

# San Francisco Bay Conservation and Development Commission

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July 16, 2021

Governor's Office of Planning & Research

City of Sausalito  
Community Development Department  
420 Litho Street  
Sausalito, CA 94965  
ATTN: Ms. Lilly Whalen, Community Development Director  
Via Email: <tstevens@migcom.com>

**July 19 2021**

**STATE CLEARINGHOUSE**

**SUBJECT: Comments on the Clipper Yacht Harbor Marina Dock Replacement Draft Initial Study/Mitigated Negative Declaration; SCH No. 2021050449**

Dear Ms. Whalen:

Thank you for the opportunity to comment on the Draft IS/MND for the Clipper Yacht Harbor Marina Dock Replacement (Project), received by our office on June 22, 2021. The Project proposes replacing docks, reconfiguring the design of the marina, and installing attenuator docks at the Clipper Yacht Harbor, located at 310 Harbor Drive, in the City of Sausalito, Marin County.

The Commission is a responsible agency for this project and will rely on the Final IS/MND when it considers the Project. We have prepared comments outlining specific BCDC issues that should be addressed either in the Final IS/MND or through the BCDC permitting process. Although the Commission itself has not reviewed the Draft IS/MND, the staff comments are based on the McAteer-Petris Act and the Commission's San Francisco Bay Plan (Bay Plan).

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

### *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." The current BCDC permit authorizing activities at Clipper Yacht Harbor requires the permittee to build and maintain public access paths along the shoreline of Basins 3 and 4, as well as provide other public access amenities, including signs, benches, a wooden viewing platform over the bay, landscaping, trash receptacles, and a public restroom. The Final IS/MND should include more detailed information on any permanent or temporary impacts of the project to these public access areas and amenities.

### *Climate Change*

Climate Change Policy No. 2 states, in part, "risk assessment[s] should be prepared...based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection...for the proposed project or shoreline area. A range of sea level rise projections for mid-century and

end of century based on the best scientific data available should be used in the risk assessment.” Policy No. 3 states that where such assessments show vulnerability to public safety, projects “should be designed to be resilient to a mid-century sea level rise projection” and an “adaptive management plan” be prepared.

The Draft IS/MND details the planned elevations of the gangways (+10 feet above MLLW), piles (+12.7 feet above MLLW), and docks (up to +11.5 feet above MLLW) relative to sea level rise. However, a letter dated August 3, 2020 from Usmita Pokhrel of Bellingham Marine to BCDC stated that due to concerns about a 100-year storm event overtopping the docks by midcentury, the dock plans were to be modified so that the piles would be built at +13.5 feet above MLLW. The Final IS/MND should be updated to reflect these changes to the plans and compare elevations of the docks and gangways with the FEMA 100-year stillwater elevation at midcentury. The sea level rise analysis should specify the 2018 OPC Sea Level Rise Guidance risk aversion scenario, predicted emissions level, and life of the project used for the analysis. Finally, as part of the Final IS/MND or permit application, additional information should be provided on how the project has been designed to be adaptable to rising sea levels after midcentury, depending upon the life of the project, and whether there are any proposed long-term adaptation strategies.

#### *Subtidal Areas*

The Draft IS/MND acknowledges the potential existence of eelgrass beds in or near the Project site and details a plan to mitigate for negative impacts to eelgrass beds resulting from the Project construction. In short, the Project proponent plans to perform a qualitative survey of eelgrass in the Project vicinity prior to -construction. If eelgrass is found within 10 meters of the Project site, quantitative pre-construction and post-construction eelgrass survey will be performed and compared to a reference site. If the surveys show that eelgrass has been negatively impacted by the project, the proponent will prepare a monitoring and mitigation plan.

Subtidal Areas Policy No. 2 states, in part, “Subtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eelgrass beds, sandy deep water or underwater pinnacles) should be conserved. Filling, changes in use, and dredging projects in these areas should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits.” Additionally, Mitigation Policy No. 1 states “Projects should be designed to avoid adverse environmental impacts to Bay natural resources such as to water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or tidal flats. Whenever adverse impacts cannot be avoided, they should be minimized to the greatest extent practicable. Finally, measures to compensate for unavoidable adverse impacts to the natural resources of the Bay should be required. Mitigation is not a substitute for meeting the other requirements of the McAteer-Petris Act.”

Thus, BCDC policies require that if eelgrass is found within the project site, the project should consider alternatives that avoid those eelgrass beds unless there is no feasible alternative. Additionally, the California Eelgrass Mitigation Policy and Implementing Guidelines


Lilly Whalen  
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(2014) states, in part, "A final determination regarding the actual impact and amount of mitigation needed, if any, to offset impacts should be made based upon the results of two annual post-construction surveys." The Final IS/MND should elaborate on the number, timing, and techniques of eelgrass surveys; mitigation options and ratio; and be based on the California Eelgrass Mitigation Policy and Implementing Guidelines (2014).

Thank you for providing BCDC with an opportunity to review the Draft IS/MND for the Clipper Yacht Harbor Marina Dock Replacement. If you have any questions regarding this letter or the Commission's policies and permitting process, please do not hesitate to contact me at 415/352-3612 or [rowan.yelton@bcdc.ca.gov](mailto:rowan.yelton@bcdc.ca.gov).

Sincerely,

DocuSigned by:  
  
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ROWAN YELTON  
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