

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Transmitted Via Electronic Mail

September 7, 2023

TO: California Department of Transportation
111 Grand Avenue
Environmental Analysis, 14th Floor
Oakland, CA 94612

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)

SUBJECT: Instructions for Completing BCDC Permit Amendment No. M2012.009.04
(Amendment No. Four); Bay Lights 360

Dear BCDC Permit Holder:

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

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

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

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

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



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PERMIT NO. M2012.009.04

AMENDMENT NO. FOUR

(Originally Issued on August 7, 2012, As Amended Through September 7, 2023)

California Department of Transportation
111 Grand Avenue
Environmental Analysis, 14th Floor
Oakland, CA 94612

I. Authorization

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

Location: In the Bay, on the west span of the San Francisco-Oakland Bay Bridge, in the City and County of San Francisco.

Description: **In the Bay**

- (1) Temporarily re-install, operate, and maintain in-kind the “Bay Lights” sculpture for a period of 10 years, ending January 31, 2026 (Amendment No. Three and Amendment No. Four); and
- (2) Remove the “Bay Lights” sculpture authorized through Amendment No. Three and temporarily install, operate, and maintain in-kind, through December 2033, the “Bay Lights 360” sculpture (Amendment No. Four).

B. **Based on Application Dated.** This authority is generally pursuant to and limited by the application, dated April 6, 2012, and received in this office on April 16, 2012, requesting authorization for the original project; the letter dated September 9, 2014, requesting a time extension; the letter dated December 23, 2014, requesting Amendment No. Two; the letter dated April 6, 2015, and received in our office on April 8, 2015, requesting Amendment No. Three; and the letter dated February 22, 2023, and received in our office on March 10, 2023, requesting Amendment No. Four, including all accompanying and subsequently submitted exhibits and correspondence and all conditions of this amended permit.



C. Deadlines for Completing Authorized Work. Work authorized by the original permit was to commence prior to September 15, 2013, or this permit was to lapse and become null and void. Installation of the “Bay Lights” sculpture was to be diligently pursued to completion and was to be completed within six months, or by March 15, 2014, whichever was earlier subject to the work windows required in this authorization, unless an extension of time was granted by amendment of the permit. All lights were to be removed within two years of the date of completing the installation work, or by March 1, 2016, whichever was earlier.

Amendment No. One granted a time extension for the “Bay Lights” sculpture through January 31, 2015.

Amendment No. Two authorized the “Bay Lights” sculpture to remain through March 6, 2015, and required that all lights be removed by July 15, 2015, unless further extension of time was granted.

Amendment No. Three authorized the re-installation and operation of the “Bay Lights” sculpture for 10 years through January 31, 2026, and required that the sculpture be removed by May 31, 2026, unless further extensions of this amended permit were authorized. Amendment No. Three also authorized the replacement of then-existing roadway lights with LED lights, to be completed by June 30, 2016.

Amendment No. Four authorizes the removal of the “Bay Lights” sculpture and installation of the “Bay Lights 360” sculpture. The work authorized by this amended permit must commence by January 31, 2026, and must be diligently pursued to completion within 6 months of commencement, unless an extension of time is granted by further amendment of this amended permit. The “Bay Lights 360” sculpture is authorized through December 31, 2033. All materials used to create the sculpture must be removed from the bridge no later than December 31, 2033, unless a further extension of this amended permit is authorized.

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. Construction Plans.

- 1. Original Project through Amendment No. Three.** The lights, associated wiring and other facilities authorized by the original permit, as amended through Amendment No. Three, shall be installed at the locations and in the configuration generally shown in the plans that were submitted as part of the original application, received on April 16, 2012, entitled “The Bay Bridge 75th Anniversary Light Art Project,” prepared by Parson Brinckerhoff and dated January 10, 2012. As long as the installation is generally in accord with these plans, no further plan review is needed and no changes to the design of the project shall be made without the prior written approval of the BCDC staff.

