

# San Francisco Bay Conservation and Development Commission

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December 28, 2017

**TO:** Commissioners and Alternates

**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)  
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**SUBJECT: Listing of Pending Administrative Matters**  
(For Commission consideration on January 4, 2018)

This report lists the administrative permit applications, federal consistency actions, marsh development permits in the Secondary Management Area of the Suisun Marsh, regionwide permit actions, minor amendments to the Suisun Marsh Local Protection Program, and emergency permits that are pending with the Commission. The staff members to whom the matters have been assigned are indicated at the end of the projects' description. Inquiries should be directed to the assigned staff member prior to the Commission meeting.

## Administrative Permits and Federal Consistency Actions

The following federal consistency determination has been filed and is presently pending with the Commission. The Executive Director will take the action indicated on the matter unless the Commission determines that it is necessary to hold a public hearing.

**Federal Agency and Applicants:** San Francisco District  
United States Army Corps of Engineers ("USACE")  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, California 94103-1398

On behalf of the USACE and  
Suisun Resource Conservation District ("SRCD")  
California Department of Fish and Wildlife ("CDFW")  
California Department of Water Resources ("CDWR")  
U.S. Bureau of Reclamation ("USBR")

### BCDC Consistency Determination No. C2017.007.00

Filed: 12/20/17  
60<sup>th</sup> Day: 02/18/18

**Location:** In Suisun Bay and the primary management area of the Suisun Marsh.

**Description:** SRCD, CDFW, CDWR, AND USBR have applied to the USACE, San Francisco District, for a Department of the Army permit for the reissuance of Regional General Permit 3 ("RGP3") – Suisun Marsh Managed Wetlands Operation and Maintenance Projects. The USACE has submitted a consistency determination on



behalf of itself and SRCD, CDFW, CDWR, and USBR, and has determined that the proposed reissuance of RGP3 for Suisun Marsh Managed Wetlands Operation and Maintenance Projects is consistent with the Commission's Coastal Management Program for San Francisco Bay.

The proposed reissued RGP3 would permit landowners of managed wetlands in the primary management area of the Suisun Marsh to maintain existing infrastructure and facilities, install certain new infrastructure, and improve capabilities of existing managed wetlands. The activities authorized under the proposed reissued RGP3 would include only activities currently authorized and implemented under the existing RGP3 for Suisun Marsh Managed Wetlands Operations and Maintenance Projects, which will expire on December 31, 2017. The existing RGP3 currently authorizes specified operation and maintenance activities with minor environmental impacts within the managed wetlands of the Suisun Marsh, and the proposed reissued RGP3 would authorize such currently implemented activities for another five years.

Many, but not all, of the managed wetlands operations and maintenance activities that would be authorized under the proposed reissued RGP3 would be exempt from the requirement for a marsh development permit under the Suisun Marsh Preservation Act ("SMPA") and also generally would be compatible with the standards applicable to managed wetlands in the Suisun Marsh Local Protection Program, prepared pursuant to the SMPA. Certain activities proposed for authorization under the reissued RGP3 would not be exempt from the permitting under the SMPA, including placing new riprap on areas that were not previously riprapped, installing new water control bulkheads, installing new fish screens, and installing new drain pumps and platforms on exterior levees; landowners proposing such activities would be required to apply to the Commission for a marsh development permit.

The activities proposed for authorization under the reissued RGP3 are one component of the Suisun Marsh Habitat Management, Preservation, and Restoration Plan ("SMP"), a comprehensive 30-year plan designed to address the management of the varied resources with the Suisun Marsh. In September 2013, the U.S. Fish and Wildlife Service ("USFWS") and the USBR, as the primary applicants, submitted to Commission a consistency determination for a project described as implementation of the SMP. On January 10, 2014, the Commission concurred, by issuance of a Letter of Agreement, with the determination of USFWS and USBR that the SMP project is consistent with Commission's Coastal Zone Management Program for San Francisco Bay.

*Tentative Staff Position: Recommend Concurrence with Conditions Requiring Landowners to Apply to the Commission for a Marsh Development Permit for Specified Activities (Marc Zeppetello, 415/352-3655 or [marc.zeppetello@bcdca.gov](mailto:marc.zeppetello@bcdca.gov))*