

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

Transmitted Via Electronic Mail

November 9, 2023

TO: San Mateo County Harbor District
400 Oyster Point Boulevard, Suite 300
South San Francisco, California 94080

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Sam Fielding, Coastal Program Analyst; 415/352-3665 or sam.fielding@bcdc.ca.gov

SUBJECT: Instructions for Completing BCDC Permit Amendment No. 1977.001.19 (Amendment No. Nineteen); Oyster Point Marina Dock Replacement

Dear BCDC Permit Holder:

Enclosed please find a copy of your BCDC Amended Permit, executed by the Executive Director. The amended language has been incorporated into the authorization, special conditions, findings, and standard conditions sections of the permit consistent with BCDC laws and policies.

All permittees must (1) **complete** the acknowledgment section of the permit¹, which indicates that you have read and that you understand all of the terms and conditions of the permit, and (2) **return** the entire permit within the ten-day time period (see Standard Conditions IV-A). The [Notice of Completion and Declaration of Compliance Form](#), shall be returned to the Commission upon project completion.

Furthermore, your permit contains special conditions which require you to take certain specific actions. Please understand that **no** work may commence on the project until the permit is executed and returned to the Commission. Until the Commission receives the executed permit, the permittee does not have the necessary authorization for the work authorized under the permit. The commencement of any work within the Commission's jurisdiction without the necessary authorization from the Commission is a violation of the McAtteer-Petris Act and could subject you to substantial fines.

If you should have any questions regarding the permit or the procedure outlined above, please contact our staff at 415-352-3600 or info@bcdc.ca.gov.

¹ For your convenience, you will receive an email copy of the amended permit via DocuSign for your acknowledgement and e-signature.



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

PERMIT NO. 1977.001.19

(AMENDMENT NO. NINETEEN)

(Originally Issued on April 27, 1977, As

Amended Through November 9, 2023)

(Exclusive of Amendment Nos. Five and Fourteen)

San Mateo County Harbor District
400 Oyster Point Boulevard, Suite 300
South San Francisco, California 94080

On April 4, 1979, the San Francisco Bay Conservation and Development Commission, by a vote of 17 affirmative, 0 negative, approved the resolution pursuant to which this permit had been issued. Moreover, on October 13, 1977, March 27, 1978, July 24, 1978, December 28, 1979, December 4, 1984, May 14, 1987, September 17, 1987, June 7, 1989, July 14, 1995, February 3, 1997, March 12, 1998, December 16, 2005, August 23, 2007, October 13, 2011, June 20, 2012, October 7, 2021, and November 9, 2023, pursuant to Commission Regulation Section 10822, the Executive Director approved Amendment Nos. One, Two, Three, Four, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fifteen, Sixteen, Seventeen, Eighteen, and Nineteen, respectively, to which this amended permit is hereby issued:

I. Authorization

- A. **Authorized Project.** Subject to the conditions stated below, the permittee, San Mateo County Harbor District, is hereby authorized to expand and improve the existing Oyster Point Marina including the following:

Location: In the Bay and within the 100-foot shoreline band, at Oyster Point Marina, at the foot of Oyster Point Boulevard, in the City of South San Francisco, San Mateo County, as shown in Exhibit A.

Description:

1. In the Bay

- a. Dredge approximately 80,600 cubic yards (cy) of material from the East and West Basins and place the spoils on the existing peninsula (Complete);
- b. Deepen a portion of the West Basin, shown in Exhibit B, to a depth of -8 feet mean lower low water (MLLW) plus a 2-foot allowable over-dredge depth (a volume of approximately 12,000 cy) (Amendment No. Fifteen);



PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 2

- c. Maintenance dredge up to a depth of -8 feet plus a 2-foot allowable over-dredge depth (a volume of approximately 183,000 cy) as shown in Exhibit B (Amendment No. Fifteen);
- d. Construct and place an approximately 2,000-foot-long sheet pile breakwater north and east of the East Basin, covering approximately 2,000 square feet of Bay surface;
- e. Repair and/or replace as necessary, an existing 1,200-lineal-foot breakwater north of the West Basin;
- f. Place no more than 900 cubic yards of rock ballast fill over a 16,000-square-foot area on the north side of the West Basin for slope stabilization;
- g. Construct and place piles and floats in the East Basin, covering approximately 73,238 square feet of Bay surface and use the structures for berthing not more than 300 small boats;
- h. Replace the existing 311 berths in the West Basin by constructing and placing piles and floats covering approximately 61,000 square feet of Bay surface;
- i. Construct and place a public fishing pier at the east end of the peninsula covering approximately 5,700 square feet of Bay surface;
- j. Construct a commercial restaurant in the vicinity of the West Basin, of which not more than 1,500 square feet would be over the Bay;
- k. Place and maintain in-kind rock revetment riprap along approximately 5,000 lineal feet of the peninsula shoreline;
- l. Place a maximum of 12,000 cubic yards of sand for maintenance and improvement of the existing beach;
- m. Construct a boat launching ramp covering approximately 450 square feet of Bay surface on the leeward side of the breakwater;
- n. Refurbish a portion of an existing launch ramp and construct a 3,000-square-foot pier and ancillary facilities;
- o. Maintenance dredge up to 5,000 cubic yards per year and 25,000 cubic yards over a five-year period, and dispose of the dredge spoils at the federally-approved Alcatraz disposal site (Complete);
- p. Install and extend two outfall pipes under the beach area in such a manner, so the pipes do not interfere or detract from public use of the beach (Amendment No. Nine);
- q. Repair the existing landfill cap and shoreline protection on the south shoreline by: (1) conducting minor grading over a 30,297-square-foot area; (2) installing 30,297 square feet of 60-mil polyethylene membrane and

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 3

31,407 square feet of filter fabric; and (3) installing approximately 5,250 square feet of bedding material and approximately 35,237 square feet of armorstone;

- r. Construct an approximately 2,100-square-foot, windsurfer launch ramp, of which 500 square feet are located in the Bay (Amendment No. Twelve);
- s. Conduct in-kind repair and maintenance of all facilities authorized herein (Amendment No. Thirteen);
- t. Dispose of dredged material at the state and federally authorized Alcatraz (SF-11) disposal site, the deep ocean disposal site (SF-DODS) or an authorized upland location (Amendment No. Fifteen);
- u. Remove the ends of four docks covering approximately 7,585 square feet at boat docks 11 to 14 (Amendment No. Sixteen);
- v. Replace the removed docks with docks covering approximately 10,665 square feet (an additional 3,080 square feet) which will sit 3.5 foot deeper in the water and act as a floating breakwater to reduce wave action in the marina for boat safety, and use and maintain the docks in-kind (Amendment No. Sixteen);
- w. Remove approximately 29 twelve-inch square piles currently anchoring the docks, reuse and maintain in-kind approximately 11 twelve-inch square piles, and install and maintain in-kind approximately 37 twenty-four-inch square piles to anchor the floating docks/breakwater (Amendment No. Sixteen);
- x. Remove a deteriorated pier, four support piles, gangway, and floating dock covering a total of 1,826 square feet of fill at Dock 8 and replace them with 2,073 square feet of fill including a gangway and floating dock in a different configuration (Amendment No. Seventeen);
- y. Remove a gangway, floating dock, and sixteen guide piles covering a total of 6,722 square feet of fill at Dock 11 and replace them with 9,816 square feet of fill including a gangway, floating dock and nineteen guide piles in a different configuration (Amendment No. Seventeen);
- z. Remove two existing navigation aids, each constructed of three 12-inch-diameter timber piles and a timber supported platform (approximately 14 square feet of fill), and legally dispose of the material outside of the Commission's jurisdiction (Amendment No. Eighteen);
- aa. Install, use, and maintain two 30-inch-diameter steel monopile navigation aids, including a steel platform, access ladder, and navigational lights and signs (approximately 9.82 square feet of total fill) (Amendment No. Eighteen);

- bb. Replace floating wood Docks 12 through 14 (approximately 29,000 square feet total) in the East Basin with concrete floating docks (approximately 30,500 square feet total) (Amendment No. Nineteen); and,
- cc. Remove up to 115, 12- to 14-inch square concrete piles and replace with 105, 16-inch square concrete piles or 16-inch diameter fiberglass piles (Amendment No. Nineteen).