2. **Amendment No. Four.** The work authorized by Amendment No. Four shall generally conform to the plans entitled, "The Bay Lights 360," dated December 2, 2022, and prepared by SEM Incorporated, submitted as part of the application received on March 10, 2023. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

B. 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 their expense.
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 assignee, or successor in interest, or the owner(s) of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.
3. **Pre-Construction Surveys, Construction Monitoring, and Buffer Zones for Nesting Birds.** The permittee shall perform pre-construction nesting bird surveys prior to both the installation and removal of the lights to ensure that no nests are present. If nests are found to be present within the project area at any time during the pre-construction surveys or the construction process, a trained ornithologist/avian monitor shall conduct continued monitoring of the work until all nesting birds are clear from the installation area. In addition, buffer zones shall be established to minimize impacts to those nests. If necessary, the avian monitor will have the authority to require the permittee to stop work until further notice to prevent birds from abandoning their nests.
4. **Construction Timing.** For any work associated with dismantling the previously authorized "Bay Lights" sculpture and installing, repairing and maintaining, or, at the end of its authorized use, dismantling the "Bay Lights 360" sculpture:
 - a. From March 1 to August 15, during the bird breeding season, an avian monitor shall survey the project area weekly for nests, in accordance with Special Condition II.B.3, and make recommendations for minimizing disturbance to nesting birds. The results of these nest surveys, recommendations for avoiding impacts, and an evaluation of the effectiveness of the recommendations shall be provided in brief, monthly written reports to the Commission until the construction is complete.

- b. From August 16 to February 28/29, outside of the bird breeding season, work may proceed without weekly monitoring. If an active nest is encountered during construction, the permittee shall comply with the requirements of Special Condition II.B.3.

5. **Sculpture Removal.** All materials used to create the “Bay Lights” sculpture, except for components to be re-used for the “Bay Lights 360” sculpture, shall be removed from the Bay Bridge to an area outside the Commission’s jurisdiction. At the end of the authorization period, all materials used to create the “Bay Lights 360” sculpture shall be removed from the Bay Bridge to an area outside the Commission’s jurisdiction.

C. Minimizing Light Emissions. To reduce light emissions and resultant impacts to migratory birds and increase energy efficiency, the permittee shall replace all existing roadway light bulbs with LED bulbs by June 30, 2016 (Amendment No. Three).

D. Advertising and Messaging Prohibition. At no time shall the light sculpture be configured to convey advertising, notifications, or other messaging. The light display shall operate with the original illumination design, or with equivalent variations of that design. Any change to the illumination design may require further amendment to this amended permit (Amendment Nos. Three and Four).

E. Certification of Contractor Review. Prior to commencing any construction activities or placing any structures in the Bay, the general contractor or contractors in charge of that portion of the work shall submit written certification that they have reviewed and understand 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.

F. Hold Harmless and Indemnify. The permittee shall hold harmless and indemnify the Commission, all Commission members, Commission employees, and agents of the Commission from any and all claims, demands, losses, lawsuits, and judgments accruing or resulting to any person, firm, corporation, governmental entity, or other entity who alleges injuries or damages caused by work performed in accordance with the terms and conditions of this permit. This condition shall also apply to any damage caused by flooding of or damage to property that is alleged to be caused as a result of some action or lack of action by the Commission growing out of the processing of and issuance of this permit.

