fish, other aquatic organisms, and wildlife, tidal marshes and tidal flats, water quality, and navigational safety.

C. **Consistency with Coastal Zone Management Act.** The activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. **Consistency with California Environmental Quality Act.** California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of "categorical exemptions" is located at 14 Cal. Admin. Code Sections 15300 through 15329. Section 15301 (Class 1) exempts the operation, repair, maintenance or minor alteration of existing public or private structures or facilities that involve negligible or no expansion of previous use. Section 15302 (Class 2) exempts the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the replaced structure. The Commission's own regulations provide that the Commission need not prepare an environmental assessment before it issues a permit for a project that falls within the list of categorically exempt activities (14 Cal. Admin. Code Section 11501). This Regionwide Permit is therefore categorically exempt because it authorizes only reconstruction and replacement of existing shoreline protective works that do not involve any substantial enlargement or any substantial extension into the Bay.

The third amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be expected to have an impact, individually or cumulatively, on the environment. The third amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC's updated regulations pertaining to regionwide permits, effective July 1, 2026.

E. **Listing with the Commission.** The Commission staff will prepare a description and indicate the location of any project authorized under this Regionwide Permit, along with the name and address of the permittee(s), and attach such information to the listing of administrative permits, marsh development permits, and federal consistency actions that is sent to the Commission, following the Executive Director's approval of the project under this

Regionwide Permit.

F. **Enforcement Program and Civil Penalties.** The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. **Permit Execution.** This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. **Permit Assignment.** The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. **Permit Runs With the Land.** Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. **Other Government Approvals.** All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of

these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. Built Project must be Consistent with Application. Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

F. Life of Authorization. Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. Commission Jurisdiction. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

H. Changes to the Commission's Jurisdiction as a Result of Natural Processes. This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.

I. Violation of Permit May Lead to Permit Revocation. Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. Should Permit Conditions Be Found to be Illegal or Unenforceable. Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or

REGIONWIDE PERMIT NO. RWP-8

NOI__

[APPLICANT]

[DATE]

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unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. Permission to Conduct Site Visit. The permittee(s) shall grant permission to any member of the Commission’s staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

By: _____
Harriet Ross
Regulatory Program Director

BM/xx/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of _____ Planning Department

* * * * *

*

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee

REGIONWIDE PERMIT NO. RWP-8

NOI__

[APPLICANT]

[DATE]

Page 8

On _____

By: _____

Print Name and Title

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

**REGIONWIDE PERMIT NO. RWP-9
NOIxxxx.xxx.xx
(As Amended Through June 4, 2026)
(Routine maintenance dredging of existing navigation channels and berthing areas of no more than 100,000 cubic yards with disposal at approved disposal sites)**

[DATE]

On April 18, 1996, the San Francisco Bay Conservation and Development Commission (Commission), by a vote of 17 affirmative, 0 negative, and 0 abstentions, approved the issuance of the original of this regionwide permit. On September 20, 2007, the Commission, by a vote of 15 affirmative, 0 negative, and 0 abstentions, approved the issuance of Amendment No. One. Subsequently, on December 18, 2008, the Commission by a vote of 18 affirmative, 0 negative, and 0 abstentions, approved the issuance of Amendment No. Two to the permit. And on June 4, 2026, the Commission unanimously approved Amendment No. Three to the permit via its consent calendar, upon which your authorization is based. By virtue of this same approval, the Commission renamed and renumbered this permit from, which had previously been Regionwide Permit RWP-8 to Regionwide Permit RWP-9.

I. Authorization

A. Subject to the conditions stated below, the permittee(s) is hereby authorized to do the following:

Location: _____

Description: _____

B. This authority is generally pursuant to and limited by your application dated [XX], as revised and resubmitted on [XX], including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this regionwide permit.

C. Work authorized herein must commence within one year of the date of the transmittal of this regionwide permit by the Executive Director to you or the authorization of your work will lapse and become null and void. Such work must also be diligently pursued to completion and



must be completed within five years of this regionwide permit to you, unless an extension of time is granted by the Executive Director.

