San Francisco Bay Conservation and Development Commission
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May 31, 2024

Don Snaman, Project Manager
Port of Redwood City
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Via Email: <c-dsnaman@redwoodcityport.com>

SUBJECT: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Port of Redwood City Ferry Terminal Project; (BCDC Inquiry File No. MC.MC.8506.2)

Dear Don Snaman:

Thank you for the opportunity to comment on the scope of the upcoming Draft Environmental Impact Report (DEIR) for Port of Redwood City Ferry Terminal Project (Project). The Notice of Preparation for the DEIR, dated May 1, 2024, and the Initial Study (IS) for the Project, dated May 2024, were received by our office on April 26, 2024.

The San Francisco Bay Conservation and Development Commission (BCDC) is providing the following comments as a responsible agency with discretionary approval power over aspects of the Project, as described below. BCDC will rely on the Final EIR when considering its approvals for the project, and we appreciate this opportunity to comment on information and analyses to be included in the scope of the DEIR. While the description of the project in the NOP is not specific enough for BCDC staff to comment on every potential issue that could be raised with respect to BCDC's laws and policies, staff has prepared the following comments outlining issues under BCDC's jurisdiction that should be addressed. The Commission itself has not reviewed the NOP; the following comments are based on BCDC staff review of the NOP, the McAteer-Petris Act (Title 7.2 of the California Government Code), the *San Francisco Bay Plan* (Bay Plan), and the *San Francisco Bay Area Seaport Plan* (Seaport Plan) in relation to CEQA requirements for the Project.

San Francisco Bay Conservation and Development Commission

BCDC is a State planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act and the Suisun Marsh Preservation Act. Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which provides the basis for the Commission's review and actions on proposed projects. BCDC also maintains the Seaport Plan, a more specific application of the Bay Plan, which coordinates regional port planning and development within designated Port Priority Use Areas along the Bay shoreline.

The Project site is partially located within two areas of BCDC's permitting jurisdiction:

- In the San Francisco Bay, being all areas subject to tidal action, including tidelands (land lying between mean high tide and mean low tide) and submerged lands (Government Code Section 66610[a]); and
- In the shoreline band consisting of all territory located between the shoreline of the Bay and 100 feet landward of and parallel with the shoreline (Government Code Section 66610[b]).

The Bay shoreline is defined as Mean High Water except in areas of tidal marsh, where it would be considered the edge of marsh vegetation up to 5 feet above Mean Sea Level. BCDC Staff requests that the Port of Redwood City (Port) include mapping of BCDC's jurisdictional boundaries in the DEIR and pay particular attention to potential impacts that may occur within these areas. Areas in the Bay jurisdiction will likely include Redwood Creek, Westpoint Slough, tidal marshes, and any drainages or other such features that are tidally influenced. Areas in the shoreline band jurisdiction will likely include the shoreline, and portions of the proposed open space and public access amenities, such as the Bay Trail. While the IS states that any buildings would be located a minimum of 100-feet from the water's edge, please first identify the location of the Bay shoreline at the project site in order to confirm that they will be outside of the Commission's permitting jurisdiction.

In addition, it is not clear at this time whether the drainage ditch to the east of the Project site should be considered part of the Commission's Bay jurisdiction because the history of the tide gate has not yet been described. Section 10123 of the California Code of Regulations states: "An area that would fall within the Commission's 'San Francisco Bay' jurisdiction or within its 'certain waterways' jurisdiction shall be and remain excluded from the Commission's jurisdiction if it could, on and at all times subsequent to September 17, 1965, have been removed from being touched by tidal waters by simply closing a functioning tidal gate." Thus, in mapping BCDC's jurisdiction, please determine whether the tide gate has been in place and functional since September 17, 1965. If not, it should be considered part of the Bay. BCDC staff is available to review any mapping to ensure that our agency's jurisdiction is accurately depicted.

Environmental Analyses

Below is a list of environmental topics from the NOP and a description of how they overlap with BCDC policy areas that staff will use to evaluate the Project for a BCDC permit. Including these analyses in the DEIR and addressing any related impacts with mitigation measures will support staff in developing relevant conditions and necessary findings to include in the permit. Please see the following referenced legislation and plans from our website:

- The McAteer-Petris Act[1]
- The San Francisco Bay Plan[2]
- The San Francisco Bay Area Seaport Plan[3]

[1] https://www.bcdc.ca.gov/plans/mcateer_petris.html
[2] https://www.bcdc.ca.gov/pdf/bayplan/bayplan.pdf
[3] https://www.bcdc.ca.gov/seaport/seaport-plan.pdf

Aesthetics

The Bay Plan includes a policy section on Appearance, Design, and Scenic Views upon which the Commission will base its findings for the Project's visual impacts on the Bay. In defining the significance of the Project's aesthetic impacts, please consider the findings and policies in this section, and acknowledge these policies in the regulatory settings of the analysis. BCDC provides additional guidance on the interpretation of these policies in the Public Access Design Guidelines for Shoreline Spaces[4], particularly in the sections related to Visual Access, Visual Quality, and Bay Setting. Please consider the Guidelines available on our website in your evaluation of the Project's potential effects on scenic vistas and scenic resources.