2. **Within the 100-foot Shoreline Band**

- a. Place the dredge spoils from I-A-I-a above and a clay cap seal over approximately 12 acres of shoreline band area in accordance with an order from San Francisco Bay Regional Water Quality Control Board (Complete);
- b. Construct, use, and maintain the remainder of the 10,000-square-foot restaurant, a harbormaster's office, a portion of a commercial retail complex, a portion of a boat repair yard, several public restrooms, an existing beach, parking for approximately 170 cars, a public promenade around the shoreline, and landscaping;
- c. Install and use four catch basins and piping systems to alleviate surface water ponding (Amendment No. Ten);
- d. Repair the existing landfill cap and shoreline protection by: (1) conducting minor grading over an approximately 53,133-square-foot area; (2) placing approximately 800 cubic yards of clay over an approximately 15,770-square-foot area; (3) installing approximately 19,703 square feet of 60-mil polyethylene membrane and 62,753 square feet of filter fabric; and (4) installing approximately 14,213 square feet of armorstone and 18,900 square feet of overtopping rock;
- e. Construct an approximately 2,100-square-foot windsurfer launch ramp, of which 1,600 square feet are located within the shoreline band (Amendment No. Twelve);
- f. Improve an approximately 49,000-square-foot public access area along 1,920 linear feet of the shoreline by: (1) constructing a ten-foot-wide, concrete pathway totaling 16,200 square feet; (2) installing irrigation, 26,000 square feet of turf, 25 trees, 100 shrubs; and (3) installing six new benches, two new picnic tables, signage, various wood screen walls and bollards (Amendment No. Twelve);
- g. Repair and rebuild the approach to the existing fishing pier by removing existing materials at the approach site including old landfill rubbish, asphalt paving, three trees and other landscaping, concrete wing walls, and a concrete access ramp, placing imported fill with filter fabric, and installing an approximately 210-square-foot aluminum gangway, an approximately

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 5

175-square-foot concrete pad, approximately 170 square feet of gravel, and approximately 775 square feet of native hydroseed landscaping (Amendment No. Thirteen);

- h. Temporarily (for no more than 120 days) use a portion of the marina shoreline, specifically the area designated as the contractor staging area in the plan entitled "Oyster Point Marina Breakwater Modifications Site Plan," prepared by the U.S. Army Corps of Engineers, dated June 15, 2011, (Amendment No. Sixteen);
- i. Conduct in-kind repair and maintenance of all facilities authorized herein (Amendment No. Thirteen);
- j. Replace and improve accessways through the following activities (Amendment No. Nineteen):
 - i. Replace four existing accessways (abutment, access platform, security gate, and gangways) in the East Basin at Docks 11 through 14;
 - ii. Replace three existing accessways in the West Basin at Docks 1 through 6 with longer 53-foot-long by 15-foot-wide access platforms;
 - iii. Remove existing grated metal gangways for Docks 1 through 3 and 12 through 14 and replace with aluminum gangways;
 - iv. Remove and reinstall existing 80-foot-long by 4-foot-wide gangway at Dock 11;
 - v. Remove existing 14-inch piles for accessways and replace with up to four 16-inch square concrete piles at each accessway;
 - vi. Replace existing abutments at docks 12 through 14 with in kind concrete abutments;
 - vii. Install security fencing, guardrails and access gates on the concrete accessway slab; and,
 - viii. Replace water and electric utilities, including new electric equipment boxes at new fixed pier accessways.

B. Based on Application Dated. This amended authority is generally pursuant to and limited by the application filed January 20, 1977, your letters requesting Amendment Nos. One, Two, Three, Four, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fifteen, Sixteen, Seventeen, Eighteen, and Nineteen, dated September 29, 1977, March 16, 1978, May 22, 1978, July 31, 1979, November 13, 1984, February 16, 1987, May 18, 1987, July 20, 1987, April 10, 1989, November 4, 1996, December 22, 1997, September 21, 2005, April 6, 2007, August 30, 2011, May 4, 2012, March 1, 2021, and June 10, 2022, respectively, including all subsequent submissions, attached exhibits, correspondence and required conditions herein (Amendment No. Nineteen).

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 6

- C. **Deadlines for Completing Authorized Work.** The repair and reconstruction of the fishing pier approach authorized herein under Amendment No. Thirteen was to commence by January 1, 2007 and was to be completed within one year of commencement, or by January 1, 2008, whichever was earlier, unless an extension of time was granted by further amendment of this amended permit. The in-kind repair and maintenance of all facilities authorized herein may continue as needed for so long as the improvements are in place.

Dredging authorized herein under Amendment No. Fifteen was to commence by December 31, 2008 and was to be completed within five years, by August 1, 2013, unless an extension of time was granted by further amendment of this amended permit (Amendment No. Fifteen).

Work authorized in Amendment No. Sixteen was to commence prior to September 1, 2013 or this amended permit would lapse and become null and void. Such work was also to be diligently pursued to completion and completed by September 1, 2015, or within two years of commencement, whichever was ~~is~~ earlier, unless an extension of time was granted by further amendment of this amended permit.

Work authorized in Amendment No. Seventeen was to commence prior to July 1, 2014 or this amended permit would lapse and become null and void. Such work was also to be diligently pursued to completion and completed by July 1, 2016, or within two years of commencement, whichever was ~~is~~ earlier, unless an extension of time was granted by further amendment of this amended permit (Amendment No. Seventeen).

Work authorized in Amendment No. Eighteen must commence prior to October 31, 2022 or this amended permit will lapse and become null and void. Such work must also be diligently pursued to completion and completed by October 31, 2023, or within one year of commencement, whichever is earlier, unless an extension of time is granted by further amendment of this amended permit. Maintenance authorized herein may be conducted as long as the development remains in place, subject to the terms in Special Condition II.G.6 "In-kind Repairs and Maintenance" (Amendment No. Eighteen).

Work authorized by Amendment No. Nineteen must commence by November 30, 2025, and must be diligently pursued to completion within three (3) years of commencement, no later than November 30, 2028, unless an extension of time is granted by a further amendment of this amended permit.

- D. **Project Summary.** The project will result in approximately 4.776 acres of new Bay fill for small boats and approximately 6,920 lineal feet of improved shoreline public access (Amendment No. Seventeen).

The work authorized by Amendment No. Eighteen will result in a net decrease of approximately four-square feet of fill (Amendment No. Eighteen).

The work authorized by Amendment No. Nineteen will result in a net increase of approximately 25 square feet of solid fill and approximately 1,500 square feet of over-water fill (Amendment No. Nineteen).

II. Special Conditions

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

A. Specific Plans and Plan Review

1. **Plan Review.** No work whatsoever shall be performed at any location pursuant to this permit, as amended, until final precise site, engineering, grading, architectural, and landscaping and public access plans for that portion of the work have been submitted to, reviewed, and approved by or on behalf of the Commission. In each instance, plan review shall be based upon conformity with the permit, as amended, and upon a determination by or on behalf of the Commission that the proposed construction will be in accordance with (a) the information presented to and the recommendations of or on behalf of the Engineering Criteria Review Board for engineering plans; and (b) the information presented to and the recommendations of or on behalf of the Design Review Board for grading, site, architectural, landscaping and public access plans.
2. **Conformity with Precise Plans.** All finished structures shall conform to the final plans approved by or on behalf of the Commission and no noticeable exterior changes shall be made thereafter to any final plans or to any constructed structure without first obtaining written approval of the change by or on behalf of the Commission. Final plans required to be submitted to any other governmental agency shall conform to the final plans approved by or on behalf of the Commission.
 - 1) **Construction of Catch Basins, Piping Systems and Outfall Pipes (Amendment No. Ten).** The improvements authorized by Amendment No. Ten herein shall be built generally in conformance with the plan entitled "San Mateo County Harbor District: Oyster Point Marina/Park Surface Water Drainage Improvements," prepared by Concept Marine Associates, Inc., and Levine-Fricke, and stamped "Received April 5, 1995: Donald F. Gulluzy, General Manager: S.M.C.H.D." No further plan review is necessary for the portion of the work authorized herein. No changes to the design of the project shall be made without the prior written approval of the BCDC staff.
 - 2) **South Shore Cap and Landfill Repair.** The improvements authorized by Amendment No. 11 herein shall be built generally in conformance with the plans entitled "Oyster Point – Shoreline Protection Repair, Project No. 2805-96" prepared by Levine Fricke Recon, as revised through November 1996. No noticeable changes to the design of the project shall be made without the prior written approval of the BCDC staff.

- 3) **Bay Trail at Oyster Point Marina.** Final plans shall be submitted for approval pursuant to Special Condition II-A-1. Final plans shall be in substantial conformance with the site plan entitled, "San Francisco Bay Trail at Oyster Point Marina/Park, Concept Plan", prepared by Callander Associates and dated November 17, 1997, and the cross sections entitled, "San Francisco Bay Trail at Oyster Point Marina/Park, Illustrative Cross Sections", prepared by Callander Associates and dated November 17, 1997. No noticeable changes to the design of the project shall be made without the prior written approval of BCDC staff (Amendment No. Twelve).
- 4) **Reconstruction and Repair of Fishing Pier Approach.** No plan review is required for the work authorized under Amendment No. Thirteen, the reconstruction and repair of the fishing pier approach which shall generally conform to the plans submitted to the Commission's offices on September 21, 2005, entitled "Pier Demo Plan", "Pier Demo Elevation", "Pier Improvement Plan", and "Pier Improvement Elevation", all dated June 22, 2005 (Amendment No. Thirteen).
- 5) **Floating Breakwater Dock.** The removal of boat docks and replacing them with new boat docks designed to act as a floating breakwater shall be done in general conformance with the plans entitled, "Oyster Point Marina Breakwater Modifications," prepared by the U.S. Army Corps of Engineers and dated June 15, 2011. No further plan review is required for this work authorized under Amendment No. Sixteen (Amendment No. Sixteen).
- 6) **Floating Docks (Amendment No. Seventeen).** The removal of deteriorated boat docks, a small pier, and gangways and their replacement with new boat docks and gangways in a different configuration shall be done in general conformance with the plans entitled "Oyster Point Marina Guest Dock (Dock 8) and Dock 11 Modifications," prepared by the San Mateo County Harbor District in San Mateo County, California and dated April 27, 2012, 2011. No further plan review is required for the work authorized under Amendment No. Seventeen.
- 7) **Navigation Aid Replacement Project.** Work authorized under Amendment No. Eighteen shall be built generally in conformance with the plans entitled "Replacement of Oyster Point Marina Entrance Navigation Aids," prepared by Foth & Van Dyke and Associates and dated March 1, 2021. No further plan review is required of these final construction documents if no substantial change occurs to these documents. (Amendment No. Eighteen).
- 8) **Marina Dock Replacement Project.** Work authorized under Amendment No. Nineteen shall be built generally in conformance with the plans entitled "Oyster Point Marina Docks 12 – 13 Replacement and Other Improvements," prepared by Moffatt & Nichol and dated March 1, 2022. No further plan review is required of these final construction documents if no substantial change occurs to these documents (Amendment No. Nineteen).

