

INFORMATION HANDOUT

For Contract No. 04-3G4864

At 04-SM-92-14.4/16.3

Identified by

Project ID 0412000086

PERMITS

1. BCDC Permit M87-42, Amendment 3, dated July 7, 2004
2. BCDC Permit M87-42, Amendment 5, dated June 26, 2014
3. BCDC Permit M97-6, Amendment 5, dated November 3, 1999
4. County of San Mateo Assessor Record, dated April 10. 2006



Making San Francisco Bay Better

PERMIT NO. M87-42
(Issued on August 12, 1987, As
Amended Through July 29, 2004)
AMENDMENT NO. THREE

California Department of Transportation
P.O. Box 23660
Oakland, California 94623-0660

ATTENTION: Ms. Susan Chang

Ladies and Gentlemen:

I. Authorization

A. Subject to the conditions stated below, the permittee, the California Department of Transportation, is hereby authorized to do the following:

Location: Within the Commission's "Bay", shoreline band and "certain waterway" jurisdictions, within state highway right-of-ways, in the nine Bay Area Counties at various tunnels, docks, tidal waterways, and at all existing, state-maintained highway bridges including, but not limited to, the San Francisco-Oakland Bay, Benicia-Martinez, Carquinez, Dumbarton, Richmond-San Rafael, Bay Farm Island, San Mateo-Hayward, Highway 37-Petaluma River, Highway 37-Sonoma Creek and Highway 37-Napa River Bridges.

Description: A ten-year maintenance permit to:

- (1) repair and replace bridge fenders on a one-for-one basis;
- (2) replace riprap on an in-kind basis with no overall increase in the amount of Bay coverage, a maximum Bay coverage of 10,000 square feet at any given repair or new riprap site, and no substantial increase in revetment thickness, at the base of bridge supports to protect the integrity of the supports and for shoreline protection along existing banks;
- (43) dredge up to 100,000 cubic yards of material from the Bay within any 12-month period for the purpose of maintaining tunnels under the Bay, docks, and tidal creeks and dispose of the material at an approved in-Bay disposal site, an approved ocean disposal site, or at an upland location outside of the Commission's jurisdiction;

- (4) remove silt and debris from existing drainage facilities such as box culverts, drains, ditches, pipes, dikes and outfalls and dispose of excavated material at an upland location outside of the Commission's jurisdiction;
- (5) repair and maintain existing levees and dikes by importing material or by dredging from areas inland of the levee or dike and placing the material in a manner that does not involve new fill in the Bay;
- (6) repair and replace existing drainage culverts, tide control structures, tide gates and retaining walls on an in-kind basis at their existing locations with no overall increase in Bay fill;
- (7) conduct routine maintenance, repairs, reconstruction and replacement activities to structural and related elements including trusses, stringers, floor beams, strands, suspension cable systems, surfaces, expansion joints, girders, bearing systems, piles and boat docks;
- ~~(3)~~ (8) resurface, repair and replace pavement surfaces on existing roads, bridge decks, multi-use paths, bicycle lanes, sidewalks and other public service facilities (e.g., vista points and roadside rest areas) so long as the areas of the paved surfaces are not increased;
- (9) repair and replace existing traffic control and traffic safety devices such as fences, gates, railings, barriers, traffic stripes, pavement markings, pavement markers, flashing beacons, signals, lighting and electrical systems, retaining walls, curbs, public service facilities, (such as vista points and roadside rests) and power, lighting, and irrigation facilities;
- (10) install, repair, and replace various regulatory, warning and roadway informational signs;
- (11) install bridge security devices limited to cameras, surveillance equipment, sensors, software and hardware updating requirements;
- (12) maintain, in-kind, existing bridge security devices such as fencing, electronic gates, electrified fencing and signs;
- (13) maintain and repair existing operational and maintenance facilities such as buildings, toll booths, vehicle wash racks, fueling facilities, parking lots, service roads, maintenance catwalks, traveler scaffolding, utility lines and related facilities with no overall increase in size or intensity of use;

- (14) maintain and repair existing electrical facilities, substations, Supervisory Control and Data Acquisition (SCADA) systems, and traffic management devices, e.g., cameras sensors, metering, call boxes, electronic message signs, installation of FastTrak (electronic toll collection system) with no overall increase in size of intensity of use; and
- (15) maintain and replace existing erosion control and highway plantings including irrigation facilities with like plantings, erosion control devices and irrigation.

B. This authority is generally pursuant to and limited by your original application received May 21, 1987, your letter requesting Amendment No. One dated September 15, 1998, your letter requesting Amendment No. Two dated May 4, 1998, and your letters dated January 3, 2003, and August 21, 2003, requesting Amendment No. Three and its any accompanying and subsequently submitted exhibits, and all conditions of this amended permit.

C. Work authorized in the original permit was to herein may be carried out until August 1, 1997 at which time the permit shall was to expire unless an extension of time was granted by further amendment of the original authorization. Amendment No. One authorized an extension of time to conduct the activities authorized herein until September 19, 1999. Amendment No. Two authorized an extension of time to conduct the activities authorized herein until August 1, 2007. Amendment No. Three authorizes an extension of time to conduct the activities authorized herein until December 31, 2013 and incorporates two other Caltrans maintenance permits (M76-37 and M87-41) into this permit. This amended permit may be renewed for successive ten five year periods at the discretion and by or on behalf of the Commission.

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. Riprap

1. Riprap Material. Riprap material shall be either quarry rock or specially cast or carefully selected concrete pieces free of reinforcing steel and other extraneous material and 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 material shall be generally spheroid-shaped. The overall thickness of the slope protection shall be no more than three feet measured perpendicular to the slope. Use of dirt, small concrete rubble, concrete pieces with exposed rebar, large and odd shaped pieces of concrete, and asphalt concrete as riprap is prohibited.
2. 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. 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.

3. Design. Professionals knowledgeable of the Commission's concerns, such as civil engineers experienced in coastal processes, should participate in the design of the shoreline protection improvements authorized herein.
4. Maximum Covered Area. At any given revetment repair or new installation site, repairs and new work shall cover less than 10,000 square feet of the horizontal projection of the work below the shoreline.
5. Annual Rip Rap Report. The permittee shall submit a report to the Commission by March 1 of each year that this permit is in effect, summarizing the amounts, in cubic yards, and locations of rip rap placed within the Commission's jurisdiction during the previous calendar year. The report shall include a drawing or map showing the locations of rip rap placed and the locations where the riprap was placed. A drawing or map showing the locations shall be included in the report. The report shall also describe the rip rap work proposed for the current calendar year. Within 30 days of the date BCDC receives the annual report, BCDC shall notify the permittee of any proposed work that does not conform to the intent or terms and conditions of this permit. Such notification shall constitute denial of the proposed work. A separate BCDC application may be made for any such denied work.
6. Maintenance. The shoreline protection improvements authorized herein shall be regularly maintained by, and at the expense of the permittee. Maintenance shall include, but not be limited to, collecting any riprap materials that become dislodged and repositioning them in appropriate locations within the riprap covered areas, replacing in-kind riprap material that is lost, repairing the required filter fabric as needed, and removing debris that collects on top of the riprap. Within 30 days after notification by the staff of the Commission, the permittee shall correct any maintenance deficiency noted by the staff.

D- B. Dredging. Dredge material shall be disposed of at a Corps of Engineers approved site in the Bay or at an upland location outside of the Commission's jurisdiction. For the following dredging activities located within the Commission's Bay (including tidal marshes up to 5 feet above mean seal level) and certain waterway jurisdiction(s) including but not limited to activities involving removal of silt and debris from existing drainage facilities such as box culverts, drains and outfalls, the permittee shall comply with the following:

1. For dredging activities that involve the removal of less than twenty cubic yards of material:
 - a. Removal Activities and Disposal. All dredging, excavation and/or removal activities shall be conducted in a manner that minimizes the resuspension of sediments and release of material into adjacent Bay waters and/or tidal marshes. All material removed from the Commission's jurisdiction shall be tested and disposed of at an appropriate facility located outside of the Commission's jurisdiction.

2. For dredging activities that involve the removal of over twenty cubic yards of material:
 - a. Water Quality Approvals. 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 requirement, or any other required approvals from the California Regional Water Quality Control Board, San Francisco Bay Region, for that episode. Failure to obtain such certification prior to the commencement of the dredging episode shall terminate the Commission's authorization for that dredging episode. The Executive Director may, upon review of the Regional Board approval, either: (1) approve the dredging episode(s) consistent with this authorization, or (2) amend the Commission approval to modify existing or include additional conditions related to water quality. If the Executive Director amends the permit to change or add permit conditions, this permit shall become null and void unless the permittee agrees to amend this authorization in a manner specified by or on behalf of the Commission.
 - b. Dredging Report
 - (1) Prior Notice of Episode. The permittee shall notify the staff by telephone or in writing at least seven (7) days prior to undertaking any dredging episode. 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 dredging or disposal that work has occurred beyond that authorized by the permit, such violation may result in the initiation of enforcement action by or on behalf of the Commission, episode and observe the operation to ensure that the dredging or disposal activity is consistent with the dredging report required herein and the other terms and conditions of this permit.
 - (2) Dredging Report. Within thirty (30) days of completion of each dredging episode of the dredging authorized by this 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 the authorized depth based on Mean Lower Low Water (MLLW); and (b) the actual areas, and the depth dredged based on MLLW, and any dredging that occurred outside the area authorized to be dredged or below the authorized depths; (2) a vicinity map showing the disposal site; and (3) the actual volume of the material dredged and disposed. The Commission reserves the right to have such report inspected by a reliable third party familiar with bathymetric mapping in order to verify the contents of the report. If a third party selected by or on behalf of the Commission indicates that the report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report that meets the requirements of this condition. If the Commission determines that the contents of the dredging report indicate
 - c. Seasonal Limitations. Except as provided below, all dredging and in-bay disposal activities shall be confined to the work windows provided below to minimize disturbance to the following endangered and special status species:

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<u>Location</u>	<u>Species of Concern</u>	<u>Work Window Period</u>	<u>Consulting Agency</u>
<u>SF Bay Bridge to Sherman Island</u>	<u>Steelhead trout</u>	<u>June 1 through November 30</u>	<u>NOAA & CDFG</u>
	<u>Chinook salmon juveniles</u>	<u>June 1 through November 30</u>	<u>NOAA</u>
<u>Carquinez Bridge to Collinsville</u>	<u>Sacramento splittail</u>	<u>Consultation required at all times</u>	<u>FWS & CDFG</u>
	<u>Delta smelt</u>	<u>Consultation required at all times</u>	<u>FWS & CDFG</u>
<u>Pinole Shoal, Suisun Bay Channel and New York Slough</u>	<u>Chinook salmon (adults)</u>	<u>June 1 through November 30</u>	<u>NOAA</u>
<u>North San Pablo Bay, Napa & Petaluma Rivers</u>	<u>Delta Smelt</u>	<u>January 1 through January 31 and August 1 through November 30</u>	<u>FWS & CDFG</u>
<u>Napa & Petaluma Rivers & Sonoma Creek</u>	<u>Steelhead trout</u>	<u>July 1 through November 30</u>	<u>NOAA & CDFG</u>
<u>San Pablo Bay & South SF Bay</u>	<u>Western snowy plover</u>	<u>Consultation required at all times</u>	<u>FWS & CDFG</u>
<u>North SF Bay & San Pablo Bay shallow berthing areas</u>	<u>Dungeness crab</u>	<u>January 1 through April 30 & July 1 through December 31</u>	<u>CDFG</u>
<u>Richardson Bay, North & South Bay</u>	<u>Pacific herring</u>	<u>March 1 through November 30</u>	<u>CDFG</u>
<u>Waters of Marin County from Golden Gate Bridge to Richmond-San Rafael Bridge</u>	<u>Coho salmon</u>	<u>June 1 through October 15</u>	<u>NOAA</u>
<u>Central SF Bay</u>	<u>Steelhead trout</u>	<u>June 1 through November 30</u>	<u>NOAA & CDFG</u>
	<u>Pacific herring</u>	<u>March 1 through November 30</u>	<u>CDFG</u>
<u>Berkeley Marina to San Lorenzo Creek within 1 mile of the shoreline</u>	<u>California least tern</u>	<u>January 1 through March 15 and August 1 through December 31</u>	<u>FWS & CDFG</u>
<u>South of Highway 92 Bridge (San Mateo-Hayward)</u>	<u>California least tern</u>	<u>January 1 through May 31 and September 1 through December 31</u>	<u>FWS & CDFG</u>
<u>In areas with eelgrass beds</u>	<u>California least tern</u>	<u>Consultation required at all times</u>	<u>FWS & CDFG</u>
<u>Baywide in areas of salt marsh habitat</u>	<u>California clapper rail</u>	<u>Consultation required at all times</u>	<u>FWS & CDFG</u>

<u>Location</u>	<u>Species of Concern</u>	<u>Work Window Period</u>	<u>Consulting Agency</u>
<u>Baywide within 250 feet of salt marsh habitat</u>	<u>California clapper rail</u>	<u>January 1 through January 31 and September 1 through December 31</u>	<u>FWS & CDFG</u>
<u>In and adjacent to salt marsh habitat</u>	<u>Salt marsh harvest mouse</u>	<u>Consultation required at all times</u>	<u>FWS & CDFG</u>
<u>Within 300' of known roost site</u>	<u>California brown pelican</u>	<u>January 1 through May 31 and October 1 through December 31</u>	<u>FWS</u>

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

These work windows are consistent with Tables F-1 and F-2 of Appendix F, "In-Bay Disposal and Dredging" 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 in-bay disposal outside of the work window will be consistent with the Commission's laws and policies.

- d. Herring. To protect important fisheries or migrating anadromous fish species, no dredging shall occur pursuant to this permit between December 1 and March 1 of any year during the duration of this permit unless written approval of dredging during this period is provided by or on behalf of the Commission prior to the commencement of the dredging during the closure period. Approval of any dredging activities between December 1 and March 1 of any year shall be made by or on behalf of the Commission only upon the finding that: (1) a dredging or disposal operation which was begun prior to December 1 of any year could not be completed by the December 1 deadline due to unforeseen delays; (2) a professional biologist, or other individual sufficiently competent to identify herring spawning activity, is at the project site during all dredging operations; and (3) if herring spawning is detected at or within 200 meters of the dredging operations by the permittee's on-site biologist or qualified staff person, Department of Fish and Game personnel, or the Commission staff, all dredging will cease for a minimum of 14 days or until it can be determined that the herring hatch has been completed and larval herring concentrations have left the site. To facilitate rapid and efficient communication under these circumstances, the permittee shall provide the Commission staff and Department of Fish and Game personnel with all necessary telephone, FAX, and pager numbers. Dredging may be resumed thereafter at the sole discretion of the permittee and the Commission staff, but shall be terminated no later than December 31 of that year, or if further spawning takes place at the site.
- e. 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.