Biological Resources

The Bay Plan includes several policy sections related to biological resources, including Fish, Other Aquatic Organisms and Wildlife; Tidal Marshes and Tidal Flats; Subtidal Areas; and Mitigation. Please review the policies and findings in these sections and consider them in your biological resources analysis and in the development of any related mitigation measures and acknowledge them in the regulatory setting for this section.

The IS indicates that special-status species and sensitive habitats are present at the Project site, including tidal wetlands and tidal waters. Additionally, the Project would result in a new regular ferry service in the Bay, which may create impacts along its route. Thus, construction and operations of the project have the potential to affect biological resources in a manner that is not consistent with Bay Plan policies. Specifically, please consider the following issues in the DEIR analysis:

1. **Public Access Compatibility with Sensitive Habitats.** The Project plans indicate that the proposed Bay Trail alignment will traverse existing tidal wetlands in several locations, including offsite areas to the east. While the Commission's laws and policies require project proponents to maximize public access consistent with the project, they also recognize that public access can adversely affect wildlife, such as by increasing stress, interrupting foraging, causing nest abandonment, and fragmenting wildlife corridors. Bay Plan Public Access Policy No. 3, therefore, requires that projects in natural areas "be carefully evaluated in consultation with appropriate agencies to determine the appropriate location and type of access to be provided. Similarly, Public Access Policy No. 4 requires that public access "be sited, designed and managed to prevent significant adverse effects on wildlife," and notes that in assessing potential impacts, the following should be considered: information on the species and habitats of a proposed project site, the likely human use of the access area, site specific information, best available scientific evidence, and expert advice. The assessment should also analyze whether siting, design, and management strategies have been incorporated into the proposed Project to avoid or minimize effects on wildlife, and reference advisory principles in the Public Access Design Guidelines. The Alternatives analysis should include alternative alignments for the Bay Trail that avoid tidal wetlands. Note that Policy No. 4 also states that where appropriate, effects of public access on wildlife should be monitored over time to determine whether revisions of management strategies are needed.

[4] https://www.bcdc.ca.gov/planning/SPLG.pdf

2. **Loss or Degradation of Sensitive Habitats.** The Project would include the placement of Bay fill for the proposed water-side ferry facilities and also would involve the filling of a drainage ditch where marsh habitat may be present. Significant impacts on subtidal or tidal marsh habitats could occur if they would be displaced by solid fill or otherwise degraded by the Project (such as by shading from the float or berthed ferries), and such impacts should be mitigated through avoidance and minimization strategies and, if necessary, compensatory mitigation.
3. **Dredging.** The Project appears to include new work dredging and subsequent maintenance dredging for ferry operations. The DEIR should assess the potential for this work to impact biological resources in the Bay and in nearby tidal marshes. Significant impacts could include effects on fish and other wildlife that may be present within the dredge footprint from turbidity, sound, entrainment, and benthic disturbance, as well as direct and indirect physical effects, including the interruption of sediment transport, or hydrological alterations, such as increased wave action, that could affect the health or stability of adjacent tidal marsh, and all such potential impacts should be analyzed. The assessment should also include results of sediment testing to determine whether contaminants are present in the area to be dredged and an approved destination for material to be beneficially reused and/or disposed of, and should reflect consultation with the Dredged Material Management Office (DMMO), an interagency program which cooperatively reviews sediment quality sampling plans, analyze the results of sediment quality sampling and make suitability determinations for material proposed for disposal in San Francisco Bay.
4. **In-water Work.** The Project will involve in-water work to construct the proposed float, gangway, and access pier. Such work has the potential to affect special-status species and sensitive habitats in the Bay. The DEIR should provide a clear and detailed description of the construction proposed below the Bay shoreline and methods to be used. It should analyze the potential for those methods to impact subtidal habitats and species through noise and vibration (such as from pile driving), increased turbidity, the potential for debris or pollutants to be released into the Bay during construction, and the potential for construction activities to physically disturb or injure wildlife present in the area. Measures to reduce the potential for impacts should include the implementation of work hours and work windows based on the characteristics of the species and habitats present; best management practices that reduce the risk of soils, debris, or pollutants entering the Bay; the use of vibratory hammers for necessary pile-driving; and recommendations based on consultation with the California Department of Fish and Wildlife, the United States Fish and Wildlife Service, and NOAA's National Marine Fisheries Service.
5. **Ferry Service.** The Project would expand ferry service into a part of the Bay Area where it does not currently exist and could thus result in impacts on species and habitats along service routes and at the proposed terminal. The DEIR should consider the types of ferries being proposed for this service line and assess any impacts on marsh and shoreline habitats from boat wakes and other aspects of ferry operation. It should also assess the potential for operation times and frequencies to affect subtidal habitats, whether lights and sound from ferry service could have an effect on biological resources, and whether there is a potential

for harmful encounters with marine mammals or other special status species. In particular, the DEIR should consider that the proposed ferry approach involves close proximity to the Bair Island Ecological Reserve and Greco Island wetlands.