B. Water Quality - Marina Facility (Amendment No. Fifteen)

1. **Construction Operations.** All construction shall be performed to minimize roiling of the water and to prevent timbers, floats, or other construction materials from drifting and presenting either a pollution or navigation hazard. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittee shall immediately retrieve and remove such material at its expense.
2. **Bilge Water and Oily Wastes.** Depositing bilge water or other oily wastes in the marina basin and Bay is strictly prohibited. Prior to the use of any of the facilities authorized herein, the permittee shall install a suitable facility for receiving and disposing of bilge water and oily wastes. The facility shall conform to all applicable codes and regulations including, but not limited to approval by the Regional Water Quality Control Board, the U. S. Coast Guard, and the Environmental Protection Agency, as appropriate.
3. **Sewage Facilities.** The permittee shall install and maintain a convenience facility for the pumping out of boat holding tanks and the disposal of sewage from portable toilets into shoreside sewers.
4. **Use of Marine Toilets**
 - a. The permittee shall make it a requirement of the use or occupancy of any boat slip that any boat berthed, if equipped with a marine toilet (head), shall contain an adequate holding tank, incinerator recirculation device, or other equivalent device approved by or on behalf of the Environmental Protection Agency and the U. S. Coast Guard that would receive and retain sewage from the boat's head to preclude discharge of sewage or chemicals into the waters of the marina; or have the marine toilet rendered inoperable while any such boat is moored in the marina. The permittee shall require that marine toilets of boats without holding tanks or equivalent devices are, in fact, rendered inoperable at all times when the boats are moored in the marina.
 - b. The permittee shall make it a requirement of the use and occupancy of any boat slip in the marina that any dumping of solid or liquid waste into that portion of San Francisco Bay within the mooring area is forbidden and any such dumping shall be cause for immediate cancellation of the right of such use or occupancy and shall be reported to all appropriate authorities.
 - c. The permittee shall submit to the Commission a copy of the berthing agreement which includes the requirements of Special Conditions II-B-4-a and II-B-4-b.
 - d. The permittee shall provide, in the marina, adequate restrooms for boat owners and users, and guests.

- e. The permittee shall permanently and adequately enforce, through appropriate policing, the rules and requirements adopted pursuant to this condition. The permittee shall submit to the Commission's staff the name, address and telephone number of the person who is responsible at the marina for requiring that the rules and regulations adopted pursuant to this condition are enforced.
- f. The Commission specifically reserves the right, in the event of repeated or serious problems with dumping of sewage from boats into the Bay within the marina, to require in addition to the above that individual shoreside sewer connections be provided at the expense of the permittee for each boat mooring in the marina. In this event, the permittee shall require each boat in the marina to be connected to such shoreside sewer whenever moored in the marina.

5. Live-Aboard Boats

- a. **Active Navigation.** Live-aboard boats authorized to be moored in the marina shall be those boats designed and used for active navigation but are distinguished from other navigable boats in that they are also used as a primary place of residence. No houseboats shall be moored in the marina;
- b. **Shoreside Facilities.** Convenient and adequate parking, restrooms, showers, garbage disposal facilities and sewage pumpout stations shall be provided and maintained for use by occupants of the live-aboard boats;
- c. **Ten Percent Live-Aboard Boats.** The number of live-aboard boats shall at no time exceed ten percent of the number of authorized berths in the marina;
- d. **Adequate Tidal Circulation.** Adequate tidal circulation shall be maintained in the marina;
- e. **Waste Discharge.** The discharge of any solid or liquid wastes, including oily bilge water, waste oil, or sewage into the Bay within the marina basin, shall be in accordance with federal and state regulations. This restriction shall not apply to the discharge of liquid wastes associated with the use of an automatic bilge pump;
- f. **Sewer Connections.** At such time as the Environmental Protection Agency designates the Oyster Point Marina as a "no discharge" area, direct shoreside sewer connections for each live-aboard shall be provided by the permittee;
- g. **No Houseboats.** No houseboats may be berthed at the Oyster Point Marina;
- h. **Distribution of Boats.** Live-aboard vessels are allowed only for the purpose of providing added security for all boat owners, users, and the public. The live-aboard boats shall be distributed throughout the marina in a manner that will provide the greatest security; and
- i. **Plan Showing Boats and Berth Information.** Prior to the use of any berth for live-aboard purposes, the permittee shall submit for review and approval by or on behalf of the Commission, a plan showing the specific location of each live-aboard vessel, the name of the vessel, the DMV registration of the vessel, a

description of the waste handling facilities on the vessel, the name(s), address(es), telephone number(s) of the owner(s) of the vessel and, if the occupant is other than the owner, the name(s), address(es) and telephone number(s) of the occupants of the live-aboard or vessel. If the occupant(s) regularly use a motor vehicle, the plan shall indicate where the vehicle is normally parked when live-aboard boat or other vessel used for residential purposes is occupied. Within two weeks of any change in the location, use or ownership of any live-aboard boat or other vessel used for residential purposes, the permittee shall submit a revised plan showing and describing the change (Amendment No. Sixteen).

C. Public Access – Oyster Point Marina

1. **Area.** Until this permit, as amended, is revoked, amended further, or otherwise modified by or on behalf of the Commission, the permittee shall hold and maintain the entire area of the improvements, excepting the marina floats, open to the public for access to San Francisco Bay for walking, bicycling, viewing, boating, fishing, picnicking, sitting, and related purposes.
2. **Public Access Improvements.** Prior to the occupancy or operation of any of the new facilities authorized herein, the permittee shall have made the following improvements within the areas reserved for public access:
 - a. Clean up and remove all debris;
 - b. Landscape areas within the Commission's jurisdiction in accordance with the recommendations of the Design Review Board and landscape plans approved pursuant to Special Condition II-A;
 - c. Provide adequate benches, trash containers, lighting, and other appropriate facilities, located and approved in accordance with Special Condition II-A; and
 - d. Install and maintain no less than six (6) signs identifying the public access areas. The locations, size, and design of the signs shall be reviewed and approved in accordance with Special Condition II-A.
3. **Pipe Installations across Public Access Pathways (Amendment No. Ten).** Installation of the outfall pipes and piping system authorized in Section No. I-A-2-c herein across existing asphalt paths shall be performed within a maximum two-foot-wide trench, and pipes placed, and the path repaired within ten days total time.
4. **Notice of Construction in Public Access Areas.** One week before commencement of construction in each public access area pursuant to Section I-A-1-n herein (Amendment No. Nine) and Section I-A-2-c herein (Amendment No. Ten), the permittee shall inform BCDC in writing of the date of commencement. Within one week of completion of construction in each public access area, permittee shall further provide BCDC with written confirmation of completion of construction, restoration of the public access areas pursuant to Section II-C-3-a herein, and the date of completion.

5. **Maintenance.** The areas and improvements within the public access areas shall be permanently maintained by and at the expense of the permittee or its assignees. Such maintenance shall include, but is not limited to, repairs to all path surfaces; replacement of any trees or other plant materials that die or become unkempt; repairs or replacement as needed of any public access amenities such as signs, benches, drinking fountains, trash containers and lights; periodic cleanup of litter and other materials deposited within the access areas; removal of any encroachments into the access areas; and assuring that the public access signs remain in place and visible. Within 30 days after notification by staff, the permittee shall correct any maintenance deficiency noted in a staff inspection of the site (Amendment No. Twelve).
6. **Assignment.** The permittee shall transfer maintenance responsibility to a public agency or another party acceptable to the Commission at such time as the property transfers to a new party in interest but only provided that the transferee agrees in writing, acceptable to counsel for the Commission, to be bound by all terms and conditions of this permit (Amendment No. Twelve).
7. **Reasonable Rules and Restrictions.** The permittee may impose reasonable rules and restrictions for the use of the public access areas to correct particular problems that may arise. Such limitations, rules, and restrictions shall have first been approved by or on behalf of the Commission upon a finding that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access areas, and would tend to correct a specific problem that the permittee has both identified and substantiated. Rules may include restricting hours of use and delineating appropriate behavior (Amendment No. Twelve).

D. Public Access-San Francisco Bay Trail

1. **Area.** The approximately 49,000-square-foot area, approximately 1,920-lineal feet of shoreline as generally shown on Exhibit C shall be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, fishing, picnicking, and related purposes for as long as the improvements exist. If the permittee wishes to use the public access area for other than public access purposes, it must obtain prior written approval by or on behalf of the Commission (Amendment No. Twelve).
2. **Improvements Within the Total Public Access Area.** Prior to the use of any structure authorized herein, the permittee shall install the following improvements, as generally shown on attached Exhibit C;
 - a. A ten-foot-wide, concrete pathway totaling 16,200 square feet with two connections to the existing pathways and Marina Boulevard;
 - b. Irrigation, 26,000 square feet of turf, 25 trees, 100 shrubs and native grasses and wildflowers for erosion control;

- c. Six benches, six garbage receptacles, two picnic tables, signage, various wood screen walls and bollards;
- d. An approximately 2,100-square-foot, windsurfer launch ramp with safety signage; and
- e. No fewer than two public access and, when appropriate, Bay Trail signs, at the beginning of each path on the site.