- f. 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.
- g. 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.

C. Marsh Protection

1. Best Management Practices. 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 area subject to tidal action of the Bay, the permittee shall immediately retrieve and remove such material at its expense. The permittee shall also employ best management practices, such as compaction, soil fences, jute matting, etc. to assure that material placed in the Bay will not simply erode away shortly after placement.
2. Marsh and Upland Plant Protection During Construction. The work authorized by this permit shall be performed in a manner that will prevent, avoid, or minimize to the extent possible any significant adverse impact on any tidal marsh, other sensitive wetland resources, and existing native upland vegetation. If any unforeseen adverse impacts occur to any such areas as a result of the activities authorized herein, the permittee shall restore the area to 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, the permittee shall seed all disturbed areas with appropriate vegetation consistent with plans approved by or on behalf of the Commission. The permittee shall employ mitigation measures to minimize impacts to wetland areas, such as: (1) minimizing all traffic in marsh/mudflat areas; and (2) carefully removing, storing, and replacing wetland vegetation that has been removed or "peeled back" from construction areas as soon as possible following construction.

D. Fences. This permit authorizes the in-kind maintenance of existing fences only and does not authorize increases in the heights of existing fences nor the installation of new fences.

E. 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.

~~B. F. Debris Removal.~~ Any debris that results from construction authorized herein shall be removed to an upland location outside of the jurisdiction of the Commission. Sandblasting activities shall be excluded from this condition. All construction debris and any debris uncovered as a result of excavation or grading, such as concrete, asphalt, wood, plastics, etc., shall be removed from the project site for proper disposal outside of the Commission's jurisdiction. Excavated debris may be temporarily stored within the Commission's jurisdiction, provided measures are employed to assure that material does not wash or erode into the surrounding marsh or waterways. In the event that any such material is placed in any area within the Commission's jurisdiction for an extended period (i.e. more than 60 days), the permittee, their assigns, or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.

G. Construction Operations. All construction activity shall be performed in such a manner as to minimize turbidity of the water. All construction operations shall be performed to prevent construction materials from falling into the Bay. 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.

H. In-kind Repairs and Maintenance. Any in-kind repairs and maintenance of Bay structures shall only utilize construction materials that are approved for use in the 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.

I. 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.

~~A. 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 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 permittees, their assigns or successors in interest, or by the owner of the improvements within sixty days or such other reasonable time as the Commission may direct.

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. The project authorized by this amended permit involves the following: (1) routine repairs, reconstruction, replacement, removal and maintenance of structures in the Bay that does not involve any substantial enlargement or change in use as defined in Regulation Section 10601(a)(6); (2) placing of riprap and repairs to protective works that would over less than 10,000 square feet of Bay surface area as defined in Regulation Section 10122(a)(5) 10601(a)(2); (3) routine maintenance dredging as defined in Regulation Section 10122(a)(1)-10602(a); and repair and replacement of

~~bridge pavement surface~~, the placing of inert inorganic fill in, extraction of materials from, or making any substantial change of use of any such area within the 100-foot shoreline band in such a way as to have no adverse effect upon present or possible future maximum feasible public access to the Bay consistent with the project, or upon present or possible future use for a priority water-related use of any area designated for such use, which is defined in Regulation Section ~~40122(b)(1)~~ 10601(b)(1), and thus is a "minor repair or improvement" for which the Executive Director may issue (1) a permit, pursuant to Government Code Section 66632(f) and Regulation Section 40530(a) 10622(a), and (2) an amendment to a permit pursuant to Regulation Section 10810.

B. The project authorized by this amended 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. Amendment No. Three. Amendment No. Three to the permit involves combining three previously issued permits (BCDC Permit Nos. M76-37, M87-41 and M87-42) for routine maintenance activities into one permit. The permit conditions contained in this amended permit have been revised to reflect the Commission's current policies. Additionally, this amended permit may be extended for five-year increments, pursuant to the Commission's current regulations regarding maintenance dredging. Conditions contained in the amended authorization will ensure that maintenance activities are conducted in a manner that minimizes impacts on the Bay and its resources. These include Special Conditions II-C and II-E that require the permittee to immediately remove any construction debris that inadvertently enters the Bay and prohibits the use of creosote treated wood in areas subject to tidal action to protect Bay water quality and resource values.

~~C.~~ D. 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.

~~D.~~ E. Pursuant to Regulation Section ~~40910~~ 11501, the project authorized by this amended permit is categorically exempt from the requirement to prepare an environmental impact report.

~~E.~~ F. Pursuant to Regulation Section ~~40542~~ 10620, this project was originally listed with the Commission on July 16, 1987.

IV. Standard Conditions

A. 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 and/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.

B. 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. Work must be performed in the precise manner and at the precise locations indicated in your application, and amendment request, 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.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

~~E. The rights derived from this permit are assignable as provided herein. An assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the applications for this permit and the permit itself and agrees to be bound by the terms and conditions of the permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the permit.~~

E. 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 authorized activity will occur or which is necessary to the 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.

F. 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.

G. 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.

H. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If this amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

I. 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.

J. 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.

K. 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.

L. 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 up to the line of highest tidal action.

M. 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.

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



WILL TRAVIS
Executive Director
San Francisco Bay Conservation and
Development Commission

WT/MBL/ra

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, Attn: Mike Monroe, WTR-8
Stefan Galvez, Caltrans
Jeff Jensen, Caltrans

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* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____
Applicant

On _____ By: _____
Title



Making San Francisco Bay Better

BCDC Original

**AMENDMENT NO. FIVE TO
PERMIT NO. M1987.042.05**
(Issued on August 12, 1987, As
Amended Through June 26, 2014)

California Department of Transportation
P.O. Box 23660
Oakland, California 94623-0660

ATTENTION: Ms. Melanie Brent

Ladies and Gentlemen:

I. Authorization

A. **Authorized Project.** Subject to the conditions stated below, the permittee, the California Department of Transportation, is hereby authorized to do the following:

Location: Within the Commission's "Bay", 100-foot shoreline band and "certain waterway" jurisdictions, within state highway right-of-ways, in the nine Bay Area Counties at various tunnels, docks, tidal waterways, and at all existing, state-maintained highway bridges including, but not limited to, the San Francisco-Oakland Bay, Benicia-Martinez, Carquinez, Dumbarton, Richmond-San Rafael, Bay Farm Island, San Mateo-Hayward, Highway 37-Petaluma River, Highway 37-Sonoma Creek and Highway 37-Napa River Bridges.

Description: A ~~ten~~ five-year amended permit to conduct routine maintenance and rehabilitation as follows:

- (1) repair and replace bridge fenders on a one-for-one basis with no overall increase in Bay fill;
- (2) replace and maintain riprap on an in-kind basis with no overall increase in the amount of Bay coverage, a maximum Bay coverage of 10,000 square feet at any given repair ~~or new riprap~~ site, and no substantial increase in revetment thickness, at the base of bridge supports to protect the integrity of the supports and for shoreline protection along existing banks. Any project increasing the coverage or thickness of riprap or for placing riprap at new locations shall require written project review pursuant to Special Condition II-A, herein;

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- (3) dredge up to ~~100,000~~ 100 cubic yards of sediment per site from outfalls in accord with Special Condition II-C, provided that best management practices for water quality are implemented. material from the Bay within any 12-month period for the purpose of maintaining tunnels under the Bay, and All dredged material shall be disposed of the material at an approved in-Bay disposal site, an approved ocean disposal site, or at an upland at a location outside of the Commission's jurisdiction;
- (4) remove silt and debris from ~~existing drainage facilities such as box culverts, drains, ditches, pipes, dikes drainage pipes, concrete aprons and outfalls, and dispose of excavated material at an upland a location outside of the Commission's jurisdiction;~~
- (5) repair and maintain existing levees and dikes by importing clean soil or aggregate material or by excavating uncontaminated material dredging from areas inland of the levee or dike and placing the material in an upland location manner that does not involve new fill in the Bay;
- (6) repair and replace existing drainage culverts, tide control structures, tide gates and retaining walls on an in-kind basis at their existing locations with no overall increase in size or Bay fill;
- (7) ~~conduct routine maintenance, repairs, reconstruction and or replacement activities to in-kind, structural and related elements including of bridges and ramps, including but not limited to bents, trusses, stringers, floor beams, strands, suspension cable systems, surfaces, expansion joints, girders, bearing systems, piles, and boat docks, drainage structures and related elements;~~
- (8) resurface, repair and replace pavement surfaces on existing roads, bridge decks, multi-use paths, bicycle lanes, sidewalks and other public service facilities (~~e.g., vista points and roadside rest areas~~) so long as the areas of the paved surfaces are not increased. New paving beneath guard rails may be approved by Special Condition II-A- Project Notification and Review;

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- (9) repair and replace, in-kind, existing traffic control information systems and traffic safety devices such as fences, gates, railings, barriers, ~~traffic stripes~~, pavement markings, pavement markers, flashing beacons, signals, lighting and electrical systems, retaining walls, curbs, and public service facilities, ~~(such as vista points and roadside rests) and power, lighting, and irrigation facilities;~~
- ~~(10) install, repair, and replace various regulatory, warning and roadway informational signs;~~
- ~~(11) install bridge security devices limited to cameras, surveillance equipment, sensors, software and hardware updating requirements;~~
- ~~(12)~~(10) maintain and replace, in-kind, existing bridge security devices including but not limited to such as fencing, electronic gates, ~~electrified fencing~~ and signs and install new bridge security cameras, surveillance equipment, sensors and software/hardware;
- ~~(13)~~(11) maintain and repair existing operational ~~and~~ ~~maintenance~~ facilities such as buildings, toll booths, vehicle wash racks, fueling facilities, parking lots, service roads, maintenance catwalks, traveler scaffolding, utility lines and related facilities with no overall increase in size or intensity of use;
- ~~(14)~~(12) maintain and repair existing electrical facilities including but not limited to, substations, ~~Supervisory Control and Data Acquisition (SCADA) systems, and~~ traffic management devices, ~~e.g.,~~ cameras ~~sensors~~, metering, call boxes, and electronic message signs, ~~installation of FastTrak (electronic toll collection system)~~ with no overall increase in size ~~of~~ or intensity of use; ~~and~~
- ~~(15)~~(13) maintain and replace, in-kind, existing erosion control, and highway plantings, including irrigation facilities with like plantings, erosion control devices and irrigation, and conduct weed removal activities consistent with best management practices; and

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(14) paint bridges and erect temporary scaffolding or other support structures necessary for this activity; if the project will significantly impact public access, including views of the Bay or Bay resources, the permittee shall submit plans consistent with Special Condition II.A;

B. Application Dates. This authority is generally pursuant to and limited by your original application received May 21, 1987, your letter requesting Amendment No. One dated September 15, 1998, your letter requesting Amendment No. Two dated May 4, 1998, and your letters dated January 3, 2003, and August 21, 2003, requesting Amendment No. Three, the letter dated September 26, 2011, requesting Amendment No. Four and the letter dated February 3, 2014, requesting Amendment No. Five, and any accompanying and subsequently submitted exhibits, and all conditions of this amended permit.

C. Deadlines for Commencing and Completing Authorized Work.

1. **Original Project Through Amendment No. Four.** Work authorized in the original permit was to be carried out until August 1, 1997 at which time the permit was to expire unless an extension of time was granted by further amendment of the original authorization. Amendment No. One authorized an extension of time to conduct the activities authorized herein until September 19, 1999. Amendment No. Two authorized an extension of time to conduct the activities authorized herein until August 1, 2007. Amendment No. Three authorizeds an extension of time to conduct the activities authorized herein until December 31, 2013 and incorporateds two other Caltrans maintenance permits (M76-37 and M87-41) into ~~this~~ the amended permit. Amendment No. Four authorized an extension of time to conduct the activities authorized herein until June 30, 2014. This amended permit may be renewed for successive five year periods at the discretion and by or on behalf of the Commission.
2. **Amendment No. Five.** Amendment No. Five authorizes additional maintenance activities (e.g., bridge painting), modifies the previously authorized dredging authorization such that excavation shall be limited to 100 cubic yards per dredging episode, provides clarification on previously authorized maintenance activities and authorizes five additional years, until June 30, 2019, to perform the maintenance activities authorized herein.

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. Project Notification and Review (Please note that all proposed work must be consistent with Special Conditions II.B through II. H below, and that annual reports summarizing riprap and sediment removal projects are required) (Amendment No. Five).

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1. **Notification for Proposed Maintenance or Rehabilitation.** Any project that may exceed the specific limits described in authorization Section I.A above, or have potential impacts to public access, Bay views, tidal marsh vegetation, mudflats, migratory birds or listed species shall require review by or on behalf of the Commission in accord with the provisions below.
2. **Project Review.** A letter and site plans explicitly describing the proposed work shall be submitted to Commission staff for review. Within 30 days of receiving the permittee's submittal, staff shall inform the permittee whether modifications to the proposal are necessary and/or if additional information is needed to determine if the proposed activities are consistent with the authorizations in paragraph I.A and with the special conditions in Sections II.A through II.K. If the activities are determined to involve impacts to Bay resources or public access, or the work is of a significant scope and complexity that exceeds the intent of the authorizations herein, staff may require an amendment to this permit or new permit authorization. If staff does not provide the permittee with written comments within 30 days of having received a submittal, the proposed work shall be deemed approved, as described in the permittee's submittal.
3. **Emergency Approval.** Commission regulations define an emergency as "a situation that poses an immediate danger to life, health, property, or essential public services." The Executive Director or Deputy Director may grant an emergency authorization for maintenance activities authorized herein if the permittee provides information sufficient to demonstrate that the circumstance meets the definition of emergency and the proposed work is consistent with the Commission's laws, policies, and all relevant permits. If the request is determined not to be an emergency, the permittee shall follow the notification and review process above.

To make a request for an emergency approval, the permittee shall contact the Executive Director, or other staff acting on behalf of the Executive Director, and provide the location, the nature of the emergency, the proposed actions, photos if possible, and the commencement and completion time. Within 5 days of receiving an approval (verbal approval is acceptable), the permittee shall submit detailed documentation, including photos and drawings, of the work that was conducted, the amount of any fill and excavation in the Bay and/or shoreline band, any impacts to Bay resources or public access, and additional work that is necessary. The submittal will then be reviewed in accorded with the requirements in II.A.2, above.

