

# San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | [info@bcdc.ca.gov](mailto:info@bcdc.ca.gov) | [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

[DATE]

Dear BCDC Permit Holder:

**ATTENTION:** \_\_\_\_\_; <EmailAddress>

**SUBJECT: BCDC Regionwide Permit No. RWP-9  
(Notice of Intent to Proceed No. NOI-\_\_)**

Ladies and Gentlemen:

Enclosed please find Regionwide Permit No. RWP-9, executed by the Executive Director. I am issuing this regionwide permit to you for \_\_\_\_\_ at \_\_\_\_\_, as requested by your Notice of Intent to Proceed under regionwide permit dated \_\_\_\_\_, including its accompanying exhibits, any subsequent additions or changes, and as modified by the conditions of this regionwide permit.

You must (1) **complete**<sup>1</sup> the acknowledgment section of the regionwide permit, which indicates that you have read and that you agree to all of the terms and conditions of the regionwide permit, and (2) **return** that entire regionwide permit to the Commission within 14 days.

Please understand that this permit authorizes you to perform only the work described in your Notice of Intent to Proceed under the regionwide permit, and no more. In addition, **no** work may commence on the project until the regionwide permit is executed and returned to the Commission. Until the Commission receives the executed regionwide permit, the \_\_\_\_\_ does not have the necessary authorization for the work authorized under the permit. The commencement of any work within the Commission's jurisdiction without the necessary authorization from the Commission is a violation of the McAteer-Petris Act and could subject you to substantial fines and/or civil penalties. If you have any questions concerning the regionwide permit or the procedure outlined above, please contact me at 415/352-36\_\_ or \_\_\_\_\_@bcdc.ca.gov.

Very truly yours,

ANALYST  
(Coastal Program Analyst)

/  
Enc.

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch  
San Francisco Bay Regional Water Quality Control Board,  
Attn: Certification Section  
Environmental Protection Agency  
[CITY OR COUNTY PLANNING DEPT.]

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<sup>1</sup> For your convenience, you will receive an email copy of the regionwide permit via DocuSign for your acknowledgement and e-signature.



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**REGIONWIDE PERMIT NO. RWP-9  
(As Amended Through September 2, 2021)  
(Temporary live-aboard limit increases for  
Richardson Bay and Tiburon Peninsula Marinas to  
provide affordable slips for boats illegally  
anchored in Richardson Bay on or before August  
2019)  
NOTICE OF INTENT TO PROCEED NO. NOIxxxx.xxx.xx**

[DATE]

On September 2, 2021, the San Francisco Bay Conservation and Development Commission, by a vote of \_\_\_ affirmative, \_ negative, and \_ abstentions, approved the issuance of this Regionwide Permit, upon which your authorization is based:

## I. Authorization

### LOCATION:

Marinas in Richardson Bay and the Tiburon Peninsula  
in compliance with existing BCDC Permit(s):

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### DESCRIPTION:

Adds a grand total of 20 additional live-aboard slips, all for affordable use, across all marinas applying for this permit.

### A. In the Bay:

1. Add \_\_\_/20 (no more than 20 total additional live-aboard slips across all authorizations under this Regionwide Permit) affordable live-aboard slips on a temporary basis at \_\_\_\_\_. Permit No. \_\_\_\_\_ authorized \_\_\_\_\_ to use \_\_\_% of its slips for live-aboard use. Therefore, this authorization increases the live-aboard authorization from \_\_\_ slips at this location to \_\_\_ for the duration of this Regionwide Permit.

- a. This authority is limited to activities voluntarily undertaken at a BCDC permitted marina in Richardson Bay and the Tiburon Peninsula with no outstanding permit violations and that does not adversely impact: (1) the Bay; (2) Bay resources such as those that are scarce or have an abundance and diversity of fish, other aquatic organisms or wildlife (such as tidal marshes or eelgrass beds); and (3) existing or possible future visual or physical public



access to and along the Bay from public access areas, roads and pathways. This authority is generally pursuant to and limited by your Notice of Intent to Proceed under a Regionwide Permit dated \_\_\_\_\_, including its accompanying exhibits, any subsequent additions or modifications, and all conditions of this Regionwide Permit.

