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San Francisco Bay Conservation and Development Commission
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Transmitted Via Electronic Mail

December 12, 2025

City of Suisun City
Jim Bermudez, Deputy City Manager
701 Civic Center Boulevard, 946585
ATTN: Jim Bermudez
Via E-mail: SuisunExpansion@suisun.com

SUBJECT: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Suisun Expansion Project

Dear Mr. Bermudez:

Thank you for the opportunity to comment on the Notice of Preparation for the Draft Environmental Impact Report (DEIR) for the Suisun Expansion Project (Project).

The San Francisco Bay Conservation and Development Commission (BCDC) is providing the following comments as an agency with review authority over development in the Suisun Marsh and other areas of BCDC jurisdiction, as described below. BCDC will rely on the Final EIR when considering any required approvals for the project, and we appreciate this opportunity to comment on the information on the Notice of Preparation. The following comments are based on BCDC staff review of the NOP, the McAteer-Petris Act (Title 7.2 of the California Government Code), the Suisun Marsh Preservation Act (SMPA) (Public Resources Code Section 29000 et seq.), the *San Francisco Bay Plan* (Bay Plan) and the Suisun Marsh Protection Plan (SMPP).

This letter begins with an overview of BCDC's laws, policies, and jurisdiction that may be relevant to the Project, and followed by three main requests for the DEIR: (1) Precise mapping to clarify whether External Specific Plan Improvements fall within BCDC's jurisdiction; (2) an analysis of the Project's potential indirect impacts to Suisun Marsh's Primary and Secondary Management Areas; and (3) discussion of the Project's relationship to ongoing regional shoreline adaptation planning in Solano County and consideration of sea level rise impacts.

San Francisco Bay Conservation and Development Commission

BCDC is a State planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act and the Suisun Marsh Preservation Act. Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for

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development of the Bay and shoreline in the Bay Plan, which provides the basis for the Commission's review and actions on proposed projects. Pursuant to the Suisun Marsh Preservation Act, BCDC has the mission to preserve the marsh and the authority to issue Marsh Development Permits for development consistent with the SMPA and the SMPP within water-covered areas, tidal marshes, diked-off wetlands, seasonal marshes, and lowland grasslands in an area identified as the Primary Management Area (PMA) of the Suisun Marsh, including managed wetlands. (*See* SMPA sections 29501(a)-(b) [permitting authority] and 29102 [definition of PMA].) Pursuant to Senate Bill 272 (Laird, 2023), BCDC also reviews and approved subregional shoreline adaptation plans developed by local governments consistent with the guidelines set forth in BCDC's Regional Shoreline Adaptation Plan.

BCDC Jurisdiction

Based on our review of the NOP, it appears that the proposed 22,873-acre annexation area, which includes the 7,136-acre Area Plan and the 15,737-acre Specific Plan, is not currently within BCDC's McAteer-Petris Act and Suisun Marsh Preservation Act jurisdictions. However, the Project includes "External Specific Plan (SP) Improvements" that extend outside the annexation area boundaries, some of which may fall under BCDC jurisdiction.

BCDC requests that the DEIR include detailed mapping showing the precise boundaries and disturbance footprints of all External SP Improvements, with GIS data clearly delineating whether any of these improvements fall within BCDC's jurisdictional areas as described below. In the event that any aspect of the Project is located within BCDC's jurisdiction, BCDC would be a responsible agency with respect to the review of the Project and the Project may require a permit (or permits) from BCDC. As part of any permit application process, the elements of the Project will be assessed against – and required to be consistent with – all applicable BCDC's laws and policies.

SUISUN MARSH: PRIMARY AND SECONDARY MANAGEMENT AREA

- Under the Suisun Marsh Preservation Act (Marsh Act), BCDC has authority to issue Marsh Development Permits for development within an area identified as the Primary Management Area (PMA) of the Suisun Marsh. The boundaries of the Primary Management Area was mapped in 1977 and it is set within the Act itself. Any development within the primary management area requires a Marsh Development Permit from BCDC, unless there is an exception in the Marsh Act.

