

Integrated Mosquito and Vector
Management Program Plan

APPENDIX

R

5-YEAR REGIONAL PERMIT



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

NOV 21 2016

Regulatory Division

SUBJECT: File Number 2007-400304S

Kerry A. Padgett, Ph.D.
Supervising Public Health Biologist
California Department of Public Health
Division of Communicable Disease Control
Vector Borne Disease Section
850 Marina Bay Parkway
Richmond, California 94804

Dear Ms. Padgett:


Enclosed is your signed copy of a Department of the Army Regional General Permit 4 for the maintenance of existing water circulation ditches and channels for the purpose of mosquito abatement in tidal marshes (Enclosure 1).

You are responsible for ensuring that the contractor or workers executing the activity authorized herein are knowledgeable of the terms and conditions of this authorization.

Should you have any questions regarding this matter, please call Mr. Jim Mazza of our Regulatory Division at (415) 503-6775. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at <http://www.spn.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Morrow".

 John C. Morrow
Lieutenant Colonel, US Army
District Engineer

Enclosures

Copy Furnished (w/encl 1 only):

US EPA, San Francisco, CA
US FWS, Sacramento, CA
US NMFS, Santa Rosa, CA
CA DFW, Yountville, CA
CA RWQCB, Oakland, CA
SF BCDC, San Francisco, CA



**DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398**

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NUMBER 4
FOR
MOSQUITO ABATEMENT ACTIVITIES**

SPONSOR: California Department of Public Health

PERMIT NUMBER: Regional General Permit (RGP) No. 4 (Corps File No. 400304S)

PERMITTEES: Public Vector Control Agencies

ISSUING OFFICE: San Francisco District

NOTE. The term "you" and its derivatives, as used in this permit, means the permittee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

Authorized work:

- 1. Maintenance (but not construction) of currently serviceable water circulation ditches. Maintenance does not include any modification that changes the character, scope, or size of the original ditch.**
- 2. Sidecasting of fill incidental to the removal of debris, weeds, and emergent vegetation in natural channels where normal water circulation is impeded such that mosquito breeding can occur.**
- 3. Filling of existing, nonfunctional water circulation ditches to the extent necessary to achieve the required water circulation dynamics and restore ditched wetlands.**

Permit Conditions:

General Conditions:

- 1. The time limit for completing the work authorized ends on February 1, 2022. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.**
- 2. Equipment. Staging areas shall be on upland sites if available. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance (e.g., use of low ground pressure vehicles).**
- 3. Suitable material. No discharge of dredged or fill material into the waters of the United States may consist of unsuitable material (e.g., trash) and material discharged must be free of toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).**
- 4. Discharges of dredged or fill material into the waters of the United States must be minimized or avoided to the maximum extent possible at the project site.**
- 5. Work authorized under this regional permit shall be conducted whenever possible during the period of 1 August through 31 January.**

6. No activity authorized under this permit may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area. In waterbodies which support anadromous fish, work shall be conducted during the period 1 July through 30 September.
7. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
8. For your convenience, a copy of the water quality certification or waiver is attached. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
9. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. No work shall be performed in tidal marshes of San Francisco Bay, San Pablo Bay, and western Suisun Bay (west of Grizzly Bay) between 1 February and 1 September, the breeding season of the California clapper rail. Specific areas of tidal marsh which have been determined in writing by the USFWS to provide no suitable habitat for the California clapper rail may be conditionally excluded from this prohibition.
2. To remain exempt from the prohibitions of Section 9 of the Endangered Species Act, the non-discretionary Terms and Conditions for incidental take of federally-listed Species shall be fully implemented as stipulated in the USFWS issued Biological Opinion entitled, "*Biological Opinion for the Continued Maintenance of Existing Water Circulation Ditches for the Purpose of Mosquito Abatement in Tidal Marshes for Alameda, Napa, Marin, Solano, San Mateo and Sonoma Counties, California,*" (pages 10-12) dated August 29, 2016. Project authorization under this permit is conditional upon compliance with the mandatory terms and conditions associated with incidental take. Failure to comply with the terms and conditions for incidental take, where a take of a federally-listed species occurs, would constitute an unauthorized take and non-compliance with the authorization for your project. The USFWS is, however, the authoritative federal agency for determining compliance with the incidental take statement and for initiating appropriate enforcement actions or penalties under the Endangered Species Act.
3. The USFWS and NMFS concurred with the determination that the project was not likely to adversely affect California seablite, delta smelt, California least tern, western snowy plover, Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook Salmon, Central California coast steelhead, California Central valley steelhead, and North American green sturgeon southern DPS. These concurrences were premised, in part, on project work restrictions outlined in enclosure 1. These work restrictions are incorporated as special conditions to this authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
4. No spoils sidecast adjacent to circulation ditches shall exceed 8 inches in relief above the marsh plain after dewatering. Sidecast spoil lines exceeding 4 inches in height above the marsh plain shall extend no more than 6 feet from the nearest ditch margin. Any spoils in excess of these dimensions shall be either hydraulically re-dispersed on site, or removed to designated upland sites, out of Corps jurisdiction. Sidecast spoil lines shall be breached at appropriate intervals to prevent local impediments to water circulation.
5. A work plan for each year's proposed maintenance activities shall be submitted to the Corps, USFWS, and CDFW no later than 1 July of each year. The Corps will provide notification within 30 days if any of the proposed work is determined to have more than minimal adverse impacts, after consideration of any proposed