II. Special Conditions

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

A. **Water Quality Approval.** At least 45 days prior to the commencement of any dredging episode authorized herein, the permittee shall submit to the Executive Director water quality certification, waste discharge requirements, or any other required approvals from the San Francisco Bay Regional Water Quality Control Board. Failure to obtain such certification prior to the commencement of any dredging episode shall terminate the Commission's authorization for that episode. The Executive Director may, upon review of the Regional Board approval, either: (1) approve the dredging episode consistent with this authorization; or (2) amend this authorization, as necessary, related to water quality issues. Unless the permittee agrees to amend this authorization in a manner specified by or on behalf of the Commission, this regionwide permit shall become null and void.

B. **Limits on Dredging.** This regionwide permit authorizes maintenance dredging only. No new dredging is authorized. The regionwide permit authorizes dredging within area(s) as shown on the exhibits submitted with the permittee's notice of intent to proceed under this regionwide permit. No dredging in other areas is authorized.

C. **Five-Year Permit for Dredging.** The maintenance dredging authorized by this regionwide permit shall be completed within five years of the date of transmittal of this regionwide permit. No further dredging is authorized.

D. Dredging and Disposal Activity

1. **Pre-Dredging and Disposal Report and Notice.** At least 45 days before the commencement of any dredging and disposal episode authorized herein, the permittee shall submit to the Commission's Executive Director:
 - a. a current bathymetric map showing the location of all areas authorized to be dredged, the authorized depth including over-dredge depth based on Mean Lower Low Water (MLLW), the volume of material proposed to be dredged, and the approximate date of project commencement.
 - b. a written statement to the Executive Director that contains: (1) the proposed disposal site and quantity of material to be disposed, and dates within which the disposal episode is proposed; (2) if applicable, a discussion as to how the volume proposed for disposal is consistent with in-Bay disposal allocations and disposal site limits; (3) the results of chemical and biological testing of sediment proposed for disposal; and (4) an alternatives analysis to explain why ocean disposal,

upland disposal or beneficial reuse of dredged material is infeasible. If the permittee qualifies as a small dredger and has a current, signed "*Small Dredger Programmatic Alternative Disposal Site Analysis*" on file with the Commission, Special Condition II – D (1)(b)(4) is satisfied.

2. **Authorization for Disposal.** The authorization for the proposed in-Bay disposal shall become effective only if the Executive Director: (1) informs the permittee in writing that the episode is consistent with the authorization provided herein, alternative disposal and beneficial reuse options are infeasible, the volume proposed for disposal is consistent with both in-Bay disposal allocations, if applicable, and the disposal site limits, and the material is suitable for in-Bay disposal; or (2) does not respond to the permittee's pre-disposal report within 30 days of its receipt.

If the Executive Director determines that: (a) ocean disposal, upland disposal, or beneficial reuse of the material is feasible; (b) the material proposed for disposal is unsuitable for the Bay; or (c) the proposed disposal is inconsistent with in-Bay allocations and disposal site limits, the Commission's authorization for in-Bay disposal shall be terminated.

3. At least two weeks prior to the scheduled date of commencement of any dredging episode, the permittee shall notify the Commission staff of the commence date by telephone or in writing. If the date of commencement changes, provide an updated schedule to the Commission staff.

4. **Post-Dredging Requirements**

- a. Within thirty (30) days of completion of each dredging episode of the maintenance dredging authorized by this regionwide permit, the permittee shall submit to the Commission a report which contains: (1) a bathymetric map showing (a) the location of all areas authorized to be dredged and to what depth based on MLLW; and (b) the actual areas dredged and depth based on MLLW, and any dredging that occurred outside the area authorized to be dredged or below the authorized depths.
- b. If a dredging episode stops for longer than six consecutive months, the permittee must submit, before the dredging episode resumes, notification to the Commission that dredging will begin again. If a dredging episode is suspended for more than six months, the Commission may require the permittee to complete: (1) new sediment characterization, (2) a re-survey of the dredge area, and/or (3) a revised alternative disposal option analysis.
- c. If the dredging episode continues longer than one year, whether dredging is continual throughout the year or is fragmented within the episode, the permittee must provide the Commission with the following dredging report:

(1) the actual areas and the depth dredged based on MLLW, and any dredging that occurred outside the area dredged; (2) the actual volume of the material dredged; and (3) the volume and location of the material disposed. The dredging report must be submitted no later than one year after the commencement of the episode, and must be submitted every six months thereafter throughout the life of the regionwide permit or until the episode is complete. The Commission may require additional sediment characterization, bathymetric surveys, and/or alternative disposal analyses at the commencement of the next episode. Within 30 days of the completion of the episode, the permittee must submit a dredging report as described in Special Condition 3a.

E. **Knockdown Dredging.** The knockdown episode proposed in this regionwide permit must meet the following conditions: (1) the shoal(s) must be located within the maintenance dredging footprint for the berth, marina or channel; (2) the depression into which the shoal(s) will be knocked must be located within the maintenance dredging footprint of the authorized project; (3) the shoal(s) to be knocked down must total no more than 2,500 cy; (4) permittee must use either a clamshell or towed "I-beam" to knock down the shoal into the depression; (5) each knockdown episode must be conducted to minimize the re-suspension of sediment; (6) the knockdown material must meet chemical and biological criteria specified by the Regional Water Board and/or BCDC before being knocked down; and (7) the permittee must meet the knockdown dredging episode notification requirements in Special Condition II - F (below).

F. **Knockdown Dredging Episode Notification**

1. **Prior Notice of Knockdown Episode.** The permittee shall notify the staff by telephone or in writing at least seven (7) days prior to undertaking any knockdown dredging episode. At this time, the permittee must also confer with BCDC and the Regional Water Board as to whether any testing for this knockdown material is required, and must submit a description of the project and a pre-dredge hydrosurvey of the knockdown area. The permittee shall permit the Commission staff or representatives of other state or federal agencies to come aboard the dredge or barge associated with the knockdown dredging episode and observe the operation to ensure that the knockdown dredging activity is consistent with the dredging report required herein and the other terms and conditions of this regionwide permit.
2. **Approval of Knockdown Episode.** Approval (by letter or email) from the Commission's staff authorizing each individual knockdown episode will be required before a knockdown episode may commence. Please be advised that consultation and subsequent approval may be required from appropriate resource agencies

before a knockdown episode may commence if the knockdown episode falls within a LTMS restricted period for the area.

3. **Knockdown Dredging Report.** Within thirty days of completion of each knockdown dredging episode authorized by this regionwide permit, the permittee shall submit to the Commission a report which contains: (1) a post-dredge hydrographic survey showing (a) the location of all areas authorized to be knocked-down and the authorized depth based on MLLW; and (b) the actual areas, and the depth after completion of the knockdown episode based on MLLW, and any knockdown activity that occurred outside the area authorized to be knocked-down or below the authorized depths; and (2) the actual volume of the material relocated in the knockdown episode.

G. **Seasonal Limitations.** Except as provided below, all dredging and disposal activities shall be confined to the work window provided in the transmittal letter for this regionwide permit to minimize disturbance to endangered and special status species, or have approval to dredge and dispose outside of the work window as described below.

The work window provided is consistent with Tables F-1 and F-2 of Appendix F, Figures 3.2 and 3.3 titled "*Dredging Work Windows by Area*" and "*Summary of Disposal Work Window*," respectively, of the *Long-Term Management Strategy (LTMS) Management Plan 2001*, as amended by the U.S. Fish and Wildlife letter dated May 28, 2004. Work proposed outside of the temporal and geographic work windows contained in the transmittal letter may be conducted only with the approval of the Executive Director, provided that such approval may only be issued after (1) consultation between the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service and/or NOAA Fisheries Service has occurred; and (2) the Executive Director has determined that dredging and disposal outside of the work window will be consistent with the Commission's laws and policies.