G. 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.

III. Findings and Declarations

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

A. Permit History

1. **Original Authorization.** The original permit authorized the temporary installation and maintenance of a light sculpture consisting of approximately 25,000, 2-inch-diameter energy-efficient LED light bulbs along the 616 north facing bridge suspender cables and ranging in height from 5 feet to 240 feet. The sculpture, known as the "Bay Lights," was authorized from September 2012 until September 2014, at which time it was to be removed.
2. **Amendment No. One.** Amendment No. One authorized a time extension to allow the "Bay Lights" sculpture to remain in place until January 31, 2015.
3. **Amendment No. Two.** Amendment No. Two authorized a time extension for the "Bay Lights" sculpture until March 6, 2015, and required that all lights be removed by July 15, 2015. Amendment No. Two also amended Special Condition II.B.4 of the original permit, which had required that all installation and dismantling activities be performed between August 15 and January 31, outside of the bird breeding season, to allow the dismantling of the installation between March 6 and July 15, 2015, so long as an avian monitor was present to survey the project area on a weekly basis.
4. **Amendment No. Three.** Amendment No. Three authorized the re-installation and operation of the "Bay Lights" sculpture for 10 years, through January 31, 2026, with a more robust hardware system suitable for a longer-term display. It required that the sculpture be removed from the bridge by May 31, 2026.

Amendment No. Three also further amended Special Condition II.B.4 to specify that any work associated with re-installing, repairing and maintaining, or dismantling the sculpture at the end of its authorized use should take place between July 1 and March 1 of any year, but that if work was necessary between March 1 and July 15, an avian monitor was to survey the project area weekly for nests and make recommendations for minimizing disturbance to nesting birds. Amendment No. Three also added a requirement to Special Condition II.B.4 that the results of these nest surveys, recommendations for avoiding impacts, and an evaluation of the effectiveness of the recommendations be provided in monthly reports to the Commission.

Lastly, Amendment No. Three authorized the replacement of existing roadway lights with LED lights to increase energy efficiency and to minimize light emissions from the bridge and resultant impacts to migratory birds. Special Condition II.C was added to require the permittee to replace all existing roadway lights with LED bulbs by June 30, 2016.

5. **Amendment No. Four.** Amendment No. Four authorizes the removal of the “Bay Lights” sculpture, and the temporary installation and maintenance of the “Bay Lights 360” sculpture for an approximately 10-year period through December 2033. “Bay Lights 360” will consist of approximately 48,000, 2-inch-diameter energy-efficient LED light bulbs, secured with UV resistant, stainless-steel zip ties to the inward- and outward-facing sides of 308 vertical suspension cables, which range in height from 5 feet to 240 feet, on the north-facing side of the upper deck of the bridge. Compared to the originally authorized “Bay Lights” sculpture, the project includes updated and more robust fixtures and components and adds lights to the roadway-facing side of the same suspension cables to create a 360-degree view of the light sculpture.

Amendment No. Four further amends Special Condition II.B.4 to clarify the steps the permittee must take to minimize disturbances to migratory birds that may be nesting on the bridge, depending on whether work is taking place during or outside of the bird breeding season.

Amendment No. Four also adds Special Condition II.B.5 to require that all materials used to create the “Bay Lights,” except for components re-used in the “Bay Lights 360” sculpture, be removed from the Bay Bridge and placed or disposed of in an area outside the Commission’s jurisdiction.

B. Minor Repair or Improvement

1. **Original Authorization and Amendments One Through Two.** The project authorized by the original permit, the time extension granted in Amendment No. One, and the removal of the lights authorized in Amendment No. Two all involve work centered on the temporary installation of a light sculpture on the Bay Bridge, a structure in the Bay. The project therefore involves minor fill in the Bay for improving shoreline appearance that complies with section 10700 and does not exceed 1,000 square feet, as defined by Commission Regulation 10601(a)(7), and is thus a “minor repair or improvement” for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f), Regulation Section 10622(a), and Regulation Section 10810.
2. **Amendment No. Three.** Amendment No. Three authorized the re-installation of the originally authorized “Bay Lights” sculpture and the illumination of the sculpture for a 10-year period. The bridge is a water-oriented use defined in Section 10605 of the McAteer-Petris Act. Several of the Bay’s bridges have decorative lights to enhance nighttime views of these iconic Bay structures (e.g., the Golden Gate Bridge, the east

span of the Bay Bridge). Because the light display is located on an existing bridge, the Bay's volume and surface area would not be reduced or impaired with the project. The re-installation and operation of the sculpture for a 10-year period is similar to, with no greater adverse impact to the Bay, as defined by Regulation Section 10601(e)(3), the placement of minor fill for improving public access, consistent with Regulation Section 10601(a)(8) and is thus considered a "minor repair or improvement" for which the Executive Director may issue an amendment to an existing permit pursuant to Government Code Section 66632(f) and Regulation Section 10810.