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A. B. Riprap Requirements

1. **Riprap Material.** Riprap material shall be either quarry rock or specially cast or carefully selected concrete pieces free of reinforcing steel and other extraneous material and 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 material shall be generally spheroid-shaped. ~~The overall thickness of the slope protection shall be no more than three feet measured perpendicular to the slope.~~ Use of dirt, small concrete rubble, concrete pieces with exposed rebar, large and odd shaped pieces of concrete, and asphalt concrete as riprap is prohibited.
2. **Riprap Placement.** ~~3. Design.~~ Professionals knowledgeable of the Commission's concerns, such as civil engineers experienced in coastal processes, should participate in the design of the shoreline protection improvements authorized herein. Riprap material shall be placed so that a permanent shoreline with a minimum amount of fill is established by means of an engineered slope. The slope shall be created by the placement of a filter fabric layer ~~layer~~ protected by riprap material of sufficient size to withstand wind and wave generated forces at the site.
4. ~~3.~~ **Maximum Covered Area.** The overall thickness of the slope protection shall be no more than three feet measured perpendicular to the slope. At any given revetment repair or new installation site, repairs and new work shall cover less than 10,000 square feet of the horizontal projection of the work below the shoreline. Any expansion of riprap coverage at any given site or placement of new riprap shall require written approval by or on behalf of the Commission, in accord with Special Condition II-A.
5. ~~4.~~ **Annual Rip Rap Report.** The permittee shall submit a report to the Commission by March 1 of each year that this permit is in effect, summarizing the amounts, in cubic yards, and locations of rip rap placed within the Commission's jurisdiction during the previous calendar year. The report shall include a drawing or map showing the locations of rip rap placed and the locations where the riprap was placed. A drawing or map showing the locations shall be included in the report. The report shall also describe the rip rap work proposed for the current calendar year. Within 30 days of the date BCDC receives the annual report, BCDC shall notify the permittee of any proposed work that does not conform to the intent or terms and conditions of this permit. Such notification shall constitute denial of the proposed work. A separate BCDC application may be made for any such denied work.

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

B C. Dredging (Sediment Removal). The permittee shall comply with the following dredging/sediment removal provisions:

1. **Volume Limit.** Removal of sediment shall be limited to a maximum of 100 cubic yards at any given drain facility/outfall site and in all cases shall be the minimum amount of excavation necessary to achieve the purpose;
2. **Water Quality Protection.** All dredging shall be conducted in a manner that minimizes the resuspension of sediments and release of material into adjacent Bay waters and tidal marshes. The permittee shall comply with all the requirements of any programmatic permit from the San Francisco Bay Regional Water Quality Control Board, and incorporate all Best Management Practices into the project that prevent erosion and minimize turbidity.
3. **Species Protection.** The permittee shall take all precautions necessary to avoid adverse impacts to migratory birds and other protected species. It shall implement such measures as the US Fish and Wildlife Service and the California Department of Fish and Wildlife currently deem necessary for the above maintenance activity, and train all construction personnel on these requirements;
4. **Marsh and Upland Plant Protection.** Whether dredging is conducted from land-based equipment or from a floating platform, all dredging shall be the minimum necessary to achieve the purpose and shall be performed in a manner that will avoid, or minimize to the maximum extent feasible, adverse impacts on marsh vegetation and upland vegetation refugia. If any unforeseen adverse impacts occur as a result of a dredging operation, the permittee shall restore the area to its previous condition, including returning the disturbed area to its original elevation and soil composition;
5. **Disposal of Sediment.** All material removed from the Commission's jurisdiction shall be disposed of at an appropriate facility located outside of the Commission's jurisdiction.
6. **Annual Dredging Report.** The permittee (Maintenance Division, in coordination with its Office of Biological Sciences and Permits) shall submit an annual report to the Commission, by March 1 of each year, whether or not

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dredging has occurred. The report shall include: (1) a map showing each location where dredging has occurred in the Commission's jurisdiction, in the past 12 months; (2) a table showing the approximate amount of sediment (in cubic yards) removed at each outfall site, and the results of contaminant testing from each site; and (3) a summary and map of proposed work for the coming 12-month period. Within 45 days of receiving the report, BCDC staff will comment on the propose work for the coming year, including any requests for additional information, and will notify the permittee if any completed work appears not to be consistent with this permit. Within 30 days of being contacted, the permittee shall submit an approvable remedy to correct any identified failures. Any project that may require more than 100 cubic yards of sediment removal shall require further review by the BCDC staff and may require Commission authorization.

~~B. **Dredging.** For the following dredging activities located within the Commission's Bay (including tidal marshes up to 5 feet above mean seal level) and certain waterway jurisdiction(s) including but not limited to activities involving removal of silt and debris from existing drainage facilities such as box culverts, drains and outfalls, the permittee shall comply with the following:~~

- ~~1. For dredging activities that involve the removal of less than twenty cubic yards of material:
 - ~~a. **Removal Activities and Disposal.** All dredging, excavation and/or removal activities shall be conducted in a manner that minimizes the resuspension of sediments and release of material into adjacent Bay waters and/or tidal marshes. All material removed from the Commission's jurisdiction shall be tested and disposed of at an appropriate facility located outside of the Commission's jurisdiction.~~~~
- ~~2. For dredging activities that involve the removal of over twenty cubic yards of material:
 - ~~a. **Water Quality Approvals.** 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 requirement, or any other required approvals from the California Regional Water Quality Control Board, San Francisco Bay Region, for that episode. Failure to obtain such certification prior to the commencement of the dredging episode shall terminate the Commission's authorization for that dredging episode. The Executive Director may, upon review of the Regional Board approval, either: (1) approve the dredging episode(s) consistent with this authorization, or (2) amend the Commission approval to modify existing or include additional conditions related to water~~~~

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quality. If the Executive Director amends the permit to change or add permit conditions, this permit shall become null and void unless the permittee agrees to amend this authorization in a manner specified by or on behalf of the Commission.

b. ~~Dredging Report~~

~~(1) **Prior Notice of Episode.** The permittee shall notify the staff by telephone or in writing at least seven (7) days prior to undertaking any dredging episode. 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 dredging or disposal that work has occurred beyond that authorized by the permit, such violation may result in the initiation of enforcement action by or on behalf of the Commission. episode and observe the operation to ensure that the dredging or disposal activity is consistent with the dredging report required herein and the other terms and conditions of this permit.~~

~~(2) **Dredging Report.** Within thirty (30) days of completion of each dredging episode of the dredging authorized by this 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 the authorized depth based on Mean Lower Low Water (MLLW); and (b) the actual areas, and the depth dredged based on MLLW, and any dredging that occurred outside the area authorized to be dredged or below the authorized depths; (2) a vicinity map showing the disposal site; and (3) the actual volume of the material dredged and disposed. The Commission reserves the right to have such report inspected by a reliable third party familiar with bathymetric mapping in order to verify the contents of the report. If a third party selected by or on behalf of the Commission indicates that the report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report that meets the requirements of this condition.~~

c. ~~Seasonal Limitations.~~ Except as provided below, all dredging and in-bay disposal activities shall be confined to the work windows provided below to minimize disturbance to the following endangered and special status species:

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Location	Species of Concern	Work Window Period	Consulting Agency
SF Bay Bridge to Sherman Island	Steelhead trout	June 1 through November 30	NOAA & CDFG
	Chinook salmon- juveniles	June 1 through November 30	NOAA-
Carquinez Bridge to Collinsville	Sacramento splittail	Consultation required at all times	FWS & CDFG
	Delta smelt	Consultation required at all times	FWS & CDFG
Pinole Shoal- Suisun Bay Channel and New York Slough	Chinook salmon- (adults)	June 1 through November 30	NOAA
North San Pablo Bay, Napa & Petaluma Rivers	Delta Smelt	January 1 through January 31 and August 1 through November 30	FWS & CDFG
Napa & Petaluma Rivers & Sonoma Creek	Steelhead trout	July 1 through November 30	NOAA & CDFG
San Pablo Bay & South SF Bay	Western snowy plover	Consultation required at all times	FWS & CDFG
North SF Bay & San Pablo Bay shallow-berthing areas	Dungeness crab	January 1 through April 30 & July 1 through December 31	CDFG
Richardson Bay, North & South Bay	Pacific herring	March 1 through November 30	CDFG
Waters of Marin County from Golden Gate Bridge to Richmond San Rafael Bridge	Coho salmon	June 1 through October 15	NOAA
Central SF Bay	Steelhead trout	June 1 through November 30	NOAA & CDFG
	Pacific herring	March 1 through November 30	CDFG
Berkeley Marina to San Lorenzo Creek within 1 mile of the shoreline	California least tern	January 1 through March 15 and August 1 through December 31	FWS & CDFG
South of Highway 92 Bridge (San Mateo Hayward)	California least tern	January 1 through May 31 and September 1 through December 31	FWS & CDFG
In areas with eelgrass beds	California least tern	Consultation required at all times	FWS & CDFG

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Location	Species of Concern	Work Window Period	Consulting Agency
Baywide in areas of salt marsh habitat	California clapper rail	Consultation required at all times	FWS & CDFG
Baywide within 250 feet of salt marsh habitat	California clapper rail	January 1 through January 31 and September 1 through December 31	FWS & CDFG
In and adjacent to salt marsh habitat	Salt marsh harvest mouse	Consultation required at all times	FWS & CDFG
Within 300' of known roost site	California brown pelican	January 1 through May 31 and October 1 through December 31	FWS

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

These work windows are consistent with Tables F-1 and F-2 of Appendix F, "In Bay Disposal and Dredging" 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 in-bay disposal outside of the work window will be consistent with the Commission's laws and policies.

- d. **Herring.** To protect important fisheries or migrating anadromous fish species, no dredging shall occur pursuant to this permit between December 1 and March 1 of any year during the duration of this permit unless written approval of dredging during this period is provided by or on behalf of the Commission prior to the commencement of the dredging during the closure period. Approval of any dredging activities between December 1 and March 1 of any year shall be made by or on behalf of the Commission only upon the finding that: (1) a dredging or disposal operation which was begun prior to December 1 of any year could not be completed by the December 1 deadline due to unforeseen delays; (2) a professional biologist, or other individual sufficiently competent to identify herring spawning activity, is at the project site during all dredging operations; and (3) if herring spawning is detected at or within 200 meters of the dredging operations by the permittee's on-site biologist or qualified staff person, Department of Fish and Game personnel, or the Commission staff, all dredging will cease for a minimum of 14 days or until it can be determined that the herring hatch has been completed and larval herring concentrations have left the site. To facilitate rapid and efficient communication under these circumstances, the permittee shall provide the Commission staff and Department of Fish and Game personnel with all

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~~necessary telephone, FAX, and pager numbers. Dredging may be resumed thereafter at the sole discretion of the permittee and the Commission staff, but shall be terminated no later than December 31 of that year, or if further spawning takes place at the site.~~

- ~~e. **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.~~
- ~~f. **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.~~
- ~~g. **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.~~

~~C. **Marsh Protection**~~

- ~~1. **Best Management Practices.** 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 area subject to tidal action of the Bay, the permittee shall immediately retrieve and remove such material at its expense. The permittee shall also employ best management practices, such as compaction, soil fences, jute matting, etc. to assure that material placed in the Bay will not simply erode away shortly after placement.~~

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2. ~~C.~~ **D. Marsh and Upland Plant Protection During Construction.** The work authorized by this permit shall be performed in a manner that will prevent, avoid, or minimize to the extent possible any significant adverse impact on any tidal marsh, other sensitive wetland resources, and existing native upland vegetation. If any unforeseen adverse impacts occur to any such areas as a result of the activities authorized herein, the permittee shall restore the area to 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, the permittee shall seed all disturbed areas with appropriate vegetation consistent with plans approved by or on behalf of the Commission. The permittee shall employ mitigation measures to minimize impacts to wetland areas, such as:
- (1) minimizing all traffic in marsh/mudflat areas; and
 - (2) carefully removing, storing, and replacing wetland vegetation that has been removed or “peeled back” from construction areas as soon as possible following construction.

~~D.~~ **E. Fences.** This permit authorizes the in-kind maintenance of existing fences only and does not authorize increases in the heights of existing fences, ~~nor~~ the installation of new fences, nor a new style of fence, unless approved pursuant to Special Condition II-A.

~~E.~~ **F. 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.

~~F.~~ **G. Debris Removal.** All construction debris and any debris uncovered as a result of excavation or grading, such as but not limited to concrete, asphalt, wood, plastics, etc., shall be removed from the project site for proper disposal outside of the Commission’s jurisdiction. Excavated debris may be temporarily stored within the Commission’s jurisdiction, provided measures are employed to assure that material does not wash or erode into the surrounding marsh or waterways. In the event that any such material is placed in any area within the Commission’s jurisdiction for an extended period (i.e. more than 60 days), the permittee, their assigns, or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.

~~G.~~ **Construction Operations.** All construction activity shall be performed in such a manner as to minimize turbidity of the water. All construction operations shall be performed to prevent construction materials from falling into the Bay. 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.

~~H.~~ **In-kind Repairs and Maintenance.** Any in-kind repairs and maintenance of Bay structures shall only utilize construction materials that are approved for use in the 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.

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H. 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.

~~**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 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 permittees, their assigns or successors in interest, or by the owner of the improvements within sixty days or such other reasonable time as the Commission may direct.~~

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. Minor Repair or Improvement. The project authorized by this amended permit involves the following: (1) routine repairs, reconstruction, replacement, removal and maintenance of structures in the Bay that does not involve any substantial enlargement or change in use as defined in Regulation Section 10601(a)(6); (2) placing of riprap and repairs to protective works that would cover less than 10,000 square feet of Bay surface area as defined in Regulation Section 10601(a)(2); (3) routine maintenance dredging as defined in Regulation Section 10602(a); and the placing of inert inorganic fill in, extraction of materials from, or making any substantial change of use of any such area within the 100-foot shoreline band in such a way as to have no adverse effect upon present or possible future maximum feasible public access to the Bay consistent with the project, or upon present or possible future use for a priority water-related use of any area designated for such use, which is defined in Regulation Section 10601(b)(1), and thus is a "minor repair or improvement" for which the Executive Director may issue (1) a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a), and (2) an amendment to a permit pursuant to Regulation Section 10810.

B. Consistency with McAteer-Petris Act and San Francisco Bay Plan. The project authorized by this amended 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. Amendment No. Three. Amendment No. Three to the permit involves combining three previously issued permits (BCDC Permit Nos. M76-37, M87-41 and M87-42) for routine maintenance activities into one permit. The permit conditions contained in this amended permit have been revised to reflect the Commission's current policies. Additionally, this amended permit may be extended for five-year increments, pursuant to the Commission's current regulations regarding maintenance dredging. Conditions contained in the amended authorization will ensure that maintenance activities are conducted in a manner that minimizes impacts on the

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Bay and its resources. These include Special Conditions II-C and II-E that require the permittee to immediately remove any construction debris that inadvertently enters the Bay and prohibits the use of creosote treated wood in areas subject to tidal action to protect Bay water quality and resource values.

