

# San Francisco Bay Conservation and Development Commission

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December 10, 2021

*Via email only: [john.s.volk.civ@mail.mil](mailto:john.s.volk.civ@mail.mil)*

J. STEPHEN VOLK

Environmental Division Chief

Military Ocean Terminal Concord (MOTCO)

Department of Public Works - Environmental

410 Norman Ave, Building 635

Concord, CA 94520-1142

Governor's Office of Planning & Research

**Dec 13 2021**

**STATE CLEARINGHOUSE**

**Subject: MOTCO PROGRAMMATIC ENVIRONMENTAL ASSESSMENT**

Dear Mr. Volk,

Thank you for the opportunity for San Francisco Bay Conservation and Development Commission (Commission) to provide comments on the Programmatic Environmental Assessment (PEA) for routine maintenance and repair at the Military Ocean Terminal Concord (MOTCO). As you're aware, and as is further described below, the Commission would be reviewing the proposed work under our Federal Coastal Zone Management Act (CZMA) authority via consistency determination request from MOTCO. We appreciate the early coordination this review affords the Commission staff on its behalf.

## **I. PROJECT DESCRIPTION SUMMARY**

**Project Proponent.** United States Military Ocean Terminal Concord (MOTCO)

**Location.** MOTCO is located at 410 Norman Avenue in the City of Concord, along Suisun Bay in north-central Contra Costa County, California.

**Proposed Project.** MOTCO proposes to implement routine maintenance and repair activities for a period of ten years (2021 through 2031). The installation facilities include an approximately 115-acre administrative complex (Inland Area/Administrative District) and an approximately 6,242-acre Tidal Area (Mission District) connected by a road running parallel to and west of Port of Chicago Highway. The Tidal Area includes approximately 2,045 acres of islands located in Suisun Bay, including Seal, Roe, Ryer, Freeman, and Snag Islands. MOTCO is a restricted area extending from the shore to the ship channel and includes the navigational approaches to the wharves. The types of facilities identified for routine maintenance and repair are waterfront facilities including, railyard and rail lines, road transportation and pavements systems, utilities, buildings, other structures, landscaping, fencing, and security equipment.



## II. BCDC's ROLE

**Summary.** The San Francisco Bay Conservation and Development Commission's Coastal Zone Management Program for the San Francisco Bay Segment of the California Coastal Zone was approved by the U.S. Department of Commerce in 1977. The Commission's Coastal Zone Management Program is based on the policies of the McAteer-Petris Act, the Suisun Marsh Preservation Act, the San Francisco Bay Plan (Bay Plan) and the Suisun Marsh Protection Plan (SMPP) as well as the Commission's administrative regulations. In general, the Commission's objective is to restore, protect, and enhance the San Francisco Bay and shoreline for public enjoyment and natural resource conservation.

Pursuant to the Coastal Zone Management Act, MOTCO's Routine Maintenance and Repair program is a federal activity that has potential to directly affect land or water uses within the Coastal Zone and as such must be consistent to the maximum extent possible with the Commission's Coastal Zone Management Program. Federal consistency for this project would include review of the proposed activities that have potential to affect the San Francisco Bay Coastal Zone in comparison to the applicable Bay Plan policies and the McAteer Petris Act for consistency with them, where impacts would occur, provide measures to avoid or minimize such impacts.

**Port and Water Related Industry.** As described in the Bay Plan Maps, the area of MOTCO north the BNSF railway is classified as a "Port" and the area south of that railway is classified as a "Water Related Industry" (Map 3). Bay Plan Water Related Industry Policy 4 provides that "water-related industry and port sites should be planned and managed so as to avoid wasteful use of the limited supply of waterfront land." The proposed activities should be consistent with the designated priority use.

## III. COMMENTS

The preparers of the PEA have characterized the routine maintenance and repair project as a "suite" of routine actions and have evaluated them installation-wide. Although it appears that much of this suite includes actions that are already routinely undertaken as separate small-scale projects. We note that some described actions have the potential for impacts on sensitive areas within BCDC jurisdiction. For this reason, the sections below identify and discuss BCDC's policies on such actions. Please note that the Bay Plan policies listed in this letter are not exhaustive. Our intention is to identify a selection of policies most relevant to the proposed actions at issue.

### A. WATER AND BIOLOGICAL RESOURCES

**Pile Repair, and Pile and Pile Cap Replacement.** Pile repair and replacement projects require specific impact minimization methods due to the presence of contaminants such as creosote in older piles; the implementation of pile removal/placement methods least damaging to fish, aquatic species and habitats; and timing the pile work to minimize impacts to migrating and

spawning fish. The Commission coordinates its requirements with the recommendations of California Department of Fish and Wildlife, National Marine Fisheries Service, U.S. Fish and Wildlife Service when authorizing in-water work such as pile repair, removal or placement. The Bay Plan policies on Water Quality, and Fish, Aquatic Organisms and Wildlife address the importance of minimization measures and best practices when conducting such activities, such as the use of: a vibratory hammer to replace piles; bubble curtains to discourage fish from coming into the work area; and silt curtains to minimize increased turbidity impacts, as well as reducing underwater noise and vibrations from construction activity. In addition, it is likely that in-water work would be required to adhere to the August 1 to November 30 environmental work windows to reduce impacts to special status fish species and other minimization measures. Please incorporate appropriate minimization measures in your proposed project for in water work.

