



Making San Francisco Bay Better

October 29, 2010

TO: Commissioners and Alternates
FROM: Will Travis, Executive Director (415/352-3653 travis@bcdca.gov)
Max Delaney, Coastal Program Analyst (415/352-3668, maxd@bcdca.gov)
SUBJECT: **Staff Recommendation for the San Francisco Recreation and Parks Department's Material Amendment No. Two to BCDC Permit No. 3-07 for the San Francisco Marina West Basin Renovation Project**
(For Commission consideration on November 4, 2010)

Staff Note

At the Commission meeting of October 21, 2010, a public hearing was held regarding this item, which, at that time, was referred to as Material Amendment No. One to BCDC Permit No. 3-07. The Commission meeting notice dated, October 21, 2010, also referred to this item as Material Amendment No. One. Subsequent to the public hearing and the mailing of the Commission meeting notice, the Commission staff discovered that Non-Material Amendment No. One to BCDC Permit No. 3-07 was issued on June 30, 2010. Therefore, the subject amendment is identified as Material Amendment No. Two to BCDC Permit No. 3-07.

Recommendation Summary

The staff recommends approval of Material Amendment No. Two to BCDC Permit No. 3-07, for the San Francisco West Basin Renovation Project, which as conditioned, will authorize the following activities:

1. Replace, reconfigure and expand existing boat docks, floats, ramps and gangways in the West Basin to increase the number of boat slips from 322 to 350 and to create 34 new end-tie spots, increase the number of large berths, and upgrade on-dock utilities;
2. Construct one floating breakwater and one fixed, sheet-pile breakwater;
3. Remove a portion of the west end of the West Mole and a pile-supported platform at the north end of the Scott Street mole;
4. Renovate the Harbormaster's building interior space to include tenant showers and restrooms and to make existing public restrooms ADA-compliant, and renovate the vacant Degaussing Station building for use as an additional Harbormaster's Office;

5. Repair, reconfigure, and add to existing rock rip rap to protect the shoreline; and
6. Install public access improvements, including a new access area at the West Mole, two seating areas and sidewalk improvements along Marina Boulevard, new landscaping, surfacing and seating at the Scott Street Mole and at a new public plaza at the Scott Street Terminus, and additional benches and interpretive and directional signage throughout the site. Additionally, a Bay Trail planning process will resolve the issues of vehicular parking and pedestrian and bicycle circulation along Marina Boulevard between Scott and Baker Streets.

The project will result in the removal of approximately 69,000 square feet (1.58 acres) of floating fill (wooden boat docks and floats), and the placement of approximately 106,340 square feet (2.44 acres) of floating fill (boat docks, floats, and the floating breakwater) and, thus, a net increase of approximately 37,340 square feet (0.86 acres) of floating Bay fill. The project will also result in a net increase of approximately 786 square feet of cantilevered fill and approximately 340 square feet of pile-supported fill (See Table 1). Lastly, the project will result in a net increase of approximately 6,558 square feet of Bay surface area from the removal of solid fill in the Bay (i.e. shortening the West Mole).

The project will improve public access at the site by: (1) creating a seven-foot-wide pedestrian/bicycle path and a seating/viewing area at the West Mole; (2) constructing two public access seating areas and sidewalk improvements along Marina Boulevard; (3) improving public access at the Scott Street Mole; (4) installing surfacing and seating to the east of the Harbormaster's building and a public access plaza at the Scott Street Terminus; and (5) installing new benches and directional and interpretive signage throughout the project site (Table 2 and Exhibit E).

Table 1. Approximate Area and Volume of Bay Fill

Type of Fill	Bay Fill Removed		Bay Fill Added		Total Net Bay Fill	
	Area (sq ft)	Volume (cy)	Area (sq ft)	Volume (cy)	Area (sq ft)	Volume (cy)
Pile-Supported	-210	NA	550	NA	340	NA
Solid	-11,830	-4,700	5,272	4,228	-6,558	-472
Cantilevered	-2,425	NA	3,211	NA	786	NA
Floating	-69,000	NA	106,340	NA	37,340	NA
TOTAL	-83,465	-4,700	115,373	4,228	31,908	-472

Table 2. Approximate Area and Length of Public Access To Be Enhanced

Type of Public Access	Area (Square Feet)	Acres	Length (Feet)	New or Improved?
New Public Access Area on the West Mole	6,000	0.16		New
New Seating Areas Along Marina Boulevard	980	0.02		New
Public Access Plaza at Scott Street Terminus	2,200	0.05		Improved
Public Access on Scott Street Mole	2,900	0.07		Improved
Total New and Improved Access	11,990	0.28		

Staff Note

Because the project involves a material amendment to an existing permit, the format of the recommendation is different than recommendations for new permit applications. The recommendation includes the language of the existing permit as well as the changes proposed by the amendment. Language to be deleted from the permit has been ~~struck through~~ and language to be added to the permit has been underlined. Language that has neither been struck through nor underlined is language of the existing permit that will remain unchanged with the adoption of Amendment No. Two.

Staff Recommendation

The staff recommends that the Commission adopt the following resolution:

I. Authorization

- A. Subject to the conditions stated below, the permittee, the City and County of San Francisco Recreation and Parks Department (RPD), is hereby granted permission to undertake maintenance dredging over a 10-year period at the San Francisco Marina West Basin, ~~and~~ develop a sand trap adjacent to the West Basin, renovate and upgrade the existing marina facilities within the West Basin, and implement various public access improvements, in the Central Bay, in the City and County of San Francisco. Authorized work includes the following:

In the Bay:

- Maintenance dredge up to 210,000 cubic yards (cy) of fine-grain sediment to a depth of minus 12 feet Mean Lower Low Water (MLLW) plus one-foot overdredge depth allowance from the San Francisco Marina West Basin (Areas A and B) and the entrance channel (EC1 and EC2) over a ten-year period (Exhibits A through D) (Original Authorization);

2. Dispose of the clean, fine-grain dredged sediments from the West Basin Areas (A, B, and potentially EC2) and up to 24,500 cy of sand material from EC1 and EC2 (Episode 2 Dredging) at the state- and federally-authorized Alcatraz disposal site over a ten-year period (Original Authorization and Amendment No. One); ~~and~~
3. Dredge up to 25,000 cy of sand from Area D (new work dredging) adjacent to the Marina's West Basin (Exhibit B) to create a sand trap at a depth of minus 50 feet MLLW. Future maintenance dredging of the sand trap over the ten-year life of the authorization should be based on the annual monitoring reports of the amount of sand collected in the sand trap, reduction in the amount of sand deposited in the marina entrance channel, and possible impacts to Last Chance Beach or other nearby beaches, and subtidal habitat. Upon receipt of written approval by or on behalf of the Commission, the permittee may dredge up to 25,000 cy annually, for a total of 250,000 cy in ten years. (Original Authorization);
4. Install, use and maintain in-kind a 300-foot-long, 15-foot-wide floating breakwater (4,500 square feet of floating fill or 0.10 acres) to also be used for temporary mooring of recreational vessels (Material Amendment No. Two);
5. Construct, use and maintain in-kind a 185-foot-long, 1.5-foot-wide fixed, sheet pile breakwater (278 square feet of solid fill) (Material Amendment No. Two);
6. Excavate and remove to a location outside the Commission's jurisdiction approximately 4,270 square feet (0.10 acres) of solid Bay fill from the west end of the West Mole, and an approximately 210-square-foot pile-supported platform from the north end of the Scott Street Mole (Material Amendment No. Two);
7. Remove existing boat docks and floats (approximately 69,000 square feet of floating fill or 1.58 acres), ramps, and gangways (approximately 2,425 square feet of cantilevered fill);
8. Construct, use and maintain in-kind new docks and floats, including a 950-square-foot guest dock and a 600-square-foot handboat launch, (approximately 101,840 square feet of floating fill), ramps and gangways (approximately 3,211 square feet of cantilevered fill), and ramp landings (550 square feet of pile supported fill) resulting in a total of 350 boat slips in the West Basin and 34 end-tie spots (Material Amendment No. Two);
9. Remove up to 366 creosote pilings and install approximately 494 steel or concrete pilings to anchor new floats and docks authorized herein (Material Amendment No. Two);
10. Install, use and maintain in-kind various improvements at the new docks, including electrical, water, and telephone systems, a fire suppression system, lighting, a pump-out facility at the guest dock, and 12 security gates (Material Amendment No. Two);
11. Remove up to 535 cubic yards of rip rap over an approximately 7,200-square-foot area (0.17 acres); and
12. Place, use and maintain in-kind approximately 318 cubic yards of rip rap over an approximately 4,294-square-foot (0.10 acres) area to repair an existing revetment system (Material Amendment No. Two);

Within the Shoreline Band

1. Renovate, use, and maintain in-kind the Harbormaster's building to include tenant showers and restrooms, and upgrade existing public restrooms to be ADA-accessible (Material Amendment No. Two);

2. Renovate, use and maintain in-kind the former Degaussing Station building for use as a new harbormaster's office and remove the existing chain link fence surrounding the Degaussing Station building (Material Amendment No. Two);
 3. Provide, use and maintain in-kind a 6,000-square-foot public access area at the West Mole by: (a) removing a chain link fence on the north and south sides of the Harbormaster's building; (b) constructing an ADA-accessible seating area with surface pavers, two benches, one interpretive sign, and four pipe bollards at the west end of the mole; and (c) creating a seven-foot-wide ADA-accessible pedestrian/bicycle path on the north side of the mole with seven bollards, one bench, and interpretive signs (Material Amendment No. Two);
 4. Improve, use and maintain in-kind an approximately 2,200-square-foot public access plaza at the Scott Street Terminus by installing surface pavers, three benches, adjacent landscaping, one trash receptacle, and five bollards (Material Amendment No. Two);
 5. Remove trash receptacles, fencing, and bollards from the area located northeast of the Harbormaster's building, and construct, use, and maintain in-kind an approximately 42-foot-long by 23-foot-wide by seven-foot-high enclosed area located east of the public access plaza at the Scott Street terminus to house trash receptacles and utility and electrical equipment (Material Amendment No. Two);
 6. Construct, use and maintain two 100-foot-long by 12-foot-wide vegetated swales and two bio-retention rain gardens (12 feet wide and up to 75 feet in length each) (Material Amendment No. Two);
 7. Construct, use and maintain in-kind two approximately 490-square-foot seating areas along Marina Boulevard (at the terminus of Broderick and Divisadero Streets) with surface pavers, two benches, an approximately 140-square-foot planting area, one trash receptacle, and 14 bollards (Material Amendment No. Two);
 8. Construct, undertake and/or install, use, and maintain in-kind a crosswalk at the junction of Scott Street and Marina Boulevard, rumble strips and striping to delineate tenant parking spaces, curb stops and textured warning tiles, and improvement of uneven pavement along Marina Boulevard, and remove obsolete and/or redundant obstacles (e.g., bollards, signage and other vertical elements) within the existing pedestrian/bicycle pathway along Marina Boulevard (Material Amendment No. Two);
 9. Install, use and maintain in-kind three benches within an existing lawn area located east of the adjacent St. Francis Yacht Club (Material Amendment No. Two);
 10. Install, use and maintain in-kind interpretive and directional signage throughout the project site (Material Amendment No. Two); and
 11. Place sand dredged from Area D and the marina entrance channel (EC1 and potentially EC2) at an authorized upland location or outside of the Commission's jurisdiction for beneficial reuse (Original Authorization).
- B. This authority is generally pursuant to and limited by the original application dated April 9, 2007, the request for Amendment No. One dated and received in this office on June 1, 2010, and the application dated October 5, 2009 and received in this office on October 7, 2009, requesting authorization for Material Amendment No. Two, including all accompanying and subsequently submitted correspondence and exhibits, and subject to the modifications required by conditions included herein;

- C. Work authorized by the original permit was to ~~herein must~~ commence no later than August 15, 2009 and must be diligently pursued to completion by March 7, 2019, unless an extension of time is granted by amendment of the permit. Work authorized by Amendment No. One must commence prior to September 15, 2010, and be completed by December 1, 2011. Dredging of the sand trap is authorized only for one year, unless results from the required monitoring indicate that the sand trap is not adversely impacting adjacent beaches or subtidal habitat, or is appreciably reducing shoaling in the entrance channel. If such a determination is made by or on behalf of the Commission authorization for continued sand trap dredging and monitoring may be extended until March 17, 2019.