D. **Amendment No. Five.** Amendment No. Five authorizes additional maintenance activities (e.g., bridge painting), modifies the previously authorized dredging authorization such that excavation shall be limited to 100 cubic yards per dredging episode, provides clarification on previously authorized maintenance activities and authorizes five additional years, until June 30, 2019, to perform the maintenance activities authorized in the amended permit. As such, the activities authorized under Amendment No. Four consist of the following: (1) the placement of small amounts of material with no effect on present or future public access to the Bay or Bay resources, consistent with Regulation Section 10601(b)(1); (2) routine repairs and maintenance that do not result in a substantial enlargement or change in use, consistent with Regulation Section 10601(a)(6); and (3) maintenance dredging that is completed within a 10 year period, consistent with Regulation Section 10602(a) for which the Executive Director may issue an amendment to an existing permit pursuant to Regulation Section 10810 and Government Code Section 66632(f).

~~D. **E. Coastal Zone 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.~~

~~E. **F. Environmental Review.** Pursuant to Regulation Section 11501, the project authorized by this amended permit is categorically exempt from the requirement to prepare an environmental impact report.~~

~~F. **G. Listing.** Pursuant to Regulation Section 10620, this project was originally listed with the Commission on July 16, 1987.~~

IV. Standard Conditions

~~A. 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 and/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.~~

~~B. 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. Work must be performed in the precise manner and at the precise locations indicated in your application, and amendment request, 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.~~

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~~D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.~~

~~E. 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 authorized activity will occur or which is necessary to the 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.~~

~~F. 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.~~

~~G. 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.~~

~~H. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If this amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.~~

~~I. 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.~~

~~J. 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.~~

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~~K. 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.~~

~~L. 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.~~

~~M. 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.~~

A. **Permit Execution.** This amended permit shall not take effect unless the permittee(s) execute the original of this amended permit and return 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(s) transfer 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(s)/transferors and the transferees shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignees execute and the Executive Director receives an acknowledgment that the assignees have read and understand the amended permit and agree to be bound by the terms and conditions of the amended permit, and the assignees are 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

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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(s) 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 amended 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(s) or their assignees 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(s) or their assignees 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

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amended permit shall be subject to removal by the amended permittee(s) or their assignees 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(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.

M. **Abandonment.** If, at any time, the Commission determines that the improvements in the Bay 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 assignees or successors in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.

N. Best Management Practices

1. **Debris Removal.** 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 assignees, or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.

2. **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 area subject to tidal action of the Bay, the permittee(s) shall immediately retrieve and remove such material at its expense.

O. **In-Kind Repairs and Maintenance.** Any in-kind repair and maintenance work authorized herein shall not result in an enlargement of the authorized structural footprint and shall only involve construction materials approved for use in San Francisco Bay. Work shall occur during periods designated to avoid impacts to fish and wildlife. The permittee(s) shall contact Commission staff to confirm current restricted periods for construction.

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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: 
BRAD McCREA
Regulatory Program Director

BM/MBL/ra

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
Stefan Galvez, Caltrans

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at Oakland, CA 
Applicant

On June 30, 2014 By: Melanie Brent
Deputy District Director,
Print Name and Title Caltrans

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686

Recorder's Copy

PERMIT NO. M97-6
(Issued on March 27, 1997, As
Amended Through November 3, 1999)
AMENDMENT NO. FIVE

California Department of Transportation, District 4
111 Grand Avenue
Oakland, California 94623-0660

ATTENTION: Harry Y. Yahata, District Director

Ladies and Gentlemen:

I. Authorization

A. Subject to the conditions stated below, the permittee, the California Department of Transportation, District 4, is hereby authorized to do the following:

- Location:** (1) In the Bay and within the 100-foot shoreline band, on the west approach and high-rise portions of the Route 92 San Mateo-Hayward Bridge, in Foster City and in an unincorporated area of San Mateo County, and (2) within the 100-foot shoreline band at the Port of Richmond "parking lot" upland dredged material disposal site, in the City of Richmond, Contra Costa County.
- Description:** Retrofit the existing west approach and high-rise portions of the Route 92 San Mateo-Hayward Bridge to meet current seismic safety standards by: (1) dredging approximately 98,500 cubic yards of material from the locations indicated in attached Exhibit B and disposing it in the Bay at the Alcatraz Disposal Site and at an approved upland location at the Port of Richmond; (2) installing approximately 20,131 square feet of solid and pile-supported fill, including new 8- and 10-foot-diameter steel pilings, concrete overlay and encasement of rectangular foundations, concrete pile caps, steel jackets and concrete jackets, steel plates, and a new pier structure; (3) installing approximately 1,440 square feet of fill for temporary support frames and approximately 5,577 square feet of temporary coffer dams; (4) installing up to 5,000 square feet of temporary, pile-supported fill for working platforms and solid fill for pilings adjacent to and/or over the fishing pier to provide construction access to the bridge (Amendment No. One); (5) installing up to 710 square feet of temporary, floating fill for mooring buoys, with chains and anchors (Amendment Nos. Two and Four); (6) installing concrete bent caps between the existing columns and the bridge

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superstructure; (7) installing new large displacement expansion joints and strengthening steel box girder hinges; (8) installing seismic monitoring equipment at various locations on the bridge structure; (9) installing new 8-foot-in- diameter steel piles surrounded by a 1310-square-foot concrete girder and retrofitting an adjacent, existing pier structure in the 100-foot-shoreline band on the west approach; (10) installing new 11-foot-wide steel jackets around concrete bent columns in the 100-foot-shoreline band; (11) permanently re-aligning approximately 120 linear feet of the Bay Trail; (12) landscaping approximately 24,621 square feet of the Bay Trail north and south of the bridge and approximately 28,967 square feet within the Caltrans maintenance yard west of the project site; (13) temporarily detouring a portion of the Bay Trail; (14) temporarily closing the existing San Mateo County fishing pier adjacent to the bridge; (15) removing and replacing in-kind up to four 140-foot-long sections of the fishing pier to provide room for barge maneuvering during construction, as generally described in the draft narrative entitled "Fishing Pier Access Requirements, San Mateo-Hayward Bridge Seismic Retrofit", prepared by Harding-Lawson Associates, dated September 8, 1997 (Amendment No. One); (16) installing a temporary earthen and asphalt ramp in the 100-foot shoreline band, between the Caltrans maintenance vehicle access road and the fishing pier, to provide construction vehicle and personnel access, as generally described in Section 3.1.1 of the draft narrative entitled "Fishing Pier Access Requirements, San Mateo-Hayward Bridge Seismic Retrofit", prepared by Harding-Lawson Associates, dated September 8, 1997 (Amendment No. One); (17) installing temporary fencing to prevent the public from entering the construction area; (18) installing changeable message signs and a tubular steel support structure atop to Pier 38 on the bridge roadway. Access to the bridge for construction will be accomplished with floating barges and via the fishing pier; and (19) installing two temporary, untreated 40-foot-long wooden poles in the shoreline band to mark a sewer line and installing one temporary, 40-foot-tall, 24-inch-diameter, steel pipe, spar buoy in the Bay to mark the sewer line outfall (Amendment No. Three); and (20) installing approximately 27,651 cubic yards of 3-inch or 6-inch rock around the bell pier foundations at piers 14 to 29.

B. This authority is generally pursuant to and limited by your application dated February 4, 1997, your letters dated May 22, 1997 and September 17, 1997, requesting Amendment No. One, your letter dated February 11, 1998, requesting Amendment No. Two, and your letters dated April 9, 1998 and June 11, 1998, requesting Amendment Nos. Three and Four, respectively, and your letter dated September 21, 1999, requesting Amendment No. Five, including all accompanying and subsequently submitted exhibits and correspondence, and all conditions of this amended permit.

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C. Work authorized herein must commence prior to June 1, 1998, or this amended permit will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within three years of commencement, or by June 1, 2001, whichever is earlier, unless an extension of time is granted by amendment of the amended permit.

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. **Debris Removal.** All construction debris shall be removed to a 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, 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.

B. **Abandonment.** If, at any time, the Commission determines that the improvements in the Bay 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, its assignee or successor in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.

C Specific Plans and Plan Review

Plan Review. No work whatsoever shall be commenced pursuant to this authorization until final precise site, engineering, grading, architectural, and landscaping plans and any other relevant criteria, specifications, and plan information for that portion of the work have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The specific drawings and information required will be determined by the staff. To save time, preliminary drawings should be submitted and approved prior to final drawings.

- a. **Site, Grading, Architectural, and Landscaping Plans.** Site, grading, architectural, and landscaping plans shall include and clearly label the Mean High Tide Line, the line 100 feet inland of the Mean High Tide Line, property lines, the boundaries of all areas to be reserved for public access purposes and open space, 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.
- b. **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 professional of record and be accompanied by:

- (1) Evidence that the project design complies with all applicable state and federal design standards;
- (2) 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
- (3) Written certification of the professional of record that the final PS&Es satisfy the recommendations of the ECRB.

Plans submitted shall be accompanied by a letter requesting plan approval, identifying the type of plans submitted, the portion of the project involved, and indicating whether the plans are final or preliminary. Approval or disapproval shall be based upon:

- (a) completeness and accuracy of the plans in showing the features required above, particularly the Mean High Tide Line, property lines, and the line 100-feet inland of the Mean High Tide Line, , and any other criteria required by this authorization;
 - (b) consistency of the plans with the terms and conditions of this authorization;
 - (c) the provision of the amount and quality of public access to and along the shoreline and in and through the project to the shoreline required by this authorization;
 - (d) consistency with legal instruments reserving public access and open space areas;
 - (e) assuring that any fill in the Bay does not exceed this authorization and will consist of appropriate shoreline protection materials as determined by or on behalf of the Commission;
 - (f) consistency of the plans with the recommendations of the Design Review Board.
2. **Conformity with Final Approved Plans.** All work, improvements, and uses shall conform to the final approved plans. 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 any final plans or to the exterior of any constructed structure, outside fixture, lighting, landscaping, signage, landscaping, parking area, or shoreline protection work without first obtaining written approval of the change(s) by or on behalf of the Commission.

3. **Discrepancies between Approved Plans and Special Conditions.** In case of any discrepancy between final approved plans and Special Conditions of this authorization or legal instruments approved pursuant to this authorization, the Special Condition or the legal instrument shall prevail. The permittee is responsible for assuring that all plans accurately and fully reflect the Special Conditions of this authorization and any legal instruments submitted pursuant to this authorization.

Plan review shall be completed by or on behalf of the Commission within 45 days after receipt of the plans to be reviewed.

D. Temporary Closures and Pier Repair. The permittee shall, pursuant to Condition II-A, above, submit for approval by or on behalf of the Commission, a plan for the temporary detour of the Bay Trail and temporary closure of the San Mateo County fishing pier authorized herein. Such plans shall also include a schedule which identifies the specific dates on which the closed facilities will be made available for public use. Further, the permittee is responsible for any and all damage to these public facilities and shall fully repair all damage prior to the return of the facilities to public use. The permittee shall repair the fishing pier and shall return it to a usable condition that is virtually identical in size and appearance to that of the existing pier prior to the completion of the project, or by June 1, 2001, whichever is earlier.

E. Construction Access. No temporary fill for construction access shall be placed pursuant to this amended permit until final plans for such placement, including a final version of the narrative entitled "Fishing Pier Access Requirement, San Mateo-Hayward Bridge Seismic Retrofit" have been reviewed and approved by or on behalf of the Commission pursuant to Special Condition II-A of this amended permit. The permittee is strictly prohibited from using solid fill, other than pilings, in the Bay for construction access. Any fill placed for construction access shall be pile-supported, or floating only.

F. Public Access

1. **Area.** The approximately ~~40,075~~ 44,361-square-foot area, along approximately ~~725~~ 456 lineal feet of shoreline as generally shown on Exhibit "A" shall be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, fishing, picnicking, and related purposes. 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.
2. **Permanent Guarantee.** Prior to the commencement of any grading or construction activity, the permittee shall, by instrument or instruments acceptable to counsel for the Commission, dedicate to a public agency or otherwise permanently guarantee such rights for the public to the ~~40,075~~ 44,361-square-foot public access areas(s). The instrument(s) shall create rights in favor of the public which shall commence no later than after completion of construction of any public access improvements required by this authorization and prior to the use of any structures authorized herein. Such instrument shall be in a form that meets recordation requirements of San Mateo County and shall include a legal description of the property being restricted and a map that clearly shows and labels the Mean High Tide Line, the property being restricted for public access, the legal description of the property and of the area

being restricted for public access, and other appropriate landmarks and topographic features of the site, such as the location and elevation of the top of bank of any levees, any significant elevation changes, and the location of the nearest public street and adjacent public access areas. Approval or disapproval of the instrument shall occur within 30 days after submittal for approval and shall be based on the following:

- (a) Sufficiency of the instrument to create legally enforceable rights and duties to provide the public access area required by this authorization;

Inclusion of an exhibit to the instrument that clearly shows the area to be reserved with a legally sufficient description of the boundaries of such area; and
 - (c) Sufficiency of the instrument to create legal rights in favor of the public for public access that will run with the land and be binding on any subsequent purchasers, licensees, and users.
3. **Recordation of the Instrument.** Within 30 days after approval of the instrument, the permittee shall record the instrument and shall provide evidence of recording to the Commission. No changes shall be made to the instrument after approval without the express written consent by or on behalf of the Commission.
4. **Improvements Within the Total Public Access Area.** By October 31, 2000, the permittee shall install the following improvements, as generally shown on attached Exhibit A:
- A new 120-foot-long and 10-foot-wide section of the Bay Trail:

Removal of the existing fence from the south part of the fishing pier at the corner of public parking and along the San Mateo County property;
 - (c) Landscaping approximately 24,621 square feet of the Bay Trail north and south of the bridge and approximately 28,967 square feet within the Caltrans maintenance yard west of the project site; and
 - (d) No fewer than 4 public access and, when appropriate, Bay Trail signs;
 - (e) Two benches and three picnic tables; and
 - (f) An educational plaque adjacent to the San Mateo County fishing pier with text highlighting its historic significance.

Such improvements shall be consistent with the plans approved pursuant to Condition II-A of this authorization and substantially conform to the plans entitled "Little Coyote Point Draft Conceptual Landscape Plan," dated September 26, 1996, as revised through February 26, 1997, prepared by HDR Engineering, Inc.

- 5 **Maintenance.** The areas and improvements within the total 40,075-square-foot public access 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 60 days after notification by staff, the permittee shall correct any maintenance deficiency noted in a staff inspection of the site. .
6. **Assignment.** The permittee shall transfer maintenance responsibility to another 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 amended permit.

G. 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.

H. Water Quality. At least 20 days prior to the commencement of any disposal episode authorized herein, the permittee shall submit to the Executive Director water quality certification or waiver of water quality certification from the California Regional Water Quality Control Board, San Francisco Bay Region, for that episode. Failure to obtain such certification or waiver of certification prior to the commencement of the dredging episode shall terminate the Commission's authorization for that dredging episode.

