

# San Francisco Bay Conservation and Development Commission

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Governor's Office of Planning & Research

**Oct 18 2022**

**STATE CLEARINGHOUSE**

October 17, 2022

San Francisco Planning Department  
49 South Van Ness Ave, Suite 1400  
San Francisco, CA 94103  
Attn: Michael Li  
Via Email: <cpc.sfosppeir@sfgov.org>

**SUBJECT: Comments on the San Francisco International Airport Shoreline Protection Program Draft EIR (SCH#2020110456); BCDP Inquiry File No. MC.MC. 7415.026**

Dear Mr. Li:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the San Francisco International Airport (SFO) Shoreline Protection Program (Project), received by our office on August 31, 2022. While the San Francisco Bay Conservation and Development Commission (Commission), has not itself reviewed the draft EIR, these staff comments are based on the Commission's law, the McAteer-Petris Act, and the policies of the Commission's *San Francisco Bay Plan*.

The project proposes to install a new shoreline protection system around SFO to comply with current FEMA requirements for flood protection against the 100-year flood and would also incorporate protection from future sea level rise. The majority of the project area is located along the perimeter of SFO in unincorporated San Mateo County, but some portions of the airport lie within the cities of South San Francisco, San Bruno, and Millbrae. The proposed project would remove the existing shoreline protection system and construct a new shoreline protection system that is made up of multiple reaches comprised of a combination of reinforced concrete and steel sheet pile walls that would range in height between 3.9 to 13.5 feet above the existing ground surface. The project consists of approximately 16 planning reaches, differentiated by shoreline orientation, existing protection types, existing foreshore conditions, and existing landside conditions. The proposed project includes the new shoreline protection system across 10.5 miles (55,500 linear feet) of shoreline to eliminate the probability of substantial inundation at SFO through 2085 and is anticipated to require approximately 26 acres of fill in open water of San Francisco Bay and three acres in wetlands.

The proposed project would remove existing shoreline protection consisting of a combination of concrete walls, sheet pile walls, concrete debris, rock armor, sandbags, K-rails, natural tidal flats, embankment walls/dikes, and earthen vegetated berms. The new proposed shoreline protection would consist of reinforced concrete, steel sheet pile walls, soil, and riprap. In the Draft EIR, the City evaluated the following project alternatives for the Shoreline Protection Program and achieving the project goals:



1. Alternative A – No Project
2. Alternative B – Reaches 7 and 8 extended construction duration, which would increase the construction time for Reach 7 from three years to six years and for Reach 8 from one year and six months to two years and six months by reducing the use of marine construction equipment.
3. Alternative C – No vehicle service road relocation for Reaches 7, 8, 11,13, and 14, which would not include moving the new vehicle service road out onto Bay fill in these reaches and reduce open water fill by approximately 11 acres.
4. Alternative D – Less barge/more truck construction scenario, which include using less marine barge equipment for construction activities in Reaches 7, 8, and 9, except for during dredging and disposal activities and transporting materials to the staging area.
5. Alternative E – Reach 7 lower wall height, which includes building the wall in Reach 7 on the existing berm and to a height of 6.5 feet NAVD88 rather than 13.5 feet NAVD88. This would reduce the amount of Bay fill by approximately 11 acres.
6. Alternative F – Minimize wetland fill, which included minimizing wetland fill at Reach 2 by constructing the new 26-foot-wide roadway for construction activities, but not include a newly graded ground surface for a construction staging area and reduced impacts on seasonal wetlands by 1.19 acres and still involve the same impacts to tidal wetlands (0.02 acres). This would not allow the area to be used for construction staging and would divert trucks to another staging area on the site.

The preferred alternative selected in the DEIR was Alternative B because it lessens the significant impact associated with construction-related NOx emissions while meeting most of the project objectives, however this alternative will still result in a significant and unavoidable impact associate with NOx emissions.

The Commission is a responsible agency for this project and will rely on the Final EIR when it considers the project. We have prepared comments outlining specific BCDC issues that should be addressed either in the Final EIR or through the BCDC permitting process. Once we receive more details on the project, we will be able to provide more detailed responses, and can work closely with the SFO to ensure the project is consistent with the Commission's law and policies. Although the Commission itself has not reviewed the Draft EIR, the staff comments are based on the McAteer-Petris Act and the Commission's San Francisco Bay Plan (Bay Plan).