Work authorized by Material Amendment No. Two must commence prior to December 1, 2013, or this amended permit will lapse and become null and void. Work authorized by Material Amendment No. Two must also be diligently pursued to completion within two years, or December 1, 2015, whichever is earlier, unless an extension of time is granted by further amendment of this amended permit.

II. Special Conditions

A. Specific Plans and Plan Review

1. **Construction.** The final plans submitted pursuant to this condition shall generally conform with the plans entitled "San Francisco Marina West Harbor Renovation – Figures 1 through 9" prepared by Winzler and Kelly, as revised through October 21, 2010. Final plans for the berthing facilities, landscaping, and public access improvements shall be prepared and submitted for BCDC review as described below. No changes to the design of the project shall be made without the prior written approval of the BCDC staff (Material Amendment No. Two).
2. **Plan Review.** No work whatsoever shall be commenced pursuant to this authorization until final precise site, demolition, construction, public access, architectural, layout and landscaping, and best management practices 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 (Material Amendment No. Two).
 - a. **Construction Plans.** Site, demolition, construction, public access, architectural, layout and landscaping, and best management practices plans shall include and clearly label the shoreline (Mean High Water Line or the inland edge of marsh vegetation up to 5 feet above Mean Sea Level if tidal marsh is present), the line 100 feet inland of the line of the shoreline, 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. In addition to the information listed above, provide the following information:
 - (1) The site plan shall provide a dimension line which marks the minimum distance between a proposed structure authorized by this permit and the Mean High Water Line (or, if marsh is present, the line 5 feet above mean sea level NGVD (National Geodetic Vertical Datum)). Additional dimension lines shall be provided, as necessary, to locate where this minimum dimension occurs in relation to either the property line, the top of bank, or some other fixed point upon the site.

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 professionals of record and be accompanied by:

- (1) Evidence that the design complies with all applicable codes; and
- (2) Evidence that a thorough and independent review of the design details, calculations, and construction drawings has been made.

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 shoreline (Mean High Water Line or the inland edge of marsh vegetation if tidal marsh is present), property lines, and the line 100-feet inland of the shoreline, 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, but limited to ensuring: (1) the public's use and enjoyment of the access area; (2) public safety; (3) accessibility for persons with disabilities; (4) sufficient durability and maintenance; and (5) the access is clear and continuous and encourages public use;
- (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; and
- (f) assuring that appropriate provisions have been incorporated for safety in case of seismic event.

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

3. **Floating Breakwater Design.** The floating breakwater authorized herein shall be anchored with chains or tethers attached to the structure's bottom or with a similar anchoring system to reduce visual impacts of the Bay from the shoreline. Stake piles (not guide piles) may be installed provided that the tops of the piles are at least 15 feet below Mean Lower Low Water (MLLW) (Material Amendment No. Two).
4. **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, parking area, or shoreline protection work without first obtaining written approval of the change(s) by or on behalf of the Commission (Material Amendment No. Two).
5. **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 (Material Amendment No. Two).
 6. **Appeals of Plan Review Decisions.** Any plan approval, conditional plan approval or plan denial may be appealed by the permittee or any other interested party to the Design Review Board or, if necessary, subsequently to the Commission. Such appeals must be submitted to the Executive Director within 30 days of the plan review action and must include the specific reasons for appeal. The Design Review Board shall hold a public hearing and act on the appeal within 60 days of the receipt of the appeal. If subsequently appealed to the Commission, the Commission shall hold a public hearing and act on the appeal within 90 days of the receipt of the subsequent appeal (Material Amendment No. Two).

B. Public Access (Material Amendment No. Two)

1. **Area.** An approximately 11,990-square-foot public access area(s) will be created and/or improved. The two approximately 490-square-foot seating areas along Marina Boulevard, the 2,200-square-foot public plaza at the Scott Street Terminus, and the approximately 540-square-foot seating area at the west end of the West Mole, as generally shown on Exhibit E, shall be made available exclusively to the public for unrestricted public access for sitting, viewing, and related purposes. The approximately 840-square-foot public access pathway area at the northern edge of the West Mole, and the approximately 2,900-square-foot public access area at the Scott Street Mole, as generally shown on Exhibit E, shall be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, and related purposes. If the permittee wishes to use these public areas for any activity other than public access purposes, it must obtain prior written approval by or on behalf of the Commission. At the approximately 5,400-square-foot access area of the West Mole, vehicular parking will be possible by marina tenants and related services (a total of five vehicles) (Material Amendment No. One).
2. **Improvements Within the Total Public Access Area.** Prior to the final completion of the West Basin Renovation Project, the permittee shall construct and/or implement the following improvements, as generally shown on the attached Exhibit E:
 - (1) A seven-foot-wide, 120-foot-long (840 square feet) ADA-compliant walkway along the northern edge of the West Mole separated from vehicular access by seven bollards, and containing one bench and interpretive signage;
 - (2) A 540-square-foot, ADA-compliant seating area at the west end of the West Mole separated from vehicular access by four bollards and containing surface pavers, two benches, and interpretive signage;
 - (3) An approximately 5,400-square-foot area on the West Mole (excluding the area needed for five parking spaces, including one ADA-compliant space) to be used by the general public, marina tenants, and marina service technicians for the purpose of walking, cycling, and vehicular parking. This improvement also

involves the removal of an existing chain link fence at the north and south sides of the Harbormaster's office;

- (4) ADA-compliant public restrooms located in the Harbormaster's Office;
- (5) An approximately 2,200-square-foot public access plaza located at the terminus of Scott Street with pavers, three benches, adjacent landscaping and planting areas, one trash receptacle, and five bollards;
- (6) Two seating areas (approximately 490 square feet each) along Marina Boulevard (at the ends of Broderick and Divisadero Streets), with pavers, two benches, a 140-square-foot planting area, one trash receptacle, and 14 bollards;
- (7) A crosswalk located at the junction of Scott Street and Marina Boulevard;
- (8) Rumble strips, striping of parking spaces, new curb stops and textured warning tiles at the existing parking area located along Marina Boulevard;
- (9) Repaired pavement along Marina Boulevard, and the removal of obsolete and/or redundant obstacles (e.g., bollards, signage and other vertical elements) within the existing pedestrian/bicycle path;
- (10) Three benches at the grassy circle located east of the adjacent St. Francis Yacht Club; and
- (11) Interpretive and directional signage throughout the project site.

Such improvements shall be consistent with the plans approved pursuant to Special Condition II-A of this amended authorization and substantially conform to the plans entitled "San Francisco Marina West Harbor Renovation – Figures 1 through 9" prepared by Winzler and Kelly, as revised through October 21, 2010 (Material Amendment No. Two).

3. San Francisco Bay Trail Improvement Plan

- a. **City and County of San Francisco Participation.** The permittee shall designate a principal staff liaison to work in coordination with the City and County of San Francisco (CCSF) Public Works Department, the CCSF Recreation and Park Department, the Golden Gate National Recreation Area (NPS), the San Francisco Bay Trail Project, the Commission staff, marina tenants, and other primary stakeholders to formulate to finalize a conceptual design of a preferred Bay Trail alignment along Marina Boulevard between Scott and Baker Streets in the City and County of San Francisco.
 - (1) **Bay Trail Planning and Preferred Design.** By November 1, 2011, in coordination with the above-listed parties, the permittee shall complete a community planning process that results in the creation of a final conceptual design of a preferred Bay Trail alignment along Marina Boulevard between Scott Street and Baker Street. The planning process shall result in a design of a Bay Trail segment, which provides a high quality bicycle, pedestrian, and general visitor experience, while addressing the following elements:
 - (a) The existing underlying rail tracks within the NPS right-of-way;
 - (b) The trail standards of the San Francisco Bay Trail Project;
 - (c) The potential for existing parking relocation, either within the existing area or at an off-site location;
 - (d) The jurisdiction of the CCSF Public Works Department; and

(e) The jurisdiction of the CCSF Recreation and Park Department.

At the Commission staff discretion, the draft conceptual design may be reviewed by the Commission's Design Review Board prior to the preparation of a final conceptual design.

(2) Final Bay Trail Conceptual Design, Schedule and Cost Estimate. By December 31, 2011, the permittee shall submit to Commission staff a final conceptual design of the preferred Bay Trail alignment, which: (a) responds to the advice of the Commission's Design Review Board; and (b) includes an estimate of construction costs needed to implement the preferred Bay Trail alignment. Any work associated with the final conceptual design for the Bay Trail will be authorized by a future amendment to this amended permit or the appropriate permit held by the City and County of San Francisco. (Material Amendment No. Two)

4. **Guest Dock and Handboat Launch.** As part of the project authorized by Material Amendment No. Two, the permittee shall construct a 950-square-foot guest dock and a 600-square-foot hand boat launch at the east end of the West Basin (as generally shown in the project plans entitled "San Francisco Marina West Harbor Renovation – Figures 1 through 9" prepared by Winzler and Kelly, as revised through October 21, 2010). These recreational facilities may be located behind security gates and the general public will likely be required to coordinate with the San Francisco Marina harbormaster to gain access to the facilities.
5. **Maintenance.** The public access areas and improvements authorized by Material Amendment No. Two shall be permanently maintained by and at the expense of the permittee or its assignees. Such maintenance shall include, but is not limited to, repairs to all path surfaces, replacement of any trees or other plant materials that die or become unkempt, repairs or replacement as needed of any public access amenities such as signs, benches, drinking fountains, trash containers and lights, periodic cleanup of litter and other materials deposited within the access areas, removal of any encroachments into the access areas, and assuring that the public access signs remain in place and visible. Within 30 days after notification by staff, the permittee shall correct any maintenance deficiency noted in a staff inspection of the site (Material Amendment No. Two).
6. **Assignment.** The permittee shall transfer maintenance responsibility to a public agency or another party acceptable to the Commission at such time as the property transfers to a new party in interest but only provided that the transferee agrees in writing, acceptable to counsel for the Commission, to be bound by all terms and conditions of this permit (Material Amendment No. Two).
7. **Reasonable Rules and Restrictions.** The permittee may impose reasonable rules and restrictions for the use of the public access areas to correct particular problems that may arise. Such limitations, rules, and restrictions shall have first been approved by or on behalf of the Commission upon a finding that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access areas, and would tend to correct a specific problem that the permittee has both identified and substantiated. Rules may include restricting hours of use and delineating appropriate behavior (Material Amendment No. Two).

8. **Temporary Closure of the Scott Street Mole and Along Marina Boulevard.** The existing public areas at the Scott Street Mole and along Marina Boulevard may be closed temporarily during the 20-month construction period for the West Basin Renovation Project authorized herein. The permittee shall make every effort to minimize such closures. Whenever possible, these existing public access areas shall be open to the public after 5 p.m. and on weekends. In addition, signs shall be installed at all public access areas informing the public of why the area is closed, when the area will be open, possible detours, and when the project construction will be completed (Material Amendment No. Two).

C. Construction Activities

1. **Construction Operations.** All construction operations shall be performed to prevent construction materials from falling, washing or blowing into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittee shall immediately retrieve and remove such material at its expense (Material Amendment No. Two).
2. **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, 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 (Material Amendment No. Two).
3. **Construction Timing.** The removal of solid fill (e.g., moles, piles, and rip rap), pile driving with an impact hammer, and the placement of rip rap shall be performed between June 1 and November 30 of any calendar year when listed salmonids are not present within the project area. No in-water work whatsoever shall occur between December 1 and March 1 of any calendar year to avoid impacts to herring that may be spawning in or around the project site. If the permittee needs to perform in-water construction activities during these times, they must submit written correspondence to Commission staff demonstrating that they have obtained permission from the appropriate resource agencies (NOAA National Fisheries Service, California Department of Fish and Game, and/or U.S. Fish and Wildlife Service) (Material Amendment No. Two).
4. **Pile Driving and Pile Removal.** The permittee shall use a vibratory hammer to install piles within the West Basin to the maximum extent possible. For areas where more compacted sediments exist and the use of a vibratory hammer is not feasible, the permittee shall limit the use of impact hammers wherever possible and shall comply with the specified work windows above (see Special Condition II-C-3). The permittee shall use a turbidity protector system (such as debris booms or weighted silt curtains) minimize the dispersion of debris, sediment and associated contaminants during the removal of the creosote-treated piles in areas where contaminated sediments are present or where oil sheens or other indicators of contamination are present (see Special Condition II-C-7) (Material Amendment No. Two).
5. **Mole Removal and Sheet Pile Breakwater Construction.** The permittee shall use weighted silt curtains deployed to a depth of at least five feet completely around the work site to minimize the dispersion of debris, sediment and any potential contaminants during the removal of sections of the two moles and during the construction of the fixed sheet pile breakwater (Material Amendment No. Two).