- b. Slips authorized for live-aboard use by pre-existing BCDC Permit(s) No(s). \_\_\_\_\_ are subject to the terms and conditions in that/those permit(s).
- c. Slips authorized for live-aboard use for the first time by this Regionwide Permit must comply with the terms and conditions of pre-existing BCDC permit(s) and the terms and conditions specified in this Regionwide Permit.
  1. Slips authorized for live-aboard use solely by this Regionwide Permit must be dedicated and occupied by eligible boats and/or their occupants, as defined in this Regionwide Permit's Special Conditions, within 180 days of the date of the transmittal of this Regionwide Permit by the Executive Director to you or the authorization will lapse and become null and void.
  2. This authorization becomes null and void on October 15, 2027. Extensions may be granted by the Executive Director, but only if the Richardson's Bay Regional Agency is in substantial compliance with the San Francisco Bay Plan, the Richardson Bay Special Area Plan, and any BCDC enforcement orders and/or agreements, but in no case shall the authorization provided by this Regionwide Permit be maintained or extended after October 15, 2030.

## II. Special Conditions

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

### A. Live-Aboard Boat Slip Use

1. **Live-Aboard Boats.** Live-aboard boats authorized to be moored in the marina pursuant to Section I.A.1.c. of this Regionwide Permit shall be enrolled in, or meet the requirements established by, the RBRA's Safe and Seaworthy Program, and shall also be occupied as a residence as that term is defined in California Government Code Section 244;
2. **Adequate Facilities.** The permittee shall provide occupants of the live-aboard boats convenient bathrooms, parking, showers, garbage disposal facilities, and boat sewage pump-out facilities. These facilities shall be maintained in a safe and sanitary condition;

3. **Tidal Circulation.** Adequate tidal circulation shall be maintained in the marina;
4. **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;
5. **Berthing Agreement.** Prior to occupation of any slip authorized for live-aboard use under Section I.A.1.c. of this Regionwide Permit, the permittee shall submit for review and approval by or on behalf of the Commission a proposed berthing agreement for such authorized slip. The berthing agreement shall define live-aboard boat as provided in this agreement, demonstrate the slip has been designated affordable, limit use of the slips to boats and/or occupants of boats illegally anchored in Richardson Bay on or before August 2019, require boats be enrolled in, or meet the requirements established by, RBRA's Safe and Seaworthy Program at all times the slip is occupied, and specify that occupancy of the slip beyond October 26, 2027 will not be allowed;
6. **Termination of Authorized Live-Aboard Use.** Failure to comply with any of the special conditions at any time after the issuance of this Regionwide Permit may result in the Executive Director pursuing any or all of the enforcement remedies in Chapter 13 of the Commission's Regulations, including, but not limited to, revocation of this permit.

#### B. Use of Marine Toilets

1. The permittee shall make it a requirement of the use or occupancy of any slip authorized for live-aboard use by Section I.A.1.c. of this Regionwide Permit that any boat, if equipped with a marine toilet (head), shall contain an adequate holding tank, incinerator, recirculation device, or other equivalent device approved by or on behalf of the Environmental Protection Agency and the United States Coast Guard that would receive and retain sewage from the boat's head to preclude discharge of sewage or chemicals into the waters of the marina; or have the marine toilet rendered inoperable while any such boat is moored in the marina. The permittee shall require that marine toilets of boats without holding tanks or equivalent devices are, in fact, rendered inoperable at all times when the boats are moored in the marina by regularly inspecting these boats;
2. The permittee shall make it a requirement of the use or occupancy of any slip authorized for live-aboard use under Section I.A.1.c. of this Regionwide Permit that any dumping of solid or liquid waste into San Francisco Bay is forbidden and any such dumping shall be cause for immediate cancellation of the right of such use or occupancy and shall be reported to all appropriate authorities; and

3. The Commission specifically reserves the right, in the event of repeated or serious problems with dumping of sewage from boats into the Bay within the marina, to require, in addition to the above, either that shoreside sewer connections be provided for each offending boat slip and that said boat be connected to said sewer whenever moored in the marina or, in the alternative, that the permittee, upon written demand of or on behalf of the Commission, shall permanently remove or cause to have removed said offending boat or boats from the marina.
- C. **Sewage Facilities.** The permittee shall install and maintain a convenience facility for the pumping out of boat holding tanks and the disposal of sewage from portable toilets into shoreside sewers.
  - D. **Permittee's Responsibility to Enforce.** The permittee shall permanently, continuously and fully enforce, through lease provisions, monitoring, notices, education and other appropriate measures, all requirements imposed by this Regionwide Permit. The permittee shall submit to the Commission's staff the name, address and telephone number of the person who is responsible at the marina for requiring that the Berthing Agreement and the special condition are enforced.