I. 30-Month Permit for Dredging. The approximately 98,500 cubic yards or less of new dredging authorized by this amended permit shall be completed within 30 months of the date of issuance. No further dredging is authorized by this amended permit.

J Dredging Report

- 1 **Prior Notice of Episode.** The permittee shall notify the staff by telephone or in writing at least seven (7) days prior to undertaking any dredging episode. 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 dredging or disposal episode and observe the operation to ensure that the dredging or disposal activity is consistent with the dredging report required herein and the other terms and conditions of this amended permit.

2. **Dredging Report.** Within thirty (30) days of completion of each dredging episode of the 98,500 cubic yards of new dredging authorized by this amended 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 Mean Lower Low Water (MLLW); and (b) the actual areas dredged and to what depth based on MLLW, and any dredging that occurred outside the area authorized to be dredged or below the authorized depths; (2) a vicinity map showing the disposal site; and (3) the actual volume of the material dredged and disposed. The Commission reserves the right to have such report inspected by a reliable third party familiar with bathymetric mapping in order to verify the contents of the report. If a third party selected by or on behalf of the Commission indicates that the report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report that meets the requirements of this condition. If the Commission determines that the contents of the dredging report indicate that work has occurred beyond that authorized by the amended permit, such violation may result in the initiation of enforcement action by or on behalf of the Commission.

K. 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.

L. In-Bay Disposal. The permittee shall only dispose dredged material in the Bay that has been approved for in-Bay disposal by the Dredge Material Management Office. Any material not approved for in-Bay disposal shall be disposed upland or in the ocean all in accordance with disposal plans approved by the responsible agencies.

At least 20 days prior to the commencement of any disposal episode authorized herein, the permittee shall submit a written statement to the Executive Director that contains all of the following: (1) the dates within which the dredging and disposal episode is proposed; (2) the total volume of material proposed to be dredged and location of the proposed disposal in the Bay; (3) an explanation as to why ocean or upland disposal of the material is infeasible; (4) an explanation as to how the proposed disposal is consistent with the U.S. Army Corps of Engineers' management of the disposal site so as to maintain adequate site capacity; and (5) results of chemical and biological testing of material proposed for dredging and disposal. The authorization for the dredging and disposal episode shall become effective only when either: (1) the Executive Director informs the permittee in writing that he or she has determined that the episode is consistent with the authorization provided herein, that there is no feasible upland alternative available for the dredged material, that sufficient capacity exists at the disposal site consistent with the long-term management of the disposal site, and that the material is suitable for in-Bay disposal; or (2) the Executive Director does not respond to the permittee's written statement within 30 days of its receipt. If the Executive Director: (1) determines that ocean or upland disposal of the material is feasible; (2) determines that the material is unsuitable for in-Bay disposal; or (3) is informed by the U.S. Army Corps of Engineers that the proposed disposal would unacceptably reduce disposal site capacity, then such determination shall terminate the Commission's authorization for in-Bay disposal as part of that dredging episode.

PERMIT NO. M97-6

(Issued on March 27, 1997, As
Amended Through November 3, 1999)

AMENDMENT NO. FIVE

California Department of Transportation, District 4

Page 9

M. Rock Placement Around Piers. All rock backfill material placed around piers 14 to 29, pursuant to this amended permit, shall be placed using a clam shell bucket on a barge-mounted crane. The clamshell shall be lowered until it touches the bottom of the excavation before the bucket is opened, in order to minimize disturbance of the Bay bottom.

~~M.-N.~~ 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.

~~N.-O.~~ Soil Removal. The top 8 inches of topsoil and vegetation shall be stockpiled during trenching activities and replaced upon project completion at preconstruction grade to encourage growth of native vegetation. The remaining soil materials removed shall not be stored on site, but shall be properly disposed of at a location outside the Commission's jurisdiction.

~~O.-P.~~ Notice to Contractor. The permittee shall provide a copy of this amended permit and final PS&Es 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.

~~P.-Q.~~ Construction Operations. All construction operations shall be performed to prevent construction materials from falling into the Bay. 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.

~~Q.-R.~~ 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 successor in interest will require further action by or on behalf of the Commission prior to any future change of use or work within areas filled pursuant to this authorization.

~~R.-S.~~ Temporary Structures. All temporary structures placed pursuant to this amended permit shall be completely removed from the Commission's jurisdiction upon completion of each individual project and the area restored to its previous condition. The permittee shall repair the fishing pier in-kind and shall return to it to a usable condition that is virtually identical in size and appearance to that of the existing pier. The permittee shall restore environmentally-sensitive areas in the shoreline band to their previous condition upon removal of the temporary structures authorized herein.

~~S.-T.~~ Recording. The permittee shall record this document or a notice specifically referring to this document with San Mateo County within 30 days after execution of the amended permit issued pursuant to this authorization and shall, within 30 days after recordation, provide evidence of recordation to the Commission.

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. The project authorized by this amended permit involves the routine repair, reconstruction, replacement, and other construction activities specifically limited to the seismic retrofitting of existing state-owned highway structures, as specified by Senate Bill 131 (Chapter 15), passed by the legislature on March 15, 1994, and as defined in Regulation Sections 10601(a)(1)(2),(3) and (6), or activities similar to those described above, as defined in Regulation Sections 10601(e)(1) and (3), and new dredging of approximately 98,500 cubic yards of material from the Bay at and adjacent to the San Mateo-Hayward Bridge, and disposal of the material at the SF-11 Alcatraz Disposal Site, and at an approved upland disposal site, a project defined in Regulation Sections 10602(b) and 10602(g) as new dredging of 100,000 cubic yards or less completed within a period of 30 months with disposal at an approved in-bay disposal site consistent with annual target volumes and at a non-aquatic location, and thus is a "minor repair or improvement" for which the Executive Director may issue (1) a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a), and (2) an amendment to a permit, pursuant to Regulation Section 10812.

B. The project authorized by this amended 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. The authorized project will create adverse impacts on visual and physical public access to the Bay by changing the visual appearance of the existing bridge structure, interrupting the existing Bay Trail as it passes underneath the Bridge, and temporarily closing the heavily used San Mateo County fishing pier for construction safety and as a platform for accessing the Bridge structure. To compensate for these adverse impacts, the amended permit authorizes and requires a number of public access improvements including the construction of a new segment of the Bay Trail, landscaping and the permanent dedication of an approximately ~~270,070-40,075~~ 44,361-square-foot area for public use. However, if the Bay Trail is detoured and/or the fishing pier closed beyond the 760-calendar-day construction period authorized pursuant to Condition II-D of this amended permit, additional public access may be required to offset the additional adverse impacts on public access that such a delay may create. As such the authorized project will provide the maximum feasible public access, consistent with the project.

C. 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.

D. Pursuant to Regulation Section 11501, the project authorized by this amended permit is categorically exempt from the requirement to prepare an environmental impact report.

E. The Commission finds that the fill authorized herein is consistent with public trust needs for the area because the authorized fill is for the seismic retrofit of an existing bridge structure that will not interfere with navigation or other public trust uses.

F. Pursuant to Regulation Section 10620, the original project was listed with the Commission on March 6, 1997.

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(Issued on March 27, 1997, As
Amended Through November 3, 1999)

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Page 11

IV. Standard Conditions

A. 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 and/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.

B. 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. 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.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

E. 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 authorized activity will occur or which is necessary to the 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 .

F. 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.

G. 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.

H. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If an amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

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(Issued on March 27, 1997, As
Amended Through November 3, 1999)

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California Department of Transportation, District 4

Page 12

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

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



WILL TRAVIS
Executive Director
San Francisco Bay Conservation and
Development Commission

WT/AD/ra

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

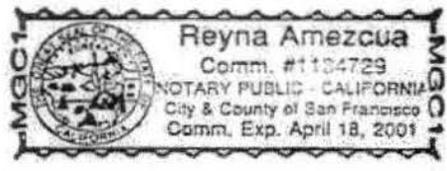
County of San Francisco

On November 3, 1999 before me, Reyna Amezcua, Notary Public

personally appeared Will Travis

- personally known to me.
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Reyna Amezcua
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

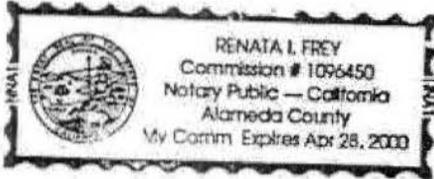
State of California

County of Alameda

On November 10, 1999 before me, Renata I. Frey, Notary Public

personally appeared Denis Mulligan

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Renata I. Frey
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

PERMIT NO. M97-6
(Issued on March 27, 1997, As
Amended Through November 3, 1999)
AMENDMENT NO. FIVE
California Department of Transportation, District 4
Page 13

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, Attn: Mike Monroe, W-3-3
San Mateo County Planning Department
Department of Transportation, Attn: Lenka Culik-Caro

* * * * *

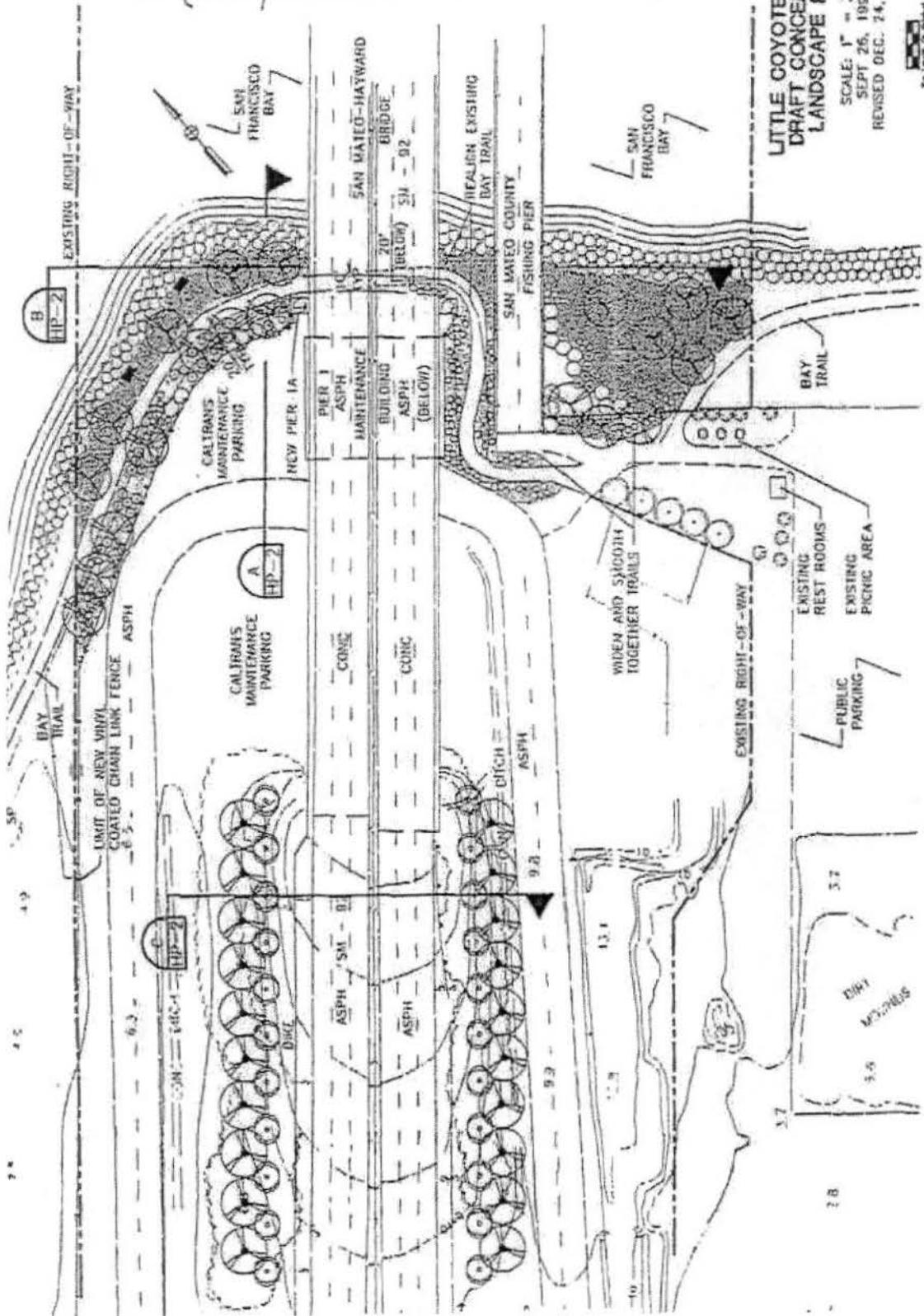
Receipt acknowledged, contents understood and agreed to:

Executed at Oakland, CA

On Nov. 10, 1995

By: Caltrans
Applicant
Demetri Malby
District Division Chief
Title

Post-it® Fax Note	7571	Date	# of pages ▶
To	Mark Zabaneh	From	Don Lucas
Co./Dept.		Co.	BCDC
Phone #		Phone #	
Fax #	(510) 622-5460	Fax #	



**LITTLE COYOTE POINT
DRAFT CONCEPTUAL
LANDSCAPE PLAN**

SCALE: 1" = 30'
SEPT 26, 1996
REVISED DEC. 24, 1998

Exhibit A
San Francisco Bay Area
Regional Council of Governments

93 53 T 33 41 0 4 10

EXHIBIT "C"

That real property situated in the County of San Mateo, State of California, more particularly described as follows:

Commencing at the Southwesterly terminus of the course described as "S. 42°11'42" W., 276.79 feet" in PARCEL 1 in the deed from the State of California to the County of San Mateo, recorded February 13, 1976 in Volume 7047, Page 359, San Mateo County Records; thence along said course, North 42°11'42" East, 247.35 feet to the POINT OF BEGINNING; thence North 51°49'50" West, 38.46 feet; thence South 72°52'24" West, 8.15 feet to the beginning of a tangent curve with a radius of 11.50 feet; thence along said curve to the left, through a central angle of 70°59'48", an arc length of 14.25 feet; thence South 41°27'07" West, 11.85 feet; thence North 48°32'53" West, 35.31 feet; thence North 83°02'05" West, 31.33 feet; thence South 59°27'41" West, 2.26 feet; thence North 26°05'21" West, 22.72 feet; thence North 47°38'02" West, 48.30 feet; thence North 22°33'18" West, 26.57 feet; thence North 41°47'45" East, 93.96 feet; thence North 48°11'54" West, 88.71 feet; thence North 39°57'24" East, 6.89 feet; thence North 61°54'49" West, 31.76 feet to the beginning of a tangent curve with a radius of 80.00 feet; thence along said curve to the left, through a central angle of 48°50'33", an arc length of 68.20 feet; thence South 69°14'37" West, 99.31 feet; thence South 64°54'51" West, 57.70 feet to the Northwesterly right of way of State of California; thence along last said line, North 42°27'02" East, 133.86 feet to the mean high water line; thence along last said line the following 5 courses: 1) North 68°07'29" East, 71.14 feet; 2) North 77°19'23" East, 57.72 feet; 3) South 43°49'27" East, 266.92 feet; 4) South 34°23'51" East, 46.49 feet; and 5) South 49°55'30" East, 59.51 feet to the Northeasterly prolongation of aforementioned course (S. 42°11'42" W., 276.79 feet); thence along said prolongation and said course, South 42°11'42" West, 91.88 feet to the Point of Beginning.