Such improvements shall be consistent with the plans approved pursuant to Condition II-A of this authorization (Amendment No. Twelve).

3. **Maintenance.** The areas and improvements within the total 49,000-square-foot area shall be permanently maintained by and at the expense of, the permittee or its assignees. Such maintenance shall include, but is not limited to, repairs to all path surfaces; replacement of any trees or other plant materials that die or become unkempt; repairs or replacement as needed of any public access amenities such as signs, benches, drinking fountains, trash containers and lights; periodic cleanup of litter and other materials deposited within the access areas; removal of any encroachments into the access areas; and assuring that the public access signs remain in place and visible. Within 30 days after notification by staff, the permittee shall correct any maintenance deficiency noted in a staff inspection of the site (Amendment No. Twelve).
4. **Assignment.** The permittee shall transfer maintenance responsibility to a public agency or another party acceptable to the Commission at such time as the property transfers to a new party in interest but only provided that the transferee agrees in writing, acceptable to counsel for the Commission, to be bound by all terms and conditions of this permit (Amendment No. Twelve).
5. **Reasonable Rules and Restrictions.** The permittee may impose reasonable rules and restrictions for the use of the public access areas to correct particular problems that may arise. Such limitations, rules, and restrictions shall have first been approved by or on behalf of the Commission upon a finding that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access areas, and would tend to correct a specific problem that the permittee has both identified and substantiated. Rules may include restricting hours of use and delineating appropriate behavior (Amendment No. Twelve).
6. **Disabled Access.** All public access improvements authorized and required herein shall be accessible to the disabled consistent with local, state and federal accessibility laws including, but not limited to, the Americans with Disabilities Act (Amendment No. Twelve).

E. Minimizing and Offsetting Impacts to Natural Resources

1. **Minimizing Impacts to Special Status Species.** To reduce impacts to migratory special-status fish species, all pile-driving shall be done by vibratory hammer (Amendment No. Sixteen).
2. **Oyster Monitoring.** To ensure that oyster habitat at the marina is maintained, the permittee must provide a pre- and post- construction survey to evaluate any impacts to oysters within 60 days of project completion. In addition, the permittee must provide annual monitoring of oyster density for two years post construction of the floating breakwater boat docks. If the oyster monitoring reports show that the oysters are not establishing on the floating breakwater docks or the densities of the oysters significantly decline below pre-construction densities, the permittee must seek further consultation with NOAA's National Marine Fisheries Service (NMFS) within 90 days to determine what measures may be employed to promote oyster establishment on the floating dock and to implement the most promising measure (Amendment No. Sixteen).
3. **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 (Amendment No. Sixteen).
4. **NMFS Not Likely to Adversely Affect (NLAA) 2018 Programmatic Criteria.** For the project authorized under Amendment No. Eighteen, the permittee shall conduct work consistent with the criteria specified in the "United States Army Corps of Engineers (USACE) Proposed Additional Procedures and Criteria for Permitting Projects under a Programmatic Determination of Not Likely to Adversely Affect Select Listed Species in California (the 2018 NLAA Program)" and the "Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson - Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the U.S. Army Corps of Engineers 2018 NLAA Program," issued September 10, 2018, by NMFS. Such measures shall include, but are not necessarily limited to:
 - a. In-water work shall be limited to June 15th to November 30th of any year to protect special status fish species present in and around the project area, unless the permittee seeks and obtains prior written approval from the Executive Director and NMFS; and
 - b. Pile-driving and pile removal criteria shall be adhered to, including the use of a vibratory hammer for installation of the 30-inch steel pipe piles (Amendment No. Eighteen).
5. **Water Quality.** To protect water quality during construction of the project authorized under Amendment No. Eighteen, the permittee shall conduct work consistent with the requirements of the "Notice of Applicability (NOA) for Enrollment Under Order No. R2-2018-0009 General Waste Discharge Requirements

and Water Quality Certification for Construction and Maintenance of Overwater Structures for the Replacement of Oyster Point Marina Entrance Navigation Aids San Mateo County” issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on April 27, 2021. The permittee shall submit any amendment or modification to the RWQCB NOA to the Commission for review (Amendment No. Eighteen).

For the project authorized under Amendment No. Nineteen, the permittee shall conduct work consistent with the requirements of the “Clean Water Act Section 401 Water Quality Certification and Order for the Oyster Point Marina Dock Replacement Project” (WDID# 2 CW447801) issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on March 20, 2023. The permittee shall submit any amendment or modification to the RWQCB WQC to the Commission for review (Amendment No. Nineteen).

- 6. NMFS Consultation and Environmental Work Window.** The permittee shall adhere to the conservation measures, including best management practices and worksite protocols, to protect steelhead, green sturgeon, and other sensitive species in the vicinity of the project site as described in the NMFS Section 7 Concurrence Letter, dated October 19, 2022, or as modified by the NMFS. The permittee shall submit any amendment or modification to the NMFS Consultation to the Commission (Amendment No. Nineteen).

All in-water work activities shall be limited to June 1st to November 30th of any year to avoid potential impacts to special-status that may occur in the project area. An extension to work beyond this timeframe may be granted by the Executive Director, after consultation with the National Marine Fisheries Service (NMFS), U.S. Department of Fish and Wildlife (USFWS), and the California Department of Fish and Wildlife (CDFW) regarding additional minimization and avoidance measures that may be necessary to minimize impacts from the project. Additionally, all work shall be conducted in low water and low current, to the extent possible (Amendment No. Nineteen).

F. Riprap

- 1. Riprap Placement.** Riprap material shall be placed so that a permanent shoreline with a minimum amount of fill is established by means of an engineered slope not steeper than two (horizontal) to one (vertical). The slope shall be created by the placement of a filter layer protected by riprap material of sufficient size to withstand wind and wave generated forces at the site.
- 2. Riprap Material.** Riprap material shall be either quarry rock or concrete pieces conforming to quality requirements for specific gravity, absorption, and durability specified by the California Department of Transportation or the U. S. Army Corps of Engineers. The size of material shall be limited to three feet measured in any dimension. The overall thickness of the slope protection shall be no more than four

and one-half feet measured perpendicular to the slope. Use of dirt, small concrete rubble, exposed rebar, large and odd shaped pieces of concrete, and asphalt concrete as riprap is prohibited.

3. **Maintenance.** The shoreline protection improvements authorized herein shall be regularly maintained by, and at the expense of the permittee, any assignee, lessee, sublessee, or other successor in interest to the project. Maintenance shall include, but not be limited to, collecting any materials that become dislodged and repositioning them in appropriate locations within the shoreline protection areas, replacing in-kind material that is lost, repairing the required filter fabric as needed, and removing debris that collects on top of the shoreline protection. Within 30 days after notification by the staff of the Commission, the permittee or any successor or assignee shall correct any maintenance deficiency noted by the staff.

G. **Construction Best Management Practices**

1. **Construction Operations.** All construction operations shall be performed to prevent construction materials from falling, washing or blowing into the Bay. In the event that such material escapes or is placed in an areas subject to tidal action of the Bay, the permittee shall immediately retrieve and remove such material at its expense (Amendment No. Seventeen).
2. **Debris Removal.** All debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any material is placed in any area within the Commission's jurisdiction, the permittee, its assigns or successors 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.
3. **Outfall Pipes (Amendment No. Nine).** The two outfall pipes authorized by Amendment No. Nine herein to extend under the beach and into the basin, shall be buried under the beach and shall not interfere with public use of the beach or access along the shoreline. All gullies shall be filled in and the pipes extended into the deep water area to minimize visual impact from the shoreline. Plans for the extension shall be submitted and reviewed under Special Condition II-A prior to commencement of construction.
4. **Erosion Control and Soil Restoration (Amendment No. Ten).** The top 8 inches of topsoil and vegetation removed pursuant to Amendment No. Ten shall be stockpiled during trenching activities and returned to the site at preconstruction grade, above or near the pipelines, upon project completion to encourage growth of native vegetation. The remaining soil materials removed shall **not** be stored on site, but shall be properly disposed at a location outside the Commission's jurisdiction. Work on the catch basins and piping system authorized by Amendment No. Ten herein

during construction so as to prevent erosion after project completion. Appropriate landscaping in the vicinity of the catch basins and the pipeline shall be restored in the area above the pipelines and placed at the edges and in the general vicinity of the catch basins.

5. **Outfall Pipe Maintenance (Amendment No. Ten).** The outfall pipes authorized in Amendment No. Nine and the catch basin, piping system improvements and outfall pipes authorized in Amendment No. Ten herein shall be regularly maintained by, and at the expense of the permittee, any assignee, lessee, sublessee, or other successor in interest to the project. Maintenance shall include, but not be limited to, (1) collection of any shoreline protection materials that become dislodged and repositioning them in appropriate locations within the vicinity of the outfall pipes, (2) maintenance and repair of erosion control measures in the vicinity of the outfall pipes, catch basins and associated pipelines, (3) maintenance of landscaping restored pursuant to Special Condition No. II-C herein, and (4) periodic cleanup of litter and other materials deposited within the public access areas in the 100-foot shoreline band. Within 30 days after notification by the staff of the Commission, the permittee or any successor or assignee shall correct any maintenance deficiency noted by the staff (Amendment No. Fifteen).
6. **In-Kind Repairs and Maintenance.** Any in-kind repairs and maintenance of the facilities authorized herein shall only use construction material that is approved for use in San Francisco Bay. Construction shall only occur during current approved months during the year to avoid potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions. (Amendment No. Thirteen).
7. **Contractor Staging Area.** The permittee may temporarily (for no more than 120 days) use a portion of the site, specifically the area designated as the contractor staging area in the plan entitled "Oyster Point Marina Breakwater Modifications Site Plan," prepared by the U.S. Army Corps of Engineers, dated June 15, 2011, as a temporary contractor staging area. This area shall be fenced off for public safety, but shall not impact previously required public access (Amendment No. Sixteen).