### III. Findings and Declarations

The Commission hereby finds, declares, and certifies that:

- A. The use of recreational boat slips by live-aboard boats is generally inconsistent with the requirements of the McAteer-Petris Act, the provisions of the San Francisco Bay Plan, and the public trust, in part, because live-aboard boats constitute a residential use and are not a water-oriented use, and residential uses in the Bay generally have an alternative upland location.
- B. A "live-aboard boat" as defined by Commission Regulation Section 10128, is "a boat that is not a transient boat, that is capable of being used for active self-propelled navigation, and that is occupied as a residence as that term is defined in the California Government Code Section 244." As described in the Bay Plan policies on Recreation, live-aboard boats are "...designed and used for active navigation but are distinguished from other navigable boats in that they are also used as a primary place of residence. Although residential use is neither a water-oriented nor a public trust use, live-aboard boats can be converted easily to a navigable, recreational use and, when properly located within a recreational boat marina, can provide a degree of security to the marina."
- C. However, the San Francisco Bay Plan Policies on Recreation provide that live-aboard boat use at a recreational marina may be authorized by the Commission in marinas if:

- (1) The number would not exceed ten percent of the total authorized boat berths unless the applicant can demonstrate clearly that a greater number of live-aboard boats is necessary to provide security or other use incidental to the marina use;
- (2) The boats would promote and further the recreational boating use of the marina (for example, providing a degree of security), and are located within the marina consistent with such purpose.”

This exception to the general prohibition on live-aboard boat slips exists because, although live-aboard boats are not a water-oriented use and are not consistent with the public trust, live-aboard boats can be allowed where the use is incidental to a proper public trust use in the area and in furtherance of a statewide purpose.

- D. Consistency with Live-Aboard Policies.** The Commission has determined that the limited and temporary increase of live-aboard slips authorized by this Regionwide Permit for affordable use for boats and/or their occupants illegally anchored on Richardson Bay during RBRA’s August 2019 vessel survey provides incidental benefits to marina use. To ensure the permittee complies with and does not exceed the level of authorization provided, Special Condition II.A.1 provides for and defines live-aboard boats and requires that all live-aboard boats be capable of self-navigation, a condition of the RBRA’s Safe and Seaworthy Program. Special Condition II.A.5 is included to ensure that the live-aboard boats do not exceed the 20 total approved across all marinas for the duration of this Regionwide Permit, and also requires the permittee to submit the proposed berthing agreement for approval, to ensure the definition of live-aboards used by the permittee is consistent with the definition in the Commission’s regulations and to ensure live-aboard use is consistent with the policies in the Bay Plan.
- E. Benefits to Uses Incidental to Marina Use: Increasing Surface Area of the Bay.** The incidental benefits to marina use provided by this authorization include removing fill from Richardson Bay that creates recreational impediments for boats using the marina. Residential use of Richardson Bay is not a water-oriented or public trust use, and anchor-out live-aboard boats are fill that is inconsistent with the San Francisco Bay Plan and the Richardson Bay Special Area Plan. Under current conditions, a significant number of illegally anchored boats are occupying waters in Richardson Bay, which precludes these areas from being used for recreational activities incidental to the use of Richardson Bay and Tiburon Peninsula marinas. By moving illegally anchored boats from Richardson Bay’s waters to marina slips on a temporary basis until they can be moved onshore will, under the terms of this Regionwide Permit, result in a net increase in the Bay’s open water surface area available to marina users for recreational opportunities.
- F. Benefits to Uses Incidental to Marina Use: Reduced Navigation Hazards.** The incidental benefits also include removing fill from Richardson Bay that creates navigational hazards



for Richardson Bay marina users. Illegally anchored boats in Richardson Bay are in poor condition, do not have standard anchoring equipment, and/or are incapable of self-navigation. During past storm events such boats became unmoored and drifted across the anchorage, causing navigational hazards. Other boats have been classified as marine debris due to their deteriorating condition, and others have sunk or become grounded due to inadequate maintenance or equipment failures. Each instance creates navigational hazards to recreational marina users in these locations. Moving these illegally anchored boats from Richardson Bay's waters to marina slips on a temporary basis until they can be moved onshore will, under the terms of this Regionwide Permit, result in a net reduction in navigation hazards in Richardson Bay, improving the navigability of the Bay.