6. **Protection of Water Quality.** The permittee shall incorporate all the conservation and mitigation measures required by the San Francisco Bay Regional Water Quality Control Board's (Regional Board) Water Quality Certification (WQC) issued on September 21, 2010, including not storing hazardous materials (fuels, lubricants, solvents, etc.) within 100 feet of a drainage or water body, avoiding refueling mobile and/or portable equipment within 100 feet of a drainage or water body, employing best management practices during construction to prevent and control erosion and sedimentation and potential pollutant sources, and controlling and treating runoff (Material Amendment No. Two).
 7. **Construction Phasing.** As specified by the Regional Board's WQC, the permittee shall conduct construction activities for the West Basin Renovation Project authorized herein in phases. Phase 1 construction will only occur in areas where sediment is suitable for unconfined aquatic disposal. During Phase I, work in potentially contaminated areas is prohibited until associated dredge operations are approved by the Regional Board. Construction activities for Phases II and III in locations where significant contaminants could potentially be present shall not be conducted until further testing is conducted and the Regional Board concurs that the work shall proceed in these areas (Material Amendment No. Two).
- D. **Creosote Treated Wood.** No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action within the Commission's jurisdiction as part of the project authorized herein (Material Amendment No. Two).
- E. **Marina Conditions**
1. **Construction.** Construction standards for marina berths and associated facilities shall be at least equal to those established by the State Department of Boating and Waterways. All construction activity shall be performed to minimize turbidity and to prevent debris from drifting and presenting a pollution or navigation hazard (Material Amendment No. Two).
 2. **Waste Discharge.** The discharge of any solid or liquid wastes, including oily bilge water, waste oil, or sewage into the Bay within the marina basin, shall be in accordance with federal and state regulations. This restriction shall not apply to the discharge of liquid wastes associated with the use of an automatic bilge pump (Material Amendment No. Two).
 3. **Waste Facilities.** Prior to the use of any berth, the permittee shall install a suitable facility for receiving and disposing of oily wastes, and a facility for pumping out vessel holding tanks and receiving wastes from portable toilets. Such facilities shall be constructed to all applicable codes and standards, shall be connected to onshore waste treatment facilities, and shall be maintained by the permittee in a safe and sanitary manner. Such facilities shall be available to boaters every day of the week and any fees for the use of the facilities shall be limited in amount to cover the cost of the operation of the facilities (Material Amendment No. Two).
 4. **Marine Toilets.** The permittee shall make it a requirement of the use or occupancy of any berth that: (a) any vessel berthed, if equipped with a marine toilet, shall contain an adequate holding tank, incinerator recirculation device, or other equivalent device approved by applicable agencies to preclude discharge of wastes into the waters of the marina, or have the marine toilet rendered inoperable while any such vessel is moored in the marina; and (b) any violation of the waste discharge requirements of this authorization shall be cause for immediate cancellation of the

- right of such use or occupancy. The permittee shall submit to the Commission a copy of the berthing agreement that shall set forth the requirements included in this condition (Material Amendment No. Two).
5. **Enforcement Responsibility.** The permittees shall adequately enforce the requirements herein, and shall submit to the Commission the name, address, and telephone number of the person at the marina responsible for such enforcement (Material Amendment No. Two).
 6. **Enforcement Alternatives.** The Commission reserves the right, in the event of repeated or serious problems with waste discharges in violation of the requirements herein or in the event of laboratory test results that indicate the presence of materials associated with waste discharges, to require that onshore sewer lines be provided for each berth or that the permittees remove or cause to be removed permanently from the marina any vessels from which wastes have been discharged (Material Amendment No. Two).
 7. **Houseboats.** No houseboat or other structure used as a residence shall be permitted in the marina. Any violation of this provision shall be grounds for immediate termination of the berthing rights of any such owner or occupant (Material Amendment No. Two).
 8. **Live-aboards.** No vessel moored in the marina shall become a long-term place of residence. Any violation of this condition shall be grounds for immediate termination of the berthing rights of any such owner or occupant (Material Amendment No. Two).
 9. **Sales or Long-Term Rental of Berths.** Berths shall be rented to the general public and commercial operations, such as sailing schools, charter boat operators, and boat leasing/sales companies, without discrimination, and no right to use of an individual berth shall be granted or otherwise transferred that exceeds a short-term license agreement (Material Amendment No. Two).

F. 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 (Material Amendment No. Two).
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 not steeper than two (horizontal) to one (vertical). The slope shall be created by the placement of a filter layer or a bedding of smaller stones protected by riprap material of sufficient size to withstand wind and wave generated forces at the site (Material Amendment No. Two).
3. **Riprap Plans**
 - a. **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 (Material Amendment No. Two).

- b. **Plan Review.** No work whatsoever shall be commenced on the shoreline protection improvements authorized herein until final riprap plans have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The plans shall consist of appropriate diagrams and cross-sections that (1) show and clearly label the Mean High Tide Line, or a line five feet above Mean Sea Level in marshland, property lines, grading limits, and details showing the location, types, and dimensions of all materials to be used, (2) indicate the source of all materials to be used, and (3) indicate who designed the proposed shoreline protection improvements and their background in coastal engineering and familiarity with the Commission's concerns. Approval or disapproval of the plans shall be based upon (1) completeness and accuracy of the plans in showing the features required above, (2) consistency of the plans with the terms and conditions of this permit, (3) assuring that the proposed fill material does not exceed this permit, (4) the appropriateness of the types of fill material and their proposed manner of placement, and (5) the preparation of the plans by professionals knowledgeable of the Commission's concerns, such as civil engineers experienced in coastal processes. All improvements constructed pursuant to this permit shall conform to the final approved plans. No changes shall be made thereafter to any final plans or to the constructed shoreline protection improvements without first obtaining written approval of the change(s) by or on behalf of the Commission (Material Amendment No. Two).
4. **Maintenance.** The shoreline protection improvements authorized herein shall be regularly maintained by, and at the expense of the permittee, any assignee, lessee, sublessee, or other successor in interest to the project. Maintenance shall include, but not be limited to, collecting any 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 any filter fabric that may have been placed 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 or any successor or assignee shall correct any maintenance deficiency noted by the staff (Material Amendment No. Two).

A. G. Dredging and Dredged Material Disposal

1. **Water Quality Approval for Maintenance Dredging Episodes.** At least 45 days prior to the commencement of any dredging episode authorized herein, the permittee shall submit to the Executive Director water quality certification, waste discharge requirements, and any other required approvals from the California Regional Water Quality Control Board, San Francisco Bay Region. Failure to obtain such certification prior to the commencement of any dredging episode shall terminate the Commission's authorization for that episode. The Executive Director may, upon review of the Regional Board approval, either: (1) approve the dredging episode consistent with this authorization; or (2) amend this authorization, as necessary, related to water quality issues. Unless the permittee agrees to amend this authorization in a manner specified by or on behalf of the Commission, this permit shall become null and void.
- B. **2. Ten-Year Permit for Maintenance Dredging.** The 210,000 cy or less of maintenance dredging authorized shall be completed within ten years of the date of issuance of this permit. The 25,000 cy of new work dredging of the sand trap and adjacent entrance channel shall be dredged at the same time. The initial episode must be completed within eighteen months of this authorization. Future maintenance dredging of the sand trap over the ten-year life of the authorization should be based

on the annual monitoring reports of the amount of sand collected in the sand trap, reduction in the amount of sand deposited in the marina entrance channel, and possible impacts to Last Chance Beach or other nearby beaches, and subtidal habitat. Upon receipt of written approval by or on behalf of the Commission, the permittee may dredge up to 25,000 cy annually, for a total of 250,000 cy in ten years. No further dredging is authorized.

- ~~C.~~ 3. **Limits on Dredging.** This permit authorizes maintenance dredging only within the San Francisco Marina's West Basin and entrance channel (Areas A, B, EC1 and EC2 as shown on Exhibit A-D) to an authorized project depth of minus 12 feet MLLW plus 1 foot allowable overdredge depth. This permit also authorizes one episode of new work dredging of a sand trap and potentially annual maintenance of the sand trap, either in Area D as shown on Exhibit B, or an alternate location approved by or on behalf of the Commission to a depth of minus 50 feet MLLW, with no overdredge depth allowance. No dredging in other areas is authorized.
- ~~D.~~ 4. **Disposal of Sediment Unsuitable for In-Bay Disposal.** If, during the ten-year authorization period of this permit, any sediment is determined by the Dredged Material Management Office (DMMO) to be unsuitable for in-Bay disposal, it shall be disposed at an appropriate authorized disposal facility.
- ~~E.~~ 5. **Maintenance Dredging and Disposal Activity in the Marina and Entrance Channel**
- a. **Pre-Dredging and Disposal Report and Notice.** At least 45 days before the commencement of any maintenance dredging and disposal episode authorized herein, the permittee shall submit to the Commission's Executive Director:
- (1) A bathymetric map showing the location of all areas authorized to be dredged, the authorized depth including overdredge depth based on MLLW, the volume of material proposed to be dredged, and the approximate date of project commencement. At least two (2) weeks prior to any dredging episode, the permittee shall notify the Executive Director of the commencement date by telephone or in writing. If the date of commencement changes, the permittee shall provide an updated schedule as soon as it is available.
 - (2) A written statement to the Executive Director that contains: (1) the proposed disposal site, quantity of material to be disposed, and dates within which the disposal episode is proposed; (2) if applicable, a discussion as to how the volume proposed for disposal is consistent with in-Bay disposal allocations and disposal site limits; (3) the results of chemical and biological testing of sediment proposed for disposal; and (4) an alternatives analysis or integrated alternatives analysis to explain why ocean disposal, upland disposal or beneficial reuse of dredged material is infeasible. If the Executive Director determines the permittee fits the criteria of a small dredger, having a signed Small Dredger Programmatic Alternative Disposal Site Analysis on file satisfies Special Condition II.E.1.a.
 - (3) **Authorization of Disposal.** The authorization for the proposed in-Bay disposal shall become effective only if the Executive Director: (1) informs the permittee in writing or via email that the episode is consistent with the authorization provided herein, alternative disposal and beneficial reuse options are infeasible, the volume proposed for disposal is consistent with both in-Bay disposal allocations, if applicable, and the disposal site limits, and the material is suitable for in-Bay disposal; or (2) does not respond to the permittee's pre-disposal report within 30 days of its receipt. If the

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

b. Post-Dredging Requirements

- (1) Within 30 days of completion of each dredging episode authorized by this permit, the permittee shall submit to the Commission a bathymetric map showing the actual area(s) and depths dredged including overdredge depth based on MLLW, any dredging that occurred outside the area or below the depths authorized herein, and a written statement indicating the total volume of material dredged and disposed and the disposal location.
- (2) If a maintenance dredging episode (Areas A, B, E1 and EC2) stops for longer than six consecutive months, the permittee must submit, before the dredging episode has resumed, notification to the Commission that dredging will begin again. If a dredging episode is suspended for more than six months, the Commission may require the permittee to complete: (1) new sediment characterization; (2) new survey of the dredge area; and/or (3) a revised alternative disposal option analysis.
- (3) If the maintenance dredging episode continues longer than one year, whether dredging is continual throughout the year or is fragmented within the episode, the permittee must provide the Commission with the following dredging report: (1) the actual area(s) and the depth dredged based on MLLW and any dredging that occurred outside the area dredged; (2) the actual volume of the material dredged; and (3) the volume and location of the material disposed. The dredging report must be submitted no later than one year after the commencement of the episode, and must be submitted every six months thereafter throughout the life of the permit or until the episode is complete. The Commission may require additional sediment characterization, bathymetric surveys, and/or alternative disposal analyses at the commencement of the next episode. Within 30 days of the completion of the episode, the permittee must submit a dredging report as described in Special Condition II.G.

