

# San Francisco Bay Conservation and Development Commission

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May 25, 2018

**TO:** Commissioners and Alternates  
**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)  
Brad McCrea, Regulatory Program Director (415/352-3615; brad.mccrea@bcdc.ca.gov)  
**SUBJECT: Listing of Pending Administrative Matters**  
(For Commission consideration on June 7, 2018)

This report lists the administrative matters that are pending with the Commission. *Due to the cancellation of the meeting of June 7, 2018, and pursuant to Commission Regulation Section 10620(a), the Executive Director will take final action on these matters unless a Commissioner requests full Commission consideration by communicating with the staff prior to June 7, 2018.* In the absence of such a request, the listed matters will be executed administratively on or after June 7, 2018.

## Administrative Permits and Federal Consistency Actions

The following administrative permit applications have been filed and are presently pending with the Commission. The Executive Director will take the action indicated on the matters unless the Commission determines that it is necessary to hold a public hearing.

**Applicant:** California State Coastal Conservancy  
1515 Clay Street, 10<sup>th</sup> Floor  
Oakland, CA 94612

**BCDC Permit Application No. M2016.023.00**

Filed: 03/21/18  
90<sup>th</sup> Day: 06/19/18

**Location:** In the Commission's 100-foot shoreline band jurisdiction, at the Bel Marin Keys V Wetland Restoration Site located in the City of Novato, Marin County.

**Description: In the Shoreline Band**

Construct a portion of Phase 1 of the Bel Marin Keys V (BMK V) Wetland Restoration Project including: (1) tying-in a newly constructed bayfront levee (New Bayfront Levee), which would be built mostly outside the Commission's current jurisdiction, along 1,140 feet of existing levee by placing and compacting approximately 37,710 cubic yards of onsite soil to bisect the BMK V site into east and west sides; and (2) installing approximately 3,500 linear feet of temporary exclusion fencing each construction season. Phase 1 also includes the enhancement and creation of 25 acres of seasonal wetlands and slight modifications to onsite utilities, pumps, site drainage, and access roads, all

outside of the Commission's jurisdiction. The new, approximately 12,000-linear-foot bayfront levee will facilitate the creation of a seasonal wetland area to the west of the levee and a tidal wetland to the east, while also protecting the Bel Marin Keys Lagoon community from tidal flooding once the site is restored. Future phases of the BMK V restoration project will include beneficial reuse of dredged sediment to build up the site to marsh plain elevation, restoration of tidal action, and development of tidal marsh habitat bayward of the newly constructed levee. Phase 1 of the BMK V project does not include public access, but future phases will connect the Bay Trail around the Hamilton Wetlands Restoration Project to Bel Marin Keys Boulevard to the north.

*Tentative Staff Position: Recommend Approval.* (Anniken Lydon; (415) 352-3624, anniken.lydon@bcdca.gov)

**Applicant:** The Teal Club LLC  
2925 Chadbourne Road  
Suisun City, CA 94585

**BCDC Permit Application No. M2018.008.00md**

Filed: 05/11/18

90th Day: 08/08/18

**Location:** In the Primary Management Area of the Suisun Marsh, at the Teal Club (Club #406), located at 2925 Chadborne Road, in Suisun City, Solano County.

**Description:** Install a 36-inch-diameter high density polyethylene (HDPE) drain pipe and stainless-steel flap gate, resulting in approximately 9 square feet of fill.

The project will not result in new public access. The staff recommends that conditions of approval be incorporated for marsh protection, including use of best management practices and protection of special status species and water quality.

*Tentative Staff Position: Recommend Approval with Conditions.* (Rebecca Coates-Maldoon) [415/352-3634; rebecca.coates-maldoon@bcdca.gov]

**Applicant:** Edward Jonat  
P.O. Box 2602  
Suisun City, CA 94585

**BCDC Permit Application No. M2018.009.00md**

Filed: 05/11/18

90th Day: 08/08/18

**Location:** In the Primary Management Area of the Suisun Marsh, at the Sprigateal Duck Club (Club #413), located adjacent to the Capitol Corridor railroad tracks in unincorporated Solano County.

**Description:** 1. Install two 24-inch-diameter high density polyethylene (HDPE) drain pipes and stainless steel flap gates, resulting in approximately 8 square feet of fill; and

2. Install a 30-foot-long bulkhead wall on the exterior side of a levee, resulting in approximately 19 square feet and 4 cubic yards of fill.

The project will not result in new public access. The staff recommends that conditions of approval be incorporated for marsh protection, including use of best management practices and protection of special status species and water quality.