**G. Benefits to Uses Incidental to Marina Use: Fishing and Fisheries Productivity.** The incidental benefits also include the protection of eelgrass habitats in Richardson Bay. Eelgrass habitat is an important resource for the Bay's health and ecology. Eelgrass beds, rare in San Francisco Bay, flourish in Richardson Bay and provide a major source of detritus, a primary food source in the Bay ecological food chain. It provides habitat for many species, including many fish species including herring, an important commercial fish which attach their eggs to the eelgrass leaves during the spawning season. The herring and herring eggs are also very important sources of food for other wildlife, such as sport fish. Because fishing is an established recreational activity incidental to marina use, protecting eelgrass in Richardson Bay is critical to an incidental marina use. Eelgrass in Richardson Bay has been substantially damaged by illegally anchored boats, reducing the ability for Richardson Bay's eelgrass to support fishing and other recreational pursuits of marina users. Moving these illegally anchored boats from Richardson Bay's waters to marina slips on a temporary basis until they can be moved onshore will, under the terms of this Regionwide permit, result in a net improvement in eelgrass conditions necessary to support recreational fishing on Richardson Bay, improving access to recreational Bay activities for marina users.

**H. Permit Compliance and Benefit Assurances.** To ensure that the increase in authorized live-aboard slips provided by this Regionwide Permit creates these benefits, the Berthing Agreement required by Special Condition II.A.5 must contain several provisions that ensure the slips will only be occupied by boats that were harming eelgrass, impairing recreational opportunities, and causing navigation hazards by anchoring illegally in Richardson Bay on or before the RBRA vessel survey in August 2019. For example, the permittee must demonstrate that the live-aboard slips authorized by this agreement have been designated affordable, because many of the illegally anchored boat occupants are impoverished and cannot afford standard slip rates. The permittee must also verify that the individuals occupying these affordable slips were in fact illegally anchored in Richardson Bay on or before the August 2019 RBRA vessel survey; that the live-aboard

boat is enrolled in or meets the requirements of RBRA's Safe and Seaworthy Program; and that the occupant understands that the authorization in this Regionwide Permit is temporary, ending on October 15, 2027. Special Condition II.D is included to ensure the permittee enforces all requirements related to this Regionwide Permit authorization, including the requirements of the agreement required by Special Condition II.A.5. As conditioned, the use authorization provided by this Regionwide Permit is consistent with the requirements of the McAteer-Petris Act and the San Francisco Bay Plan.

- I. Consistency with Bay Plan Recreation and Resource Protection Policies.** In addition, this Regionwide Permit ensures other Bay Plan policies relating to marinas are implemented during the term of this live-aboard use authorization. Marinas applying for this use authorization must contain adequate marina amenities consistent with the Recreation Policies of the Bay Plan including showers, restrooms, trash disposal, and a sewage pump-out. Special Condition II.A.5 is included to ensure the permittee operates the marina in a manner consistent with the Recreation Policies of the Bay Plan related to live-aboard boats. The marina includes enough parking spaces to accommodate the live-aboard boat increases while servicing existing marina boats, recreational boaters, and other members of the public. The marina includes an on-site pump-out and will incorporate management practices for sewage and marine water. Moreover, Special Condition II.A.2., II.A.3., II.A.4., II.B., and II.C. are included to ensure the live-aboard boat slips provide these recreational benefits in a manner that protects Bay resources.
- J. Consistency with Commission Regulations.** The use authorized by this Regionwide Permit has been determined to have no substantial impact on areas within the Commission's McAteer-Petris Act jurisdiction as required by Commission regulation §11700, because it will result in a net increase in the Bay's surface water area and reduce recreational impediments and navigational hazards in Richardson Bay. This use authorization has also been determined to be a minor repair or improvement under §10601(e)(3), because it will have no greater adverse impact on the Bay than expanding an existing marina by 20,000 square feet, defined as a minor repair or improvement in §10601(a)(1).
- K. Consistency with McAteer-Petris Act, San Francisco Bay Plan, and Richardson Bay Special Area Plan.** The use authorized by this permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan the Richardson Bay Special Area Plan in that it will not adversely affect the Bay nor public access to and enjoyment of the Bay, and it will result in the elimination of illegally anchored boats in Richardson Bay. Special conditions have been included to assure that uses will not adversely affect the Bay's natural resources, water quality or navigation and that any use that adversely impacts the Bay's natural resources, water quality, or poses a navigation hazard, as specified by the San Francisco Bay Plan and Richardson Bay Special Area Plan policies on fish, other



aquatic organisms, and wildlife, tidal marshes and tidal flats, water quality, and navigational safety, will not be authorized by this Regionwide Permit. This Regionwide Permit is also consistent with Government Code Section 66632(f) because the elimination of fill causing navigational, recreational, and ecological impacts to Richardson Bay is necessary to the health, safety or welfare of the public in the entire Bay Area. Richardson Bay is an area of regional importance, and subject to a Special Area Plan. Compliance with the Special Area Plan is essential to preserve this regionally important area for all members of public, including the recreational, navigational, and ecological values of Richardson Bay. Specifically, this Regionwide Permit will improve the safety and welfare of the public by reducing navigational impacts and hazards facing the public by illegally anchored boats, and will improve the health and welfare of the public by removing illegally anchored boats from Richardson Bay, making these areas available for recreational pursuits necessary for the public's health and welfare.