mitigation, and is therefore not authorized by this permit. The work plan shall include a delineation of all proposed ditching overlain on topographic maps at a minimum 1" = 1000' scale, with accompanying vicinity maps and GPS coordinates (degree decimal format) denoting the center point of each site. The plan shall also indicate the dominant vegetation of the site, based on subjective estimates; the length and width of the ditches to be maintained, cleared or filled, and; the estimated date the work will be carried out. A report of the actual work done in the previous year shall be included with the work plan.

6. If the review of the proposed work plan by the Corps, USFWS or CDFW determines the proposed maintenance is likely to destroy or damage substantial amounts of shrubby or sub-shrubby vegetation (e.g., coyote brush, gumplant) on old sidecast spoils, the permittee will be notified to provide a quantitative estimate of the extent and quality of the vegetation, and a revegetation plan for the impacted species prepared by a biologist/botanist with expertise in marsh vegetation. The Corps approved revegetation plan shall be implemented prior to 1 April of the year following the impacts.
7. In marshes which contain populations of invasive nonnative vegetation such as *Lepidium latifolium* or introduced species of *spartina*, sidecast spoils shall be surveyed for the frequency of establishment of these species during the first growing season following the deposition of the spoils. The results of the surveys shall be reported to the Corps, USFWS and CDFW. If it is determined the sidecasting of spoils have resulted in a substantial increase in the distribution or abundance of the nonnative vegetation which is detrimental to the marsh, the permittee shall implement appropriate abatement measures after consultation with the Corps, US WS and CDFW.

FURTHER INFORMATION:

1. Congressional Authorities: Activities are authorized by this RGP pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization:

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information provided by the applicant.


5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. The permittee fails to comply with the terms and conditions of this permit.
- b. The information provided by an applicant in support of a permit application proves to have been false,

- incomplete, or inaccurate. See Item 4 above.
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring a permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate. Permittees will be required to pay for any corrective measures ordered by this office, and if they fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill permittees for the cost.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