H. Engineering

1. **Horizontal Control Points.** No work whatsoever shall be performed at any location pursuant to this permit, as amended, until the permittee installs a minimum of two (2) permanent horizontal control points of a type and at locations approved by or on behalf of the Commission. These control points shall be placed under the supervision of a registered engineer or land surveyor, and shall be accurately located and mapped in relation to each other, to the closest known existing control point or other acceptable fixed point in the project area, and to the limits of any proposed fill in the Bay. These control points shall be located so as to facilitate field checking, with simple equipment, of the limits of the fill authorized pursuant to this permit, as amended. Said fill limits shall be dimensioned from these control points, or, if the scale of the drawing is adequate, it shall carry a note stating that field dimensions

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 18

may be scaled from the drawing and the accuracy of such scaling, e.g., "Field dimensions to an accuracy of + 1' may be scaled from this drawing." These control point locations shall be clearly shown on all plans submitted pursuant to Special Condition II-A.

2. **Engineering Certification.** Prior to the commencement of any work authorized in paragraph I-A-2-b, the permittee shall submit a letter from the soils engineer of record stating that (1) he has inspected the work and reviewed the engineering plans and based on his professional knowledge, that the completed earth work does comply with the order of the Regional Water Quality Control Board and remedial measures employed represent the state of the practice and will substantially control the leachate from entering the Bay; and (2) that the soils are sufficiently stable to support the structures and improvements authorized in paragraph I-A-2-b such that risk to persons and property due to a seismic event has been reduced to the maximum feasible extent.

I. Dredging

1. **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 California Regional Water Quality Control Board, San Francisco Bay Region. 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 permit shall become null and void (Amendment No. Fifteen).
2. **Five-Year Permit for Dredging.** The approximately 12,000 cy or less of new work dredging authorized and up to 183,000 cy of maintenance dredging authorized shall be completed within five years of the date of issuance of this permit. No further dredging is authorized (Amendment No. Fifteen).
3. **Limits on Dredging.** This permit authorizes maintenance dredging of the marina to -8 feet MLLW and new work dredging only within the area shown on Exhibit B to deepen from -6 feet MLLW to -8 feet plus a 2-foot allowable over-dredge depth. No dredging in other areas is authorized (Amendment No. Fifteen).
4. **Dredging and Disposal Activity (Amendment No. Fifteen)**
 - a. **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:

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 19

- i. A bathymetric map showing the location of all areas authorized to be dredged, the authorized depth including over-dredge depth based on MLLW, the volume of material proposed to be dredged, and the approximate date of project commencement. At least two (2) weeks prior to the scheduled date of commencement of any dredging episode, the permittee shall notify the Commission staff of the commencement date by telephone or in writing and, if the commencement date changes, provide an updated schedule (Amendment No. Fifteen).
 - ii. 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. A signed copy of the Small Dredger Programmatic Alternative Disposal Site Analysis is on file in the Commission's office, and if dredging and disposal circumstances have not changed, Special Condition II-Q-4-a-ii is satisfied (Amendment No. Fifteen).
- b. **Authorization of 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 (Amendment No. Fifteen).
- c. **Post-Dredging Requirements**
- i. Within thirty days of completion of each dredging episode authorized by this permit, the permittee shall submit to the Commission a bathymetric map showing the actual area(s) and depths dredged including over-dredge depth based on MLLW, any dredging that occurred outside the area or below the depths authorized herein, and a written statement indicating the total volume of material dredged and disposed and the disposal location (Amendment No. Fifteen).

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 20

- ii. If a dredging episode stops for longer than six consecutive months, the permittee must submit, before the dredging episode has resumed, notification to the Commission that dredging will begin again. If a dredging episode is suspended for more than six months, the Commission may require the permittee to complete: (1) new sediment characterization, (2) a re-survey of the dredge area, and/or (3) a revised alternative disposal option analysis (Amendment No. Fifteen).
 - iii. 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 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 II–Q (4)(c)(i) (Amendment No. Fifteen).
5. **Seasonal Limitations.** Except as provided below, all dredging and disposal activities shall be confined to the work window, between June 1st and November 30th of any year, to minimize disturbance to the following endangered and special status species:

Species of Concern	Work Window Period	Consulting Agency
Chinook Salmon	June 1 – November 30	NOAA
Steelhead Trout	June 1 – November 30	NOAA

CDFG-California Department of Fish and Game; NOAA-NOAA Fisheries, FWS—U.S. Fish and Wildlife Service

This work window between June 1st and November 30th is consistent with Tables F-1 and F-2 of Appendix F, “Consultation on Endangered Species Act and Designated Critical Habitat” and Figures 3.2 and 3.3 of the Long-Term Management Strategy (LTMS) Management Plan, 2001. No work inconsistent with the time and location limits contained in these tables may be conducted without the approval of the Executive Director, provided that such approval may only be issued after

(1) consultation between the US Army Corps of Engineers and the US. Fish and Wildlife Service and/or NOAA Fisheries 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 (Amendment No. Fifteen).

To protect the herring fishery, no dredging shall occur 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 San Mateo County Harbor District representative requests from the California Department of Fish and Game that they be allowed to dredge outside of the work window, discussions between the San Mateo County Harbor District representative and the Department of Fish and Game has occurred and the outcome of those discussions has been provided to the Commission staff; 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 (Amendment No. Fifteen).

6. **Barge Overflow Sampling and Testing.** Results of any effluent water quality or other testing required by the California Regional Water Quality Control Board, San Francisco Bay Region shall be submitted in writing to Commission staff at the same time such testing is submitted to the Regional Board (Amendment No. Fifteen).
7. **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 permit. Further, the Commission reserves the right to have post-dredging reports inspected by a reliable third-party familiar with bathymetric mapping in order to verify the contents of these reports. If a third party selected by or on behalf of the Commission indicates that a post-dredging report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report that meets the conditions of this permit. If the Commission determines that the post-dredging report indicates that work has occurred beyond that authorized by this permit such violation may result in the initiation of enforcement action by or on behalf of the Commission (Amendment No. Fifteen).
8. **Long-Term Management Strategy Program.** If, at any time during the effective life of this 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 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 (Amendment No. Fifteen).

- J. **Abandonment.** If, at any time, the Commission determines that the improvements in the Bay authorized herein, have been abandoned for a period of two (2) 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, 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.
- K. **Commission Jurisdiction Over Fill Area.** Notice is hereby given that, under the McAteer-Petris Act, the area of the approved project that is within the Commission's jurisdiction under Section 66610(a) remains within that jurisdiction even after fill or substantial change in use, authorized by the Commission, may have changed the character of the area, so that the permittee or the permittee's successors in interest will require further permit action by or on behalf of the Commission prior to any future changes of use or work within areas filled pursuant to this permit, as amended.
- L. **Notice to Contractor.** The permittee shall provide a copy of this permit to any contractor or person working in concert with the permittee to carry out the activities authorized herein and shall point out the special conditions contained herein (Amendment No. Seventeen).

III. Findings and Declarations

This permit, as amended, is issued on the basis of the Commission's findings and declarations that the work authorized herein is consistent with the McAteer Petris Act, the San Francisco Bay Plan, the California Environmental Quality Act, the amended Federal Coastal Zone Management Act, and Commission Regulation Section 10822, for the following reasons:

- A. **Use.** The proposed improvements and expansion to a maximum of 600 berths of the existing marina is consistent with Bay Plan Map No. 9 (as amended January 16, 1975) which reserves the entire project site as Waterfront Park Beach priority area and notes that some fill may be needed to expand the marina and develop the shoreline park.
- B. **Bay Fill.** The net increase of approximately 4.7 acres for breakwaters, new float docks, and rock shoreline protection is the minimum amount necessary for a water oriented recreational use for which fill may be permitted in accordance with Government Code Sections 66605(a) and 66605(c), and the Bay Plan Policies on Fill. In addition, the net increase of approximately 0.0767 acres for new floats docks, and pier as proposed in Amendment No. Seventeen, is the minimum amount necessary for a water oriented recreational use for which fill may be permitted in accordance with Government Code Sections 66605(a) and 66605(c), and the Bay Plan Policies on Fill. As described further in Special Condition II.D.7, the work authorized by Amendment No. Eighteen represents the minimum amount of fill necessary and will result in a net decrease of approximately four-square feet of fill.

