



Sent via electronic email only to Michael.ng@bcdc.ca.gov

Bay Conservation and Development Commission
Attn: Michael Ng, Senior Staff Counsel
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24 September 2020

Re: Notice of Preparation of an Environmental Assessment for the Cargill, Incorporated Solar Salt System Maintenance and Operations Activities Project

Dear Mr. Ng,

These comments are submitted on behalf of the Citizens Committee to Complete the Refuge, Center for Biological Diversity, San Francisco Baykeeper, Green Foothills and Save The Bay in response to the Notice of Preparation (NOP) of an Environmental Assessment (EA) for the Cargill, Incorporated Solar Salt System Maintenance and Operations Activities Project (Cargill salt pond O & M project).

Based upon our review of the NOP and on the permitted activities and permit conditions in BCDC Permit No. 4-23 we have identified the following issues that should be analyzed in the BCDC EA:

New work:

As a “maintenance and operations” permit, the activities covered should only include actions involving repair and replacement of existing structures. The permit should not cover new work or experimental work. Activities such as “pilot studies” or “development of new maintenance methods” should not be covered under the current permit, or alternatively, the proposed actions should be described in detail and in full, including the location where these proposed actions would take place, the footprint of the proposed action and all associated actions fully identified, and a full analysis of the potential impacts and proposed mitigations for those impacts. To authorize open ended “development of new maintenance methods” or “pilot studies” thwarts the ability of reviewing agencies and the public to understand the full range of potential impacts (beneficial or adverse) and to provide meaningful comments regarding those impacts.

Project Setting:

Please note that the zoning/land use designations provided for the Redwood City Plant are not accurate. The entirety of the site is zoned “Tidal Plain” and the designated General Plan land use is “Open Space – Preservation” with the exception of approximately 30% of the site located on the western side that is designated as “Open Space – Urban Reserve.”

Project Description:

The EA should provide a full and complete project description (including maps identifying where each of the actions will occur), project purpose and scope consistent with the requirements of the California Environmental Quality Act (CEQA). This information should be provided and the impacts fully analyzed to determine if there are possible alternatives or necessary protective mitigation measures. As an example, the current permit is littered with vague language regarding the amount of fill that will be placed within tidal wetlands and waters of the State including the salt ponds themselves. The phrase “the minimum fill necessary” is repeated throughout the permit without providing estimated amounts of fill anticipated or even imposing limits for the maximum amount of fill for each of the various activities, therefore it is impossible to estimate or analyze the potential impacts to the environment. Cargill has the capacity to provide this information based upon its record of completed maintenance work that has been provided on an annual basis to the regulatory agencies. This information should be incorporated and analyzed in the EA so reviewing agencies and the public have an opportunity to consider and comment on the extent of impacts prior to the issuance of the permit.

Access to or egress from locks – The locks proposed for access to or egress from the project site should be identified on maps. There should be an assessment of the condition of the spoils piles and the extent of the spoils piles mapped for comparison with previous analyses and for future reference. An assessment of whether non-native invasive species have become established on the spoils piles should also be included and their extent mapped. Any remedial measures to control non-native species should be described and the level of success in controlling the establishment or spread of non-native invasive species such as *Lepidium latifolium*, *Dittrichia graveolens*, *Spartina alterniflora* x *foliosa*, etc. should be analyzed.

Removal of accumulated sediment from in front of Bay water intake structures – The EA should identify how the water intake structures will be accessed and where the removed sediments will be placed.

Maintenance and installation of small pumping ponds – As we stated earlier, it is inappropriate to permit installation of new structures under this maintenance and operations permit unless it is for a discreet activity that can be described in detail including the location and the specific purpose of the new structure is described in detail including descriptions of how said structure may alter existing conditions.

Maintenance of other infrastructure – The label “maintenance” should not be used for activities that can result in alteration of existing conditions. For example, “maintenance” activities should not include the installation of new riprap. In addition, riprap should be avoided to the greatest extent possible as it can have significant negative impacts on rare and listed species through the loss of escape habitat and the attraction of nuisance species such as Norway and roof rats. Other alternatives to the use of riprap should be identified and analyzed in the EA.

Minor fill and excavation – The EA should provide details regarding specifically where these activities might occur, the purpose of such activities (e.g. explanation of how minor fill and excavation facilitates “salt making”). The EA should also provide estimated amounts of fill for these various actions and the type of habitats that may be affected.

Modification to internal flow patterns within the ponds - What does “modifications to internal flow patterns within the ponds” mean? Changes in the way water is circulated within a pond or within the system? Would such modifications result in changes in water depths? Or changes in which ponds will be wet or dry? Changes such as these can have significant consequences for resident and migratory waterbirds and such changes should be identified and either avoided or mitigated if BCDC is authorizing the activity.

Implementation of a sea level rise adaptation pilot study consisting of vinyl sheet pile installation on the inboard side of a berm and potentially “other sea level rise adaptation pilot projects.” Please refer to our earlier comments. Should BCDC elect to include the pilot study involving the use of vinyl sheet pile within this maintenance and operations permit, the EA must assess the adverse impacts of such action on foraging habitat for smaller shorebirds.

In addition to addressing the issues listed above, the EA must address the impacts of the proposed work on:

- tidal marsh habitat and mudflats,
- listed and rare species – flora and fauna,
- marine mammals,
- resident and migratory waterbirds,
- nuisance species (competitors/predators of tidal marsh species and non-native invasive species), and
- water quality

The EA should quantify the amount of fill associated with each type of activity proposed (the NOP only quantifies the amount of material that might be excavated from in front of intake structures), the habitat in which the fill would occur, and the specific locations where fill would occur.

The EA should disclose whether tidal marsh habitat previously disturbed by temporary stockpile placement or fills have been restored. The EA should analyze whether purported “temporary” impacts are truly temporary in nature or whether the actions result in long-term habitat degradation.

Installation and removal of cofferdams – Where will cofferdams be installed? Strictly on the inboard side of salt ponds or in Bay waters or tidal marshes? Where will the material to construct the cofferdams be obtained from and where will the materials be disposed?

The EA should identify previous Best Management Practices and analyze and report the extent to which adverse impacts to the environment have been avoided or minimized, particularly with respect to impacts on tidal marsh/mudflat habitat and rare and listed species. Based upon this review, the EA should analyze the language of proposed Best Management Practices and identify any gaps that might exist in the protection of tidal marsh/mudflat habitats and rare and listed species and propose alternative language/measures to strengthen protection of impacted habitats and species.

We thank you for the opportunity to provide scoping comments and ask that we be kept informed of future opportunities to review and provide comments on this project.

Respectfully submitted,

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