John C. Morrow
Lieutenant Colonel, US Army
District Engineer

18 Nov 2016

Date

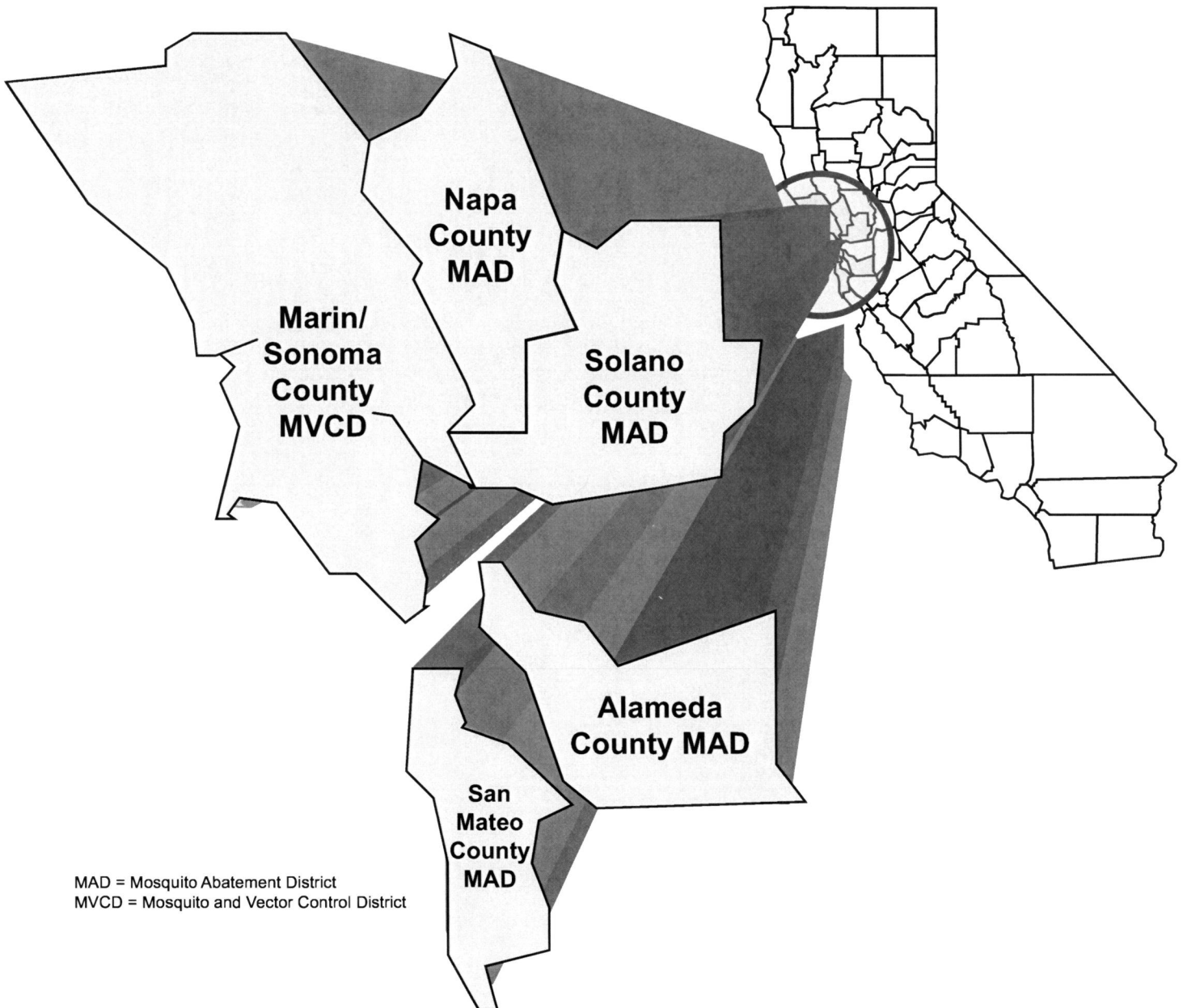


**California Map of U.S. Army
Corps of Engineers Regulatory Boundaries**



Prepared by the San Francisco District, 10/2000

Source Reduction Permit - San Francisco Bay Area Mosquito and Vector Control Districts



MAD = Mosquito Abatement District
MVCD = Mosquito and Vector Control District

Purpose:

Habitat enhancement plans for long-term reduction of mosquito populations.

Coordinating Agency:

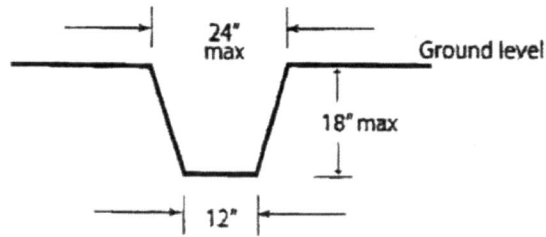
California Dept of Public Health
Vector-Borne Disease Section
850 Marina Bay Parkway
Richmond, CA
510-412-6252