F. 6. Sand Trap Creation, Monitoring, and Maintenance

a. Pilot Sand Trap

- (1) The permittee may dredge up to 25,000 cubic yards of material to create a 1.88 acre sand trap to a depth of minus 50 feet MLLW if the permittee receives prior written approval by or on behalf of the Commission of a detailed plan for such a trap. The plan shall include a site plan of the precise location of the trap and supporting studies that determine the optimal location of a sand trap to reduce shoaling in marina entrance channel. Authorization for continued maintenance of the sand trap may be extended for up to the 10 year authorization period of the permit if the monitoring reports indicate that the sand trap is not affecting neighboring recreational beaches (i.e. Last Chance Beach) or subtidal habitat adjacent to the sand trap, and is having a measurable effect in reducing shoaling within the marina entrance channel.

- (2) No later than 30 days prior to dredging the sand trap, the permittee shall provide to the Commission for review and approval, a dredging plan that includes: (1) a pre-dredge survey of the monitoring area described below, performed within 60 days of the proposed dredging episode; (2) the dredging footprint; (3) typical cross sections of the dredging footprint; (4) the volume of dredging proposed; (5) the depth proposed; and (6) a comparison and analysis of the differences between sediment grain size in the entrance channel, the area offshore of Last Chance Beach and the sand trap. Any plans or maps shall include a north arrow and a graphic scale.
- (3) The dredging shall be limited to the area below the minus 15-foot contour in the area of the sediment ridge at the tip of the jetty. Dredging shall be limited to the area below the minus 30-foot contour adjacent to Last Chance Beach. In all areas, the slope of the dredge cut would be no greater than 4H:1V towards the north (Exhibit D). The dredging depth would be limited to minus 50 feet MLLW, based on the supporting studies of the sand trap dredging plan.
- (4) The dredging of the entrance channel and the sand trap shall occur at the same time to maximize the ability to determine the effectiveness of the sand trap in reducing shoaling in the marina entrance channel.

b. **Sand Trap Monitoring**

- (1) The monitoring area shall include the sand trap, areas within 2,000 feet west of the jetty tip, including Last Chance Beach, areas within 300 feet east of the sand trap, 500 feet north of the sand trap and 300 feet south of the sand trap and include the entrance channel to the marina.
- (2) Within 30 days of the dredging the sand trap and entrance channel, dredging volume calculations for each dredged area from the most western edge of the shoal and a post dredge survey of the monitoring area shall be completed and provided to the Commission.
- (3) The permittee shall survey Last Chance Beach 30 days prior to, and within 30 days after dredging the sand trap and entrance channel, including the MLLW and MHHW contours, and provide the results to the Commission.
- (4) The permittee shall perform spring and fall surveys of the monitoring areas, including Last Chance Beach for three years. The bathymetric surveys shall (single beam or greater resolution) use transects with intervals no greater than fifty-feet apart.
- (5) The permittee shall perform grain size analysis of the sediment in the sand trap and marina's entrance channel prior to dredging. A comparative grain size analysis between the sediment samples shall be performed and explained in the proposed dredging plan.

c. **Sand Trap Monitoring Reports**

The permittee shall provide the above described monitoring information and analysis to the Commission by December 31^s of the dredging year and each year following each dredge event, or until the Commission determines that monitoring is no longer necessary. The analysis shall include the information developed from the monitoring area, with attention given to the entrance channel, as well as: (a) the pre- and post dredge, spring and fall surveys; (b) a volume change analysis of the monitoring area and sand trap by analyzing a

transect from the most westward cross section through the shoal(s); (c) discussion of any erosion or deposition; (d) retreat of bathymetric contours; (e) sand deposition rate at the entrance channel and sand trap; and (f) any identifiable sediment transport pathways.

d. Continued Maintenance of the Sand Trap

If the monitoring reports show an appreciable decrease in the shoaling of the marina’s entrance channel, and no adverse impact to Last Chance Beach or sub-tidal areas adjacent to the sand trap, the Executive Director may authorize the permittee to continue to dredge up to 25,000 cy of sand every years to maintain the sand trap for the 10 year period of this authorization subject to a reduced monitoring regime if such revisions to the monitoring plan have been approved by or on behalf of the Commission. Failure to submit the required monitoring reports on time will cause immediate termination of the sand trap authorization.

G. e. Potential Erosion. If the monitoring reveals significant erosion of adjacent sub-tidal areas or beaches, the permittee shall restore the sediment type and depth to conditions existing prior to the sand trap development.

H. 7. Barge Overflow Sampling and Testing. Results of any effluent water quality or other testing required by the California Regional Water Quality Control Board, San Francisco Bay Region, shall be submitted in writing to the Commission at the same time such testing is submitted to the Regional Board.

I. 8. Seasonal Limitations for Maintenance Dredging and Sand Trap. Except as provided below, all dredging and disposal activities, including development or maintenance of the sand trap, shall be confined to the work window, between June 1 and November 30 of any year, to minimize disturbance to the following endangered and special status species:

Species of Concern	Work Window Period	Consulting Agency
Chinook Salmon	June 1 st to November 30 th	NOAA
Steelhead Trout	June 1 st to November 30 th	NOAA
Pacific Herring	March 1 st to November 30 th	CDFG

CDFG-California Department of Fish and Game; NOAA-NOAA Fisheries

This work window between June 1st and November 30th is 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) and as amended by the U.S. Fish and Wildlife Service (USFWS) on May 28, 2004. No work inconsistent with the time and location limits contained in these figures may be conducted without the approval of the Executive Director, provided that such approval may only be issued after: (1) consultation between the U.S. Army Corps of Engineers (USACE) and the USFWS and/or NOAA has occurred; and (2) the Executive Director has determined that dredging and disposal outside of the work window is consistent with the Commission’s laws and policies.

To protect the herring fishery, no dredging shall occur between December 1st and February 28th of any year without the written approval of the Executive Director, provided that such approval may only be issued: (1) after the Recreation and Park Department’s representative requests from the California Department of Fish and Game (CDFG) that it be allowed to dredge outside of the work window, discussions between the Recreation and Park Department’s representative and the CDFG have occurred and the outcome of those discussions has been provided to the Executive

- Director; and (2) the Executive Director has determined that dredging and disposal outside of the work window is consistent with the Commission's laws and policies.
- ~~J.~~ 9. **Additional Scientific Study and Review.** In 2008, the United States Geological Survey (USGS) is conducting new research regarding sediment transport in the area from Fort Point to Aquatic Park. In the event that this current research identifies adverse impacts caused by the sand trap, and the Executive Director determines that the sand trap is inappropriately designed or located, the permittee shall either amend the permit to eliminate or minimize the impacts of the sand trap on Bay resources, or the authorization to dredge to create or maintain the sand trap will become null and void.
- ~~K.~~ 10. **Property Interest.** If during the life of this permit, the total volume of sediment dredged from the State Lands Commission property reaches 104,000 cy, the permittee must obtain and provide to the Commission a new State Lands Commission lease authorizing additional dredging on that lease area prior to exceeding the 104,000 cy limit, or the authorization for the maintenance dredging portion of this permit shall become null and void.
- ~~L.~~ 11. **Compliance 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, subject to reasonable safety and operational considerations, 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.
- ~~M.~~ 12. **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 new laws, policies, or regulations are in effect regarding dredging, dredged material disposal, and beneficial reuse consistent with the multi-agency LTMS Management Plan, 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.
- H. **Hold Harmless Agreement.** The permittee agrees to indemnify, defend and save harmless the State of California, its agencies, departments, officers, agents and employees from any and all claims, demands, losses or judgments accruing or resulting to any person, firm, corporation or entity who may be injured or damaged by work performed in accordance with the terms and conditions of this permit (Material Amendment No. Two).
- I. **Commission Jurisdiction Over Fill Area.** Notice is hereby given that, under the McAteer-Petris Act, the area of the approved project that is within the Commission's jurisdiction under Section 66610(a) remains within that jurisdiction even after fill or substantial change in use, authorized by the Commission, may have changed the character of the

area; so that the permittee or the permittee's successors in interest will require further action by or on behalf of the Commission prior to any future change of use or work within areas filled pursuant to this authorization (Material Amendment No. Two).

- I. **Certification of Contractor Review.** Prior to commencing any grading, demolition, or construction, the general contractor or contractors in charge of that portion of the work shall submit written certification that s/he has reviewed and understands the requirements of the permit and the final BCDC-approved plans, particularly as they pertain to any public access or open space required herein, or environmentally sensitive areas (Material Amendment No. Two).
- K. **In-Kind Repairs and Maintenance.** Any in-kind repairs and maintenance of all areas shall only use construction material that is approved for use in San Francisco Bay. Construction shall only occur during current approved months during the year to avoid potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions (Material Amendment No. Two).
- L. **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 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 (Material Amendment No. Two).

III. Findings and Declarations

This authorization is given on the basis of the Commission's findings and declarations that the work authorized herein is consistent with the McAteer-Petris Act, the *San Francisco Bay Plan* (Bay Plan), the California Environmental Quality Act (CEQA), the State Mining and Reclamation Act and the Commission's amended management program for the San Francisco Bay segment of the California coastal zone for the following reasons:

- A. **Priority Use Areas.** The originally-authorized project, area which involves dredging does not fall within the specific boundaries of the priority use area locations. The project, which is the subject of Amendment No. One authorizes a non-material change to the original project. The project authorized by Material Amendment No. Two involves replacing and upgrading boat docks, floats, and various marina facilities, constructing two breakwaters in the Bay, renovating two buildings, and constructing public access improvements within the 100-foot shoreline band. The activities within the shoreline band are located in a waterfront park/beach priority use area as shown in the Bay Plan Map No. Four. The upland improvements will improve a recreational boat marina and adjacent public access area. The Commission, therefore, finds that the project is consistent with the Bay Plan's priority use designation.
- B. **Fill.** The project authorized by Material Amendment No. Two involves fill within the Commission's Bay jurisdiction. The Commission may allow fill only when it meets certain fill requirements identified in Section 66605 of the McAteer-Petris Act, which states, in part, that: (a) fill "should be limited to water-oriented uses (such as marinas) or minor fill for improving shoreline appearance and public access"; (b) fill in the Bay should be approved only when "no alternative upland location" is available; (c) fill should be "the minimum necessary to achieve the purpose of the fill"; (d) "the nature, location, and extent of any fill should be such that it will minimize harmful effects to the Bay area, such as, the reduction or impairment of the volume, surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment..."; (e) "fill should be authorized when the applicant

has such valid title to the properties in question that he or she may fill them in the manner and for the uses to be approved;” and (f) fill should be authorized when it will be “constructed in accordance with sound safety standards...”

- a. **Water-Oriented Use.** All fill in the Bay associated with the project authorized by Material Amendment No. Two will involve the replacement and/or construction of and upgrades to boat docks, floats, pilings, breakwaters, and shoreline protection and, thus, is a water-oriented use.
- b. **Alternative Upland Location.** All fill in the Bay associated with the project authorized by Material Amendment No. Two will involve the renovation of a marina, which by definition must occur in the water, and thus, has no alternative upland location.
- c. **Minimum Fill Necessary.** The permittee has stated that placing the following amount of solid and floating fill is the minimum amount necessary: approximately 318 cubic yards for rip rap; 3,910 cubic yards for boat dock pilings and for a fixed rock-filled sheet pile breakwater; and 106,340 square feet for boat docks and a floating breakwater. Approximately 168 cubic yards of rip rap is needed at the west end of the West Mole to create a new rock revetment, and approximately 150 cubic yards of solid fill is needed to replace, reconfigure, and repair existing shoreline protection and gangways in the marina. However, approximately 535 cubic yards of rip-rap will be removed in shortening the West Mole and, thus the project authorized in Material Amendment No. Two will result in a net increase in Bay volume.

The fixed breakwater at the southeast corner of the West Harbor is designed as a rock-filled, sheet-pile structure, which involves less Bay fill volume and area than the originally-proposed rubble-mound breakwater at the northeast end of the marina basin. Because the sediments at the entrance to the basin are seismically-unstable, a rubble-mound breakwater would have required significantly more solid fill to achieve adequate stability. The San Francisco RPD consequently proposed a floating breakwater, which, among other things, involves less fill in the Bay. The San Francisco RPD worked with Coast and Harbors Engineering (CHE) to evaluate a number of different sizes and configurations for the fixed and the floating breakwaters. In a 2010 study, entitled “Conceptual Engineering Analysis and Conceptual Design—San Francisco Marina West Yacht Harbor Renovation”, CHE concluded that an 185-foot-long fixed breakwater and a 300-foot-long floating breakwater were the preferred alternatives to provide “good long-term wave protection for the berthed vessels and infrastructure, without significant impacts to navigation, water quality or sedimentation.” The project will result in the removal of approximately 69,000 square feet (1.58 acres) of floating fill (wooden boat docks and floats), and the placement of approximately 106,340 square feet (2.44 acres) of floating fill (boat docks, floats, and the floating breakwater) and, thus, a net increase of approximately 37,340 square feet (0.86 acres) of floating Bay fill. The project will also result in a net increase of approximately 786 square feet of cantilevered fill and approximately 340 square feet of pile-supported fill.