- C. **Public Access.** The proposed project, subject to Special Condition II-C, will continue to provide maximum feasible public access to the Bay shoreline, consistent with the project. The extension of outfall pipes, authorized in Amendment No. Nine, will be constructed so as not to adversely affect existing public access at the beach. The placement of portions of four catch basins and a piping system to alleviate surface water ponding, authorized in Amendment No. Ten, will be performed so as not to adversely affect existing public access along the waterfront, pursuant to Special Condition II-C-3 herein.
- D. **Amendments**
1. **Amendment No. Ten.** Erosion and erosion control have presented an ongoing problem at the site, particularly in the area of the outfall pipes at the beach, and the slope behind the public access areas at the beach. Special Condition II- G was included to prevent potential further erosion at the site as a result of the improvements authorized in Amendment Nos. Nine and Ten.
 2. **Amendment No. Eleven.** The landfill capping and shoreline protection repair work authorized by Amendment No. Eleven was conducted in compliance with an order of the Regional Water Quality Control Board, San Francisco Bay Region, in order to prevent landfill materials from being exposed and to prevent further erosion of the existing cap. As such, the authorized fill was found to be the minimum necessary to accomplish the purposes of the project and was found not to constitute a material change to the original project authorized by the Commission.
 3. **Amendment No. Twelve.** Amendment No. Twelve authorized the construction of public access improvements within an approximately 49,000-square-foot area currently available to the public. Those improvements included a ten-foot-wide paved pathway, landscaping, benches, picnic tables and wooden screen walls. The project was determined to substantially improve the site for the public's convenience and use and provide an important public access and Bay Trail link from the existing UPS bridge to the Oyster Point Marina and fishing pier. With the improvements, it was therefore likely that more members of the public and employees of nearby businesses, such as UPS and Genentech, would be attracted to and use the site. Special Conditions II-C-4 through II-C-7 and II-D-1 through II-D-6 were included to ensure that the public access was in fact constructed and maintained for the public consistent with the requirements of the McAteer-Petris Act and the San Francisco Bay Plan.
 4. **Amendment No. Thirteen.** Amendment No. Thirteen authorized the reconstruction and repair of the approach to the existing fishing pier at the site. The work involved removing existing materials at the approach site including rubbish from the landfill that formerly occupied the site, asphalt paving, landscaping, wing walls, and a concrete ramp. The approach area was reconstructed with imported fill covered with filter fabric and improved with the installation of an aluminum gangway, concrete paving, and landscaping. Amendment No. Thirteen also authorized in-kind

repair and maintenance of all facilities authorized herein for as long as the facilities are in place. Both the reconstruction and repair of the fishing pier approach and the in-kind repair and maintenance of all authorized facilities are "routine repair, reconstruction, replacement, removal, and maintenance that do not involve any substantial enlargement or change in use", as defined in Regulation Section 10601(a)(6) and 10601 (b)(5) and thus is a "minor repair or improvement" for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10822.

5. **Amendment No. Sixteen.** Amendment No. Sixteen authorized removing approximately 7,585 square feet of floating boat docks and 29 pilings at boat docks 11 to 14, and replacing the removed docks with reconfigured docks that would also extend 3.5 feet deeper in the water to reduce wave action in the marina and to improve boat safety. Therefore, the project will result in approximately 3,080 square feet of additional fill displacing 946 cubic yards of Bay volume. This work therefore involves the expansion of up to 20,000 square feet of boat docking facilities within an existing marina, as defined by Regulation Section 10601(a)(1) as "minor repair or improvement." Maintenance of facilities authorized in Amendment No. Sixteen involved routine repairs, reconstruction and maintenance that will not result in a substantial enlargement or change of use as defined in Regulation Section 10601(a)(6) and is thus considered a "minor repair or improvement."

This project also included using two areas within the shoreline band for temporary staging that will not block previously required public access at the site. Such work, therefore, involved the placement of small amounts of inert inorganic fill and the extraction of small amounts of materials within the shoreline band that will not adversely impact present or possible future maximum feasible public access to the Bay as defined by Commission Regulation Section 10601(b)(1) as a "minor repair or improvement", for which the Executive Director may issue an amendment to this permit pursuant to Regulation Section 10822.

Special Conditions are included to ensure that construction impacts to fish are minimal, and best construction management techniques are utilized as required by the McAteer-Petris Act and the Bay Plan which call for the conservation of fish and subtidal habitats, the removal of physical obstructions to safe navigation, and the prevention of activities that could adversely impact Bay water quality. Based on consultation with NOAA's National Marine Fisheries Service (NMFS) pursuant to section 7 of the Endangered Species Act, a Special Condition has been included to monitor the native oyster habitat both pre-construction and for up to two years post construction. If the oysters do not establish on the new floating docks, the permittee must consult further with NMFS to investigate measures that might promote the establishment of oyster populations to pre-construction densities.

6. **Amendment No. Seventeen.** Amendment No. Seventeen authorized removing approximately 8,548 square feet of floating boat docks, two gangways, a small pier, and 29 pilings at boat docks 8 and 11 and replacing the removed docks with reconfigured docks covering a total of 3,341 square feet more Bay surface area than the existing docks. The docks will also extend 3.5 feet deeper in the water to reduce wave action in the marina and to improve boat safety, displacing 946 cubic yards of additional Bay volume. The existing special conditions of this amended authorization include a number of conditions requiring that construction activities be conducted in accord with best management practices that protect water quality (such as requiring that all construction debris be kept out of the Bay and prohibiting the use of creosote pilings) and fish and wildlife (such as requiring the use of a vibratory hammer in installing piles), as required by the San Francisco Bay Plan. The project authorized by Amendment No. Seventeen therefore involves a similar activity, as defined by Commission Regulation Section 10601(e)(3) to the expansion of up to 20,000 square feet of boat docking facilities within an existing marina, as defined by Regulation Section 10601(a)(1) and thus is “minor repair or improvement” For which the Executive Director may issue a non-material amendment to a permit, pursuant to Regulation Section 10820.
7. **Amendment No. Eighteen.** Amendment No. Eighteen authorizes replacement of the two navigation aids offshore of Oyster Point Marina to improve navigational safety. The existing aids mark the entrance to the channel but are deteriorated and create a hazard to local boaters and ferries. The existing aids, each consisting of three 12-inch timber piles with a timber supported platform, will be replaced with two new aids, each comprised of a 30-inch-diameter steel monopile, steel maintenance platform, access ladder, and navigation lights and signage. The project will result in a net decrease of approximately four-square feet of fill.

The permittee analyzed two other alternatives for the project, including a steel dolphin system and timber dolphin system, and determined that the chosen alternative would have the lowest environmental impact as it would involve the least amount of fill and pile driving. In addition, the steel monopiles will have a long lifespan of at least 50 years with proper maintenance. Maintenance of the structure is approved as long as the structure remains in place, pursuant to Special Condition II.G.6. As such, the project involves the minimum amount of fill necessary to achieve the goal of improving navigational safety.

On June 16, 2021, NMFS confirmed that the project is covered under the 2018 NLAA Program, which includes a set list of criteria that ensures covered projects will: be not likely to adversely affect federally listed species, distinct population segments, or evolutionarily significant units or their designated critical habitat in California; avoid take of marine mammals and sea turtles; and result in only minimal or minor adverse effects to Essential Fish Habit (EFH). The project has been designed to avoid EFH Habitat Areas of Particular Concern, such as submerged aquatic vegetation. Special Condition II.E.4 is included to ensure the permittee complies with relevant

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 26

criteria in the 2018 NLAA program, including limiting in-water work to June 15 to November 30 and using a vibratory hammer to drive the 30-inch steel piles. Special Condition II.E.5 is included to ensure that work is conducted in a manner that is protective of water quality and consistent with the requirements of the RWQCB. Commission staff consulted with staff of the California Department of Fish and Wildlife (CDFW), who did not provide any other recommended measures necessary to protected state-listed species at the site.

With these special conditions, the project authorized under Amendment No. Eighteen is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan, with particular reference to policies related to fish, other aquatic organisms, and wildlife; subtidal areas; and water quality.

The work authorized under Amendment No. Eighteen constitutes routine repairs, reconstruction, replacement, removal, and maintenance that do not involve any substantial enlargement or change in use in the Bay, as defined in Regulations Section 10601(a)(6). Therefore, the project is defined as a “minor repair or improvement” for which the Executive Director may issue an amended permit, pursuant to Government Code Section 66632(f) and Regulation Section 10822 (Amendment No. Eighteen).

8. **Amendment No. Nineteen.** Amendment No. Nineteen authorizes the replacement of deteriorated floating docks and accessways at Oyster Point Marina. The Project will remove and replace deteriorating floating Docks 12 - 14 in the East Basin, remove older accessways at Docks 11 - 14 in the East Basin, and three existing accessways at Docks 1 – 6 in the West Basin will be replaced and lengthened shoreward to re-establish access to the raised shoreline. The number of boat slips in the marina will be reduced from 96 to 79. Piles will be removed with a vibratory pile extractor or by direct pull, and the new concrete piles will be driven with an impact hammer.

The total project area is estimated to be 35,000 square feet, with 34,000 square feet in the Bay and 1,000 square feet in the Shoreline Band. The project will result in a net increase of approximately 25 square feet of solid fill from pile replacements and approximately 1,500 square feet of over-water fill resulting from floating dock replacements.

Special Condition II.A.8 is included to ensure that the project is consistent with submitted plans. Special Condition II.E.5 is included to protect water quality during construction of the project, ensuring all activities are conducted in accordance with the measures specified in the Water Quality Certification issued by the San Francisco Regional Water Quality Control Board (RWQCB) on March 20, 2023. The project further received an Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response from the U.S. National Marine Fisheries Service (NMFS) on October 19, 2022 providing recommended mitigation measures to minimize impacts to

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 27

steelhead and green sturgeon as well as essential fish habitat (EFH) for various life stages of fish species managed within the Pacific Coast Salmon Fishery Management Plan (FMP), the Pacific Groundfish FMP, and the Coastal Pelagic FMP.