**Other Waterfront Facilities.** As proposed MOTCO will maintain its docks and mooring equipment through the proposed period and should do so in a manner consistent with the Bay Plan's Water Quality; Fish, Aquatic Organisms and Wildlife, Tidal Marshes and Tidal Flats, and Subtidal Area policies to the greatest extent possible, providing protection of tidal and subtidal habitats, and marine species through the use of best practices, minimization measures, and consultations with resources agencies.

Specifically, the repair and maintenance of the berthing/mooring systems and signage, wharf and trestle decking, gantry cranes and rails, and anti-terrorism/force protection (AT/FP) facilities should use materials that would not pollute the Bay water or sediment, negatively impact sensitive habitats and species and provide safe means of navigation to vessels. For example, no creosote treated wood or other materials that could leach contaminants into the water or sediment should be used. Further, care should be taken to ensure hazardous liquids, construction materials, or debris, etc. do not end up in the Bay. If materials do in advertently end up in the Bay they should be properly contained and removed as quickly as possible.

**Bay Plan Policies.** Here we provide applicable Bay Plan policies for the proposed activities for your consideration.

**Bay Plan Policies on Water Quality.**

- **Policy 1.** Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses.
- **Policy 2.** Water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's Water Quality Control Plan, San Francisco Bay Basin and should be protected from all harmful or potentially harmful pollutants.

The policies, recommendations, decisions, advice and authority of the State Water Resources Control Board and the Regional Board, should be the basis for carrying out the Commission's water quality responsibilities.

- **Policy 3.** New projects should be sited, designed, constructed and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain nonpolluting materials; and (c) applying appropriate, accepted and effective best management practices, especially where water dispersion is poor and near shellfish beds and other significant biotic resources.

#### **Bay Plan Policies on Tidal Marshes and Tidal Flats.**

- **Policy 1.** Tidal marshes and tidal flats should be conserved to the fullest possible extent. Filling, diking, and dredging projects that would substantially harm tidal marshes or tidal flats should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative.
- **Policy 3.** Projects should be sited and designed to avoid, or if avoidance is infeasible, minimize adverse impacts on any transition zone present between tidal and upland habitats. Where a transition zone does not exist and it is feasible and ecologically appropriate, shoreline projects should be designed to provide a transition zone between tidal and upland habitats.

#### **Bay Plan Policies on Fish, Aquatic Organisms, and Wildlife.**

- **Policy 1.** 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.
- **Policy 2.** [...] specific habitats that are needed to conserve, increase, or prevent the extinction of these species, should be protected [...].
- **Policy 4.** The Commission should: a) Consult with the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species [...] c) Give appropriate consideration to the recommendations of the California Department of Fish and Wildlife, the National Marine Fisheries Service or the U.S. Fish and Wildlife Service in order to avoid possible adverse effects of a proposed project on fish, other aquatic organisms and wildlife habitat.

### **B. RELATED MOTCO DREDGING AND DISPOSAL PROPOSAL**

Although dredging and disposal of sediment are not mentioned in the PEA and do not appear to be part of the programmatic maintenance and repair plan, BCDC's prior correspondence with MOTCO leads us to mention the related MOTCO dredging and disposal proposal in case there is any overlap of these two proposed projects.

J. Stephen Volk  
Military Ocean Terminal Concord (MOTCO) EA

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MOTCO's location on Suisun Bay, the adjacent Baldwin Federal Ship Channel and the existing wharves allow for vessels to navigate to and from the site's berths. Most terminals located in the Bay accrete sediment over time and periodically need to dredge their facilities to allow vessels safe passage. Although MOTCO wharves do not appear to be in an area of high sediment accretion, there has been recent interest in dredging along MOTCO's wharves and shoreline. The U.S. Army Corps of Engineers (USACE) Sacramento and San Francisco Districts have been coordinating with the Long Term Management Strategy for the Placement of Dredged Material in the Bay Region (LTMS) agencies to develop the dredging plans for this area including the testing of the sediment, selection of an appropriate placement site, depth of dredging, and estimated volume of sediment to be dredged. As the in-water activities noted in the PEA (pile removal or driving, wharf repairs, etc.) may impact or be impacted by dredging on the site, please refer to the dredging and disposal program currently being developed in the PEA.

Once again, thank you for providing BCDC an opportunity to comment on the MOTCO PEA for routine maintenance and repair. We hope these comments aid you in preparing the final environmental assessment. 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) 352-3654 or via email [shruti.sinha@bcdca.gov](mailto:shruti.sinha@bcdca.gov). Please note that our offices were moved in 2019 to Beale Street in San Francisco and update your records accordingly.

Sincerely,

DocuSigned by:  
  
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SHRUTI SINHA  
Shoreline Development Analyst

cc: CA State Clearinghouse: [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

SS/rc