



Making San Francisco Bay Better

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& WILDLIFE OFFICE

January 10, 2014

U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, California 95825

ATTENTION: Vincent Griego

AND

U.S. Bureau of Reclamation
801 I Street, Suite 140
Sacramento, California 95814

ATTENTION: Becky Victorine

SUBJECT: Consistency Determination No. C2013.005.00

Ladies and Gentlemen:

On September 23, 2013, the U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation submitted a consistency determination for a project described as the implementation of the *Suisun Marsh Habitat Management, Preservation and Restoration Plan*, which will be implemented in the Primary Management Area of the Suisun Marsh in Solano County, and requested that the Commission concur that the proposed project is consistent with its Amended Coastal Zone Management Program for San Francisco Bay. The project (a plan) would be implemented over 30 years, and involves ongoing management activities on privately owned duck clubs, and Department of Fish and Wildlife properties, all in the Primary Management Area. The Commission concurs with the determination of the U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation that the above-referenced project is consistent with the Commission's Amended Management Program for San Francisco Bay.

The Commission's Letter of Agreement for the subject consistency determination is attached. If you should have any questions regarding the attached Letter of Agreement or need any further assistance, please contact Joe LaClair of my staff at 415/352-3656 or joel@bcfdc.ca.gov.

Sincerely,



LAWRENCE J. GOLDZBAND
Executive Director

LG/JL/go

Enc.



Making San Francisco Bay Better

**LETTER OF AGREEMENT FOR
CONSISTENCY DETERMINATION
NO. C2013.005.00**

January 10, 2014

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Ladies and Gentlemen:

I. Agreement

A. The San Francisco Bay Conservation and Development Commission agrees with the determination of the United States the Fish and Wildlife Service and United States Bureau of Reclamation that the following project is consistent with the Commission's Amended Management Program for San Francisco Bay:

Location: Within the Suisun Bay and the Primary Management Area of the Suisun Marsh, in Solano County.

Description: The proposed project is implementation of the *Suisun Marsh Habitat Management, Preservation, and Restoration Plan (SMP)*, a 30-year comprehensive plan designed to address various conflicts regarding competing uses of Suisun Marsh resources. The focus of the Plan is to achieve an acceptable, balanced multi-stakeholder approach to the restoration of tidal wetlands and the management of managed wetlands and their functions. The SMP addresses how restoration and managed wetland activities affect habitats and ecological process, public and private land use, levee system integrity, and water quality.

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United States Fish and Wildlife Service and

United States Bureau of Reclamation

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The SMP was developed by a set of Suisun Principal Agencies (or Principals): U.S. Fish and Wildlife Service (USFWS), U.S. Department of the Interior, Bureau of Reclamation (Reclamation), California Department of Fish and Wildlife (CDFW), California Department of Water Resources (DWR), National Marine Fisheries Service (NMFS), Suisun Resource Conservation District (SRCD), and CALFED Bay-Delta Program (CALFED). The SMP will be implemented by the Suisun Resource Conservation District, private landowners, the Department of Water Resources, and the Department of Fish and Wildlife.

The plan anticipates Marsh-wide land use changes to promote such benefits as salt marsh harvest mouse habitat, improved management of managed wetlands, increased public recreational use, and enhanced upland habitat. SMP implementation will rely on the incorporation of existing science and information developed through adaptive management. The SMP was developed, in part, by relying other planning documents, such as the 2000 CALFED Record of Decision, and the 2005 Revised Suisun Marsh Preservation Agreement (SMPA) between DFW, DWR, Reclamation, and SRCD that is intended to mitigate the salinity impacts in the Marsh related to State Water Project and Central Valley Project operations, and other upstream diversions.

The SMP addresses these issues by providing a framework for how restoration and managed wetland activities will be implemented. The SMP also addresses levee integrity, water quality, and recreation. The elements of the SMP are: (1) restoration of tidal wetlands; (2) continued implementation of current managed wetland activities; (3) implementation of new managed wetland activities; (4) implementation of environmental commitments for both restoration and managed wetland activities such as sets of Best Management Practices and various protective plans; and (5) implementation of adaptive management and the SMPA Preservation Agreement Implementation Fund (PAI Fund).

The U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation have determined that the Suisun Marsh Habitat Management, Preservation, and Restoration Plan is consistent, to the maximum extent practicable, with the enforceable policies of the Commission's Amended Coastal Management Program for San Francisco Bay because of its potential benefits to Bay and Suisun Marsh ecosystems. Under the SMP, the habitat functions and water quality of tens of thousands of acres of land would be improved, and additional tidal marsh would be created to benefit

special status species. Implementation of the SMP will address the varying use conflicts of the Marsh and facilitate a cooperative approach to restoration and management among responsible agencies in the Marsh should lead to an overall healthier marsh.

B. This agreement is given based on the information submitted by or on behalf of the United States Fish and Wildlife Service and United States Bureau of Reclamation in its email dated September 23, 2013.

II. Findings and Declarations

A. On September 23, 2013, the United States Fish and Wildlife Service and United States Bureau of Reclamation submitted a description of the project and requested that the Commission concur that the proposed project is consistent with its Amended Coastal Zone Management Program for San Francisco Bay. Based on the information contained in those materials, the proposed project is hereby found to be consistent with the provisions of the McAteer-Petris Act and the policies of the San Francisco Bay Plan, and the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan and The Suisun Marsh Management Program, the Suisun Resource Conservation District's (SRCD) certified Local Protection Program (LPP) Component in that: (1) the project involves modest changes to the managed wetland activities that are currently authorized in The Suisun Marsh Management Program, the SRCD's certified LPP component, (2) the modifications to the managed wetland activities for the most part involve greater restrictions and environmental protections than can be achieved under the current LPP, and (3) in cases where the SMP allows activities that are not allowed in the certified LPP component, the Commission retains the authority to require Marsh Development Permits for such activities.

B. The United States Fish and Wildlife Service, the California Department of Fish and Wildlife and United States Bureau of Reclamation prepared an Environmental Impact Statement and Environmental Impact Report for this project to pursuant to the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The final EIS/EIR was published on December 6, 2011. The environmental review concluded that there are no adverse environmental impacts from this project.

C. The Commission, pursuant to the Coastal Zone Management Act of 1972, as amended (16 USC Section 1451), and the implementing Federal Regulations in 15 CFR Part 930, is required to review Federal projects within San Francisco Bay and agree or disagree with the Federal agency's determination that the project is consistent with the Commission's Amended Coastal Zone Management Program for San Francisco Bay. This letter constitutes such review and comment.

D. Pursuant to Regulation Section 10620, the project was listed with the Commission on December 5, 2013.

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



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

LJG/JL/go

cc: U. S. Army Corps of Engineers, Regulatory Section
San Francisco Bay Regional Water Quality Control Board, Certification Section
U.S. Environmental Protection Agency, Compliance and Enforcement Section
County of Solano, Planning Department