3. **Amendment No. Four.** Amendment No. Four authorizes the removal of the "Bay Lights" sculpture, installation of the "Bay Lights 360" sculpture, and illumination of the new sculpture for a 10-year period through December 31, 2033. Whereas the originally authorized "Bay Lights" sculpture included lights only on the outward-facing side of the Bay Bridge, the "Bay Lights 360" sculpture will also include lights on the inward- (roadway-) facing side of the cables. As a result, the new sculpture will have 48,000 lights, as opposed to the 25,000 lights that comprise the original sculpture. While there will be an increase in the number of lights, the project is located fully within the footprint of the Bay Bridge and will not expand the footprint of existing fill. Further, the project is intended to improve the appearance of the shoreline and the public's enjoyment of the Bay. The project therefore involves minor fill in the Bay for improving shoreline appearance that complies with section 10700 and does not exceed 1,000 square feet, as defined by Commission Regulation 10601(a)(7), and thus, is a "minor repair or improvement" for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10810.

C. Consistency with McAteer-Petris Act and San Francisco Bay Plan.

1. **Original Authorization and Amendment Nos. One Through Two.** The project authorized by this permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that the project will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special Condition II.B.1 requires that the permittee prevent construction debris from entering the Bay in order to protect Bay water quality and navigation, consistent with the Bay Plan policies on these subjects. Special Conditions II.B.3 and II.B.4 have been included to assure that installation and dismantling activities will be conducted in such a manner that will minimize adverse impacts to birds by requiring monitoring during installation and dismantling by a trained ornithologist, consistent with Bay Plan policies on Fish, Other Aquatic Organisms, and Wildlife. Amendment No. Two, which authorizes dismantling of the lights during the bird breeding season, was authorized based on input from the U.S. Fish and Wildlife Service Migratory Bird Program that birds are highly unlikely to nest on the Bay Bridge West Span vertical suspender cables due to the lack of horizontal surfaces. Special Condition II.B.4 requires that an avian monitor check

for nests on a weekly basis to ensure that work during the breeding season does not negatively impact nesting migratory birds. The lights are being removed to construct a more robust hardware system suitable for a longer-term display.

2. **Amendment No. Three.** To ensure that the reinstallation and continued illumination of the sculpture is consistent with the Bay Plan policies on Wildlife, Fish and Other Aquatic Organisms, Special Conditions II.B.4 and II.C were included in this amended authorization. Special Condition II.B.4 required that the installation, repairs and maintenance, and removal of the light display at the end of its authorized use occur between July 1 and March 1 of any year to avoid impacting nesting birds. If work was to occur on the light display between March 1 and July 1, the condition required that a bird monitor be present to survey for bird nests, evaluate impacts of light installation and repairs to nesting birds, recommend procedures for minimizing these impacts, and report on the monitoring efforts and recommendations to the Commission. Special Condition II.C required the replacement of the existing roadway lighting with LED lights to ensure that light emissions from the bridge are minimized, thereby reducing impacts to migratory birds. Bay Plan policies on Appearance, Design, and Scenic Views require 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” and that “structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline.” To assure that the project is consistent with these policies, Special Condition II.D was included to ensure that the sculpture is not used for commercial displays or to emit messaging or notifications that would detract from the visual enjoyment of the Bay.
3. **Amendment No. Four.** The project authorized by Amendment No. Four is similar to the originally authorized project and any potential impacts are expected to be similar to those addressed in previous amendments. Special Condition II.B.5 has been added to require that any materials no longer being used in the “Bay Lights” sculpture be removed from the Commission’s jurisdiction to protect water quality and navigational safety, consistent with the Bay Plan policies on these subjects, including Water Quality Policy No. 3 and Navigational Safety and Oil Spill Prevention Policy No. 1. Special Condition II.B.3 and Special Condition II.B.4, as modified, will minimize adverse impacts to birds, consistent with the Bay Plan policies on Fish, Other Aquatic Organisms, and Wildlife. Specifically, Amendment No. Four modifies Special Condition II.B.4 to clarify that during the bird breeding season, from March 1 to August 15, an avian monitor must survey the project area weekly for nests and make recommendations for minimizing disturbance to nesting birds. Outside of the bird breeding season, from August 16 to February 28/29, work may proceed without weekly monitoring; however, if an active nest is encountered, then avian monitoring will be required. These work windows were determined based upon updated guidance from the U.S. Fish and Wildlife Service Migratory Birds Program and the California Department of Fish and Wildlife (CDFW) Wildlife