To protect the herring fishery, no dredging shall occur in areas of historic herring spawning grounds (Exhibit A), between December 1st and February 28th of any year without the written approval of the Executive Director, provided that such approval may only be issued: (1) after the permittee's representative requests from the California Department of Fish and Wildlife that they be allowed to dredge outside of the work window; (2) discussions between permittee's representative and the Department of Fish and Wildlife have occurred; (3) the outcome of those discussions have been provided to the Commission staff; and (4) the Executive Director has determined that dredging and disposal outside of the work window will be consistent with the Commission's laws and policies.

H. **Barge Overflow Sampling and Testing.** Results of any effluent water quality or other testing required by the San Francisco Bay Regional Water Quality Control Board shall be

submitted in writing to the Commission's office at the same time that such testing is submitted to the Regional Board.

I. **Marsh Protection.** The work authorized by this regionwide permit shall be performed so as to prevent any significant adverse impact on any tidal marsh or other sensitive wetland resources. If any unforeseen adverse impacts occur to any such area as a result of the activities authorized herein, the permittee shall restore the area to or improve the area above its previous condition, including returning the disturbed area to its original elevation and soil composition and, if the area does not revegetate to its former condition within one year, seeding all disturbed areas with appropriate marsh vegetation.

J. **Long-Term Management Strategy Program.** If, at any time during the effective life of this regionwide permit, the Commission's laws, Bay Plan policies, or regulations are changed and are in effect regarding dredging, dredged material disposal, and beneficial reuse consistent with the multi-agency Long-Term Management Strategy Program (LTMS), this regionwide permit shall become null and void unless the permittee agrees to amend this authorization to meet the new laws, policies, or regulations in a manner specified by or on behalf of the Commission.

K. **Monitoring and Enforcement.** The permittee shall allow the Commission staff or representatives of other state or federal agencies to come aboard the dredge or barge associated with any dredging or disposal episode and observe the operation(s) to ensure that these activities are consistent with pre-dredging reports required herein and other terms and conditions of this regionwide permit. Further, the Commission reserves the right to have post-dredging reports inspected by a reliable third party familiar with bathymetric mapping in order to verify the contents of these reports. If a third party selected by or on behalf of the Commission indicates that a post-dredging report is inaccurate, the permittee shall submit a revised report that meets the conditions of this regionwide permit.

III. Findings and Declarations

The Commission hereby finds, declares, and certifies that:

A. **Consistency with Commission Regulations.** The projects authorized by this regionwide permit involve routine maintenance dredging and disposal activities, as defined in Regulation Sections 10602(a), and 10602(e), or activities similar to those described above, as defined in Regulation Section 10601(e)(2), and thus are a "minor repair and improvement" and qualify for authorization under a regionwide permit that may be issued by the Commission and approved by the Executive Director, pursuant to Government Code Section 66632(f) and the Commission's regulations. The activities authorized by this Regionwide Permit will not have a significant impact on areas within the Commission's jurisdiction.

B. Consistency with McAteer-Petris Act and San Francisco The project authorized by this regionwide permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay.

C. Consistency with Coastal Zone Management Act. The activities authorized herein are consistent with the Commission's Amended Coastal Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Activity Proposed by the Dredging Community. Knockdown dredging, or underwater grading of shoals, is an activity proposed by the dredging community to remedy high spots within a berth, channel or marina without the mobilization of a full dredging and disposal episode. Because this process does not remove sediment up through the water column, but rather “moves” the shoal from a high location to a lower location within the dredging footprint, it is considered to have less environmental impacts than a full dredging episode where sediment is removed up through the water column, loaded on to a barge and disposed of at another, often aquatic disposal site. The sediment remains in the dredging footprint and is removed at a later date when a full dredging episode is necessary.

E. Consistency with California Environmental Quality Act. California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of "categorical exemptions" is located at 14 Cal. Admin. Code Sections 15300 through 15329. Section 15304 (Class 4), subsection (g), exempts maintenance dredging where the dredged sediment is deposited in a disposal site authorized by all applicable state and federal regulatory agencies. This regionwide permit is therefore categorically exempt because it authorizes only routine maintenance dredging of existing navigation channels, marinas and berthing areas of no more than 200,000 cubic yards of material, and the disposal of that material, provided the disposal occurs at a designated upland or ocean disposal site.