The project will result in a net total fill removal of approximately 472 cubic yards of solid fill from an total area of approximately 6,558 square feet. Special Conditions II-A and II-F are included in this amended permit to ensure that the fill associated with the marina renovation will not exceed the volume and area authorized in Material Amendment No. Two.

- d. **Effects on Bay Resources.** In addition to Section 66605 of the McAteer-Petris Act regarding effects on Bay resources, the Bay Plan policies on water surface area and volume state that, in part, “water circulation in the Bay should be maintained, and improved as much as possible” and “any proposed fills, dikes or piers should be thoroughly evaluated to determine their effects on water circulation and then modified as necessary to improve circulation or at least to minimize any harmful effects.”

All fill in the Bay associated with the project authorized by Material Amendment No. Two is designed to minimize impacts to water circulation. The removal of approximately 3,500 cubic yards of material over a 4,270-square-foot area to shorten the West Mole will increase the surface area of the Bay and may improve water circulation within the marina basin. In addition, the installation of a floating breakwater will minimize any muting of tidal circulation and exchange with the basin, which will help maintain water quality. Lastly, the fixed sheet pile breakwater will be constructed fifteen feet offshore of the Marina Green seawall to allow for additional water circulation.

Special Conditions II.C.1-5 are included in this amended permit to ensure resource protection during the construction phases of the marina renovation project.

- e. **Valid Title.** In 1935, the City of San Francisco acquired the parcels where the work authorized by Material Amendment No. One will occur from the State of California and, thus, has valid legal title.
- f. **Safety of Fills and Sea Level Rise.** In addition, the Bay Plan policies on safety of fills state, in part, that “to prevent damage from flooding, structures on fill or near the shoreline should have adequate flood protection including consideration of future relative sea level rise as determined by competent engineers” and that “to minimize the potential hazard to Bay fill projects and bayside development from subsidence, all proposed developments should be sufficiently high above the highest estimated tide level for the expected life of the project...” The northern end of the floating breakwater authorized in Material Amendment No. Two will be located approximately 125 feet east of the tip of the North Jetty at the marina to allow boats to navigate in and out of the West Basin, and to prevent the floating breakwater from becoming grounded on a sand shoal that typically forms along the inner area of the North Jetty. The breakwater will be anchored in a diagonal orientation to the shoreline to break up waves and swell coming at the basin from the northeast. Coast and Harbors Engineering (CHE), in its 2010 study, entitled “Conceptual Engineering Analysis and Conceptual Design—San Francisco Marina West Yacht Harbor Renovation”, concluded that a floating breakwater as well a fixed breakwater were the preferred alternatives to provide “good long-term wave protection for the berthed vessels and infrastructure, without significant impacts to navigation, water quality or sedimentation.”

Material Amendment No. Two involves the placement of fill in part to repair or reconfigure revetment slopes to protect the marina from erosion. A dramatic rise in sea level rise would likely require new approaches to protecting the shoreline from erosion. The elevation of the top of the new sheet pile breakwater will be approximately 10 feet above Mean Lower Low Water (MLLW). The elevations on the moles

(where some of the public access improvements will be located) average around 9.6 feet to 10.8 feet above MLLW. These elevations are the same as the adjoining Marina Green and sufficient to accommodate a sixteen-inch rise in sea level but likely to inundated by a 55-inch rise in sea level.

The Commission finds the project, as conditioned, is consistent with its law and policies regarding Bay fill.

C. Public Access

1. **Maximum Feasible Public Access.** Section 66602 of the McAteer-Petris Act states, in part, that "...existing public access to the shoreline and waters of the...[Bay] is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." In addition, the Bay Plan policies on public access state, in part, that "a proposed fill project should increase public access to the Bay to the maximum extent feasible..." and that "access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available." In assessing whether a *public* project, such as the marina renovation project, will provide the maximum feasible public access consistent with the project, the Commission should evaluate whether the public access is *reasonable* given the scope of the project.

Public access exists along the shoreline of the entire West Basin at the marina. In addition, views of the Bay at and around the project site are relatively unobstructed with the exception of some boating-related facilities. The San Francisco Bay Trail runs through the project site along the northern edge of the Marina Green and along Marina Boulevard. The Scott Street Mole provides seating and a viewing area of the marina and the Bay. The West Mole is primarily limited to tenant and marina service technician access and use. The project site, especially the pathways along Marina Boulevard, is one of the most popular and frequently-used public areas along the San Francisco waterfront with thousands of cyclists and pedestrians using the area daily.

The San Francisco RPD will improve public access in the marina renovation project area by: creating a new seating area at the west end of the West Mole and a seven-foot-wide pedestrian/bicycle pathway on the mole while also allowing a total of five vehicles to use the mole for parking (four tenant spaces and one ADA-accessible space); improving access at the Scott Street Mole by adding benches, surfacing, and plantings; creating two public seating areas along Marina Boulevard, and placing new benches and directional and interpretive signage throughout the project site. Special Condition II.B.1 and 2 requires the provision and implementation of these improvements. Additionally, Special Condition II.B.4 requires maintenance of these public facilities, including maintenance needed as a result of impacts related to future sea level rise and flooding.

In addition, existing public areas at the Scott Street Mole and along Marina Boulevard may be closed temporarily during the 20-month construction period for the West Basin Renovation Project authorized herein. Special Condition II.B.7 of this amended permit requires that appropriate notice be provided to the public and efforts made to minimize such interruptions.

2. **Barrier Free Access.** The Bay Plan policies state that public access improvements "should permit barrier free access for the physically handicapped to the maximum extent." The public access areas, including the new seating area and pathway on the

West Mole and the seating areas along Marina Boulevard, will be ADA-accessible. The restrooms in the Harbormaster's building will also be upgraded to comply with ADA standards. Improvements to the public access area on the Scott Street Mole include new surfacing to make this space more accessible. The three benches located east of the St. Francis Yacht Club will be within a grassy area and set back from the paved road and, thus, will not be easily accessible.

3. **Appearance, Design, and Scenic Views.** The Bay Plan policies on appearance, design, and scenic views state, in part, that "...maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore."

Public concerns were raised throughout the application process and related public hearing for Material Amendment No. Two regarding the potential visual impact of the floating breakwater at the entrance of the West Basin. The breakwater will also have an eight-inch-high bullrail around the perimeter to keep seals from hauling out onto the structure. The structure will also have two approximately eight-foot-high light posts on each end for navigational safety. The floating breakwater will rise and fall with the tides, and, thus, will protrude out of the water approximately 3.75 feet at all times. The height of the adjacent seawall and public access pathway along the Marina Green is approximately eight to nine feet above Mean High Water (MHW).

The breakwater will be situated outside of the West Basin in an area that is currently open water. Despite its low profile in the water, the breakwater will be visible from the vantage point of the public access trails along the Marina Green and from the North Jetty (looking back toward the shoreline). The Addendum to the Final Environmental Impact Report (FEIR) for the project, issued by the San Francisco Planning Department on February 25, 2010, states that "...the floating breakwater -- or the project in general -- would not substantially obstruct scenic views or vistas..." and that "...views of the Golden Gate Bridge, Alcatraz Island and the Marin Headlands would continue to be available in the distance under modified project conditions." Special Condition II-A-3 is included in this amended permit to ensure that the approximately 300-foot-long by 15-foot-wide by three-foot-high floating breakwater is anchored by chains or tethers or a similar submerged anchoring system (instead of guide piles) to the Bay bottom to reduce visual impacts at lower tides.

The fixed breakwater will be approximately 185 feet long, set back about 15 feet from the seawall, and situated approximately 10 feet above mean lower low water (MLLW). The fixed breakwater will be located inside the West Basin and the top of the structure will be at approximately the same elevation as the pathway along the Marina Green. Therefore, the fixed breakwater will not adversely affect views of the Bay from the nearby public access trails.

The project will involve the construction of an approximately 42-foot-long by 23-foot-wide by seven-foot-high wall adjacent to the parking lot at the northwest corner of the Marina Green to house dumpsters and utility and electrical equipment. The enclosure is intended to keep the public away from the infrastructure. Two five-foot-high trash receptacles located along the Bay's edge adjacent to the Harbormaster's building will be relocated inside of the enclosure, once constructed. The enclosure authorized herein will impact limited views of the West Basin from the Scott Street parking area and a small portion of the parking area at the northwest corner of the Marina Green. Ample views of the Bay and the West Basin elsewhere at the site will continue to exist. In addition, the enclosure area will be located inland of the San Francisco Bay Trail along the Marina Green and, thus, will not affect views

from this segment of the trail. Special Condition II-A will ensure that construction of the project authorized by Material Amendment No. One will be carried out in a manner that minimizes view impacts.

The renovation of the Harbormaster's building on the West Mole and the former Degaussing Station along the Marina Green will not result in any increase of existing building heights or footprint.

4. **San Francisco Bay Trail Planning.** As described above, the Bay Trail segment that runs through the project site is extremely popular and well used. While the project includes new public access seating areas in various locations around the marina, the project does not include substantial improvements to the existing Bay Trail beyond minor adjustments, such as removing hazards and delineating the existing path.

The existing Bay Trail segment along Marina Boulevard between Scott and Baker Streets is confined between Marina Boulevard traffic to the south and a drive aisle and parallel parking to the north along the seawall. For years, an issue has been raised about whether a reconfiguration of these shared uses could improve the recreational aspect of this stretch of shoreline.

At the October 21, 2010 Commission meeting, members of the public requested that the project include a community planning process that would result in a Bay Trail design that removes or, at a minimum, reorients parking along the seawall at the West Basin along Marina Boulevard between Scott and Baker Streets. Several commissioners supported the concept. The quality and safety of the Bay Trail is important to the City and County of San Francisco and the region, and reevaluating the existing uses along this Bay Trail segment would likely lead to an improved recreational resource.

A community planning effort is necessary to resolve the issues of parking and vehicular, pedestrian and bicycle circulation. Therefore, Special Condition II.B.3 has been included which requires the permittee to work in coordination with the City and County of San Francisco Public Works Department, the Golden Gate National Recreation Area (NPS), the San Francisco Bay Trail Project, the Commission staff, marina tenants, and other primary stakeholders to formulate a conceptual design of a preferred Bay Trail alignment along Marina Boulevard between Scott and Baker Streets in the City and County of San Francisco. At the staff's discretion, the Commission's Design Review Board may review the conceptual design.

For these reasons, the Commission finds that the project's public access improvements, as conditioned, are the maximum feasible consistent with the project and reasonable given the scope of the project, and are consistent with the Bay Plan policies regarding appearance, design and scenic views

D. Bay Resources

- a. **Fish, Other Aquatic Organisms, Wildlife, and Subtidal Areas.** The Bay Plan policies on fish, other aquatic organisms and wildlife state, in part, that "the Commission should consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species...and give appropriate consideration of (their) recommendations in order to avoid possible adverse impacts of a proposed project on fish, other aquatic organisms and wildlife habitat". Additionally, the Bay Plan policies regarding subtidal areas state in part "[a]ny proposed filling or dredging project in a subtidal area should be thoroughly evaluated to determine the local and Bay-wide

effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic plants; and (e) the Bay's bathymetry. Projects in subtidal areas should be designed to minimize and, if feasible, avoid any harmful effects."

The permittee completed a Section 7 consultation with the NOAA National Marine Fisheries Service (NMFS) for the project authorized by Material Amendment No. Two. NMFS issued a response letter on July 12, 2010 stating that the project may create short-term degradation of water quality during in-water construction activities and generate elevated levels of underwater sound pressure levels from pile-driving. The NMFS consultation letter concluded, however, that the project is "not likely to adversely affect listed salmonids and green sturgeon" provided that the permittee employs mitigation and conservation measures to minimize impacts, e.g., use of a vibratory hammer to install most new piles in the basin, limited use of impact hammers, removal of portions of the moles between June 1 and November 30 when listed salmonids are not present, and use of a debris boom or silt curtains to minimize the dispersion of debris, sediment and associated contaminants during the removal of the creosote-treated piles.