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- The Marsh Act also provides for a Secondary Management Area (SMA), which acts as an upland buffer around the Primary Management Area (PMA) – insulating it from intensive development. In the Secondary Management Area within Solano County's jurisdiction, Solano County retains permitting jurisdiction but would review permits for consistency with the Marsh Act and the Suisun Marsh Protection Plan, along with any applicable local rules. Permits issued by local governments for work in the Secondary Management Area can be appealed to BCDC. To implement the Marsh Act, BCDC uses the Suisun Marsh Protection Plan (SMPP). BCDC's authority under the McAteer-Petris Act and the Marsh Act may overlap, although where there is a conflict the more specific findings and policies of the Marsh Act and the SMPP will apply.

BCDC can provide GIS overlays showing BCDC's jurisdiction in the Suisun Marsh upon request. In addition, under the provisions of the Marsh Act, Solano County and other local governmental agencies having jurisdiction within the Marsh including the cities of Benicia, Fairfield, and Suisun City, the Solano County Local Agency Formation Commission, the Solano County Mosquito Abatement District, and the Suisun Resource Conservation District are required to bring their general and specific plans, ordinances and zoning maps, land use regulations, and other related standards and controls into conformity with the provisions of the Marsh Act and the Suisun Marsh Protection Plan. The combination of all such land use and development policies, standards, and controls adopted by all of these agencies constitutes the Local Protection Program (LPP), while the controls adopted by an individual agency constitutes that agency's component of the LPP. As described in the Suisun Marsh Protection Plan, the LPP is to include development controls designed to meet the following objectives:

- (a) Protection of tidal and seasonal marshes, managed wetlands, sloughs, bays, and waterways within or tributary to the Suisun Marsh;
- (b) Protection of those agricultural lands both within and adjacent to the Suisun Marsh necessary to ensure that current agricultural uses within the Marsh remain economically feasible for as long as possible;
- (c) Erosion, sediment, and run-off controls in the secondary management area of the Suisun Marsh and the watershed;
- (d) Controls on creek side developments that would protect riparian habitat and the Suisun Marsh from increased siltation and water run-off caused by waterway modification along and immediately adjacent to waterways flowing into the Marsh;
- (e) Assurance of the maximum beneficial use of deep water industrial and port areas near Collinsville; and
- (f) Procedures and standards to review the design and location of any new development or structures in and adjacent to the Suisun Marsh to protect the visual characteristics of the Marsh and, where possible, enhance views of the Marsh.

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The Project may require Suisun City and/or Solano County to amend elements of the Local Protection Program. These amendments will then be required to be certified by BCDC, pursuant to the process outlined in the Marsh Act and Protection Plan. Given the potential impact on these objectives above, BCDC requests that the DEIR include a comprehensive analysis of the project's indirect impacts on the Suisun Marsh, including effects listed and any other significant environmental issues intersecting with the Marsh's protection principles.

San Francisco Bay and Shoreline Band Jurisdiction

BCDC also has jurisdiction over:

- In the San Francisco Bay, being all areas subject to tidal action, including the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (Government Code Section 66610[a]); and
- In the shoreline band, consisting of all territory located between the shoreline of the Bay and 100 feet landward of and parallel with the shoreline (Government Code Section 66610[b]).

Federal Consistency

Further, under the Coastal Zone Management Act (CZMA), BCDC has authority to conduct consistency review for any federal activity, even if beyond BCDC's McAteer-Petris Act jurisdiction, if it would impact resources within BCDC's segment of the coastal zone (the San Francisco Bay Coastal Zone) as described in the federally approved San Francisco Bay Coastal Zone Management Program (SFBCZMP). Consistency review may also be required for certain defined federal permits or in certain circumstances where a project receives federal funding. Given the Project's proximity to Travis Air Force Base and potential involvement of federal agencies, federal consistency review may be necessary depending on the impacts to the San Francisco Bay Coastal Zone.