Agencies participating
In General Permit M77-37

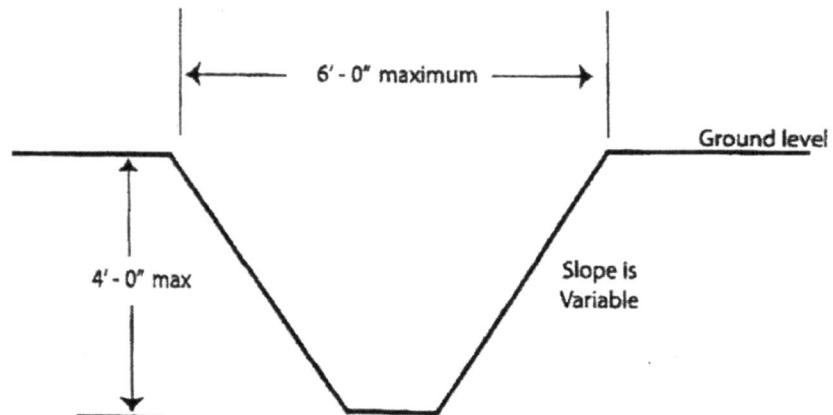
March, 2015

Typical Water Circulation Ditches

Small Lateral Water Circulation Ditch Configuration



Medium to Large Water Circulation Ditch Configuration



No scale

Purpose:
Habitat enhancement plans
for long-term reduction of
mosquito populations

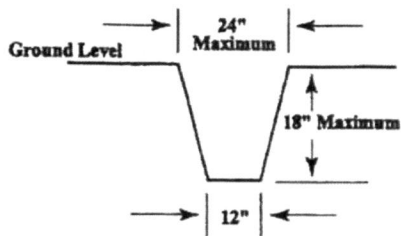
Coordinating Agency:
California Dept of Health Services
Vector-Borne Disease Section
850 Marina Bay Parkway
Richmond, CA
1.510.412.6252
Fax 1. 510. 412-6263

Typical Water Circulation
Ditches

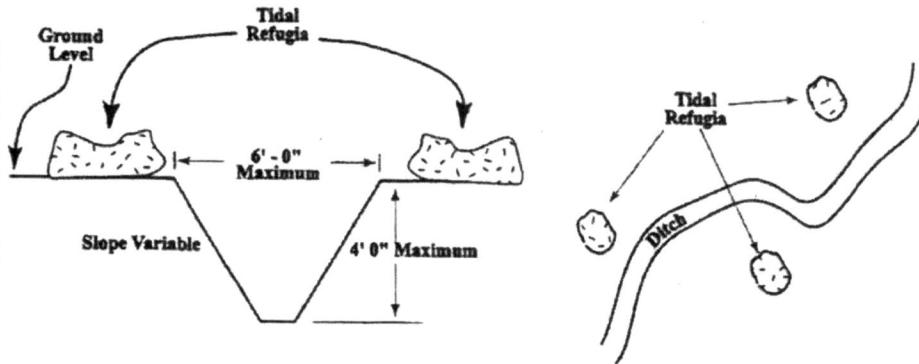
Prepared by Kerry Padgett
Sheet 1 of 2
April 2, 2015

Typical Water Circulation Ditch

Small (Lateral & Sprite) Water Circulation Ditch Configuration



Medium to Large Water Circulation Ditch Configuration



Purpose:
Habitat enhancement plans
for long-term reduction of
mosquito populations

Coordinating Agency:
California Dept of Health Services
Vector-Borne Disease Section
850 Marina Bay Parkway
Richmond, CA
1.510.412.6252
Fax 1. 510. 412-6263

Prepared by Kerry Padgett
Sheet 2 of 2
April 2, 2015

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Making San Francisco Bay Better

Permittee's Copy

**AMENDMENT NO. SEVEN TO
PERMIT NO. M1977.037.07**
(Originally Issued on June 30, 1977, As
Permit No. M77-37, and
Amended Through June 19, 2014)

California Department of Public Health (G-164)
Vector-Borne Disease Section
850 Marina Bay Parkway
Richmond, California 94804

Ladies and Gentlemen:

I. Authorization

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

Location: Perform maintenance work on dikes, ditches, and drainage structures, as part of on-going mosquito and vector abatement practices (by local cooperating districts) including: (1) the maintenance and improvement of existing water control structures (flood gates, flap valves, weirs, etc.); (2) the clearance and retrenching of small water circulation ditches; (3) the excavation or dredging of existing collection drains; (4) the removal of debris and vegetation obstructing natural stream channels; (5) the filling of isolated potholes in streams and wetlands; and (6) the hand-ditching of streambeds to connect isolated pools to the main flow of water.