There will be no impacts to the existing kayak launch facility on the south side of the peninsula or to the boat launch ramp from the Oyster Point Marina. No permanent impacts to any area required for public access under Special Conditions II.C.1 or II.D.1 will result from this project. No additional public access improvements are included as part of the project authorized in this amendment. The potential inclusion of a public kayak launch ramp was considered and found to be infeasible due to siting and access concerns; however, such improvements may become feasible at a later date. The work authorized under Amendment No. Nineteen constitutes routine repairs, reconstruction, replacement, removal, and maintenance that do not involve any substantial enlargement or change in use in the Bay, as defined in Regulations Sections 10601(a)(6) and 10601(b)(5). Therefore, the project is defined as a "minor repair or improvement" for which the Executive Director may issue an amended permit, pursuant to Government Code Section 66632(f) and Regulation Section 10822 (Amendment No. Nineteen).

- E. **Environmental Review.** The City of South San Francisco, the permittee and lead agency, certified the Final Environmental Impact Report on June 10, 1975. The Environmental Impact Report, in part, found that the public benefit from the project substantially outweighed the public detriment due to the loss of water surface area from the fill and other unavoidable adverse impacts on the environment. Moreover, pursuant to Regulation Section 11501, the amendments including Amendment Nos. Nine and Ten to the permit, are categorically exempt from the requirement to prepare an environmental impact report. Moreover, on January 7, 1998, the San Mateo County Board of Harbor commissioners certified a Negative Declaration for work authorized in Amendment No. Twelve. The San Francisco Regional Water Quality Control Board has certified that the maintenance dredging portion of the project is categorically exempt, pursuant to Title 14 of the California Code of Regulations, Section 15304(g), and has filed a Notice of Exemption for the project with the State Clearinghouse. On May 16, 2007, the San Mateo County Harbor District, as lead agency, adopted a negative declaration for the deepening portion of the project in accordance with the California Environmental Quality Act (CEQA). The Water Board has reviewed and considered the environmental document and has determined that the project will not result in any significant adverse water quality impacts (Amendment No. Fifteen). On September 7, 2011, the San Mateo County Harbor District, as lead agency, adopted a Negative Declaration for the breakwater boat dock project in accordance with the standards and requirements of CEQA (Amendment No. Sixteen).

On February 6, 2021, the San Mateo County Harbor District determined that the project authorized under Amendment No. Eighteen is categorically exempt from the requirement to prepare an environmental impact report, pursuant to CEQA Guidelines Section 15302(b) (Replacement or Reconstruction), as it involves replacement of a

commercial structure with a new structure of substantially the same size, purpose, and capacity. The Commission concurs that this exemption is appropriate (Amendment No. Eighteen).

On May 31, 2022, the San Mateo County Harbor District determined that the project authorized under Amendment No. Nineteen is categorically exempt from the requirement to prepare an environmental impact report, pursuant to CEQA Guidelines Section 15302, as it involves the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. The Commission concurs that this exemption is appropriate (Amendment No. Nineteen).

- F. **Surface Mining and Reclamation Act.** The Surface Mining and Reclamation Act of 1972, as amended, exempts from coverage all navigational dredging pursuant to 14 California Administrative Code Section 3502 and California Public Resources Code Section 2714A. The project authorized herein is, therefore, exempt from the Surface Mining and Reclamation Act.
- G. **Dredging.** The project authorized by this permit, as amended, 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, and in that the project involves new work and maintenance dredging and the dredged material will be deposited in at the state and federally authorized Alcatraz disposal site (SF-11), pursuant to Regulation Section 10713.5. The new work portion of the project meets the requirements of Regulation Section 10602(b), which allows authorization of new dredging of 100,000 cubic yards or less completed within a period of five years. The maintenance portion of the project meets Regulation Section 10602(a) and therefore the Small Dredger Programmatic Alternatives Analysis satisfies Bay Plan Dredging Policy Three. The permittee prepared a separate alternative disposal site analysis for the new work portion of the project. Staff determined that upland or ocean disposal for this portion of the project was also infeasible due to the need for shallow draft barges, the small volume of material, the distance to available upland sites and economic considerations (Amendment No. Fifteen).
- H. **Management Act.** The Commission further finds, declares, and certifies that the activity or 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.
- I. **Non-Material Amendments.** Pursuant to Commission Regulation Section 10822, the Executive Director finds and declares that amendments made herein are consistent with the San Francisco Bay Plan and are not material alterations of the project.
- J. **Permit History.** Work authorized through Amendment No. Thirteen has already been completed. (See Section I, Authorization, for a complete list of activities authorized and completed between 1977 and 2006.)

IV. Standard Conditions

- A. **Permit Execution.** This amended permit shall not take effect unless the permittee executes the original of this amended permit and returns it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.
- B. **Notice of Completion.** The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.
- C. **Permit Assignment.** The rights, duties, and obligations contained in this amended permit are assignable. When the permittee 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 amended permit, the permittee/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 amended permit and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the amended permit.
- D. **Permit Runs With the Land.** Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.
- E. **Other Government Approvals.** All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.
- F. **Built Project must be Consistent with Application.** Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.
- G. **Life of Authorization.** Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.
- H. **Commission Jurisdiction.** Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the amended permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the

implementation of any substantial change in use authorized by this amended permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

- I. **Changes to the Commission's Jurisdiction as a Result of Natural Processes.** This amended permit reflects the location of the shoreline of San Francisco Bay when the permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this amended permit does not guarantee that the Commission's jurisdiction will not change in the future.
- J. **Violation of Permit May Lead to Permit Revocation.** Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the amended permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee or its assignee if the amended permit has been assigned.
- K. **Should Permit Conditions Be Found to be Illegal or Unenforceable.** Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee or its assignee if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.
- L. **Permission to Conduct Site Visit.** The permittee 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.

PERMIT NO. 1977.001.19 (AMENDMENT NO. NINETEEN)
San Mateo County Harbor District

November 9, 2023
Page 31

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

DocuSigned by:
Larry Goldzband
FD166E908010417...

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

LJG/SF/ra

- cc: U. S. Army Corps of Engineers
- San Francisco Bay Regional Water Quality Control Board
- U.S. Environmental Protection Agency
- California Department of Fish and Wildlife
- State Lands Commission
- NOAA National Marine Fisheries Service

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at Half Moon Bay

San Mateo County Harbor District
Permittee

On 11/12/2023

DocuSigned by:
James Pruett
66F2F0B84C6B4D4...