NMFS also determined that the project would "adversely affect Essential Fish Habitat (EFH) for various federally-managed species with the Pacific Groundfish, Coastal Pelagic, and Pacific Salmonid FMPs. However, the action contains adequate measures to avoid, minimize, mitigate, and otherwise offset the adverse impacts to EFH." In communications with the California Department of Fish and Game (DFG), Commission staff was informed that the work window described above and the mitigation and conservation measures required by NMFS and the Regional Board will be sufficient to protect herring since work will not be performed during the spawning season between December 1 to March 1.

Special Condition II-C is included in this amended permit to ensure that the permittee employs all appropriate mitigation and minimization measures to protect Bay resources and minimize impacts to fish and wildlife.

For these reasons, the Commission finds that, as conditioned, the project is consistent with its policies regarding the Bay's natural resources.

- E. Water Quality.** The Bay Plan policies on water quality state, in part, that "Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality." The policies also state that "[w]ater quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Basin Plan and should be protected from all harmful or potentially harmful pollutants." The policies, recommendations, decisions, advice, and authority of the State Water Resources Control Board and the Regional Board should be the basis for carrying out the Commission's water quality responsibilities." Finally, the Bay Plan policies on Water Quality state that "new projects should be sited, designed, constructed, and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain nonpolluting materials; and (c) applying appropriate, accepted, and effective best management practices; especially where water dispersion is poor and near shellfish beds and other significant biotic resources."

The project authorized by Material Amendment No. One has the potential to affect water quality by causing short-term increases in turbidity due to the disturbance of sediments while removing and replacing piles and docks, and the removal of portions of the West and Scott Street moles. The Regional Board issued a Conditional Water Quality Certification (WQC) for the project on September 21, 2010. The WQC includes special conditions intended to minimize the project's impacts to water quality, including requiring the use of a pile driving turbidity protector system for all pile extraction where contaminated sediments are present, and the use of silt curtains during the removal of portions of the moles. Other Regional Board requirements include using debris containment booms around all demolition areas, preventing and controlling erosion and sedimentation during upland construction, controlling the source of potential pollutants, controlling and treating runoff, and avoiding the refueling of equipment within 100 feet of the Bay. Special Condition II-C has been included in this amended permit to ensure that the permittee employs the aforementioned mitigation and conservation measures to protect Bay water quality.

During the process of testing and characterizing sediments within the West Basin in 2009 and 2010, elevated levels of polyaromatic hydrocarbons (PAHs) were discovered in certain areas. A study of these suspected contaminants completed in March 2010 found that some of the test results were inconclusive and recommended that the permittee perform additional sampling and testing. The project will be constructed in phases. The San Francisco RPD will initiate construction activities for Phase I in areas where contaminated sediments are not present. Construction activities for Phases II and III in locations where significant contaminants could potentially be present will not be conducted until further testing is conducted and the Regional Board concurs that work can proceed in these areas. Special Condition II-C-7 is included in this amended permit to ensure that the permittee completes additional sampling and sediment analysis, as required in the RWOCB's Certification, prior to initiating work in areas where potential levels of significant contamination could exist.

For these reasons, the Commission finds that, as conditioned, the project is consistent with its policies on water quality.

B. F. **Subtidal Areas.** The Bay Plan Subtidal Areas Policy No. One states that "Any proposed filling or dredging project in a subtidal area should be thoroughly evaluated to determine the local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic plants; and (e) the Bay's bathymetry. Projects designed in subtidal areas should be designed to minimize, and if feasible, avoid harmful effects." Bay Plan Subtidal Areas Policy No. Two states "subtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g. eelgrass beds, sandy deep water or underwater pinnacles) should be conserved. Filling, changes in use, and dredging projects should only be allowed if: (a) there is no feasible alternative; and (b) the project provides substantial public benefit."

1. **Tidal Hydrology, Sediment Movement and Bay Bathymetry.** The marina's West Basin and entrance channel are dredged to maintain the marina's design depth of minus 12 feet MLLW. The Maintenance dredging authorized by the original permit will not change the tidal hydrology or sediment movement in this area more than the creation of the marina did in the early-1900s. The jetty was created to protect small recreational vessels from the high wave energy in the area and to direct sand transport away from the Marina's mouth. The permittee believes that sand is moving past the tip of the jetty and causing shoaling and encroachment in the entrance

channel. In recent years, a sand shoal has built up along the south side of the jetty extending into the berthing area of Golden Gate Yacht Club. As a result four docks were removed. The permittee believes that developing a sand trap outside the marina is a practical alternative to continual maintenance dredging of the marina entrance channel and will assure reliable depths for vessels entering the marina.

Technical experts in coastal processes and oceanography interviewed regarding this project agree that the general net sediment transport in this area is from west to east. They also agree that the likely regional sediment transport in this area includes sand moving in and out of the Bay north along Ocean Beach, in through the Golden Gate, east along Crissy Field, to the marina's jetty then away from the shoreline into Presidio Shoal, out through the Golden Gate, to the San Francisco Bar, and then south where the cycle begins again (*Sediment Transport Processes at Ocean Beach, San Francisco, CA*, R.T. Battalio & D. Trivedi). However, due to tides, currents, wind and storms, sediment transport in this area is considered extremely complex and the exact sediment transport pattern in the area adjacent to the marina is not well defined. Sediment transport monitoring at Crissy Field determined that approximately 25,000 to 40,000 cy of sand per year moves from the west past Crissy Field. The net transport rate along the Marina jetty is not known, but may be similar to Crissy Field.

In addition, the *San Francisco Marina Renovation Project Breakwater Improvement Study, San Francisco, CA*, a preliminary modeling effort prepared by Moffatt & Nichol for the City's marina renovation project provides some insight into the sediment transport in the area adjacent to the marina. The model is limited in that it was only run for three days. However, the modeling study is the best information for this area available to date and includes model runs with tides only, local seas only and local swells only. The results appear to indicate that the sediment transport direction moves away from the tip of the jetty to the northwest and to the northeast. The model depicts an extremely complex system with no clear determination that sand is traveling around the tip of the jetty and shoaling in the entrance channel. One model run does show significant deposition at the south side of the jetty, but without further information, no clear link can be made. The model also appears to suggest that the sand may be transported away from the jetty tip, but later enters the entrance channel through a different transport mechanism. Additional analysis of this area would help in determining the optimal location and size of the sand trap. Authorizing a modest sand trap with specific monitoring requirements would assist in determining the potential sediment transport link. Currently there is not enough data available to determine the precise optimal location or potential effectiveness of the proposed sand trap. Special Condition ~~H-F-1-b~~ II-G requires the permittee to provide additional studies identifying the best location, configuration and size for a sand trap designed to reduce shoaling at the entrance channel prior to creating the sand trap.

The USGS is currently performing additional sediment transport research in this area. The results of this research may provide additional information regarding sediment transport in this area. If this research identifies significant adverse impacts of this project, Special Condition ~~H-J~~ II-G requires the permittee to amend the project to minimize or eliminate the impacts or the authorization for the sand trap becomes null and void.

The maintenance dredging, ~~authorized by portion of the original project would~~ will return the project to the design depth of minus 12 feet MLLW. The sand trap ~~would~~ will deepen 1.88 acres to minus 50 feet MLLW. Monitoring will determine whether

deepening would affect other areas. If erosion to beach area or adjacent subtidal habitat appears to be linked to the sand trap, the pilot project would not be extended. Alternatively, if no such effects are detected, maintenance and monitoring of the sand trap may be extended for 10 years. Special Condition ~~II-F~~ and ~~II-J~~ II-G will provide additional information to assist the Commission in assessing the impacts of the sand trap and determining whether its continued authorization is appropriate.

2. **Fish and Other Aquatic Organisms, Aquatic Plants, and Invasive Species.** Dredging projects pose potential impacts to the organisms living in the vicinity of the project and those that use the dredging site as a foraging area or spawning grounds. The potential project impacts from the maintenance dredging and pilot sand trap work authorized by the original permit, described by the permittee and observed in other similar dredging projects include: (1) temporary increases in suspended sediment; (2) a temporary reduction of dissolved oxygen; (3) loss or disturbance of benthic communities; (4) reduced foraging; and (5) entrainment of sedentary infaunal organisms (clams, worms, crustaceans) and slow moving fish. These impacts are unavoidable in this type of project. It is unlikely that the project will impact aquatic vegetation because the marina has limited algae along the jetty, riprap and seawall, and because none of the areas to be dredged support aquatic plants.

NOAA Fisheries and the Department of Fish and Game (DFG) provided technical advice for this project. According to these resource agencies, limiting dredging to the environmental work windows would minimize the impacts to endangered species and species of special concern. Anticipated impacts to Essential Fish Habitat from the work authorized by the original project would be similar to those listed above and include loss of foraging area and prey items, as well change in habitat from shallow sandy bottom to a deep sandy habitat. In addition, increased project depth would decrease water temperature and decrease light penetration, which may in turn change species composition in the project area.

Impacts to native species from the work authorized by the original permit will be likely, though further minimized by the reduction in size of the revised sand trap from that originally proposed by the permittee. If the sand trap proves effective in reducing the amount of dredging in the marina entrance channel, dredging may be reduced over time. If the sand trap is not successful, this authorization for the sand trap would terminate after three years and dredging thereafter would be limited to the marina basin and entrance channel, thus reducing the area of dredging over time. Dredging of the marina would likely occur three times over a ten-year period, allowing some re-establishment of the benthic habitat and fauna during the periods without dredging. If the pilot phase of the sand trap results in reduced shoaling, the sand trap could be maintained every three years, thus allowing some benthic faunal community to re-establish within the sand trap during the life of this permit.

In April 2006, NOAA Fisheries listed the southern population of coastal and Central Valley green sturgeon as a threatened species. However, since that time NOAA Fisheries has not imposed "take prohibitions" or mitigation measures on dredging activities to provide protection to the green sturgeon. NOAA Fisheries has determined through development of the green sturgeon conservation plan that this project is within its critical habitat. It is possible, however, that during the ten-year term of the project, NOAA Fisheries will propose measures to protect the green sturgeon either through habitat conservation measures or other restrictions. At such time that specific protection measures are adopted for the green sturgeon, Special Condition ~~II-M~~ II-G requires the permittee to request an amendment to the permit to assure

permit consistency with endangered species protection. The condition further states that the permit becomes null and void if an amendment is not obtained. The equipment that will be used in the project is based in San Francisco Bay and, therefore, the project would not import new invasive species to the Bay.

No additional dredging work is authorized in Material Amendment No. Two. The project authorized in Material Amendment No. Two will disturb sediment in subtidal areas throughout the West Basin to shorten the West Mole, remove the pile-supported platform from the tip of the Scott Street Mole, construct a new sheetpile breakwater, and replace existing piles which anchor the boat docks. The shortening of the West Mole will result in an increase in the amount of subtidal area within the West Basin. The majority of the aforementioned construction activities will occur within an area which is currently authorized to be maintenance dredged on a regular basis as will not result in any additional impacts to subtidal habitat.

3. **Scarce Resource.** The sand trap, authorized by the original permit, would be constructed in sandy shallow and deep-water shoals. Sandy shoals are scarce in the Bay as a whole, and therefore, as required by the Bay Plan Subtidal Areas policies, should be conserved. The sand trap has been further reduced from the originally proposed 2.8 acres to 1.88 acres, partly to reduce the potential impacts to this habitat.

In the event that a connection to the shoaling in the entrance channel cannot be determined, the authorization for the sand trap will end. In the event that the sand trap causes significant erosion of adjacent beaches or subtidal areas, Special Condition II.G requires the permittee to restore the impacted areas to pre-project conditions. If the sand trap proves to be an effective means of reducing the shoaling inside the entrance channel, the authorization for maintenance of the sand trap can be administratively extended for the life of this permit.