Containing 44,361 square feet, more or less.

The bearings and distances used in the above description are on the California Coordinate System of 1927, Zone 3. Multiply the above distances by 1.0000653 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature _____

Jerry Zhong
Licensed Land Surveyor

Date _____

MAY 17 2002



EXHIBIT "C"

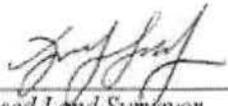
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Containing 44,361 square feet, more or less.

The bearings and distances used in the above description are on the California Coordinate System of 1927, Zone 3. Multiply the above distances by 1.0000653 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature 
Licensed Land Surveyor

Date 6/20/2003



2006-058454

10:50am 04/20/06 DR Fee: NO FEE

Count of pages 30

Recorded in Official Records

County of San Mateo

Warren Slocum

Assessor-County Clerk-Recorder



* 2 0 0 6 0 0 5 8 4 5 4 A R *

Recorded at the request of
State of California
San Francisco Bay Conservation
and Development Commission

WHEN RECORDED, mail to:
State of California
Department of Transportation, District 4
Mail Station 8E
111 Grand Avenue
P.O. Box 23660
Oakland, CA 94623-0600

304

STATE OF CALIFORNIA
OFFICIAL BUSINESS -- Document
entitled to free recording
pursuant to Government Code
Sections 6103 and 27383

NO TAX DUE

THIS SPACE FOR RECORDER

**Notice of Conditions, Covenants,
and Restrictions Affecting**

State of California parcel as described in attachment Exhibit "A".

1. An agreement imposing public access restrictions on the use of the affected parcels.
2. BCDC Permit No. M97-6, dated March 27, 1997, as amended through Amendment No. Five, dated November 3, 1999.

**Agreement Imposing Public Access Restrictions
on the Use of Real Property**

This agreement is made this 10th day of April, 2006, by and between California Department of Transportation, hereinafter referred to as "the permittee," and the San Francisco Bay Conservation and Development Commission, hereinafter referred to as "Commission."

WHEREAS, the permittee owns certain real property referred to as "the subject property" that is located in the County of San Mateo, State of California, and is more particularly described in Exhibit A, attached hereto and by such reference incorporated herein; and

WHEREAS, pursuant to the McAteer-Petris Act (Government Code Section 66600 et seq.), the permittee sought in Application No. M97-6 a permit for the following:

Retrofit the existing west approach and high-rise portions of Route 92 San Mateo-Hayward Bridge to meet current seismic safety standards by:

1. Dredging approximately 98,500 cubic yards of material from the locations indicated in attached Exhibit B and disposing it in the Bay at the Alcatraz Disposal Site and at an approved upland location at the Port of Richmond;
2. Installing approximately 20,131 square feet of solid and pile-supported fill, including new 8- and 10-foot-diameter steel pilings, concrete overlay and encasement of rectangular foundations, concrete pile caps, steel jackets and concrete jackets, steel plates and a new pier structure;
3. Installing approximately 1,440 square feet of fill for temporary support frames

and approximately 5,577 square feet of temporary coffer dams;

4. Installing up to 5,000 square feet of temporary pile supported fill for working platforms and solid fill for pilings adjacent to and/or over the fishing pier (Amendment No. One);
5. Installing up to 710 square feet of temporary floating fill for mooring buoys with chains and anchors (Amendment Nos. Two and Four);
6. Installing concrete bent caps between the existing columns and the bridge superstructure;
7. Installing new large displacement expansion joints and strengthening steel box girder hinges;
8. Installing seismic monitoring equipment at various locations on the bridge structure;
9. Installing new 8-foot-in-diameter steel piles surrounded by a 1,310-square-foot concrete girder and retrofitting an adjacent existing pier structure in the 100-foot shoreline band on the west approach;
10. Installing new 11-foot wide steel jackets around concrete bent columns in the 100-foot shoreline band;
11. Permanently realigning approximately 120 linear feet of the Bay Trail;
12. Landscaping approximately 24,621 square feet of the Bay Trail north and south of the bridge and approximately 28,967 square feet within the Caltrans Maintenance Yard west of the project site;
13. Temporarily detouring a portion of the Bay Trail;
14. Temporarily closing the existing San Mateo County fishing pier adjacent to the bridge;
15. Removing and replacing in-kind up to four 140-foot-long sections of the

fishing pier (Amendment No. One);

16. Installing a temporary earthen and asphalt ramp in the 100-foot shoreline band, between the Caltrans maintenance vehicle access road and the fishing pier (Amendment No. One);
17. Installing temporary fencing to prevent the public from entering the construction area;
18. Installing changeable message signs and a tubular steel support structure atop to Pier 38 on the bridge roadway;
19. Installing two temporary untreated 40-foot-long wooden poles in the shoreline band to mark a sewer line and installing one temporary 40-foot-tall, 24-inch-diameter steel pipe spar buoy in the Bay to mark the sewer line outfall (Amendment No, Three);
20. Installing approximately 27,651 cubic yards of 3-inch or 6-inch rock around the bell pier foundations at Piers 14 to 29.

WHEREAS, the Commission has issued Permit No. M97-6, a copy of which is attached as Exhibit B and incorporated by reference, for this work and the uses subject to conditions that are imposed for the benefit of the public and surrounding landowners, and without agreement to which by the permittee no permit could be issued; and

WHEREAS, Special Conditions II-F-2 to the permit provide that the permittee must dedicate or otherwise permanently restrict certain real property more specifically described in Exhibit C to this agreement, which is attached and incorporated by reference into this agreement, for public access purposes.

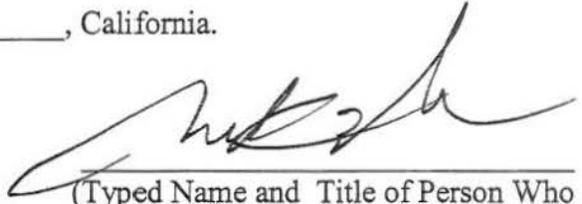
NOW, THEREFORE, in consideration of the issuance of the development permit by the Commission and of the benefit conferred thereby on the subject property, the permittee, on behalf of himself, his heirs, his successors and assigns, hereby covenants and agrees with the Commission, its successors and assigns that the portion of property more particularly described in Exhibit C, which is attached and incorporated by reference, shall be held open to the public in perpetuity for public access purposes, including but not limited to walking, viewing, sitting, fishing, picnicking, and other related purposes, and that the restriction shall be attached to and become a part of the deed of the property.

FURTHER, the permittee acknowledges that any violation of this deed restriction will constitute a violation of the McAteer-Petris Act and of Permit No. M97-6, and, in addition to any other remedies provided by law, will subject the permittee or any other person violating the deed restriction to suit as provided by the McAteer-Petris Act.

IT IS FURTHER RECOGNIZED that this agreement and deed restriction is a covenant running with the land in perpetuity and shall bind the permittee, his heirs, successors, and assigns. The permittee further agrees that the permittee shall insert the restriction herein described in any subsequent deed or other legal instrument by which he divests himself of either the fee simple title to or of his possessory interest in the subject property or some portion thereof.

In witness thereof, the parties hereto have duly executed this agreement.

Executed on this 10th day of April, 2006,
at Oakland, California.



(Typed Name and Title of Person Who
is Executing Document for Permittee)

MARK ZABANEH
CALTRANS

Division Chief
Project Management.

California Department of Transportation

State of _____)
County of _____) ss.

On _____ before me, _____,
a Notary Public in and for said County and State, personally appeared

_____ ,
personally known to me (or proved to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

see attached

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

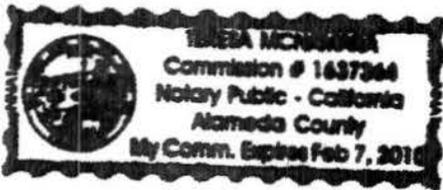
State of California

County of Alameda

On April 10, 2006 before me, Teresa McNamara a Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Mark Zabaneh
Name(s) of Signer(s)

personally known to me – OR – proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Teresa McNamara
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

Executed on this 1st day of February, 2006

at San Francisco, California.



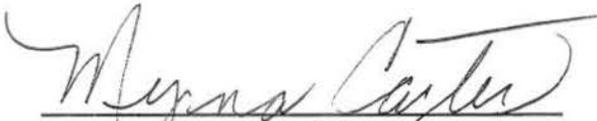
WILL TRAVIS
Executive Director
San Francisco Bay Conservation
and Development Commission

State of California)
County of San Francisco) ss.

On February 1, 2006 before me, Myrna Carter

A Notary Public in and for said County and State, personally appeared Will Travis personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



(Signature of Notary)

COUNTY OF SAN MATEO

N42°27'02"E

N42°11'57"E



SCALE: 1" = 80'

LEGEND

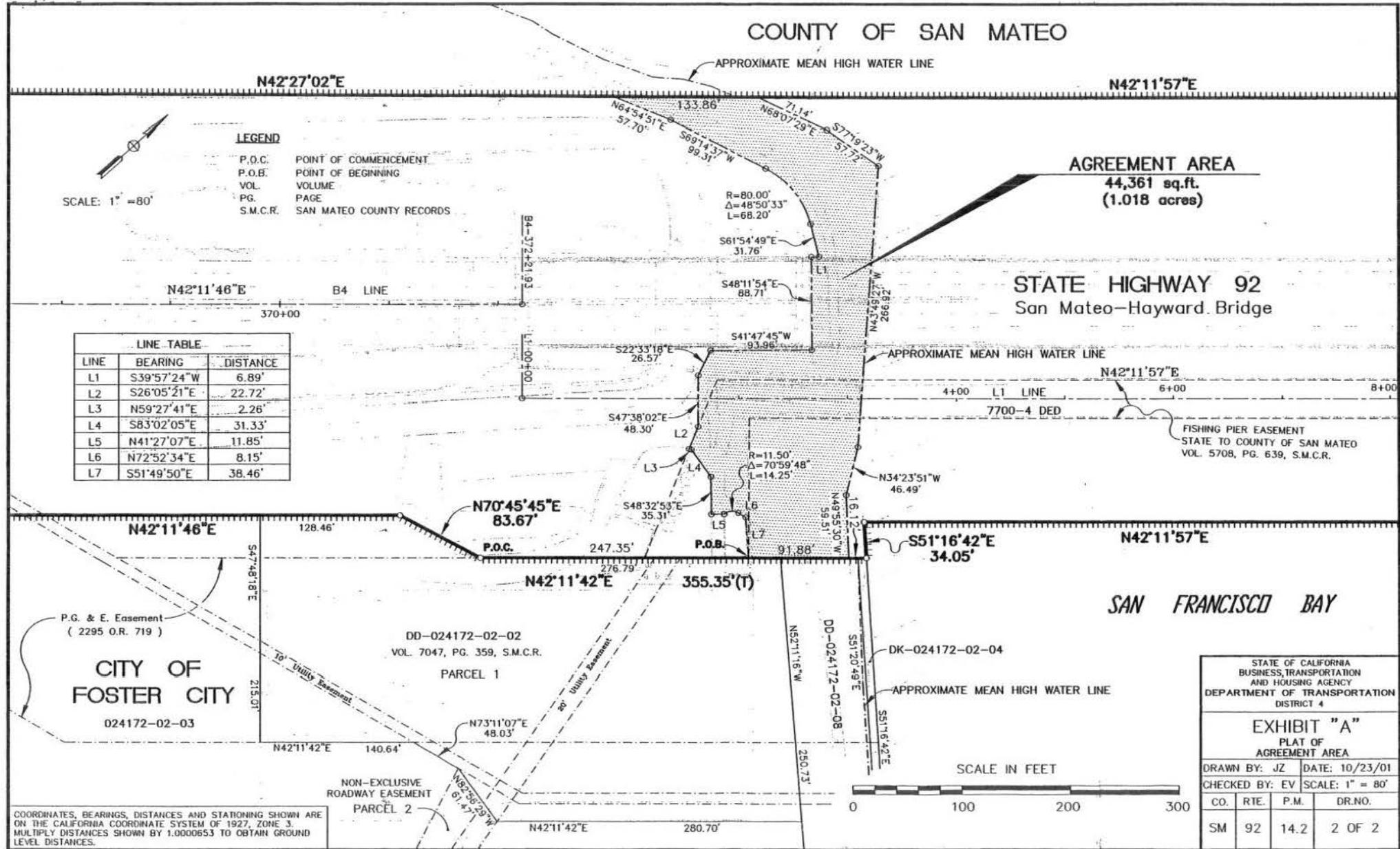
P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 VOL. VOLUME
 PG. PAGE
 S.M.C.R. SAN MATEO COUNTY RECORDS

AGREEMENT AREA

44,361 sq. ft.
 (1.018 acres)

STATE HIGHWAY 92
 San Mateo-Hayward Bridge

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S39°57'24"W	6.89'
L2	S26°05'21"E	22.72'
L3	N59°27'41"E	2.26'
L4	S83°02'05"E	31.33'
L5	N41°27'07"E	11.85'
L6	N72°52'34"E	8.15'
L7	S51°49'50"E	38.46'



FISHING PIER EASEMENT
 STATE TO COUNTY OF SAN MATEO
 VOL. 5708, PG. 639, S.M.C.R.

P.G. & E. Easement
 (2295 O.R. 719)

CITY OF
 FOSTER CITY

024172-02-03

DD-024172-02-02
 VOL. 7047, PG. 359, S.M.C.R.

PARCEL 1

NON-EXCLUSIVE
 ROADWAY EASEMENT
 PARCEL 2

DK-024172-02-04

APPROXIMATE MEAN HIGH WATER LINE

SAN FRANCISCO BAY

STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION
 AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION
 DISTRICT 4

EXHIBIT "A"
 PLAT OF
 AGREEMENT AREA

DRAWN BY: JZ DATE: 10/23/01

CHECKED BY: EV SCALE: 1" = 80'

CO.	RTE.	P.M.	DR.NO.
SM	92	14.2	2 OF 2

SCALE IN FEET



COORDINATES, BEARINGS, DISTANCES AND STATIONING SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1927, ZONE 3. MULTIPLY DISTANCES SHOWN BY 1.0000653 TO OBTAIN GROUND LEVEL DISTANCES.