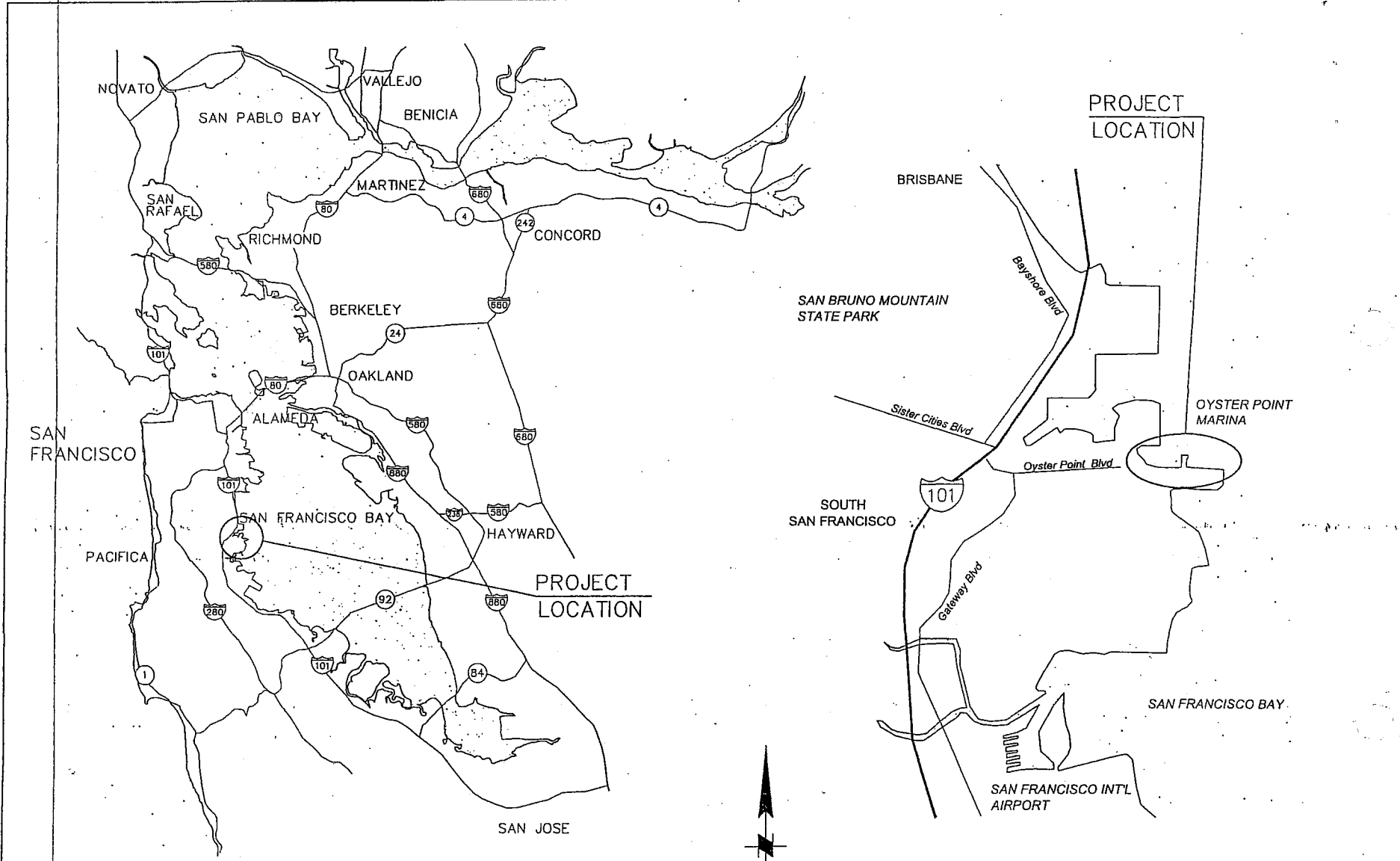
Signature

James Pruett

Print Name


James B Pruett

Title

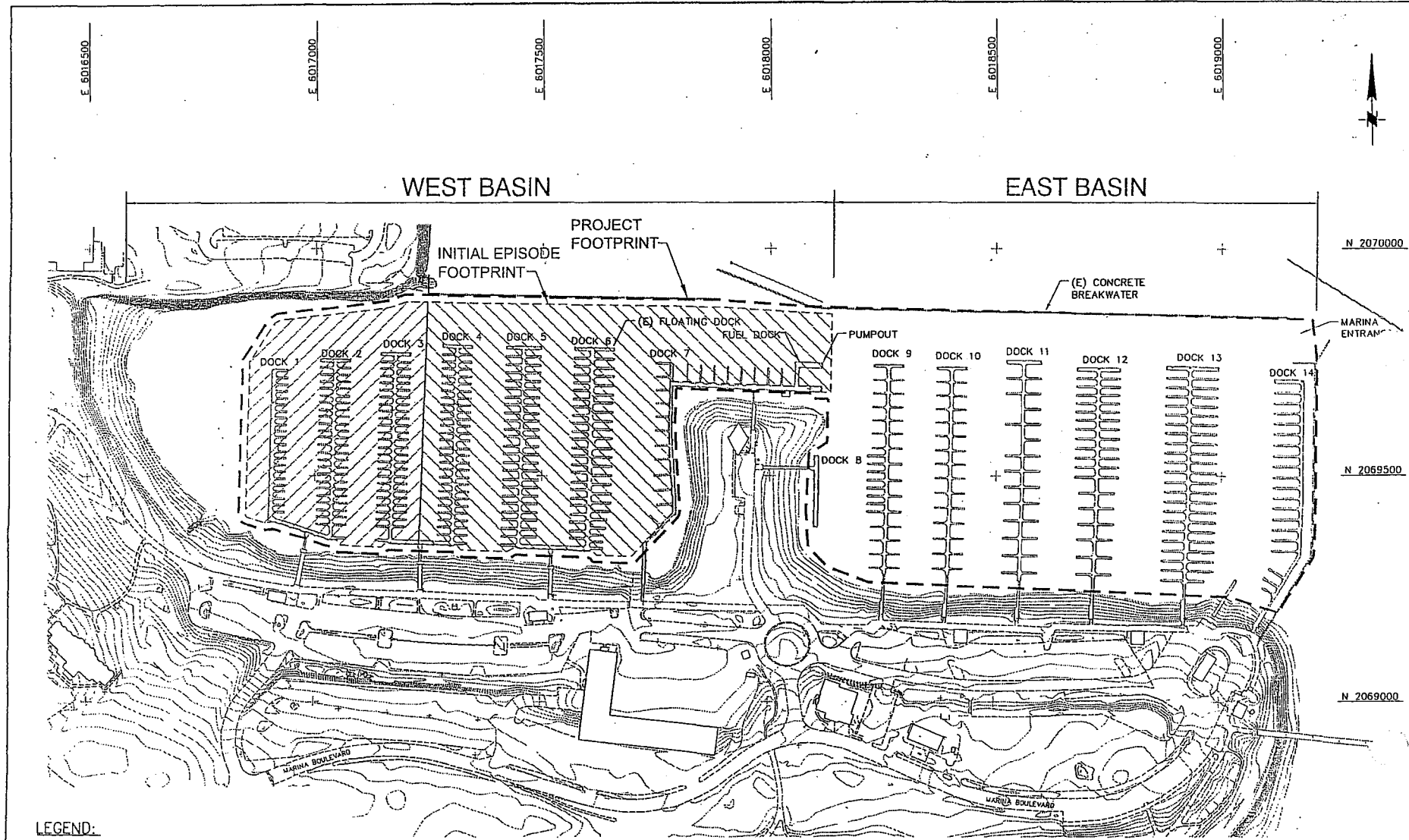


VICINITY MAP
NTS

LOCATION MAP
NTS

 2001 N. Main Street, Suite 350
Walnut Creek, California 94596
(925) 944-5411

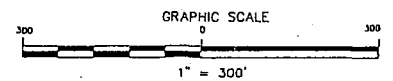
WEST BASIN DREDGING PROJECT OYSTER POINT MARINA	DATE 07/12/07
	SHEET 1 of 5
VICINITY & LOCATION MAPS	T1



LEGEND:

- PROJECT FOOTPRINT (FUTURE MAINTENANCE = 100,000 CY)
- INITIAL EPISODE FOOTPRINT
- INITIAL DREDGING EPISODE: NEW WORK = 11,740 CY, DEEPENING FROM -6' TO -8' MLLW
- INITIAL DREDGING EPISODE: MAINTENANCE WORK = 82,540 CY MAINTAIN DEPTH AT -8' MLLW (SMALL DREDGER EXEMPTION)

SITE PLAN
1" = 300'



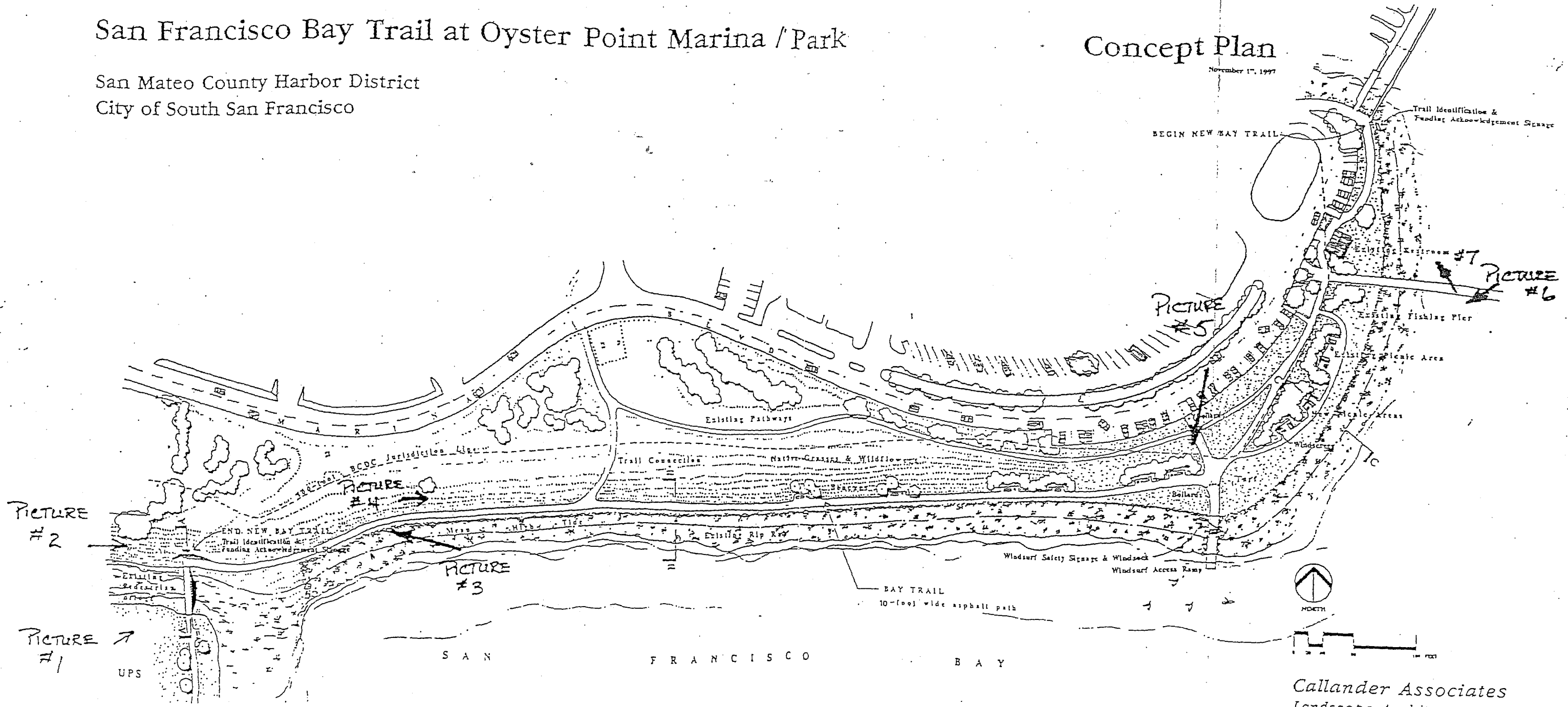
2001 N. Main Street, Suite 360 Walnut Creek, California 94596 (925) 944-5411	WEST BASIN DREDGING PROJECT OYSTER POINT MARINA	DATE 07/12/07 SHEET 2 of 5
	SITE PLAN	C1

San Francisco Bay Trail at Oyster Point Marina / Park

San Mateo County Harbor District
City of South San Francisco

Concept Plan

November 17, 1997



Callander Associates
Landscape Architects

EXHIBIT C