

San Francisco Bay Conservation and Development Commission

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November 21, 2025

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415-352-3653; larry.goldzband@bcdc.ca.gov)
Harriet Lai Ross, Regulatory Director (415-352-3615; harriet.ross@bcdc.ca.gov)

SUBJECT: Listing of Administrative Matters

(For Commission consideration in relation to the canceled December 4, 2025, meeting)

Purpose of This Report

The purpose of this report is to inform the Commission about new administrative matters.

- The Commission’s rules allow the Executive Director to take action on various administrative matters on behalf of the Commission. This report is provided for Commissioners and the public to learn about actions the Executive Director proposes to take or has recently taken.
- In the event that the Commission does not hold a meeting within 14 days of the mailing of the administrative listing, if one or more Commissioner submits to the Executive Director a written objection to administrative issuance of the matter that is the subject of this listing within 14 days of the mailing, the Commission must determine at the first meeting following the objection by a majority of those present and voting whether the Commission should process the matter subject to a public hearing. Otherwise, if no objection is timely received, the Executive Director may administratively approve the matter 14 days after the mailing.
- This report also details new planning and permitting matters taken by local governments in the secondary management area of the Suisun Marsh.

Pending Federal Consistency Review Requests

What is Being Reported Here:

The Executive Director acts on requests by federal agencies to approve [administrative federal consistency determination](#) requests. These requests are reported here to inform Commissioners and the public and to answer any concerns about the Executive Director’s determination that a consistency determination should be processed administratively.

The Commission has two options on how to proceed:



- If the Commission takes no action, the Executive Director will act on pending administrative federal consistency requests within the period established by the Coastal Zone Management Act; or,
- If a Commissioner objects to administrative review of these requests, and a majority of Commissioners agree, a hearing will be scheduled for the full Commission to review these matters.

New Administrative Federal Consistency Determinations:

Federal Agency: United States Army Corps of Engineers
San Francisco District, South Branch
450 Golden Gate Ave, 4th Floor
San Francisco, CA 94102
Attn: Caroline Frentzen, Regulatory Project Manager

BCDC Consistency Determination No. C2025.007.00

Filed: June 18, 2025
Deadline for Review: December 18, 2025

Location: Potentially anywhere within BCDC's segment of the coastal zone (under the McAteer-Petris Act and the Suisun Marsh Preservation Act)

Description: USACE proposes to reissue and modify its nationwide permits (NWP) program nationally, including within the San Francisco District. USACE issues NWPs pursuant to its authority under section 404 of the federal Clean Water Act (CWA) and section 10 of the federal Rivers and Harbors Act of 1899 (R&HA), to authorize categories of activities that USACE has determined will have no more than minimal individual and cumulative adverse environmental impacts.

Under section 404 of the CWA, USACE authorization is required for discharges of dredged or fill material into federally defined waters of the US. Likewise, under section 10 of the RH&A, USACE authorization is required for: any construction of any structure in or over navigable waters of the US; excavation from or deposition of material in navigable waters of the US; or the accomplishment of any other work affecting the course, location, condition, or capacity of navigable waters of the US.

The purpose of the NWP program is to incentivize project proponents to design activities that require USACE authorization under section 404 of the CWA and/or section 10 of the R&HA to qualify for NWP authorization because, typically, project proponents can obtain NWP verifications from USACE districts in less time than it takes to obtain individualized permits under those laws.

USACE reissues NWP's on a five-year cycle, and the last time USACE reissued NWP's was in 2021. Activities authorized by the 2021 NWP's remain authorized until March 14, 2026. USACE's current proposed reissuance of its NWP's includes the following actions:

- With respect to NWP's
 - o Reissuance of 56 of 59 existing NWP's, including modification to 12 thereof
 - o Reservation of three of 59 existing NWP's
 - o Issuance of one new NWP
- With respect to NWP general conditions
 - o Reissuance of 32 existing general conditions for the NWP's, including modification to seven thereof
- With respect to NWP definitions
 - o Reissuance of 39 existing definitions for the NWP's, including modification to two thereof
 - o Addition of one new definition

After NWP's are issued, USACE division engineers may impose additional regional- and activity-specific conditions. In this case, the South Pacific Division Engineer proposes regional-specific conditions for use of NWP's within the San Francisco District.

USACE's proposed reissuance of its NWP's, as modified, is subject to review by BCDC for consistency with the enforceable state policies of its certified coastal management program under the CZMA.

Tentative Staff Position: Recommend concurrence with conditions
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