The third amendment of this Regionwide Permit by the Commission is not subject to the requirements of CEQA because it is not a type of activity that can reasonably be expected to have an impact, individually or cumulatively, on the environment. The third amendment was a non-substantive, administrative cleanup to harmonize the Regionwide Permit with BCDC's updated regulations pertaining to regionwide permits, effective July 1, 2026.

F. Commission's Dredging Policies. Regionwide Permit No. RWP-9, as amended, is consistent with the Commission's dredging policies because Special Condition II-A requires that the permittee provide a water quality or wasted discharge requirement from the Regional Water Quality Control Board. Special Condition II-D requires that the results from the sediment

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testing be provided to the Commission staff, that the project be disposed outside of the Commission Bay and certain waterways jurisdiction unless those options are infeasible, and that the disposal volume is consistent with the disposal site target volumes.

Regionwide Permit No. RWP-9, as amended, is consistent with the Bay Plan Tidal Marshes and Tidal Flat policies because each dredging project would be analyzed to determine the effects on any tidal marshes or mudflats through the application process, and Special Condition II-I requires that work be performed to prevent any significant impacts to marshes or mudflats within the project site.

Regionwide Permit No. RWP-9, as amended, is consistent with the Bay Plan Fish, Other Aquatic Organisms and Wildlife Policies because Special Condition II-G limits dredging to the specific environmental work window for that project, or requires consultation with the appropriate resource agency, thereby protecting threatened and endangered species, and species of special concern.

Regionwide Permit No. RWP-9, as amended, is consistent with the Bay Plan Subtidal Areas Policies because the projects authorized through this amended regionwide permit are for maintenance dredging of existing facilities only, and therefore, maintenance of these facilities would not affect tidal hydrology or bathymetry and impacts to species living within these dredged areas would be temporary as the site is re-colonized over time.

Regionwide Permit No. RWP-9, as amended, is consistent with water quality policies because Special Conditions II-D and H require testing of sediment for contaminants and acute toxic effects to benthic organisms, water quality parameters. Special Condition II-A requires the project receive a water quality certificate or waste discharge requirements from the San Francisco Bay Regional Water Quality Control Board prior to issuance of this amended regionwide permit, and for subsequent episodes authorized by this amended regionwide permit.

Regionwide Permit No. RWP-9, as amended, as conditioned, is consistent with the Commission's laws and policies including San Francisco Bay Plan policies on Dredging, Tidal Marshes and Tidal Flats, Fish, Other Aquatic Organisms and Wildlife, Subtidal Areas, and Water Quality.

G. Listing with the Commission. The Commission staff will prepare a description and indicate the location, disposal site, and environmental work window of any project authorized under this amended regionwide permit, along with the name and address of the permittee, and attach such information to the listing of administrative regionwide permits, marsh development permits, and federal consistency actions that is sent to the Commission, immediately following the Executive Director's approval of the project under this amended regionwide permit.

H. Enforcement Program and Civil Penalties. The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist

and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. **Permit Execution.** This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. **Permit Assignment.** The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.

C. **Permit Runs With the Land.** Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

D. **Other Government Approvals.** All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the San Francisco Bay Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

E. **Built Project must be Consistent with Application.** Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

F. **Life of Authorization.** Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.

G. **Commission Jurisdiction.** Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

H. **Changes to the Commission's Jurisdiction as a Result of Natural Processes.** This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.

I. **Violation of Permit May Lead to Permit Revocation.** Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.

J. **Should Permit Conditions Be Found to be Illegal or Unenforceable.** Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

K. **Permission to Conduct Site Visit.** The permittee(s) shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance

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NOI__

[APPLICANT]

[DATE]

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with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

By: _____
HARRIET ROSS
Regulatory Program Director

BM/xx/xx

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
City of _____ Planning Department

* * * * *

*

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Permittee

On _____

By: _____

Print Name and Title



Regionwide Permit Application Form

Use this form to apply for coverage under a BCDC regionwide permit.