### Commission Jurisdiction

From reviewing the Draft EIR, it appears that a portion of the proposed project would be located within the Commission's jurisdiction. The Commission's jurisdiction includes both the Bay itself and the "shoreline band." The shoreline band extends 100 feet inland from and parallel to the Bay shoreline, that shoreline being defined as all tidal areas of the Bay up to the line of mean high tide, or where there is tidal marsh, all areas five feet above mean sea level. Within its jurisdiction, Commission permits are required for activities including the placement of



fill, substantial changes in use, and dredging/extraction of materials. The proposed project would require a permit from the Commission. Permits are issued if the Commission finds the activities to be consistent with the McAteer-Petris Act and the policies of the Bay Plan.

Although, the DEIR does not contain maps identifying the Commission's exact jurisdiction areas of the proposed project, it does mention that work would occur both within the Bay and shoreline band jurisdictions. With greater detail on the exact jurisdiction and impacts, the Staff will be able to work closely with SFO during the permitting to ensure that the project is consistent with the Commission's laws and policies. The Final DEIR should provide a detailed and complete project description, clarify where the proposed project would occur within the Commission's Bay and 100-foot shoreline band jurisdictions.

### **Airport Priority Use Area**

Section 66602 of the McAteer-Petris Act (MPA) states, in part, that certain water-oriented land uses along the bay shoreline are essential to the public welfare of the Bay Area, and that these uses include airports, wildlife refuges, water-oriented recreation and public assembly, and, as such, the San Francisco Bay Plan should make provision for adequate and suitable locations for all these uses. In Section 66611, the Legislature declares "that the Commission shall adopt and file with the Governor and the Legislature a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented priority land uses, as referred to in Section 66602," and that "the Commission may change such boundaries in the manner provided by Section 66652 for San Francisco Bay Plan maps." The San Francisco International Airport is located in an Airport Priority Use Area as identified by Bay Plan Map 5. The DEIR includes a short analysis of the Priority Use Area on page 3-4 but does not address how the additional Bay fill for the proposed project, which may be considered expansion into the Bay, is consistent with a clear need identified by a regional airport system study. Please further address this in this section. Additionally, the proposed project will be subject to the Bay Plan policies on Airports, which includes policies consistent with the map policies mentioned on page 3-4 of the DEIR.

## **COMMISSION LAW AND BAY PLAN POLICIES RELEVANT TO THE PROJECT**

### **Bay Fill**

Section 66605 of the MPA sets forth the criteria necessary to authorize placing fill in the Bay and certain waterways. It states, among other things, that further filling of the Bay should only be authorized if it is the minimum necessary to achieve the purpose of the fill, if the public benefits of the fill clearly exceed the public detriments of the fill from the loss of water area, if harmful effects associated with its placement are minimized, and if the fill is placed according to sound safety standards for geologic or soil conditions and against flood or storm waters. According to the MPA, fill should be limited to water-oriented or minor fill for improving shoreline appearance or public access and should be authorized only when no alternative upland location is available for such purpose. The DEIR anticipates that the proposed project will include installation of an approximately 55,500-foot-long (approximately 10.5 miles) new

shoreline protection system, which would require approximately 26 acres of solid fill (sheetpile walls, soil, riprap, etc.) in the open Bay for various reaches and result in approximately three acres of fill and impacts to wetlands.

The DEIR included six alternatives that were evaluated. However, it does not appear that the DEIR included an analysis of alternative upland locates for the fill proposed out in the Bay and there was not an inclusion of an alternative assessing the feasibility of nature-based shoreline protection, please see the Shoreline Protection section below for more information on this.