Description: In the Bay and within the 100-foot shoreline band, at various locations in Alameda, ~~Contra Costa~~, Marin, Napa, San Mateo, Solano, and Sonoma Counties.

B. **Application Dates.** This amended authority is generally pursuant to and limited by your original application dated March 23, 1977, including its accompanying exhibits, your letter requesting Amendment No. One, dated August 24, 1981, your letter dated January 27, 1986, requesting Amendment No. Two, your letter dated November 15, 1991 requesting Amendment No. Three, your letters dated December 10, 1999 and February 7, 2000 requesting Amendment No. Four, your letter dated March 26, 2007 requesting Amendment No. Five, and your letter requesting Amendment No. Six dated February 1, 2012, and your letter dated February 14, 2014, requesting Amendment No. Seven, and all conditions of this amended permit.

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California Department of Public Health

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C. Deadlines for Commencing and Completing Authorized Work. Authorization for work authorized herein shall remain in effect until April 1, ~~2016~~ 2014, at which time this amended permit will expire. This amended permit may be renewed for successive five-year periods by or on behalf of the Commission where application for renewal is made prior to the expiration of this amended permit, and only if project-specific determinations pursuant to the California Environmental Quality Act (CEQA) are valid for such extended time periods. In the event that the CEQA determinations valid at the time of issuance of Amendment No. Seven ~~Six~~ of this amended permit are superceded by subsequent CEQA determination(s), this amended permit will expire unless and until it is further amended at the request of the permittee and pursuant to any subsequent CEQA determination(s) (Amendment No. Seven ~~Six~~).

II. Special Conditions

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

A. New Work Limitations. As part of the work authorized herein, the permittee shall not exceed the following limitations: (1) the excavation of no more than 5,000 linear feet of small ditches (up to 18 inches deep by 24 inches wide) per year per vector and mosquito control district; (2) the dredging or excavation of up to 1,000 cubic yards of material per year per district for the purpose of levee construction; ~~or~~ and (3) the installation of no more than three new water control structures. For the purposes of calculating the maximum quantity or volume authorized, any new work that directly interconnects or is a continuation of any work performed in any previous twelve-month period shall be considered to be the same project.

B. Minimizing Impacts on Special Status Species

- 1. Special Status Species.** No activities shall be undertaken that may affect a listed, threatened, or endangered species without coordination with the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), and National Oceanic Atmospheric Administration (NOAA) Fisheries to assure that all requirements of federal and state endangered species regulations have been met.
- 2. Work Timing.** All maintenance work shall be done during times that minimize adverse impacts to nesting birds, anadromous fishes, and other species of concern, in consultation with the USFWS, NOAA Fisheries, and the CDFG. Work authorized under this amended permit shall be conducted, whenever possible, during the period of September 1 through January 31st. In waterbodies that support anadromous fish, work shall be carried out during the period of July 1 through September 30th.
- 3. Scheduling Work at Low Tides.** Work shall be done at low tide, and times of entry shall be planned to avoid nesting seasons and to minimize disruption of wildlife.

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California Department of Public Health

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C. Best Management Practices

1. **Staging Areas.** Staging areas for maintenance activities and equipment shall be at upland areas. Heavy equipment working in wetlands shall be placed on mats or other measures taken to minimize soil and vegetation disturbance (e.g., use of low ground pressure vehicles).
2. **Construction Routes.** All projects by the local districts shall be evaluated prior to introducing mechanical equipment in order to identify and flag sensitive sites and choose the shortest possible route to the work site consistent with protection of sensitive areas.
3. **Construction Operations.** Measures shall be taken to minimize impacts from mechanical equipment, such as reducing turns by track-type vehicles, taking a minimum number of passes with equipment, varying points of entry, driving vehicles at low speed, avoiding driving on open mud and other soft areas, and using hand ditching as much as possible.