The reduction of maintenance dredging within the marina would reduce costs to the City and County of San Francisco and potentially reduce in-Bay disposal at Alcatraz over time, and therefore is a public benefit. The permittee states that sand shoals have developed on the south side of the jetty and have begun to encroach on the marina's entrance channel. Operationally, it is more difficult and requires more equipment to have sand miners remove the sand from the entrance channel than to dredge the sand from an offshore sand trap. In addition, according to the permittee, the City would have to pay the sand miner or maintenance dredger to remove the sand from the entrance channel, which would eliminate the economic benefit from the proposed project.

There appears to be other potentially effective locations for the sand trap that have not been thoroughly evaluated. Special Conditions ~~II-F and II-I~~ II-G will identify the best location, configuration, and size for a sand trap, and likely provide additional information to assist in this project's future evaluation. Special Condition ~~II-F and II-J~~ II-G provide options for revising the project or voiding the authorization for sand trap if adverse impacts are identified.

For these reasons, the Commission finds this project consistent with the Bay Plan policies on subtidal areas and its policies on fish, other aquatic organisms and wildlife.

- ~~C. G.~~ **Dredging.** Bay Plan Dredging Policy No. One states, in part, that dredging and dredged material disposal should be conducted in an environmentally and economically sound manner. Bay Plan Dredging Policy No. Two states that "dredging [should] be authorized when the Commission can find: (a) the applicant has demonstrated that the dredging is needed to serve a water-oriented use or other important public purpose, such as navigational safety; (b) the materials to be dredged meet the water quality requirements

of the San Francisco Regional Water Quality Control Board; (c) important fisheries and Bay natural resources would be protected through seasonal restrictions established by the California Department of Fish and Game (CDFG), the U. S. Fish and Wildlife Service (USFWS), and/or the National Marine Fisheries Service (NOAA Fisheries), or through other appropriate measures; (d) the siting and design of the project will result in the minimum dredging volume necessary for the project; and (e) the material will be disposed of in accordance with Policy 3.”

1. **Water Oriented Use.** Section 66605 of the McAteer-Petris Act identifies water-oriented recreation as a water-oriented use. Section 66663 of the McAteer-Petris Act further states that “...because of the shallowness and high rate of sedimentation of the San Francisco Bay, dredging is essential to establish and maintain navigational channels for ... recreational boating and other public purposes.” The project authorized by the original permit involves maintenance dredging of a recreational marina with the disposal of dredged sediments at the state- and federally-authorized Alcatraz disposal site and a pilot sand trap project to reduce shoaling in the Marina’s entrance channel. Marinas and navigation channels leading to them are water-oriented recreational uses.
2. **Water Quality.** In addition to the Bay Plan dredging policies regarding water quality the Bay Plan Water Quality Policy No. Two states: “[w]ater quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the Regional Water Quality Control Board’s [Water Board] Basin Plan. The policies, recommendations, decisions, advice and authority of the State Water Resources Control Board and the Regional Water Quality Control Board (Water Board), should be the basis for carrying out the Commission’s water quality responsibilities.” On February 5, 2008, the Water Board issued a water quality certification for the proposed project. The water quality certificate covers the duration of the ten-year project. However, it requires individual certification for each maintenance dredging and disposal episode.

The sediment that would be removed in the initial maintenance dredging was tested and reviewed by the Dredged Materials Management Office (DMMO) Through the DMMO review, specific areas at the marina were found to contain elevated levels of polycyclic aromatic hydrocarbons (PAHs) or oils and greases. Sediment from these areas was determined unsuitable for in-Bay disposal. However, the majority of the sediment tested was deemed acceptable for disposal at the Alcatraz site. The DMMO recommendation and the Water Board’s water quality certification state that the sediments from the areas with elevated PAHs must be disposed at an appropriate location outside of the Bay. The applicant is researching disposal options for this sediment. Special Condition ~~II-D~~ II-G and the water quality certificate require that the permittee dispose of sediments determined by the DMMO to be unsuitable for in-Bay disposal at an appropriate location. This would prevent adverse effects from unsuitable dredged sediment disposal to the water quality of the Bay.

Special Condition II.A requires that the permittee provide water quality certification from the Water Board to the Commission for approval prior to the commencement of future dredging episodes. Special Condition ~~II-E.1.b~~ II-G requires that the permittee provide test results from sediment proposed for disposal to the Executive Director 45 days prior to disposal of any dredged sediment. Special Condition ~~II-E.2~~ II-G lists the criteria for obtaining Commission approval of dredging and in-Bay disposal. In the event that future sediment sampling results identify elevated levels of contaminants or toxicity, the DMMO will make a determination regarding the appropriate disposal site for the sediment. The Commission will review the

sediment test results as part of the DMMO, and will approve future episodes based in part on the DMMO's determination. This provision will prevent future unsuitable sediment from being disposed in-Bay.

After review of the San Francisco Marina's alternative disposal site analysis, the Commission staff determined, along with the LTMS partner agencies, that there was no feasible upland disposal site for the sand to be dredged under episode two, therefore, Amendment No. One authorizes up to 24,500 cy of sand at the Alcatraz disposal site. The additional of this volume of sediment does not exceed the monthly or annual Alcatraz disposal site target volumes, and is clean sandy material and therefore meets the Bay Plan policies on Dredging and Water Quality (Amendment No. One).

3. **Seasonal Restrictions.** The USFWS' and NOAA Fisheries' programmatic biological opinion for the LTMS Management Plan issued in 2000 included seasonal restrictions for maintenance dredging projects to protect threatened and endangered species. The CDFG concurred with the 2000 biological opinion and included restrictions on dredging to protect state species of special concern, such as the Pacific herring. According to the NOAA Fisheries' 2000 biological opinion and CDFG, the Sacramento River winter-run, Central Valley spring-run, Central Valley fall/late fall-run and Oregon/California Coastal Chinook salmon, Central Valley and Central California Coast steelhead trout and Pacific herring could be affected by this project. Therefore, based on the 2000 biological opinion and CDFG's recommendation, dredging at the San Francisco Marina would require adherence to the environmental work windows for dredging or additional consultation with these agencies. The environmental work window for this project is from June 1st through November 30th of any year. If the applicant proposes to dredge outside of this work window, Special Condition ~~II-B~~ II-G requires consultation with the resource agencies. The results of the consultation shall be provided to the Executive Director for review and approval prior to any dredging during a restricted period. The Executive Director will review the results of the consultation for consistency with Bay Plan policies prior to authorizing work during the restricted period.
4. **Minimize Dredging Volume.** In 1999, the Commission authorized the creation of a twenty-five foot deep, 10.6-acre sand trap to the northwest of the entrance channel of the West Basin. The originally authorized sand trap was not fully executed nor monitored, and therefore was abandoned in 2006. This authorization would allow the dredging of 25,000 cy of sand to create another pilot sand trap. The permittee has stated that dredging 25,000 cy to create a 1.88 acre sand trap is the minimum amount of dredging necessary to reduce shoaling in the marina entrance channel. If monitoring shows that the sand trap solves the shoaling problem without causing significant adverse impacts to adjacent subtidal habitat and beaches, the permit may be extended to increase the number of dredging episodes to maintain the sand trap. If a connection to the shoaling at the entrance channel is not found, the permittee would be authorized to maintain the entrance channel and West Basin only. The pilot phase is considered an experiment that may, depending on its effectiveness, reduce episodic dredging within the marina.

The permittee believes that the location and depth of the sand trap will limit sand entering the marina's entrance channel, and thereby reduce maintenance dredging at the entrance channel and the marina basin. To minimize the impact on sandy deep-water habitats, Special Condition ~~II-B and II-C~~ II-G minimize the dredging footprint, depth, and volume of authorized dredging to the smallest amount thought to be effective.

5. **Disposal in Accordance with Policy No. Three.** The Bay Plan Dredging Policy No. Three states in part, “dredged material should, if feasible, be reused or disposed outside the Bay and certain waterways.” In addition, it states, “...dredged material should not be disposed of in the Bay and certain waterways unless disposal outside these areas is infeasible and the Commission finds: (a) the volume to be disposed is consistent with the applicable dredger disposal allocations and disposal site limits adopted by the Commission by regulation;(b) disposal would be at a site designated by the Commission; (c) the quality of the material disposed is consistent with the advice of the Water Board and the inter-agency DMMO; and (d) the period of disposal is consistent with the advice of the CDFG, USFWS and the NOAA Fisheries.”

The LTMS Management Plan defines a small dredging project as a project that dredges less than or equal to an average of 50,000 cy annually, and has a maximum project depth of minus 12 feet MLLW. The marina maintenance dredging qualifies as a small dredging project. Previous staff analyses of alternative disposal sites available to small dredgers determined that disposal outside of the Bay or at an upland location is infeasible due to: (1) the necessity of using small, shallow draft scows; (2) limited upland disposal sites that can off-load sediment from small scows; (3) distance to upland facilities; (4) the necessity to comply with the environmental work windows; (5) the additional cost of upland disposal; and (6) the safety concerns of small scows disposing at the San Francisco Deep Ocean Disposal site. Therefore, disposal of the clean maintenance dredged material from the marina at the Alcatraz site is consistent with Bay Plan policies.

The new work dredging necessary to construct the sand trap is not considered to be a small dredging project due to its depth and volume. However, the sand removed from the sand trap and the entrance channel (EC1 and potentially EC2) will be placed at an upland location for subsequent reuse as a construction product, and therefore does not require additional analysis of disposal options.

Special Condition ~~H-E-1-b~~ II-G requires a written statement from the permittee prior to each episode that: (1) describes the quantity of dredged material to be disposed and the dates of disposal; (2) analyzes whether the volume proposed for disposal is consistent with in-Bay dredging allocations, if any; (3) describes the results of sediment testing; and (4) analyzes alternate disposal sites or confirms that the project still qualifies as a small dredging project. Special Condition ~~H-E-2~~ II-G requires Executive Director analysis of disposal options prior to approval of each dredging and disposal episode.

6. **Valid Title of Project Site.** A portion of the marina’s West Basin is located on State Lands Commission property. The State Lands Commission lease authorizes maintenance dredging of up to 104,000 cy of sediment with disposal at the Alcatraz disposal site and is valid through September 12, 2017. The Commission’s authorization includes 210,000 cy of maintenance dredging and disposal at Alcatraz over a ten-year period. If the Recreation and Parks Department chooses to dredge more than 104,000 cy from State Lands property during the life of this permit, an additional lease would be required. Special Condition ~~H-K~~ II-G requires the permittee to obtain and provide to the Executive Director a new lease prior to initiating maintenance dredging and disposal in excess of 104,000 cy from State Lands property. The subtidal areas where the entrance channel and sand trap are located are areas owned by the City and County of San Francisco.

For all the reasons listed above, the Commission finds that this project, as conditioned, is consistent with the Bay Plan policies on dredging and water quality.

⊖. H. Recreation. Bay Plan polices on recreation state, in part, that “D[iverse] and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities...” and “[r]ecreational facilities, such as waterfront parks, trails, marinas, live-aboard boats, non-motorized small boat access, fishing piers, launching lanes, and beaches, should be encouraged and allowed by the Commission, provided they are located, improved and managed [to]...be feasible from an engineering viewpoint...” In addition, these policies state, in part, that “marinas should include public amenities such as viewing areas, restrooms, public mooring docks, non-motorized small boat launch facilities, public parking, substantial physical and visual access, and maintenance for all facilities.”

The Bay Plan’s Recreation Policies further states: (1) Marinas should be allowed at any suitable site on the Bay. Unsuitable sites are those that tend to fill up rapidly with sediment and require frequent dredging; have insufficient upland; contain valuable tidal marsh, or tidal flat, or important subtidal areas; or are needed for other water-oriented priority uses....” “Sandy beaches should be preserved, enhanced, or restored for recreational use, such as swimming, consistent with wildlife protection...”

The San Francisco Marina was constructed in the 1930’s and the jetty was constructed in the 1950’s to protect small craft from strong waves created by the local conditions. The jetty was extended to the north in an effort to prevent sand from building up in the marina’s entrance channel. The marina supports an active recreational boating community. Sand transport in the area has provided a small, sandy beach (Last Chance Beach, located at the north side of the jetty) that has persisted over time. Last Chance Beach is used by wind surfers, other recreational users, and shorebirds, uses encouraged and supported by Bay Plan policies.