Additionally, there are a number of issues related to the proposed Bay fill that should be further explained in the Final EIR, including the following:

1. It does appear that some of the alternatives, such as Alternatives C, would result in less fill in the Bay and still achieve many of the project goals, but it is not exactly clear from the DEIR why the new service roadway needs to be moved out into the Bay. Please also further explain the need for the 12-foot-shoulder and evaluate whether a smaller shoulder could achieve the same need. The DEIR mentions that the current roadway doesn't meet current FAA requirements but does not clearly provide the reason why.
2. Please provide further justification for the need to move the new service roadway to the proposed location and evaluate whether the roadway could be located elsewhere or be smaller in size to reduce the amount of Bay fill, especially in Reaches 7 and 8.
3. Additionally, please provide more detail and justification on the specific need for fill to maintain critical airspace surfaces and how the proposed shoreline protection heights make any Bay fill necessary, especially in Reaches 7 and 8 (see page 2-35).
4. It is not clear why the existing vehicle service road does not meet the FAA taxiway and taxilane object-free area standards, and how moving the service road out onto fill in the Bay would solve this issue. Please further explain this in the DEIR.
5. It is not clear why the shoreline protection system in all reaches is being constructed Bayward of the existing protection rather than in the same location or upland of the current system.

### **Public Access and Recreation**

Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." BCDC's determination of maximum feasible public access consistent with the project will require a better understanding of the public access and any closures proposed as part the project. Depending on the impact to existing or future public access from the proposed project, maximum feasible public access may be required to be incorporated into the project. We understand that a majority of the shoreline around SFO is currently closed to public access. If public access is not feasible on the project site, then in lieu public access may be required as part of the maximum feasible public access consistent with the project. The Final EIR should evaluate whether new public access is feasible

with the proposed project or provide information on why this is not feasible. Additionally, the analysis should include potential alternatives that might be considered, including in lieu options.

The DEIR on page 3-10 mentions that the Bay Trail runs on the coastline north and south of SFO and that there is public access along Reach 1, which includes some potential fishing. The DEIR mentions that there will be temporary closure of the Bay Trail along Reach 1 during construction activities. The closure is estimated to occur along 1,000 linear feet of Reach 1 and will be closed for a period of five months. The DEIR mentions that the trail will be temporarily relocated to a closed lane on the North Access Road. Please include information on whether this detour will allow for the fishing opportunities to remain open or not during the construction activities. In order to fully evaluate the public access impacts and any proposed alternative routes or compensation for public access closures, the Final DEIR should include more detailed information on this.

### **Biological Resources**

Protection of biological resources, including wildlife and habitat, is addressed through several sections of the Bay Plan. Fish, Other Aquatic Organisms, and Wildlife Policy No. 1 states “To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.” Furthermore, Tidal Marshes and Tidal Flats Policy No. 2 states that “Any proposed fill, diking, or dredging project should be thoroughly evaluated to determine the effect of the project on tidal marshes and tidal flats, and designed to minimize, and if feasible, avoid any harmful effects.” Additional policies in these Bay Plan sections, and policies in the Subtidal Areas section, provide further requirements on protection of the Bay’s natural resources.

Furthermore, Section 4.D.3 of the DEIR discusses the regulatory framework regarding biological resources. Page 4.0-27 identifies BCDC as a state regulatory entity with respect to wetlands and other waters and page 4.0-30 discusses policies of the Bay Plan applicable to wildlife, but these portions of DEIR discussion do not address the Bay Plan Mitigation Policies. The proposed project is anticipated to have approximately 26 acres of open water habitat impacts and three acres of tidal wetland impacts. These permanent impacts will need to be mitigated. Please see the mitigation policy discussion below.

The DEIR describes a number of methods that will be used to minimize direct impacts to species present near the project site, their habitat, and water quality. Please note that some of the proposed construction methods themselves may also lead to some temporary impacts or even take of listed species, such as dewatering and pumping activities, that may also require mitigation. Such mitigation should also be discussed in the DEIR.

## Mitigation

### State Plans and Policies

Section 3.B.2 of the DEIR discusses State Plans and Policies, including BCDC and the Bay Plan on pages 3-3 to 3-7. This section states, “the following general policies of the Bay Plan would apply to the proposed project” and then identifies Shoreline Protection Policies 1, 2, 3, 4, and 6. This section then briefly describes how the proposed project would not conflict with these policies.