COUNTY OF SAN MATEO



NO SCALE

BREWER ISLAND

SAN FRANCISCO BAY

APPROXIMATE MEAN HIGH WATER LINE

AGREEMENT AREA

44,360 sq.ft.
(1.018 acres)

STATE HIGHWAY 92

San Mateo-Hayward Bridge

APPROXIMATE MEAN HIGH WATER LINE

SAN FRANCISCO BAY

BEACH PARK BLVD.

CITY OF
FOSTER CITY

GULL ST.

TEAL ST.

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION
AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 4

EXHIBIT "A"
PLAT OF
AGREEMENT AREA

DRAWN BY: JZ DATE: 10/23/01

CHECKED BY: EV SCALE: NO SCALE

CO.	RTE.	P.M.	DR.NO.
SM	92	14.2	1 OF 2

COORDINATES, BEARINGS, DISTANCES AND STATIONING SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1927, ZONE 3. MULTIPLY DISTANCES SHOWN BY 1.0000653 TO OBTAIN GROUND LEVEL DISTANCES.

Attachment "B"

BCDC PERMIT NO. M97-6

(Issued On March 27, 1997, As Amended Through November 3, 1999)

For

Seismic Retrofit of the Existing West Approach and High-rise Sections of the San Mateo-Hayward Bridge/State Route 92 in Alameda County

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSIONTHIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686**Recorder's Copy**PERMIT NO. M97-6
(Issued on March 27, 1997, As
Amended Through November 3, 1999)
AMENDMENT NO. FIVECalifornia Department of Transportation, District 4
111 Grand Avenue
Oakland, California 94623-0660

ATTENTION: Harry Y. Yahata, District Director

Ladies and Gentlemen:

I. Authorization

A. Subject to the conditions stated below, the permittee, the California Department of Transportation, District 4, is hereby authorized to do the following:

- Location: (1) In the Bay and within the 100-foot shoreline band, on the west approach and high-rise portions of the Route 92 San Mateo-Hayward Bridge, in Foster City and in an unincorporated area of San Mateo County, and (2) within the 100-foot shoreline band at the Port of Richmond "parking lot" upland dredged material disposal site, in the City of Richmond, Contra Costa County.
- Description: Retrofit the existing west approach and high-rise portions of the Route 92 San Mateo-Hayward Bridge to meet current seismic safety standards by: (1) dredging approximately 98,500 cubic yards of material from the locations indicated in attached Exhibit B and disposing it in the Bay at the Alcatraz Disposal Site and at an approved upland location at the Port of Richmond; (2) installing approximately 20,131 square feet of solid and pile-supported fill, including new 8- and 10-foot-diameter steel pilings, concrete overlay and encasement of rectangular foundations, concrete pile caps, steel jackets and concrete jackets, steel plates, and a new pier structure; (3) installing approximately 1,440 square feet of fill for temporary support frames and approximately 5,577 square feet of temporary coffer dams; (4) installing up to 5,000 square feet of temporary, pile-supported fill for working platforms and solid fill for pilings adjacent to and/or over the fishing pier to provide construction access to the bridge (Amendment No. One); (5) installing up to 710 square feet of temporary, floating fill for mooring buoys, with chains and anchors (Amendment Nos. Two and Four); (6) installing concrete bent caps between the existing columns and the bridge

PERMIT NO. M97-6

(Issued on March 27, 1997, As
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Page 2

superstructure; (7) installing new large displacement expansion joints and strengthening steel box girder hinges; (8) installing seismic monitoring equipment at various locations on the bridge structure; (9) installing new 8-foot-in-diameter steel piles surrounded by a 1310-square-foot concrete girder and retrofitting an adjacent, existing pier structure in the 100-foot-shoreline band on the west approach; (10) installing new 11-foot-wide steel jackets around concrete bent columns in the 100-foot-shoreline band; (11) permanently re-aligning approximately 120 linear feet of the Bay Trail; (12) landscaping approximately 24,621 square feet of the Bay Trail north and south of the bridge and approximately 28,967 square feet within the Caltrans maintenance yard west of the project site; (13) temporarily detouring a portion of the Bay Trail; (14) temporarily closing the existing San Mateo County fishing pier adjacent to the bridge; (15) removing and replacing in-kind up to four 140-foot-long sections of the fishing pier to provide room for barge maneuvering during construction, as generally described in the draft narrative entitled "Fishing Pier Access Requirements, San Mateo-Hayward Bridge Seismic Retrofit", prepared by Harding-Lawson Associates, dated September 8, 1997 (Amendment No. One); (16) installing a temporary earthen and asphalt ramp in the 100-foot shoreline band, between the Caltrans maintenance vehicle access road and the fishing pier, to provide construction vehicle and personnel access, as generally described in Section 3.1.1 of the draft narrative entitled "Fishing Pier Access Requirements, San Mateo-Hayward Bridge Seismic Retrofit", prepared by Harding-Lawson Associates, dated September 8, 1997 (Amendment No. One); (17) installing temporary fencing to prevent the public from entering the construction area; (18) installing changeable message signs and a tubular steel support structure atop to Pier 38 on the bridge roadway. Access to the bridge for construction will be accomplished with floating barges and via the fishing pier; ~~and~~ (19) installing two temporary, untreated 40-foot-long wooden poles in the shoreline band to mark a sewer line and installing one temporary, 40-foot-tall, 24-inch-diameter, steel pipe, spar buoy in the Bay to mark the sewer line outfall (Amendment No. Three); and (20) installing approximately 27,651 cubic yards of 3-inch or 6-inch rock around the bell pier foundations at piers 14 to 29.

B. This authority is generally pursuant to and limited by your application dated February 4, 1997, your letters dated May 22, 1997 and September 17, 1997, requesting Amendment No. One, your letter dated February 11, 1998, requesting Amendment No. Two, ~~and~~ your letters dated April 9, 1998 and June 11, 1998, requesting Amendment Nos. Three and Four, respectively, and your letter dated September 21, 1999, requesting Amendment No. Five, including all accompanying and subsequently submitted exhibits and correspondence, and all conditions of this amended permit.

PERMIT NO. M97-6

(Issued on March 27, 1997, As
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California Department of Transportation, District 4

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C. Work authorized herein must commence prior to June 1, 1998, or this amended permit will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed within three years of commencement, or by June 1, 2001, whichever is earlier, unless an extension of time is granted by amendment of the amended permit.

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. **Debris Removal.** All construction debris shall be removed to a 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, 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.

B. **Abandonment.** If, at any time, the Commission determines that the improvements in the Bay 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, its assignee or successor in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.

C. Specific Plans and Plan Review

Plan Review. No work whatsoever shall be commenced pursuant to this authorization until final precise site, engineering, grading, architectural, and landscaping plans and any other relevant criteria, specifications, and plan information for that portion of the work have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The specific drawings and information required will be determined by the staff. To save time, preliminary drawings should be submitted and approved prior to final drawings.

- a. **Site, Grading, Architectural, and Landscaping Plans.** Site, grading, architectural, and landscaping plans shall include and clearly label the Mean High Tide Line, the line 100 feet inland of the Mean High Tide Line, property lines, the boundaries of all areas to be reserved for public access purposes and open space, 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.
- b. **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 professional of record and be accompanied by:

- (1) Evidence that the project design complies with all applicable state and federal design standards;
- (2) 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
- (3) Written certification of the professional of record that the final PS&Es satisfy the recommendations of the ECRB.

Plans submitted shall be accompanied by a letter requesting plan approval, identifying the type of plans submitted, the portion of the project involved, and indicating whether the plans are final or preliminary. Approval or disapproval shall be based upon:

- (a) completeness and accuracy of the plans in showing the features required above, particularly the Mean High Tide Line, property lines, and the line 100-feet inland of the Mean High Tide Line, , and any other criteria required by this authorization;
 - (b) consistency of the plans with the terms and conditions of this authorization;
 - (c) the provision of the amount and quality of public access to and along the shoreline and in and through the project to the shoreline required by this authorization;
 - (d) consistency with legal instruments reserving public access and open space areas;
 - (e) assuring that any fill in the Bay does not exceed this authorization and will consist of appropriate shoreline protection materials as determined by or on behalf of the Commission;
 - (f) consistency of the plans with the recommendations of the Design Review Board.
2. **Conformity with Final Approved Plans.** All work, improvements, and uses shall conform to the final approved plans. 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 any final plans or to the exterior of any constructed structure, outside fixture, lighting, landscaping, signage, landscaping, parking area, or shoreline protection work without first obtaining written approval of the change(s) by or on behalf of the Commission.

3. **Discrepancies between Approved Plans and Special Conditions.** In case of any discrepancy between final approved plans and Special Conditions of this authorization or legal instruments approved pursuant to this authorization, the Special Condition or the legal instrument shall prevail. The permittee is responsible for assuring that all plans accurately and fully reflect the Special Conditions of this authorization and any legal instruments submitted pursuant to this authorization.

Plan review shall be completed by or on behalf of the Commission within 45 days after receipt of the plans to be reviewed.

D. Temporary Closures and Pier Repair. The permittee shall, pursuant to Condition II-A, above, submit for approval by or on behalf of the Commission, a plan for the temporary detour of the Bay Trail and temporary closure of the San Mateo County fishing pier authorized herein. Such plans shall also include a schedule which identifies the specific dates on which the closed facilities will be made available for public use. Further, the permittee is responsible for any and all damage to these public facilities and shall fully repair all damage prior to the return of the facilities to public use. The permittee shall repair the fishing pier and shall return it to a usable condition that is virtually identical in size and appearance to that of the existing pier prior to the completion of the project, or by June 1, 2001, whichever is earlier.

E. Construction Access. No temporary fill for construction access shall be placed pursuant to this amended permit until final plans for such placement, including a final version of the narrative entitled "Fishing Pier Access Requirement, San Mateo-Hayward Bridge Seismic Retrofit" have been reviewed and approved by or on behalf of the Commission pursuant to Special Condition II-A of this amended permit. The permittee is strictly prohibited from using solid fill, other than pilings, in the Bay for construction access. Any fill placed for construction access shall be pile-supported, or floating only.

F. Public Access

1. **Area.** The approximately ~~40,075~~ 44,361-square-foot area, along approximately ~~725~~ 456 lineal feet of shoreline as generally shown on Exhibit "A" shall be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, fishing, picnicking, and related purposes. 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.
2. **Permanent Guarantee.** Prior to the commencement of any grading or construction activity, the permittee shall, by instrument or instruments acceptable to counsel for the Commission, dedicate to a public agency or otherwise permanently guarantee such rights for the public to the ~~40,075~~ 44,361-square-foot public access areas(s). The instrument(s) shall create rights in favor of the public which shall commence no later than after completion of construction of any public access improvements required by this authorization and prior to the use of any structures authorized herein. Such instrument shall be in a form that meets recordation requirements of San Mateo County and shall include a legal description of the property being restricted and a map that clearly shows and labels the Mean High Tide Line, the property being restricted for public access, the legal description of the property and of the area

being restricted for public access, and other appropriate landmarks and topographic features of the site, such as the location and elevation of the top of bank of any levees, any significant elevation changes, and the location of the nearest public street and adjacent public access areas. Approval or disapproval of the instrument shall occur within 30 days after submittal for approval and shall be based on the following:

- (a) Sufficiency of the instrument to create legally enforceable rights and duties to provide the public access area required by this authorization;

Inclusion of an exhibit to the instrument that clearly shows the area to be reserved with a legally sufficient description of the boundaries of such area; and

- (c) Sufficiency of the instrument to create legal rights in favor of the public for public access that will run with the land and be binding on any subsequent purchasers, licensees, and users.

- 3 **Recordation of the Instrument.** Within 30 days after approval of the instrument, the permittee shall record the instrument and shall provide evidence of recording to the Commission. No changes shall be made to the instrument after approval without the express written consent by or on behalf of the Commission.

4. **Improvements Within the Total Public Access Area.** By October 31, 2000, the permittee shall install the following improvements, as generally shown on attached Exhibit A:

A new 120-foot-long and 10-foot-wide section of the Bay Trail:

Removal of the existing fence from the south part of the fishing pier at the corner of public parking and along the San Mateo County property;

- (c) Landscaping approximately 24,621 square feet of the Bay Trail north and south of the bridge and approximately 28,967 square feet within the Caltrans maintenance yard west of the project site; and
- (d) No fewer than 4 public access and, when appropriate, Bay Trail signs;
- (e) Two benches and three picnic tables; and
- (f) An educational plaque adjacent to the San Mateo County fishing pier with text highlighting its historic significance.

Such improvements shall be consistent with the plans approved pursuant to Condition II-A of this authorization and substantially conform to the plans entitled "Little Coyote Point Draft Conceptual Landscape Plan," dated September 26, 1996, as revised through February 26, 1997, prepared by HDR Engineering, Inc.

- 5 **Maintenance.** The areas and improvements within the total 40,075-square-foot public access 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 60 days after notification by staff, the permittee shall correct any maintenance deficiency noted in a staff inspection of the site.
- 6 **Assignment.** The permittee shall transfer maintenance responsibility to another 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 amended permit.

G. 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.

H. Water Quality. At least 20 days prior to the commencement of any disposal episode authorized herein, the permittee shall submit to the Executive Director water quality certification or waiver of water quality certification from the California Regional Water Quality Control Board, San Francisco Bay Region, for that episode. Failure to obtain such certification or waiver of certification prior to the commencement of the dredging episode shall terminate the Commission's authorization for that dredging episode.

I. 30-Month Permit for Dredging. The approximately 98,500 cubic yards or less of new dredging authorized by this amended permit shall be completed within 30 months of the date of issuance. No further dredging is authorized by this amended permit.

J Dredging Report

- 1 **Prior Notice of Episode.** The permittee shall notify the staff by telephone or in writing at least seven (7) days prior to undertaking any dredging episode. 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 dredging or disposal episode and observe the operation to ensure that the dredging or disposal activity is consistent with the dredging report required herein and the other terms and conditions of this amended permit.

2. **Dredging Report.** Within thirty (30) days of completion of each dredging episode of the 98,500 cubic yards of new dredging authorized by this amended 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 Mean Lower Low Water (MLLW); and (b) the actual areas dredged and to what depth based on MLLW, and any dredging that occurred outside the area authorized to be dredged or below the authorized depths; (2) a vicinity map showing the disposal site; and (3) the actual volume of the material dredged and disposed. The Commission reserves the right to have such report inspected by a reliable third party familiar with bathymetric mapping in order to verify the contents of the report. If a third party selected by or on behalf of the Commission indicates that the report is inaccurate, the Commission reserves the right to require the permittee to submit a revised report that meets the requirements of this condition. If the Commission determines that the contents of the dredging report indicate that work has occurred beyond that authorized by the amended permit, such violation may result in the initiation of enforcement action by or on behalf of the Commission.

K. 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.

L. In-Bay Disposal. The permittee shall only dispose dredged material in the Bay that has been approved for in-Bay disposal by the Dredge Material Management Office. Any material not approved for in-Bay disposal shall be disposed upland or in the ocean all in accordance with disposal plans approved by the responsible agencies.

