

CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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File Ref: SCH # 2022120009

Kevin Motschall
Cal Maritime
200 Maritime Academy Drive
Vallejo, CA 94590

VIA ELECTRONIC MAIL (kmotschall@calstate.edu)

Subject: Draft Environmental Impact Report for Cal Maritime Waterfront Master Plan, Solano County

Dear Kevin Motschall:

The California State Lands Commission (Commission) staff has reviewed the subject Draft Environmental Impact Report (Draft EIR) for the Cal Maritime - Waterfront Master Plan (Project), which is being prepared by the Board of Trustees of the California State University (CSU Board). The CSU Board, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign lands and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

For a description of Commission Jurisdiction and Public Trust lands, please see the Commission's December 30, 2022, comment letter on the Notice of Preparation for the Project. The in-water portion of the Project area encompasses multiple jurisdictions and granted lands. The Project will extend onto ungranted State sovereign land in the Carquinez Strait, waterward of lands granted to the California Department of Education for the use and benefit of the California Maritime Academy, pursuant to Chap. 840, Stats. of 1945 and

Chap. 135, Stats. of 1947, no minerals reserved (G 17-04). The Project will require an amendment of Lease 4345 for proposed work on State sovereign land.

Project Description

The purpose of the proposed Project is to prepare the Cal Maritime campus waterfront for the arrival and subsequent operation of the National Security Multi-Mission Vessel, and to upgrade infrastructure and facilities that support other campus and public waterfront-dependent program needs. The Waterfront Master Plan identifies three phases of development over the next 10 years. The Draft EIR analyzes Phase One at a project level and Phases Two and Three at a programmatic level subject to future project-level CEQA analysis. Phase One of the Project focuses on upgrades to in-water infrastructure within Basin One and the Marine Yard, as well as expansion of site-serving utilities. Commission staff's comments are limited to Phase One. The following Phase One components have the potential to affect State sovereign land:

- Demolition: Demolition of the existing mooring dolphin and outer section of the existing catwalk and terminal mooring bit.
- Construction: New navigation aids, mooring dolphins, catwalk, breakwater sheet piles, and pier sheet piles along the seaward side of the new main pier; structural upgrades and extension (or replacement) of the existing trestle for the new pier.
- The outer two boat slips at the end of the new floating and training docks.
- Dredging: A portion of the maintenance dredging area for the existing boat basin and a portion of the new dredging area in the expanded boat basin.

Environmental Review

Commission staff requests that the CSU Board consider the following comments to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR to support a lease amendment for Phase One improvements for the Project.

General Comments

1. Phase One Project Description – New Breakwater Structures: The Project Description does not appear to include engineering design plans or figures to illustrate the design and extent of the breakwater and pier sheet piles that will serve as a wave screen (hereinafter referred to as breakwater structures). The Final EIR should describe whether the breakwater structures will cover the entire seaward side of the new main pier (for protection of the pier foundation and inner harbor), or whether portions of the main pier will instead

have an open piling foundation. This level of description and illustration of the breakwater is needed to support the EIR's impact analysis for biological, geological, and hydrological resources, including but not limited to water circulation and water quality for the inner harbor, littoral drift and shoreline processes, bay currents, seafloor habitat for inner harbor benthic species, and mobile marine species.

2. Phase One Project Description – Maintenance and New Dredging: The Project Description acknowledges that both maintenance and new dredging are proposed within Basin One, but does not clearly identify or describe the extent or volume of maintenance versus new dredging. Commission staff recommends that the area and volume specific to maintenance and new dredging, including a figure distinguishing these locations, be added to the Project Description. This information is important to inform the Geologic Resources environmental analysis pertaining to sediment quality and potential pollutants that may exist within the new dredging area.

Biological Resources

3. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the Final EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS), including aquatic plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via vessel biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other wetted surfaces of a vessel. Possible mitigation could include contracting vessels and barges from within the San Francisco Bay and Delta or requiring contractors to perform vessel cleaning prior to arrival. The California Department of Fish and Wildlife's Invasive Species Program and Commission Marine Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <https://www.wildlife.ca.gov/Conservation/Invasives> and <https://www.slc.ca.gov/misp/>).

In addition, in light of the recent decline of native pelagic organisms and in order to protect at-risk fish species, the Final EIR should examine if any elements of the Project would favor non-native fishes.

Climate Change

4. Sea Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. With this in mind, the Final EIR should consider discussing if and how various Project components might be affected by sea level rise and whether "resilient"

designs have been incorporated. The Carquinez Strait and its surroundings will be affected by rising sea levels. Additionally, because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. Attention should be given to sea level rise projections to ensure the structures' designs are sufficient to ensure function, safety, and protection of the environment over the expected life of the structure.