However, the Commission applies all relevant Bay Plan policies when considering a proposed project and this section fails to identify other key policies of the Bay Plan applicable to the proposed project, notably Mitigation Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. Therefore, the determination on page 4 of the Initial Study that Impact LU-2 would be less than significant is not yet justified.<sup>1</sup> While BCDC staff does not have a position at this time as to whether or not the proposed project would cause a significant physical environmental impact due to a conflict with Mitigation Policies 1 through 10, by the same token (as will be explained further below), staff believes that the discussion within the DEIR of proposed mitigation for Bay fill impacts caused by the proposed project is too cursory to justify the conclusion reached regarding Impact LU-2.

### Mitigation Measure M-BI-5b

In regard to Impact BI-5<sup>2</sup>, Mitigation Measure M-BI-5b states in relevant part that:

“The Airport shall provide compensatory mitigation for placement of fill associated with installation of new structures in San Francisco Bay at all applicable reaches and fill of the seasonal wetlands in Reach 2B, as further determined by the regulatory agencies with authority over these features during the permitting process. Compensation may include compensatory mitigation, shoreline improvements or intertidal/subtidal habitat enhancements through removal of chemically treated wood material (e.g., pilings, deckings, etc.) by pulling, cutting, or breaking off piles at least 1 foot below mudline or removal of other unengineered debris (e.g., concrete-filled drums or large pieces of concrete), as well as creation, restoration, or enhancement of wetlands and waters.”

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<sup>1</sup> Impact LU-2 states: “The proposed project would not cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)”

<sup>2</sup> Impact BI-5 states: “Construction and operation of the proposed project (Reaches 1–15) could have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means. (Less than Significant with Mitigation)”





The DEIR indicates that the proposed project will result in permanent impacts to 26 acres of open Bay waters and three acres of impacts to Bay tidal wetlands. However, Mitigation Measure M-BI-5b (as well as Mitigation Measure M-BI-5a) is lacking because the project proponent has only cursorily consulted with BCDC regarding its proposal to mitigate for its projected fill of 26 acres of open waters of the Bay and three acres of wetlands. Thus, it is not apparent how the commitments of Mitigation Measure M-BI-5b (or M-BI-5a) will realistically be achieved commensurate with the extent of anticipated project impacts.

Specifically, it is not apparent to BCDC at present how the project proponent can ensure consistency with the requirements of various Bay Plan Mitigation Policies, such as:

1. siting and designing compensatory mitigation projects as close to the impact site as practicable and within a Baywide ecological context (Policy 2);
2. justification of the amount and type of compensatory mitigation based on a clearly identified rationale, including analysis of the probability of success, expected time delay between the impact and functioning of the mitigation site, and type and quality of ecological functions of the proposed mitigation site as compared to the impacted site (Policy 5);
3. preference for resource restoration over creation where practicable, and inclusion of transition zones and buffers (Policy 6);
4. site selection considering factors that will increase likelihood of long-term ecological success such as existing hydrological conditions, soil type, adjacent land uses, and connections to other habitats (Policy 6); and
5. to the extent practicable, provision of mitigation prior to or concurrently with the parts of the project causing adverse impacts (Policy 7).

While the project proponent may commit to achieving all of the requirements of these policies, the project proponent has not consulted with BCDC or otherwise made available for public review sufficient information to adjudge whether it can feasibly achieve these requirements with respect to mitigation for the proposed project's anticipated fill impacts to 26 acres of Bay and three acres of wetlands.

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CEQA Guidelines

Section 15126.4(a)(1)(B) of the CEQA Guidelines, codified at Title 14 of the California Code of Regulations, states in relevant part:

“The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.”

For the reasons discussed above, the project proponent has not provided substantial evidence to demonstrate the feasibility of Mitigation Measure M-BI-5b (and Mitigation Measure M-BI-5a) to reduce anticipated project impacts to a degree of less than significance as compared to the extent of those impacts.<sup>3</sup>

Furthermore, the DEIR does not address the potential applicability of section 15126.4(a)(1)(D) of the CEQA Guidelines, which states in relevant part:

“If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.”

While BCDC staff’s position at this time is not that Mitigation Measure M-BI-5b (or Mitigation Measure M-BI-5a) will necessarily cause any significant effects, the lack of detail and specificity as to how impacts to 26 acres of open water in the Bay and three acres of wetlands can realistically be mitigated through Mitigation Measures M-BI-5a and M-BI-5b does not provide BCDC staff assurance that the mitigation measures will not cause one or more significant effects that should be addressed in the EIR.

