

San Francisco Bay Conservation and Development Commission

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January 9, 2015

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Bob Batha, Chief of Permits (415/352-3612; bob.batha@bcdc.ca.gov)

SUBJECT: Listing of Pending Administrative Matters
(For Commission consideration on January 15, 2015)

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 administrative permit application and consistency determination 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: Pacific Gas and Electric
3401 Crow Canyon Road
San Ramon, CA 94583

BCDC Permit Application No. M2014.028.00

Filed: 12/31/14
90th Day: 03/31/15

Location: In the Bay (a tidal marsh) and within the 100-foot shoreline band, at the Corte Madera Marsh Ecological Reserve, in the City of Corte Madera, Marin County.

Description: As part of the mitigation requirements associated with the emergency repair of a natural gas pipeline (BCDC Permit No. M1987.74(A).11), restore a 11,674-square-foot area (0.268 acre) to tidal marsh by: (1) grading the area to elevations suitable for tidal marsh establishment (5.5 to 6 feet NAVD 88); (2) excavating a 131-foot-long tidal channel to a depth of 3.2 feet NAVD 88 to connect the area to an existing slough; and (3) if tidal marsh vegetation does not colonize on site by the second year following construction, planting the site with native tidal marsh plant species.

Tentative Staff Position: Recommend Approval. (Michelle Burt Levenson, 415-352-3618 or michelle.levenson@bcdc.ca.gov)



Applicant: Department of the Army
 Military Surface Deployment and Distribution Command (MOTCO)
 834th Transportation Battalion
 410 Norman Avenue
 Concord, CA 94520-1142

Application to BCDC Consistency Determination No. C2003.003.04

Filed: 11/06/14

75th Day: 01/20/15

Location: In the Bay, at the U.S. Department of the Army's Military Surface Deployment and Distribution Command (MOTCO), at Pier 3, located approximately six miles east of the Benicia-Martinez Bridge (CA Highway 680), at 5110 Port Chicago Highway, in the City of Concord, Contra Costa County.

Description: Repair Pier 3 by installing non-reactive, high-density polyethylene (HDPE) jackets on approximately 1,700 timber piles located under the main pier platform. A total of approximately 26,052 linear feet of pile wrapping material measuring about 0.06 inches thick would be installed resulting in approximately 15 cubic yards of solid fill in the Bay when all the pilings are wrapped.

Prior to acting on a consistency determination, the Commission typically receives all information regarding a proposed project from the project proponent. This information includes, among other things, a recommendation and/or a take authorization from the federal resource agencies, including the U.S. Fish and Wildlife Service (USFWS), and the advice of the state San Francisco Bay Regional Water Quality Control Board (RWQCB) in the form of a water quality certification. Such information is used in determining a project's consistency with the *San Francisco Bay Plan* policies on fish, other aquatic organisms, and water quality and, if appropriate, to develop conditions of concurrence. The Department of the Army has provided the USFWS and the RWQCB with the information needed to issue, respectively, a federal biological opinion and a state water quality certification, and these agencies are reviewing the information but have yet to take a final action. In the event that the Commission concurs with the tentative staff position on the subject consistency determination, the concurrence would be conditioned to require the Department of the Army to provide the USFWS's biological opinion and the RWQCB's water quality certification prior to commencement of the project and to amend the consistency determination, if needed, to reflect these actions.

Tentative Staff Position: Recommend Concurrence. (Jaime Michaels) [415/352-3613 or Jaime.michaels@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: Wayward Enterprises, Inc.
Two Embarcadero Center, 5th Floor
San Francisco, California 94111

Marsh Development Permit No. MD-14-01

Received: 12/24/14
20th Working Day: 01/26/15

Description: The project involves constructing a 250-foot by 130-foot (32,500-square-foot (0.75 acre)) drill pad and drilling two exploratory natural gas wells at the new pad. The proposed drill site has been recently plowed and used for agricultural production. It is within the secondary management area of the Suisun Marsh, two miles west of the community of Birds Landing and ten miles southeast of Suisun City. As the site is relatively flat, importation of fill will not be required, although minor grading will be conducted to provide a level surface. The project proponent proposes to use a closed loop system; accordingly, no sump will be constructed as part of the project. All drilling mud and cuttings will be contained in above ground tanks and transported offsite for disposal. No utilities are required for the project and existing roads provide access to the site. Approximately three to five days will be needed to prepare the proposed well site.

It is anticipated that the drilling phase of the project will be approximately 30 days, including mobilizing and demobilizing the drill rig, drilling the wells, installing blowout prevention equipment, cementing, etc. Night lighting will be required and available only during the drilling phase. To the greatest extent possible, night lighting will be directed down and inward towards the well site to minimize stray light offsite. Should either well be found to have insufficient commercial natural gas potential, it will be plugged and abandoned per Department of Gas and Geothermal Resources regulations and specifications.

If economically-viable quantities of natural gas are discovered during the drilling phase, production facilities will be installed. Production facilities include a well-head, gas meter, heater/separator, and production water and condensate storage tanks. All production equipment will be painted in camouflage or an earthen tone to blend in with the environment and to prevent glare. A fence will be installed around all production equipment. A 833-foot-long length of natural gas gathering pipeline will be installed from the drill site to an existing natural gas pipeline.

Several conditions of approval are included in the Marsh Development Permit for the project, including: (1) requiring that all production facilities be painted camouflage or in earthen tones; (2) confining the drilling operations to as small an area as practical; (3) requiring that all employees be trained in endangered species biology and the sensitive nature of the marsh; (4) restoring the site's contours and revegetating the site with native plants following abandonment of the site; (5) requiring measures to reduce project generation of dust, wastewater, noise, light, odor, etc. from adversely affecting the surrounding area; (6) restricting pad and pipeline construction to April 15th through October 15th to minimize impacts to wintering waterfowl, breeding and nesting animals, and special-status species; and (7) if either well is abandoned, sealing the well in accordance with Division of Oils and Gas regulations and removing all production facilities.

On December 9, 2014, the Solano County Planning Commission adopted a Mitigated Negative Declaration and granted a Marsh Development Permit for the proposed development in the Suisun Marsh Secondary Management Area. Final Notice of County approval was received by BCDC on December 24, 2014. Anyone who wishes to file an appeal with BCDC of the County decision must do so by 5:00 p.m. on January 26, 2015, at the Commission's office.

(Bob Batha) [415/352-3612 or bob.batha@bcdc.ca.gov]