*Tentative Staff Position: Recommend Approval with Conditions.* (Rebecca Coates-Maldoon) [415/352-3634; rebecca.coates-maldoon@bcdc.ca.gov]

### Permits in the Secondary Management Area of the Suisun Marsh

Solano County has issued the following marsh development permit since the last listing.

**Applicant:** Tonnesen Pet Burial  
3700 Scally Road  
Suisun, CA 94585

**Marsh Development Permit No. MD-82-12, Extension No. 7 and Use Permit No. U-82-42**

Filed: 05/03/18  
20<sup>th</sup> Working Day: 06/01/18

**Description:** The project involves a five-year extension of Solano County Marsh Development Permit No. M-82-12 and Use Permit U-82-12 to continue the operation of a pet cemetery at a 20-acre site in the secondary management area of the Suisun Marsh in an AL-160 Limited Agricultural zoning district, at 3700 Scally Road, in unincorporated Solano County. The property consists of relatively flat to gently sloping grazing land, a single-family residence, and a pet cemetery. From 1987 to 2015, site operations involved the burial of small pets and cremation ash in 10-foot deep common pits. During this time period, operations transitioned away from burying animal carcasses and towards burial of cremation ash; by 2014, 90 percent of remains buried were in the form of ash. In 2015, the facility began disposing only of cremation ash, and portions of the site containing animal carcasses were capped in 2017. Pet owners are not allowed to visit the site.

The County conditionally approved the pet cemetery project in 1980, and its decision was appealed to BCDC, which denied Marsh Development Permit No. MD-82-12 due to concerns that the project would establish a precedent for Class II disposal sites in the secondary management area of the Marsh. The County adopted the Suisun Marsh Local Protection Plan (LPP) in 1982, which limited the types and numbers of uses in the Marsh. BCDC certified the LPP as consistent with the Suisun Marsh Preservation Act. The County found the pet cemetery to be an allowable use, and approved the subject marsh development permit. One of the conditions of approval requires that the use permit be

extended every five years. Marsh Development Permit No. MD-82-12 was issued in 1983, and has been extended by the County in 1987, 1992, 1997, 2002, 2008, and 2013.

The pet cemetery has been regulated as a solid waste facility by the San Francisco Regional Water Quality Control Board (RWQCB) and the Solano County Department of Resource Management, the Local Enforcement Agency (LEA), in addition to complying with the conditions of the use permit from the County. On May 9, 2018, the RWQCB rescinded the existing Waste Discharge Requirements for the Tonnesen Pet Cemetery, in part due to groundwater monitoring having shown no water quality impacts, the shift in operations to receiving solely cremation ash, and the capping of a portion of the site. While the pet cemetery is no longer regulated by the RWQCB, it continues to be regulated by the LEA as a Nonhazardous Ash Disposal/Monofill Facility.

On April 19, 2018, the Solano County Zoning Administrator approved the resolution and staff report granting another five-year extension to the marsh development permit for continuing operations at the pet cemetery because, in part, the use is being conducted in compliance with the use permit, which includes requirements to: (1) minimize physical and visual disturbance by limiting the area disturbed by burial disposal to six pits at any time; (2) cover, recontour, and revegetate each burial area prior to disturbing any new burial site; (3) screen each burial area to eliminate dust and visual impacts during burial operation; (4) protect groundwater quality by complying with the requirements of the Regional Water Quality Control Board and the County Division of Environmental Health regarding standards for covering and capping burial pits, excavating burial pits no deeper than 10 feet and not below the groundwater level, and reporting the number of animals buried each month to the County; and (5) only operate for five years unless an additional extension of time is applied for and granted.

As to consistency with the Local Protection Program for the Marsh and the Suisun Marsh Preservation Act, the Utilities, Facilities and Transportation policies in the County's certified LPP state, in part, that: "The proliferation of sites for the disposal of special wastes could have significant adverse impacts upon preservation of marsh upland areas. The animal burial ground on Scally Road under County Use Permit should be allowed to operate as conditioned. The creation of additional disposal sites of a special nature shall be prohibited." Further, the County's LPP requires that existing non-agricultural uses within the secondary management area be allowed to continue if they will not adversely impact the Marsh, and that development occur in a manner that minimizes impacts of earth disturbance, erosion and water pollution.

Final Notice of County approval of the project was received at the Commission's office on May 3, 2018. Anyone who wishes to file an appeal with BCDC of the County decision must do so by 5:00 p.m. on June 1, 2018, at the Commission's office.

(Rebecca Coates-Maldoon) [415/352-3634; rebecca.coates-maldoon@bcdc.ca.gov]