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<sup>3</sup> Section 15364 of the CEQA Guidelines defines “Feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”





### Suggestions

Considering the comments above, we encourage the City and SFO to look at potential options nearby that may compensate for the project impacts and to then consider other options offsite or out-of-kind and not just the mitigation or minimization of construction related impacts. Additionally, one potential mitigation alternative that staff is aware of that the City and SFO could look into is whether the Port of San Francisco would be interested in having this project contribute funds for removal or remove a portion of Piers 30/32 to restore open water habitat in that area. This could be evaluated as one of the mitigation alternatives considered.

### **Safety of Fills**

The Commission appointed the Engineering Criteria Review Board to review, on the basis of available knowledge, all new fills that might be permitted in the Bay Plan, so that no fills would be included upon which construction might be unsafe. Based upon the soil conditions and the complexity of the different designs at each of the different reaches, the Commission staff believes that this project needs to be reviewed by the ECRB. Staff generally recommends that the ECRB review occurs before any applications are submitted so that changes can be incorporated into the early phases of the project design and planning. The project team should contact BCDC staff to discuss setting up an ECRB review.

The expansion of the airport includes offshore flood protection that potentially creates greater hazards to life and property, during normal soil consolidation and earthquakes. Therefore, adequate design measures shall be taken to reduce these potential hazards to acceptable levels. Even if the Bay Plan indicates that a fill may be permissible, no fill or building should be constructed if hazards cannot be overcome adequately for the intended use in accordance with the criteria prescribed by the Engineering Criteria Review Board.

Further, the flood protection structures shall provide adequate measures to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project. Hence, the Commission may approve fill that is needed to provide flood protection for existing projects and uses that meet flood resilience criteria such that the project should either:

- be set back from the edge of the shore so that the project will not be subject to dynamic wave energy,
- be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project,
- be specifically designed to tolerate periodic flooding, or
- employ other effective means of addressing the impacts of future sea level rise and storm activity.

Rights-of-way for levees or other structures protecting inland areas from tidal flooding should be sufficiently wide on the upland side to allow for future widening or raising to support additional height so that no fill is placed in the Bay. This principle also applies for the raising or widening of other shoreline protection structures as well.

### Shoreline Protection

The Bay Plan policies on Shoreline Protection require that any new shoreline protection be necessary to prevent flooding or erosion, be appropriate for the site and conditions, be appropriately engineered for flood protection for the expected life of the project and based upon the 100-year that takes into account future sea level rise, be integrated into current or planned adjacent shoreline protection, and avoid and minimize adverse impacts on nearby and adjacent areas. If there are impacts that cannot be avoided or minimized, measures to compensate should be required. Additionally, Policy No. 5 requires that “all shoreline protection projects should evaluate the use of natural and nature-based features such as marsh vegetation, levees with transitional ecotone habitat, mudflats, beaches, and oyster reefs, and should incorporate these features to the greatest extent practicable. Ecosystem benefits, including habitat and water quality improvement, should be considered in determining the amount of fill necessary for the project purpose. Suitability and sustainability of proposed shoreline protection and restoration strategies at the project site should be determined using the best available science on shoreline adaptation and restoration. Airports may be exempt from incorporating natural and nature-based features that could endanger public safety by attracting potentially hazardous wildlife.”

On February 28, 2019, during early coordination, BCDC Regulatory Director, Brad McCrea, recommended SFO to consider a variety of alternatives, including nonstructural methods, in its environmental process under CEQA. As a response to a January 14, 2019 letter to BCDC, he noted that in the absence of a complete CEQA analysis, an application, and/or additional project details, the Commission staff could not agree with the statement made in the letter stating that “for safety reasons, the shoreline protection measures encouraged in the Bay Plan Shoreline Protection Policy 4 are not feasible or appropriate at the airport and that the Project would not be rejected for not including ecosystem enhancements in its design.” The DEIR environmental review process should incorporate information to evaluate how the proposed project would be consistent with the Commission’s shoreline protection policies, including an evaluation of nature-based alternatives. Any public safety issues associated with nature-based alternative should also be evaluated. The DEIR and alternatives analysis currently does not appear to include an assessment of the nature-based methods and the feasibility of these options. Please include an additional project alternative assessing a nature-based alternative and provide additional analysis on why it is not feasible.