D. Excavation and Dredged Material Disposal

1. **Sidecasting.** No dredged materials sidecast adjacent to circulation ditches shall exceed eight inches in relief above the marsh plain after dewatering. Sidecast dredged materials lines exceeding four inches in height above the marsh plain shall extend no more than six feet from the nearest ditch margin. Any dredged materials in excess of these dimensions must be either hydraulically redispersed on the site (e.g., by rotary ditcher) or removed to an approved upland site. Sidecast dredged material lines, i.e., dredged materials exceeding four inches in relief above the marsh plain, shall be breached at appropriate intervals to prevent local impediments to marsh circulation.
2. **High Salt Marsh Ponds.** Ditching that drains high marsh salt ponds shall be minimized to the extent possible in order to protect the habitat of native salt pan species.
3. **Dredged Material Disposal.** Discharges of dredged or fill material into tidal waters shall be avoided or minimized to the maximum extent possible, and measures shall be taken to avoid disrupting the natural drainage patterns in wetland areas.

E. Vegetation

1. **Vegetation Clearing.** Vegetation clearing along creeks shall be done with hand tools only and shall be the minimum practicable to provide access to treatment areas. Vegetation removal shall be limited to brush cutting. Bankside vegetation removal shall not lead to bank erosion, increase in stream temperatures, or significant loss of habitat. If ~~proposed~~ maintenance of ditches is likely to destroy or damage substantial amounts of shrub or sub-shrub vegetation (e.g., coyote brush, gumplant) on old sidecast dredged materials, the extent and quality of the vegetation shall be quantitatively estimated by a biologist with expertise in marsh vegetation. A revegetation plan for these species shall be included in the annual report as noted below in Special Condition II.F.

**AMENDMENT NO. SEVEN TO
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California Department of Public Health

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2. **Invasive Species.** In marshes that contain populations of invasive non-native vegetation, such as pepperweed (*Lepidium latifolium*) and introduced species of cordgrass (*Spartina*), sidecast dredged materials shall be surveyed for frequency of establishment of invasive exotic species during the first growing season following the discharge of sediments. The results of the survey shall be included in the annual report as noted below in Special Condition II.F., along with appropriate weed abatement measures determined by consultation with the U.S. Army Corps of Engineers (Corps) and wildlife agencies.

F. **Monitoring.** The permittee shall submit a report prepared by the local mosquito and vector control districts to the Executive Officer of the San Francisco Bay Regional Water Quality Control Board, the Corps, USFWS, CDFG, NOAA Fisheries and the Commission, no later than July 1 of each year. The report shall include each local district's workplan for the upcoming year's proposed maintenance activities with the following elements: (1) a delineation of all proposed ditching overlain on topographic maps at a minimum scale of one inch equals one thousand feet, with accompanying vicinity maps, and, if appropriate, an accompanying legend; (2) a delineation of all areas where brush clearing along stream channels is proposed; (3) the dominant vegetation of the site; (4) the length and sizes of ditches to be maintained, cleared, or filled; (5) the type of equipment proposed-to be used; (6) proposed measures to minimize impacts on marsh vegetation and wildlife species; (7) the estimated date of the work; and (8) any proposed revegetation plan pursuant to Special Condition E.1. above.

The report shall also include a description of actual work carried out in the previous year, including: location maps; the methods and equipment used; the linear feet of ditching and vegetation cleared; a description of work done along stream channels; the number of cubic yards of material redistributed onto the wetlands; the disposal location of any dredged materials disposed off-site; the dates of work; the results of survey(s) for exotic species; any necessary weed abatement measures; and the measures used to minimize wetland impacts, the success of such measures, and any new or different measures planned to be implemented in the coming year.

G. **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.

H. **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.

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

III. Findings and Declarations

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

A. **Project.** The project authorized by this amended permit involves routine maintenance activities on dikes, ditches, and drainage structures, including dredging, and routine repairs and maintenance activities not resulting in a substantial change of use or enlargement and placement of inert inorganic fill in and extraction of materials from the Bay and shoreline band, as defined by Regulation Sections 10602(a), 10601(a)(2) and (a)(6), and 10601(b)(1) and (b)(5), ~~and 10602(a)~~, and thus is a "minor repair or improvement" for which the Executive Director may issue: (1) a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a); and (2) an amendment to a permit, pursuant to Regulation Section 10812.