Diversity Program. A report commissioned by Caltrans, dated April 2023, summarizing the existing research on the effects of LED lights on terrestrial wildlife found that the color, intensity, and special characteristics such as flicker of LED lights have the potential to disrupt migration patterns of birds, bats, and insects. However, a biological memo assessing the likely impacts of the project concluded that the sculpture is not expected to significantly adversely impact the Bay or wildlife species given the existing high levels of ambient light on the Bay Bridge and roadway and the low levels of light expected to reach the water. As a result, no special conditions have been required to mitigate for light impacts, but in considering any future requests to extend the authorization for the project, the Commission should take into account the most current research on the impacts of LED lights in consultation with the appropriate wildlife agencies.

C. Coastal Zone Management Act. The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Environmental Review. The Bay Area Toll Authority (BATA), acting as the lead environmental agency, issued a notice of exemption, dated June 8, 2012, which found the project categorically exempt from the need to prepare an environmental document under the California Environmental Quality Act (CEQA).

E. Listing with the Commission. Pursuant to Regulation Section 10620, the original project was listed with the Commission on August 2, 2012.

IV. Standard Conditions

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

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

C. Permit Assignment. The rights, duties, and obligations contained in this amended permit are assignable. When the permittee transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this amended permit, the permittee/transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes, and the Executive Director receives an acknowledgment that the assignee has read and understands the amended permit and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the amended permit.

D. Permit Runs With the Land. Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

E. Other Government Approvals. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

F. Built Project must be Consistent with Application. Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.

G. Life of Authorization. Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.

H. Commission Jurisdiction. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

I. Changes to the Commission's Jurisdiction as a Result of Natural Processes. This amended permit reflects the location of the shoreline of San Francisco Bay when the amended permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this amended permit does not guarantee that the Commission's jurisdiction will not change in the future.

J. Violation of Permit May Lead to Permit Revocation. Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any 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 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 permit shall be removed by the permittee or its assignee if the 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 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 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.

M. 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.

N. 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 assigns or successors in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.

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

DocuSigned by:
Larry Goldzband
FD166E908010417...

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

LJG/JF/ra

PERMIT NO. M2012.009.04 (AMENDMENT NO. FOUR)
California Department of Transportation

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September 7, 2023

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Receipt acknowledged, contents understood and agreed to:

Executed at oakland, CA

California Department of Transportation
Permittee

On 9/8/2023 | 9:52:35 AM PDT

DocuSigned by:
Sheryl Sablan
E0E1C33F35364C7...

Signature

Sheryl Sablan

Print Name

office Chief - Maintenance Environmental

Title

- 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
- U.S. Fish and Wildlife Service, Attn.: Migratory Bird Program
- California Department of Fish and Wildlife, Attn.: Wildlife Diversity Program
- City and County of San Francisco Planning Department