Additionally, the DEIR should include an analysis of the potential for wave reflection impacts on nearby areas, potential far field impacts, and how such impacts may be mitigated. BCDC understands that Reach 16 would be constructed if the project does not end up tying into other

regional shoreline protection projects that are early in their planning phases, such as the shoreline protection project being developed by the San Mateo County Flood Control and Sea Level Rise Resiliency District. We encourage SFO to continue working with the adjacent neighbors to have the projects complement and tie into each other to provide a more collaborative regional solution to sea level rise in this part of the Bay.

The Hydrology and Water Quality Section on HY-1, includes a discussion related to the construction of the shoreline protection in Reaches 7 and 8 potentially requiring the placement of a sand dike prior to the installation of the sheet pile walls to help surcharge some of the young Bay mud and prior to the placement of the fill material that will replace the dredged sediment. However, the methods and sequencing of this construction is not entirely clear. Please clarify this discussion on page 4.F-31 with more detail. Please indicate whether the sand would be removed at some point, or if it would remain in place for the life of the project.

### Climate Change

The DEIR mentions on page 3-6 that the sheet pile walls have a lifespan of approximately 60 years and that with some regular maintenance and corrosion-resistant coatings, the lifespan of the walls would extend an additional 25 years for a total lifespan of 85 years. We noted that the DEIR mentions that the proposed project is designed to be resilient through 2085. With an 85-year potential lifespan, it seems appropriate that the climate change and sea level rise analysis in the DEIR should look at what the flooding might look like at 2100 and how the project area could be adapted beyond 2085 if it is not resilient to flooding from sea level rise and a 100-year flood at that time. If or when the project comes before BCDC for a permit, it is likely that a risk assessment detailing the flood risk to the project will be required, including sea level rise scenarios over time up to the end of the century or the end of the project life, using the Ocean Protection Council's State Sea Level Rise Guidance. More information on the Bay Plan Policies regarding sea level rise risk assessments and adaptive management plans can be found in BCDC's [Climate Change Policy Guidance](#).

Section 4.F discusses the Hydrology and Water Quality aspects related to the project and includes a discussion of the future flood risk on the site. This section mentions that the 2018 OPC Sea Level Rise Guidance (2018 Guidance) has projections out to 2080, however the 2018 Guidance contains projections out to 2150. While we recognize that there is more uncertainty associated with the later timeframes, based upon the expected life of the project of 85 years, the DEIR should also look at what occurs at later time periods than 2085, such as at 2100 or 2110, to identify what the flooding may look like and to discuss the process for developing an adaptation plan on how the airport might adapt to higher sea level rise in the future.

The sea level rise analysis included in the DEIR, especially in Section 2.C, is not clear. Please revise and clarify this section. This section of the DEIR mentions the 2018 Guidance, but only really includes an analysis of sea level rise based upon the City's Guidance and does not discuss how this relates to the comparison to a planning scenario under the 2018 Guidance. For clarity,

please include the analysis also for the 2018 Guidance medium-high probability and high emissions planning scenario and what flooding might look like with the proposed project over time. The DEIR should also include an analysis of other things that can cause flooding, including groundwater rise, wave runup, combined fluvial and tidal flooding, etc. Regardless of whether the DEIR addresses these additional factors, it is likely that they will be required to be addressed in the preapplication phase of this project with BCDC. Additionally, the individual design plans for each reach in Chapter 2 appear to indicate that the sea level rise design elevation is 42 inches of sea level rise, rather than the 66 inches that is mentioned in the text on page 2-6. Please further clarify the difference between what is shown in the project designs and the text on page 2-6.

### **Environmental Justice**

Please note that Page 3-6 mentions that as a requirement of the BCDC permitting process, equitable and culturally-relevant community outreach and engagement would be conducted for nearby communities and that the proposed project would not conflict with this Shoreline Protection Policy 2. However, please note that this policy is intended to guide the project proponents to conduct such outreach during their planning and design phases of the project and this should not wait entirely until the permitting process. If there has not been meaningful outreach and community engagement by the time a project applies for permitting, then additional outreach or engagement may be required prior to Commission action, but we encourage SFO and the City to begin this engagement as soon as possible and throughout the project planning. If SFO needs any assistance identifying ways to do meaningful community outreach and engagement, please contact BCDC staff and we can provide guidance and tools to assist with this.