B. **Consistency with Commission Law and Policies.** The project authorized by this amended permit is consistent with the McAtteer-Petris Act and with the San Francisco Bay Plan (Bay Plan) in that the project will not adversely affect the Bay, public enjoyment of the Bay, nor public access to the Bay. The Bay Plan authorizes dredging provided that conditions are imposed to minimize the environmental impacts of the dredging and the disposal. This amended permit includes conditions to minimize the potential adverse impacts of the work activities on the Bay by: (1) minimizing impacts on wildlife by through coordination with the resource agencies to avoid affecting special status species and resident wildlife, in accord with Bay Plan policies on Fish, Other Aquatic Organisms, and Wildlife, which call for the protection of Bay habitats; (2) minimizing impacts on marshes by limiting staging areas to upland areas, limiting the number of access routes in the marsh, and restricting vehicle operation, in accord with Bay Plan policies on Tidal Marshes and Tidal Flats, which require the protection of the Bay's marshes and tidalflats; (3) restricting the height of berms created in sidecasting material dredged from channels and limiting the dredging of high salt marsh ponds, in accord with Bay plan policies on Marshes and Tidal Flats, which state that any proposed dikes be evaluated to determine their effects on marshes and modified to minimize any harmful effects; (4) minimizing the amount of vegetation removed to the minimum practicable and analyzing whether alterations to the marsh are supporting invasive species, in accord with Bay Plan policies on Marshes and Tidal Flats, which require the protection of the Bay's marshes and tidalflats; and (5) minimizing adverse impacts on water quality and water circulation by requiring that excavation occur at low tides and that dredged material disposal does not disrupt natural tidal circulation (Amendment No. Four).

C. **Coastal Zone Management Act.** The Commission further finds, declares, and certifies that 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.

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D. California Environmental Quality Act. Pursuant to Regulation Section 11501, the project authorized by the original permit and this amended permit were found categorically exempt from the requirement to prepare an environmental impact report. In 1999, Solano County issued a subsequent Categorical Exemption for the project authorized herein. Furthermore, ~~in 1999~~, the Counties of Napa, ~~Contra Costa~~, Marin, Sonoma, San Mateo and Alameda, issued a Negative Declaration for the project authorized herein.

E. Administrative Listing. Pursuant to Regulation Section 10620, the original project was listed with the Commission on May 5, 1977.

IV. Standard Conditions

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

~~**B. Notice of Completion.** The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.~~

~~**B.**~~ **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.

~~**C.**~~ **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.

~~**D.**~~ **Other Government Approvals.** All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee 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 amended permit and any plans approved in writing by or on behalf of the Commission.

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~~G.~~ **F. 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.~~ **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 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.~~ **H. 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.~~ **I. 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.~~ **J. 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.~~ **K. 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.

**AMENDMENT NO. SEVEN TO
PERMIT NO. M1977.037.07**

(Originally Issued on June 30, 1977, As Permit No. M77-37,
and Amended Through June 19, 2014)

California Department of Public Health

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

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

By: 
STEVE GOLDBECK
Chief Deputy Director

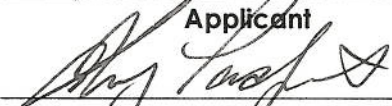
SG/JM/ra

- cc: U. S. Army Corps of Engineers, Attn.: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn.: Certification Section
Environmental Protection Agency
California Department of Fish and Game
Alameda County Planning Department
Contra Costa County Planning Department
Marin County Planning Department
Napa County Planning Department
San Francisco City and County Planning Department
San Mateo County Planning Department
Santa Clara County Planning Department
Solano County Planning Department
Sonoma County Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at 850 MARINA BAY PKWY, RICHMOND, CA 94804

On JUNE 24, 2014 By: 

KERRY PROBERT

Print Name and Title
SUPERVISING PUBLIC HEALTH BIOLOGIST