Other Issues

The Suisun Marsh Preservation Act and Protection Principles

The Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act was enacted in 1974 to require BCDC and the California Department of Fish and Wildlife to prepare a plan to preserve the integrity and ensure continued wildlife use of the Suisun Marsh. The Suisun Marsh comprises approximately 85,000 acres of tidal marsh, managed wetlands, and waterways in southern Solano County. It is the largest remaining brackish wetland complex in San Francisco Bay, representing more than 10% of California's remaining wetland area, and is recognized as a wildlife habitat of international importance.

The Marsh Act incorporated the findings and policies of the SMPP into State law and empowered BCDC to implement the SMPP through its regulatory authority. The SMPP establishes: (1) a Primary Management Area encompassing approximately 89,000 acres of tidal

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marsh, managed wetlands, adjacent grasslands, and waterways; and (2) a Secondary Management Area of approximately 22,500 acres of buffer lands. Under the SMPP, certain local entities are responsible for preparing and administering a local protection program, while BCDC serves as the land use permitting agency for development in the Primary Management Area and has review authority over local government permitting within the Secondary Management Area.

The Marsh Act and the SMPP are founded on core principles that are directly relevant to the environmental review of the Suisun Expansion project including:

- Maintenance of adequate water quality.
- Improve water management practices.
- Production of valuable waterfowl food plants.
- Protect the marsh from degradation by excessive human use.
- Establish a buffer area consisting of upland areas that have high wildlife values

  themselves and contribute to the integrity and continued wildlife use of the wetlands within the marsh.
- Support public use and recreational use.

Although the Project's annexation area boundaries do not appear to be within the Suisun Marsh Primary or Secondary Management Areas, the Project is located directly adjacent to and upstream from the Suisun Marsh. According to the NOP, the Project's southern boundary runs along State Route 12, which is north of the Suisun Marsh boundary. This proximity creates significant potential for impacts to the Marsh through:

- Potential altered watershed hydrology and marsh salinity from surface water capture and stormwater runoff from 22,873 acres of development entering the Marsh
- Changes to groundwater recharge patterns that may change water supply
- Increased human use of the Marsh
- Potential loss of buffer areas and upland habitats
- Potential loss or adverse impacts to northern wetland migration space for the marsh towards Hwy 12
- Recreational impacts or opportunities
- Permanent loss of established vernal pool complex that is a documented home to four threatened and endangered species: California tiger salamander (*Ambystoma californiense*), vernal pool fairy shrimp (*Branchinecta lynchi)* , vernal pool tadpole shrimp (*Lepidurus packardi)*, and Contra Costa goldfields (*Lasthenia conjugens*).

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Given the potential impact pathways outlined above, BCDC requests that the DEIR include a comprehensive analysis of the project's indirect impacts on the Suisun Marsh, including effects listed and any other significant environmental issues intersecting with the Marsh's protection principles.

Regional Shoreline Adaptation Plan

BCDC is currently implementing the Regional Shoreline Adaptation Plan (RSAP) pursuant to Senate Bill 272, which requires development of regional guidelines for sea level rise adaptation in the Bay Area and subsequent development of subregional shoreline adaptation plans by local governments in BCDC's jurisdiction. Solano County, in partnership with the Fairfield-Suisun Sewer District, Suisun City, Benicia, Vallejo, and Fairfield have begun a multi-jurisdictional shoreline planning effort (see their notice of initiation here). The Solano Bayshore Resiliency Project was formally initiated and noticed by BCDC on November 24, 2025. Given the Project's proximity to the Suisun Marsh and location within the broader Bay-Delta system, we encourage coordination between the Project's planning process and Solano County to ensure consistency with local and regional sea level rise adaptation strategies. We request that the DEIR include details about how this coordination with the subregional shoreline planning process is occurring and any resilience and adaptation efforts that are being included to ensure that the Project is considering impacts associated with sea level rise.

Conclusion

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the NOP If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415)-352-3654 or by email at lisa.herron@bcdc.ca.gov

Sincerely,

DocuSigned by:
Lisa Herron
8449D4571829490

Lisa Herron
Principal Waterfront Planner

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)

LH / sr