We also encourage the City and SFO to also take a look at the Mitigation Policy 3, which states “[f]or major and appropriate minor projects that require compensatory mitigation, communities surrounding both the project and the compensatory mitigation site should be meaningfully involved in an equitable and culturally-relevant manner. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. This should include consultation with the community in the identification and prioritization of potential projects, and in the monitoring and programming of a mitigation site. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.” As any mitigation options are developed for the project, SFO should do community outreach related to any vulnerable, disadvantaged, and/or underrepresented communities located near the project area and those communities that are located near the compensatory mitigation site.

### **Dredging and Water Quality**

The DEIR indicates that a number of the project alternatives would include a dredging component to the project. It appears that most of the proposed dredging work would occur in Reaches 7 and 8. The DEIR estimates that approximately 147,200 cubic yards of sediment from

Reach 7 and 33,800 cubic yards of sediment from Reach 8 would be dredged to a depth of 15 feet below the sediment surface. The DEIR indicates the sediment would be removed from the Bay and the area would be backfilled, but the backfill material for the perimeter dike is not clearly indicated in the DEIR and should be included. It is not clear in the DEIR what the intended disposal or beneficial reuse location is for the sediment dredged from Reaches 7 and 8.

The DEIR contained general language on the testing that is required within San Francisco Bay for unconfined aquatic placement and beneficial reuse and the process for review of the sampling and testing by the Dredged Material Management Office (DMMO) but did not provide any updated information on where the project is at with testing. It is our understanding that although there may have been some prior testing in the area, new testing is required and SFO has been coordinating with the DMMO on this. We understand that the proposed project went before the DMMO in May 2022 and the sampling and analysis plan was approved with some modifications to the plan. However, it is not clear whether the testing has already occurred or not and if SFO has the results. This information would be helpful to add to the DEIR. Sediment testing results will be required during for permitting and prior to the dredging or placement of any dredged sediment as part of the proposed project.

We noted that the dredging will be new work dredging and that all sediment will need to be placed upland and/or at a beneficial reuse site or taken out to the San Francisco Deep Ocean Disposal Site in order to comply with the LTMS program. The Final EIR should also discuss potential placement locations for the dredged sediment, if known.

### **Airports**

The Bay Plan policies on Airports say that in order to minimize the harmful effects of airport expansion into the Bay, a regional airport system plan should be prepared by a regional agency. Airport Policy 2.b states in part that “Expansion of existing general aviation airports should be permitted on Bay fill only if no feasible alternative is available.” It is not clear from the DEIR that there is no feasible alternative available for the expansion into the Bay or the exact reasoning why Alternative C or other alternatives minimizing Bay fill were not selected as the preferred alternative. These alternatives could significantly reduce the amount of Bay fill required for the project.

### **Public Trust**

Section 3.B.2 of the DEIR discusses State Plans and Policies, including the Public Trust. This section states in relevant part that: “The San Francisco Airport Commission will determine the proposed project’s consistency with the Public Trust.” However, because current and former submerged lands and tidelands within the project site may also occur within BCDC’s Bay and shoreline band jurisdictions, at the permitting stage for the proposed project, BCDC consideration of any permit application will require evaluation of consistency with Bay Plan Policies regarding the Public Trust and Filling for Public Trust Uses on Publicly-Owned Property Granted in Trust to a Public Agency by the Legislature.




Michael Li  
Draft EIR Comment Letter  
SCH#2020110456

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October 17, 2022

Thank you for providing the staff with an opportunity to review the Draft DEIR for the SFO Shoreline Protection Program. We look forward to working with you as the project is developed and through the permitting process. If you have any questions regarding this letter or the Commission's policies and permitting process, please do not hesitate to contact me at [anniken.lydon@bcdc.ca.gov](mailto:anniken.lydon@bcdc.ca.gov) or 415-352-3624.

Sincerely,

DocuSigned by:  
  
CA403961512F409...

ANNIKEN LYDON  
Bay Resources Program Manager

AL/gg

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