Governor Brown issued Executive Order B-30-15 in April 2015, which directs State government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision making. Please note that when considering lease applications, Commission staff will: (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects; (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects; and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access. In addition, the State of California [2018 Update to the Safeguarding California Plan](#) provides policy guidance for state decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers.

To accommodate sea level rise, the Project Description explains the new pier and improved/replaced trestle, as well as utilities currently underneath the pier, would be elevated above existing elevations. Section 3.9 of the Draft EIR further explains that the new Phase One pier would be designed such that in the worst-case scenario of a 100-year flood, plus 2060 sea level rise and King Tide, water levels would be at or below the new pier's elevation. Commission staff recommends adding citations to the data sources used to determine the applicable 100-year flood, 2060 sea level rise, and King Tide water levels to support the validity of the new pier's resilience to future sea level rise projections.

Geologic Resources

5. Sedimentation and Sediment Dynamics: Impact 3.9-3 in the Draft EIR identifies that Phase One improvements would have a less than significant impact on sedimentation and sediment dynamics, but does not appear to analyze or discuss the Project's impacts to littoral drift processes. Given the Project area setting at the mouth of the Carquinez Strait, the new breakwater structures may disrupt bay currents, wind induced wave energy, and tidal

cycles, and thus alter sediment movement through littoral drift. Comment 1, above, requests additional information in the Project Description about the breakwater structures to allow adequate evaluation of impacts to littoral drift, among other impacts. Commission staff recommend this additional information be added to the Project Description and analysis in Section 3.9 to adequately address impacts to littoral drift processes in the EIR.

6. New Dredging: It is Commission staff's understanding that the CSU Board is in the early stages of the application process with the San Francisco Bay Dredge Material Management Office (DMMO) for proposed dredging activities. For new dredging, Section 3.9 of the Draft EIR relies on a presumed outcome with the DMMO process that dredging impacts will be less than significant. These impact determinations cannot be confirmed until analysis of sediment toxicity is complete as determined through the DMMO process. As there are known sediment contamination sites within the Project area, the CSU Board should be cautious about assigning impact determinations for new dredging locations prior to completion of the DMMO process.

Environmental Justice

7. Environmental justice is defined by California law as "the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12.) This definition is consistent with the Public Trust Doctrine's principle that management of trust lands is for the benefit of all people. The Commission adopted an updated [Environmental Justice Policy and Implementation Blueprint](#) in December 2018 to ensure that environmental justice is an essential consideration in the agency's processes, decisions, and programs. The twelve goals outlined in the Policy reflect an urgent need to address the inequities of the past, so they do not continue. Through its policy, the Commission reaffirms its commitment to an informed and open process in which all people are treated equitably and with dignity, and in which its decisions are tempered by environmental justice considerations.

Although not legally required in a CEQA document, Commission staff suggests that the CSU Board include a section describing the environmental justice community outreach and engagement undertaken in developing the Draft EIR and the results of such outreach. The California Office of Environmental Health Hazard Assessment developed the [CalEnviroScreen](#) mapping tool to assist agencies with locating census tracts near proposed projects and identifying the environmental burdens, should there be any, that disproportionately impact those communities. Environmental justice communities often lack access to the decision-making process and

experience barriers to becoming involved in that process. It is crucial that these communities are consulted as early as possible in the project planning process. Commission staff strongly recommends using the Community Vulnerability tool developed by BCDC, [BCDC Community Vulnerability Tool](#) and then, as applicable, reaching out through local community organizations, such as the [California Environmental Justice Alliance](#). Engaging in early outreach will facilitate more equitable access for all community members. In this manner, the CEQA public comment process can improve and provide an opportunity for more members of the public to provide input related to environmental justice. Commission staff also recommend incorporating or addressing opportunities for community engagement in mitigation measures. Commission staff will review the environmental justice outreach and associated results as part of any future Commission action.

Thank you for the opportunity to comment on the Draft EIR. As a trustee and responsible agency, the Commission will rely on the Final EIR for issuing an amended lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). Staff requests that you consider these comments before certifying the Final EIR.

Please send electronic copies of the Final EIR, Mitigation Monitoring Program, Notice of Determination, approving resolution, CEQA Findings, and, if applicable, Statement of Overriding Considerations when they become available. Please note that federal and state laws require all government entities to improve accessibility of information technology and content by complying with established accessibility requirements. (29 U.S.C. § 794d; 36 C.F.R. § 1194.1 et seq.; Gov. Code, § 7405.) California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) Therefore, any documents submitted to Commission staff during the processing of a lease or permit, including all CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via email at jason.ramos@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Joanne Holt, Public Land Management Specialist, at (916) 574-1832 or via email at joanne.holt@slc.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Nicole Dobroski". The signature is written in a cursive, flowing style.

Nicole Dobroski, Chief
Division of Environmental Science,
Planning, and Management

cc: Office of Planning and Research
J. Ramos, Commission
J. Holt, Commission