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510

San Francisco, California 94105

info@bcfdc.ca.gov

www.bcdc.ca.gov

Application checklist

Before submitting your application, confirm that you have included each of the following items.

<input type="checkbox"/> Application form	Submit one completed and signed application form.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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) of the Commission's regulations. 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.
<input type="checkbox"/> Photographs of existing site conditions	Provide one or more photographs of existing site conditions.
<input type="checkbox"/> Application processing fee	\$200. Pay online or by check.

Completing this regionwide permit application form is not as difficult as it may look. Few applicants have to complete all parts of the form.

We have tried to make the instructions clear, concise, and complete. By carefully following the instructions, you will provide us with the information we need to process your application. If you have any difficulty completing the form or have any questions about the Commission, email us at info@bcdc.ca.gov.

We look forward to working with you on your project.

Which sections do I need to complete?

The following table shows which sections of this form you must complete based on the nature of your project.

Section	Title	Who must complete
Box 1	Applicant and property owner information	Everyone
Box 2	Regionwide permit coverage requested	Everyone
Box 3	Project site information	Everyone
Box 4	About the project	Everyone
Box 5	Government approvals	Everyone
Box 6	Environmental impact documentation	Everyone
Box 7	Fill information	Only if the 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
Box 8	Maintenance dredging and beneficial reuse or disposal of dredged sediment	Only if the project includes maintenance dredging and 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
Box 9	Adaptive management, monitoring, or mitigation plan	Only if applying for coverage under a permit that requires such a plan
Box 10	Certification and signatures	Everyone

Box 1: Applicant and property owner information

This section must be completed for every application.

Applicant information

Provide the following for the applicant (attach more pages if multiple applicants).

Name

Mailing address

Telephone

Email address

Property owner information (if different from applicant)

Name

Mailing address

Telephone

Email address

Authorize a representative

If you authorize someone to act as your representative concerning this application, include the following completed statement:

<input type="checkbox"/> I hereby authorize _____ to act as my representative and bind me in all matters concerning this application.

Applicant's representative contact information

If you authorize someone to represent you concerning this application, provide the following for your representative:

Name

Mailing address

Telephone

Email address

If there are additional applicants, co-applicants, property owners, or representatives, attach additional pages with the information requested above.

Box 2: Regionwide permit coverage requested

This section must be completed for every application.

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

- Regionwide permit 1** Minor repairs and maintenance (i.e., less than approximately 50% of an existing structure) to utilities, boat docks, pilings, and the removal of structures in the Bay, certain waterways, managed wetlands, and shoreline band
- Regionwide permit 2** Temporary installations in the Bay, certain waterway, managed wetland and shoreline band
- Regionwide permit 3** Reconstruction, replacement, and maintenance of bulkheads and seawalls in the Bay, certain waterways, managed wetlands, and shoreline band
- Regionwide permit 4** Reconstruction, replacement, incidental additions, and maintenance of service lines, utilities, utility cables, pipelines, and outfalls in the Bay, certain waterways, managed wetlands, and shoreline band; and installation of new pipelines where the majority of work would occur below the ground surface and Bay bottom
- Regionwide permit 5** Construction, reconstruction, replacement, and maintenance of: (1) new docks, piers, boat hoists, associated pilings and mooring buoys of less than 1,000 square feet; (2) wildlife habitat improvement structures; and (3) other pile-supported, water-oriented uses in the Bay, certain waterways, managed wetlands and shoreline band
- Regionwide permit 6** Small additions to single-family and two-family residences within the shoreline band
- Regionwide permit 7** Seismic retrofit and repairs of state bridges
- Regionwide permit 8** Repair and maintenance of pile-supported residential structures in the Bay or certain waterway
- Regionwide permit 9** Routine maintenance dredging of existing navigation channels and berthing areas of no more than 100,000 cubic yards with disposal at approved disposal sites

- I certify that I have reviewed the regionwide permit(s) under which I am applying for coverage and that my project includes only authorized activities described in one or more regionwide permits.
-

Box 3: Project site information

This section must be completed for every application.