At least 20 days prior to the commencement of any disposal episode authorized herein, the permittee shall submit a written statement to the Executive Director that contains all of the following: (1) the dates within which the dredging and disposal episode is proposed; (2) the total volume of material proposed to be dredged and location of the proposed disposal in the Bay; (3) an explanation as to why ocean or upland disposal of the material is infeasible; (4) an explanation as to how the proposed disposal is consistent with the U.S. Army Corps of Engineers' management of the disposal site so as to maintain adequate site capacity; and (5) results of chemical and biological testing of material proposed for dredging and disposal. The authorization for the dredging and disposal episode shall become effective only when either: (1) the Executive Director informs the permittee in writing that he or she has determined that the episode is consistent with the authorization provided herein, that there is no feasible upland alternative available for the dredged material, that sufficient capacity exists at the disposal site consistent with the long-term management of the disposal site, and that the material is suitable for in-Bay disposal; or (2) the Executive Director does not respond to the permittee's written statement within 30 days of its receipt. If the Executive Director: (1) determines that ocean or upland disposal of the material is feasible; (2) determines that the material is unsuitable for in-Bay disposal; or (3) is informed by the U.S. Army Corps of Engineers that the proposed disposal would unacceptably reduce disposal site capacity, then such determination shall terminate the Commission's authorization for in-Bay disposal as part of that dredging episode.

PERMIT NO. M97-6

(Issued on March 27, 1997, As
Amended Through November 3, 1999)

AMENDMENT NO. FIVE

California Department of Transportation, District 4

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M. Rock Placement Around Piers. All rock backfill material placed around piers 14 to 29, pursuant to this amended permit, shall be placed using a clam shell bucket on a barge-mounted crane. The clamshell shall be lowered until it touches the bottom of the excavation before the bucket is opened, in order to minimize disturbance of the Bay bottom.

~~M-N.~~ 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.

~~N-O.~~ Soil Removal. The top 8 inches of topsoil and vegetation shall be stockpiled during trenching activities and replaced upon project completion at preconstruction grade to encourage growth of native vegetation. The remaining soil materials removed shall not be stored on site, but shall be properly disposed of at a location outside the Commission's jurisdiction.

~~O-P.~~ Notice to Contractor. The permittee shall provide a copy of this amended permit and final PS&Es 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.

~~P-Q.~~ Construction Operations. All construction operations shall be performed to prevent construction materials from falling into the Bay. 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.

~~Q-R.~~ 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 successor in interest will require further action by or on behalf of the Commission prior to any future change of use or work within areas filled pursuant to this authorization.

~~R-S.~~ Temporary Structures. All temporary structures placed pursuant to this amended permit shall be completely removed from the Commission's jurisdiction upon completion of each individual project and the area restored to its previous condition. The permittee shall repair the fishing pier in-kind and shall return it to a usable condition that is virtually identical in size and appearance to that of the existing pier. The permittee shall restore environmentally-sensitive areas in the shoreline band to their previous condition upon removal of the temporary structures authorized herein.

~~S-T.~~ Recording. The permittee shall record this document or a notice specifically referring to this document with San Mateo County within 30 days after execution of the amended permit issued pursuant to this authorization and shall, within 30 days after recordation, provide evidence of recordation to the Commission.

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. The project authorized by this amended permit involves the routine repair, reconstruction, replacement, and other construction activities specifically limited to the seismic retrofitting of existing state-owned highway structures, as specified by Senate Bill 131 (Chapter 15), passed by the legislature on March 15, 1994, and as defined in Regulation Sections 10601(a)(1)(2),(3) and (6), or activities similar to those described above, as defined in Regulation Sections 10601(e)(1) and (3), and new dredging of approximately 98,500 cubic yards of material from the Bay at and adjacent to the San Mateo-Hayward Bridge, and disposal of the material at the SF-11 Alcatraz Disposal Site, and at an approved upland disposal site, a project defined in Regulation Sections 10602(b) and 10602(g) as new dredging of 100,000 cubic yards or less completed within a period of 30 months with disposal at an approved in-bay disposal site consistent with annual target volumes and at a non-aquatic location, and thus is a "minor repair or improvement" for which the Executive Director may issue (1) a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a), and (2) an amendment to a permit, pursuant to Regulation Section 10812.

B. The project authorized by this amended 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. The authorized project will create adverse impacts on visual and physical public access to the Bay by changing the visual appearance of the existing bridge structure, interrupting the existing Bay Trail as it passes underneath the Bridge, and temporarily closing the heavily used San Mateo County fishing pier for construction safety and as a platform for accessing the Bridge structure. To compensate for these adverse impacts, the amended permit authorizes and requires a number of public access improvements including the construction of a new segment of the Bay Trail, landscaping and the permanent dedication of an approximately ~~270,070~~ ~~40,075~~ 44,361-square-foot area for public use. However, if the Bay Trail is detoured and/or the fishing pier closed beyond the 760-calendar-day construction period authorized pursuant to Condition II-D of this amended permit, additional public access may be required to offset the additional adverse impacts on public access that such a delay may create. As such the authorized project will provide the maximum feasible public access, consistent with the project.

C. 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.

D. Pursuant to Regulation Section 11501, the project authorized by this amended permit is categorically exempt from the requirement to prepare an environmental impact report.

E. The Commission finds that the fill authorized herein is consistent with public trust needs for the area because the authorized fill is for the seismic retrofit of an existing bridge structure that will not interfere with navigation or other public trust uses.

F. Pursuant to Regulation Section 10620, the original project was listed with the Commission on March 6, 1997.

IV. Standard Conditions

A. 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 and/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.

B. 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. 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.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

E. 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 authorized activity will occur or which is necessary to the 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 .

F. 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.

G. 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.

H. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If an amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

PERMIT NO. M97-6

(Issued on March 27, 1997, As
Amended Through November 3, 1999)

AMENDMENT NO. FIVE

California Department of Transportation, District 4

Page 12

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

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



WILL TRAVIS
Executive Director
San Francisco Bay Conservation and
Development Commission

WT/AD/ra

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

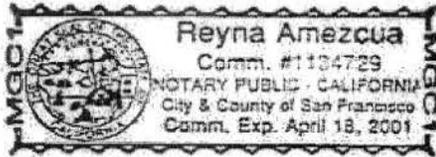
County of San Francisco

On November 3, 1999 before me, Reyna Amezcua, Notary Public

personally appeared Will Travis

- personally known to me.
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Reyna Amezcua
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

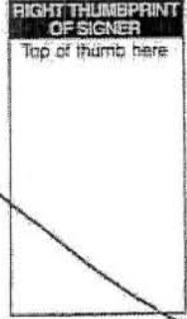
- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Alameda

On November 10, 1999 before me, Renata I. Frey, Notary Public

personally appeared Denis Mulligan

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Renata I. Frey
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

PERMIT NO. M97-6
(Issued on March 27, 1997, As
Amended Through November 3, 1999)
AMENDMENT NO. FIVE
California Department of Transportation, District 4
Page 13

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, Attn: Mike Monroe, W-3-3
San Mateo County Planning Department
Department of Transportation, Attn: Lenka Culik-Caro

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at Oakland, CA

On Nov. 10, 1999

By: Caltres
Applicant
Demetri Melby
District Division Chief
Title

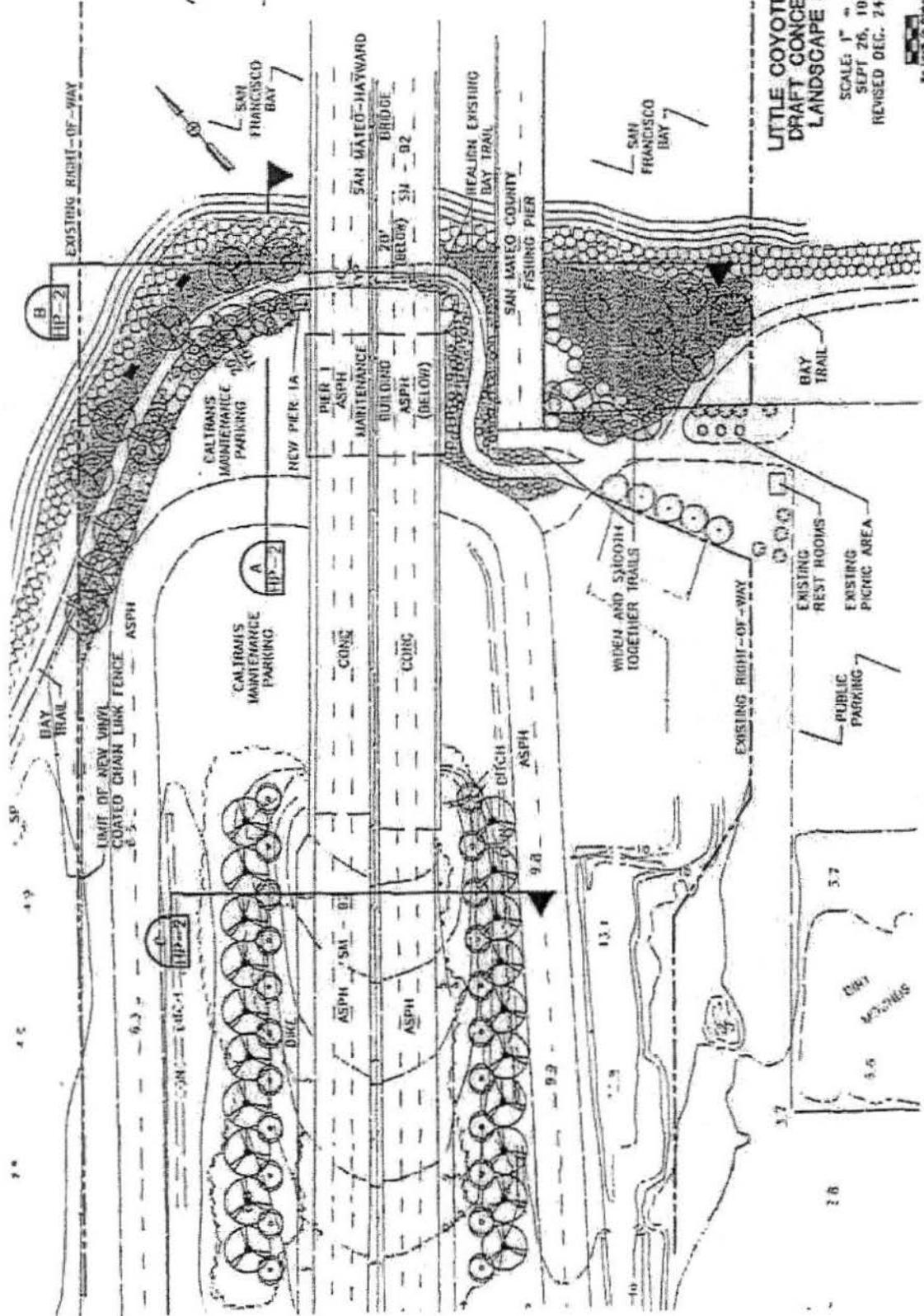
Post-It® Fax Note	7671	Date	# of pages
To	Mark Zabaneh	From	Don Lucas
Co./Dept.		Co.	BCDC
Phone #		Phone #	
Fax #	(510) 622-5460	Fax #	

**LITTLE COYOTE POINT
DRAFT CONCEPTUAL
LANDSCAPE PLAN**

SCALE: 1" = 30'
SEPT 26, 1996
REVISED DEC. 24, 1998



Exhibit A



95TB40-46

EXHIBIT "C"

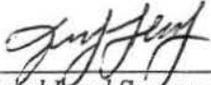
That real property situated in the County of San Mateo, State of California, more particularly described as follows:

Commencing at the Southwesterly terminus of the course described as "S. 42°11'42" W., 276.79 feet" in PARCEL 1 in the deed from the State of California to the County of San Mateo, recorded February 13, 1976 in Volume 7047, Page 359, San Mateo County Records; thence along said course, North 42°11'42" East, 247.35 feet to the POINT OF BEGINNING; thence North 51°49'50" West, 38.46 feet; thence South 72°52'24" West, 8.15 feet to the beginning of a tangent curve with a radius of 11.50 feet; thence along said curve to the left, through a central angle of 70°59'48", an arc length of 14.25 feet; thence South 41°27'07" West, 11.85 feet; thence North 48°32'53" West, 35.31 feet; thence North 83°02'05" West, 31.33 feet; thence South 59°27'41" West, 2.26 feet; thence North 26°05'21" West, 22.72 feet; thence North 47°38'02" West, 48.30 feet; thence North 22°33'18" West, 26.57 feet; thence North 41°47'45" East, 93.96 feet; thence North 48°11'54" West, 88.71 feet; thence North 39°57'24" East, 6.89 feet; thence North 61°54'49" West, 31.76 feet to the beginning of a tangent curve with a radius of 80.00 feet; thence along said curve to the left, through a central angle of 48°50'33", an arc length of 68.20 feet; thence South 69°14'37" West, 99.31 feet; thence South 64°54'51" West, 57.70 feet to the Northwesterly right of way of State of California; thence along last said line, North 42°27'02" East, 133.86 feet to the mean high water line; thence along last said line the following 5 courses: 1) North 68°07'29" East, 71.14 feet; 2) North 77°19'23" East, 57.72 feet; 3) South 43°49'27" East, 266.92 feet; 4) South 34°23'51" East, 46.49 feet; and 5) South 49°55'30" East, 59.51 feet to the Northeasterly prolongation of aforementioned course (S. 42°11'42" W., 276.79 feet); thence along said prolongation and said course, South 42°11'42" West, 91.88 feet to the Point of Beginning.

Containing 44,361 square feet, more or less.

The bearings and distances used in the above description are on the California Coordinate System of 1927, Zone 3. Multiply the above distances by 1.0000653 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature 
Licensed Land Surveyor

Date MAY 17 2002



EXHIBIT "C"

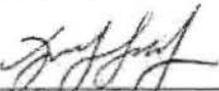
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This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature 
Licensed Land Surveyor

Date 6/20/2003



ILLEGIBLE NOTARY SEAL DECLARATION

(Government Code 27361.7)

I declare under penalty of perjury that the notary seal on the document to which this statement is attached, reads as follows:

NAME OF NOTARY PUBLIC: Teresa McNamara

COMMISSION NUMBER: 1637364

NOTARY PUBLIC STATE: California

COUNTY: Alameda County

MY COMM. EXPIRES: Feb. 7, 2010

SIGNATURE OF DECLARANT: _____



PRINT NAME OF DECLARANT: Eric Delapa

CITY & STATE OF EXECUTION: Oakland, California

DATE SIGNED: _____

4/20/06

THE ABOVE INFORMATION MUST BE LEGIBLE FOR SCANNING