1. **Potential Impact to Adjacent Beaches.** After review of the originally proposed sand trap by technical experts, the permittee reduced the scope of the sand trap, and increased the scope of the monitoring. With these changes, the permittee’s consultant states impacts to Last Chance Beach would be minimized. The City’s consultant also states that due to the proximity of the dredging to Last Chance Beach, a closer examination of this issue would be valuable. Regarding impacts to other adjacent beaches, the applicant’s consultant noted that the next down-coast beach from the Marina is Aquatic Park, which is approximately one-half mile to the east. They believe that the sand trap has no potential to impact this beach because of the distance. In addition, Aquatic Park Beach is regularly groomed, moving 1,500 cy of sand from one end of the beach to another. Because the sand is moved, monitoring for potential impacts from the sand trap would be inconclusive. The permittee consultant notes that Crissy Field is up-current, and with west to east net sediment transport, the sand trap is not expected to impact Crissy Field. Special Condition ~~H.F.2~~ II-G requires monitoring of Last Chance Beach to determine if the sand trap causes erosion at this location. Special Condition II.G requires the permittee to restore the adjacent beach or subtidal habitat to its pre-project state if significant adverse impacts to this beach are identified as having arisen from sand trap construction.
2. **Beneficial Reuse of Sand.** Sand is a limited resource that some believe should be kept within the Bay sediment system. Crown Beach in Alameda, Coyote Point in San Mateo, and the dunes at Ocean Beach are potential sites for beach or dune nourishment. However, the sand trap concept is designed to reduce costs and potentially provide revenue to the Marina’s dredging program. Sand miners would remove the

sand from the sand trap at no cost and potentially provide a royalty to the City for the sand. If the Department were required to pay for the dredging of the sand trap, or placing the sand at beneficial reuse site, the economic incentive for this portion of the project would likely be eliminated. Therefore, this permit does not require the sand be used for beach or dune nourishment.

3. **Recreational Boat Marinas.** The project authorized by Material Amendment No. Two will renovate and upgrade an existing recreational boat marina. In addition, the project will create a new 600-square-foot hand boat launch and 950-square-foot guest dock that will be available for non-tenant use and will be ADA-accessible; these facilities, however, will be available to the general public at the marina's discretion in terms of hours of availability and, possibly, with a user fee attached.

The project authorized in Material Amendment No. Two will also result in the creation and/or improvement of public access on the West Mole where viewing the Bay will also be possible. Additionally, public bathrooms in the Harbormaster's building will be upgraded. Lastly, the floating breakwater will also serve as a temporary mooring facility, for example, by local sailing youth groups and visitors during larger events throughout the year (e.g., Opening of the Bay, Fleet Week).

4. **Marina Parking.** There are approximately 719 parking spaces in the immediate vicinity of the West Basin. Approximately, 206 of these spaces are reserved for tenants use on weekends and holidays. The marina renovation project will result in the loss of approximately 11 tenant parking spaces at the West Mole, and approximately four tenant parking spaces along Marina Boulevard to create new public access seating areas. The permittee also will convert approximately four tenant parking spaces to loading/unloading zones on Scott Street and at the northeastern corner of the Marina Green in order to provide tenants with the opportunity to more easily move equipment from their vehicles to their boats. The project will reduce the number of parking spaces in the immediate vicinity by 19. However, the project will not significantly impact parking at the site for either the public or tenants of the marina given the large number of remaining parking spaces.

With the conditions and safeguards provided above, the Commission has determined that the project is consistent with the Bay Plan policies on recreation.

E. I. **Review Boards**

1. **Engineering Criteria Review Board, and the Design Review Board.** The Commission's Engineering Criteria Review Board (ECRB) did not review the proposed maintenance dredging and sand trap creation authorized by the original project because it did not raise seismic or flooding issues. The ECRB also did not review the project authorized by Material Amendment No. One as the project did not propose the construction of any significant structures in the Bay that would raise seismic or flooding issues that pose a risk to human health or safety.
2. **Design Review Board.** The Design Review Board did not review the original project because it did not raise public access or view issues. The Design Review Board (DRB) reviewed the project authorized by Material Amendment No. on April 12, 2010 and on June 7, 2010. During their first review, the DRB commented that they liked the "working waterfront" aspect of the marina and did not want to see the appearance of the site significantly changed. The DRB stated that the proposed public access area on the West Mole would not be sufficient to offset the loss of the access on the Scott Street Mole (originally proposed to be entirely removed), and stated that views of the Bay from the Scott Street Mole are superior to those from the West Mole. The DRB also stated they liked the proposed benches within the grassy circle by the St.

Francis Yacht Club and seating areas along Marina Boulevard, which they requested be aligned with the ends of Broderick and Divisadero Streets. The DRB requested further analysis of the visual appearance of the floating breakwater.

At the second DRB meeting on June 7, 2010, in response to the DRB's initial comments, the applicant had modified the project to include a pedestrian pier atop the fixed sheet pile breakwater; create a new loading and unloading zone along the Scott Street seawall for marina tenants and realign the seating areas along Marina Boulevard to the ends of Broderick and Divisadero Streets. The applicant also presented its alternatives analysis for the size, location, and height of the proposed floating breakwater. The DRB stated that the floating breakwater may interrupt the open water view but would not spoil the view. The DRB expressed concern that the pedestrian pier on top of the sheet pile breakwater would not compensate for the loss of the Scott Street Mole and that the structure would be too narrow. The DRB reiterated its preference for a working waterfront feel at the marina, and its support for vehicles and the general public to co-exist on the West Mole. The DRB stated that it did not feel the loss of parking to create the proposed new public access areas would significantly affect the tenants given the large number of remaining parking spaces within the project area. In response to the DRB's comments, the applicant worked with Commission staff to retain the Scott Street Mole, eliminate the pedestrian pier on the top of the fixed breakwater, and redesign the proposed public access on the West Mole to allow for shared use by the public and by tenants' vehicles.

- F. I. **Environmental Review.** The maintenance dredging portion of the original project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15304(g). The Regional Board ~~has~~ filed a Notice of Exemption for the original project with the State Clearinghouse. On April 25, 2007, the City and County of San Francisco, as lead agency, published an addendum to the final negative declaration for the San Francisco Marina Maintenance Dredging Program adopted on May 18, 1999 in accordance with CEQA. The addendum addresses the reconfiguration and deepening of the sand trap (Area D), located on the Bayside of the North in the outer jetty, which was authorized by the original permit. The Regional Board ~~has~~ reviewed and considered the environmental documents and ~~has~~ determined that the project will not result in any significant adverse water quality impacts. However, the City's negative declaration did not analyze potential impacts to the green sturgeon, recreational uses, Last Chance Beach, or the subtidal habitat. The Commission's permitting process is functionally equivalent to the CEQA review process. The original permit, as conditioned included special conditions to ensure that the permittee will monitor for adverse impacts caused by the excavation of the pilot sand trap. If impacts to the beach or subtidal habitat occur, the permittee will be required to restore those impacted areas to pre-project conditions. If NOAA Fisheries provides conservation measures for endangered species, the permittee shall implement those measures or the permit will become null and void. Therefore, as conditioned ~~this~~ the original permit meets the requirements of CEQA.

For the project authorized by Material Amendment No. One, the San Francisco Planning Commission, acting as lead agency under the California Environmental Quality Act, prepared a Draft Environmental Impact Report (EIR) on behalf of the San Francisco RPD on September 6, 2005. The San Francisco Planning Commission certified the Final EIR on January 11, 2007. An appeal of the certification of the Final EIR was filed, and the Board of Supervisors overturned the appeal and upheld the EIR on March 20, 2007. Subsequently, the San Francisco RPD modified the project design to eliminate one of the proposed fixed rubble mound breakwaters and instead construct a floating breakwater,

lengthen the proposed fixed breakwater, remove less of the West Mole, increase the volume of proposed rip-rap, and increase the number of security gates. The San Francisco Planning Department issued an Addendum to the EIR on February 25, 2010, which found that "the analyses conducted and the conclusions reached in the FEIR certified on January 11, 2007, remain valid, and that no supplemental environmental review is required for the proposed project modification. Therefore, the project authorized by Material Amendment No. One has been determined to met the requirements of CEQA.

- G. **K. Surface Mining and Reclamation Act (SMARA).** On February 14, 2008, the State Mines and Geology Board approved the San Francisco Marina's proposed reclamation plan and financial assurances estimate for the removal and sale of sand from the proposed sand trap.
- L. **Permit History.** Theis original project involves maintenance dredging in the San Francisco Marina's West Basin and entrance channel over ten years. In addition, the original authorization includes a feasibility study for developing a permanent sand trap adjacent to the Marina's jetty. The sand trap is designed to remove sand from the near-shore sediment transport pathway prior to the sand entering the marina, depositing in a shoal adjacent to the marina's entrance channel and becoming a navigation hazard. This pilot project will create a 1.88 acre sand trap and monitor it for three years to determine potential adverse effects to adjacent beaches, and subtidal habitat and effectiveness in reducing shoaling in the marina's entrance channel. If successful, at the end of three years, the permittee may request additional dredging and maintenance of the sand trap through plan approval by or on behalf of the Commission. The project authorized by Material Amendment No. One involves the renovation of an existing recreational boat marina and the upgrading and/or creation of various public access improvements.
- H. **M. Conclusion.** For all the above reasons, the Commission finds, declares, and certifies that, subject to the Special Conditions stated herein, the project authorized herein is consistent with the *San Francisco Bay Plan*, the McAteer-Petris Act, the California Environmental Quality Act, the State Mining and Reclamation Act and the Commission's amended management program for the San Francisco Bay segment of the California coastal zone.

IV. Standard Conditions

- ~~A. This permit shall not take effect unless the permittee executes the original of this permit and returns it to the Commission within ten days after the date of the issuance of the permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.~~
- ~~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. The rights, duties, and obligations contained in this 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 permit, the permittee/transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director (*call for a copy of the form or download it from our website*). 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 permit 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 and conditions of the permit.~~

- ~~D. Unless otherwise provided in this permit, the terms and conditions of this permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.~~
- ~~E. Unless otherwise provided in this permit, any work authorized herein shall be completed within the time limits specified in this permit, or, if no time limits are specified in the permit, within three years. If the work is not completed by the date specified in the permit, or, if no date is specified, within ten years from the date of the permit, the permit shall become null and void. If a permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this 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.~~
- ~~F. 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 permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.~~
- ~~G. Work must be performed in the precise manner and at the precise locations indicated in the application, as such may have been modified by the terms of the permit and any plans approved in writing by or on behalf of the Commission.~~
- ~~H. 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.~~
- ~~I. Unless otherwise provided in this permit, all the terms and conditions of this permit shall remain effective for so long as the permit remains in effect or for so long as any use or construction authorized by this permit exists, whichever is longer.~~
- ~~J. 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 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 permit.~~
- ~~K. 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 permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.~~
- ~~L. This permit reflects the location of the shoreline of San Francisco Bay when the permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this permit does not guarantee that the Commission's jurisdiction will not change in the future.~~
- ~~M. Except as otherwise noted, violation of any of the terms of this permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the permit has been effectively assigned. If the permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this permit shall be removed by the permittee or its assignee if the permit has been assigned.~~

- ~~N. Unless the Commission directs otherwise, this permit shall become null and void if any term, standard condition, or special condition of this permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this permit becomes null and void, any fill or structures placed in reliance on this permit shall be subject to removal by the permittee or its assignee if the 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.~~
- ~~O. The permittee shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24 hour notice.~~
- A. **Permit Execution.** This amended permit shall not take effect unless the permittee executes the original of this amended permit and returns it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.
- B. **Notice of Completion.** The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.
- C. **Permit Assignment.** The rights, duties, and obligations contained in this amended permit are assignable. When the permittee transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this amended permit, the permittee/transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the amended permit and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the amended permit.
- D. **Permit Runs With the Land.** Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.
- E. **Other Government Approvals.** All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.
- F. **Built Project must be Consistent with Application.** Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.

- G. Life of Authorization.** Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.
- H. Commission Jurisdiction.** Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the amended permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.
- I. Changes to the Commission's Jurisdiction as a Result of Natural Processes.** This amended permit reflects the location of the shoreline of San Francisco Bay when the permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this amended permit does not guarantee that the Commission's jurisdiction will not change in the future.
- J. Violation of Permit May Lead to Permit Revocation.** Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the amended permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee or its assignee if the amended permit has been assigned.
- K. Should Permit Conditions Be Found to be Illegal or Unenforceable.** Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee or its assignee if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.
- L. Permission to Conduct Site Visit.** The permittee shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.