Project location

Street address

Name of local jurisdiction

Incorporated city or unincorporated area of a county

Assessor's Parcel Number (APN)

Latitude and longitude

Existing site conditions

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

Previous BCDC permits

Identify the permit number(s) of any Commission permits issued for this site:

Threatened, endangered, or candidate species

Identify any known threatened, endangered, or candidate species that may be found at the project site:

Box 4: About the project

This section must be completed for every application.

Project description

Provide a narrative project description that summarizes the project and its purpose.

Project timeline

Month and year work is proposed to begin

Expected completion date

Total project cost

Indicate the total project cost. As defined in Appendix M of BCDC's regulations (codified at Division 5 of Title 14 of the California Code of Regulations), 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.

\$

Box 5: Government approvals

This section must be completed for every application.

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.

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

Required? Yes No Not sure

Approval received? Yes No

Date application submitted, approval received, or estimated application date

Agency contact name

Agency contact phone number or email address

An approval from the California Department of Toxic Substances Control

Required? Yes No Not sure

Approval received? Yes No

Date application submitted, approval received, or estimated application date

Agency contact name

Agency contact phone number or email address

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

Required? Yes No Not sure

Approval received? Yes No

Date application submitted, approval received, or estimated application date

Agency contact name

Agency contact phone number or email address

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

Required? Yes No Not sure

Approval received? Yes No

Date application submitted, approval received, or estimated application date

Agency contact name

Agency contact phone number or email address

A discretionary approval from the local government with jurisdiction

Required? Yes No Not sure

Approval received? Yes No

Date application submitted, approval received, or estimated application date

Agency contact name

Agency contact phone number or email address

Box 6: Environmental impact documentation

This section must be completed for every application.

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.

Yes No Not sure

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.

Yes No Not sure

Agency contact name

Agency contact phone number or email address

Box 7: Fill information

Only complete this section 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.

Definition: “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).

Amount of fill required

Surface area of tidal and subtidal property to be covered with fill (square feet or acres)

Total volume of fill to be placed in tidal and subtidal areas (cubic yards)

Dimensions of structures to be built on fill

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

Minimizing fill

Explain how the project has been designed to minimize the amount of fill.

Potential impacts from fill

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

Geotechnical and soils reports

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.

Yes No

Technical consultants

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.

Box 8: Maintenance dredging and beneficial reuse or disposal of dredged sediment

Only complete this section 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.

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.

DMMO application

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 in the remaining fields in this box.

DMMO application is attached — the remaining fields in this box are not required.

Type and frequency of dredging

Identify the type of dredging and frequency, whether single episode or multi-episode.

Total volume of sediment to be dredged (cubic yards)

Depth and area

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.

Substrate and sediment type

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

Sediment testing results

Provide the results of testing for biological, chemical, and physical properties of the sediment to be dredged.

Prior dredging history

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.

Dredging equipment

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

Beneficial reuse or disposal site(s)

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 placement or disposal, and state if the site is permitted to receive dredged sediment.

Transportation and transfer

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.

Volume by site

State the volume of sediment to be beneficially reused or disposed of, and, if at multiple sites, the volume to be reused or disposed of at each site.

Box 9: Adaptive management, monitoring, or mitigation plan

Only complete this section if you are applying for coverage under a permit that requires an adaptive management, monitoring, or mitigation plan.

The Commission may adopt one or more 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:

- A description of the current condition and functionality of the impacted ecosystem(s).
- Measurable performance standards and success criteria to meet the plan goals and the time frame necessary to achieve each performance standard.
- Monitoring parameters, monitoring schedule, and the protocols that will be used to determine if each performance standard has been met.
- The long-term management and maintenance practices that will be used to achieve the plan's goals and performance standards.
- The reporting schedule for the time frame necessary to achieve the plan's goals and performance standards.

Box 10: Certification and signatures

This section must be completed for every application.

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.

Each applicant and property owner and any representative must sign below. Attach additional signature pages if needed.

Applicant

Signature	Date
Printed name	Role / title

Property owner (if different from applicant)

Signature	Date
Printed name	Role / title

Applicant's representative (if applicable)

Signature	Date
Printed name	Role / title