- L. Consistency with Coastal Zone Management Act.** The activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.
- M. Consistency with California Environmental Quality Act.** California Public Resources Code Section 21084 provides that the California Environmental Quality Act (CEQA) guidelines shall include a list of classes of projects that have been determined not to have a substantial adverse impact on the environment and are therefore exempt from the requirements of CEQA. This list of "categorical exemptions" is located at 14 California Administrative Code Sections 15300 through 15329. Section 15303 (Class 3) exempts the conversion of small structures from one use to another where only minor modifications are made to the exterior of the structure. Section 15304(e) (Class 4) exempts minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc. The Commission's own regulations provide that the Commission need not prepare an environmental assessment before it issues a permit for a project that falls within the list of categorically exempt activities (14 Cal. Admin. Code Section 11501). This Regionwide Permit is therefore categorically exempt because it authorizes only temporary uses on a minor portion of San Francisco Bay that has negligible or no permanent effects on the environment. It is also categorically exempt because it involves converting structures causing fill in Richardson Bay to live-aboard boats, with only minor exterior changes to ensure the boats comply with RBRA's Safe and Seaworthy requirements.
- N. Enforcement Program and Civil Penalties.** The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the

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

#### IV. Standard Conditions

- A. **Permit Execution.** This Regionwide Permit shall not take effect unless the permittee(s) executes the original of this Regionwide Permit and returns it to the Commission within 14 days after the date of the issuance of the Regionwide Permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.
- B. **Permit Assignment.** The rights, duties, and obligations contained in this Regionwide Permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this Regionwide Permit, the permittee(s)/transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the Regionwide Permit and agrees to be bound by the terms and conditions of the Regionwide Permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the Regionwide Permit.
- C. **Permit Runs with the Land.** Unless otherwise provided in this Regionwide Permit, the terms and conditions of this Regionwide Permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.
- D. **Other Government Approvals.** All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the United States Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This Regionwide Permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.
- E. **Built Project must be Consistent with Application.** Work must be performed in the precise manner and at the precise locations indicated in your application, as such may

have been modified by the terms of the Regionwide Permit and any plans approved in writing by or on behalf of the Commission.

- F. Life of Authorization.** Unless otherwise provided in this Regionwide Permit, all the terms and conditions of this Regionwide Permit shall remain effective for so long as the Regionwide Permit remains in effect or for so long as any use or construction authorized by this Regionwide Permit exists, whichever is longer.
- G. Commission Jurisdiction.** Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the Regionwide Permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this Regionwide Permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this Regionwide Permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.
- H. Changes to the Commission's Jurisdiction as a Result of Natural Processes.** This Regionwide Permit reflects the location of the shoreline of San Francisco Bay when the Regionwide Permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this Regionwide Permit does not guarantee that the Commission's jurisdiction will not change in the future.
- I. Violation of Permit May Lead to Permit Revocation.** Except as otherwise noted, violation of any of the terms of this Regionwide Permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee if the permit has been effectively assigned. If the Regionwide Permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this Regionwide Permit shall be removed by the permittee(s) or its assignee if the Regionwide Permit has been assigned.
- J. Should Permit Conditions Be Found to be Illegal or Unenforceable.** Unless the Commission directs otherwise, this Regionwide Permit shall become null and void if any term, standard condition, or special condition of this Regionwide Permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this Regionwide Permit becomes null and void, any fill or structures placed in reliance on this Regionwide Permit shall be subject to removal by the permittee(s) or its assignee if the Regionwide Permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized

shall be terminated to the extent that the Commission determines that such uses should be terminated.

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

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

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

By: \_\_\_\_\_  
BRAD McCREA  
Regulatory Program Director

BM/xx/xx

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

\* \* \* \* \*

**Receipt acknowledged, contents understood and agreed to:**

Executed at \_\_\_\_\_

\_\_\_\_\_  
**Permittee**

On \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
**Print Name and Title**