6. **Mitigation.** The Bay Plan's Mitigation policies provide direction for mitigating impacts to Bay natural resources (such as water surface area, volume, or circulation; aquatic organisms and habitat; subtidal areas; and tidal marshes and flats) that cannot be avoided. In further developing the Project description and designing potential mitigation measures in response to identified impacts, please consider these policies and engage with BCDC staff to ensure that any mitigation measures proposed will be consistent the Bay Plan. Please note BCDC's expectations for approaching mitigation as established in Mitigation Policy No. 1:

   "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."

7. **Study Area.** In defining the study area for the biological resources analysis in the DEIR, please include any areas that may be affected by site preparation and construction activities and the ongoing operation of the Project, including those that might be affected by light, sound, debris, runoff, regular ferry operations, etc. This should include any portions of the Bay on site, such as areas in and along Redwood Creek, Westpoint Slough, and tidally influenced wetlands, as well as any locations along the ferry route, where impacts may occur, such as the Bair Island Ecological Reserve and the open Bay.

Cultural/Tribal Cultural Resources

As part of the Bay Plan's policies on Environmental Justice and Social Equity, the Commission is required to consider its guiding principles on environmental justice and social equity in all of its actions and activities. The first of these guiding principles is to "recognize and acknowledge the California Native American communities who first inhabited the Bay Area and their cultural connection to the natural resources of the region." Additionally, Public Access Policy No. 5 states that public access should embrace "local multicultural and indigenous history and presence," and Recreation Policy No. 4 states that parks should emphasize historical and cultural education and interpretation.

Please ensure that the DEIR includes a description of the Native American history and cultural resources associated with the Project site. In preparing the DEIR, please conduct meaningful outreach towards the tribes associated with this area as part of the AB 52 consultation requirement. Additionally, please ensure that the cultural and tribal cultural resources environmental setting identifies all historically and culturally significant resources at the Project site and at any related sites (if applicable) and note in the analysis whether and how the Project will acknowledge or incorporate information about those resources in its design or programming.

Geology and Soils

The analysis in the DEIR's geology and soils section relates to issue areas that BCDC will consider in permitting the Project, including the safety and stability of the site in light of the site preparation and filling work required for the Project's construction; the potential for erosion and implications for the long-term stability, safety, and usability of the proposed public access and open space amenities; and the potential for any erosion to affect biological resources and/or water quality in riparian, wetland, and Bay habitats present at the site. The DEIR should provide details about site conditions and describe the potential for work proposed at the site, including off-shore dredging, on-shore construction, etc., to destabilize slopes along the shoreline and increase their vulnerability to geological hazards such as landslides.

Hazards and Hazardous Materials

The potential for hazardous materials release is relevant to BCDC permitting considerations of whether the Project is consistent with Bay Plan policies on water quality, biological resources, climate change, and environmental justice. As part of its analysis of the potential for the Project to create a contaminant hazard for the public or the environment, please consider the potential for groundwater rise to mobilize below-ground contaminants. Groundwater rise as a function of rising sea levels is an emerging issue of great concern for its potential to bring hazardous materials to the surface, even in areas where capping has already taken place or where shoreline protection is utilized to address above-ground flooding. Such exposure could affect water quality, habitat quality, and the usability of any public access facilities required by BCDC as a condition of permit approval. Therefore, please include a discussion of whether groundwater rise could potentially mobilize below-ground contaminants at the Project site.

Hydrology and Water Quality

The Bay Plan includes policy sections for Water Quality and Climate Change that are relevant to the DEIR hydrology and water quality analysis. Please review these findings and policies and include them in the regulatory settings for this section. As part of the settings and analysis, please clearly identify the water quality standards, plans, and/or discharge requirements applicable to the Project site.

Landside alterations proposed as part of the Project, including filling, hardscaping, and landscaping, and changing the use of the site, have the potential to alter drainage patterns the site's overall hydrology in a manner that could negatively impact water quality and the health of adjacent habitats. Thus, please consider the following in the DEIR analysis:

1. **Drainage Patterns.** As part of the DEIR analysis of drainage, please provide details on the type, location, elevation, and coverage of surface treatments at the site, and provide a discussion of the impacts that proposed fill and hardscaping features could have on water quality and flood flows. The analysis should describe potential changes in surface runoff patterns and any hydrological effects on neighboring and the surrounding Bay. The analysis should also include a discussion of hydrological and water quality impacts from filling the drainage ditch to the east of the site.

2. **Material Stockpiles.** The IS states that the current leaseholder is in the process of removing aggregate stockpiles from the Project site. In converting the site from an aggregate facility to a new use, there is the potential for dust and materials to be mobilized into the Bay. The DEIR should describe the potential for any remaining aggregate materials on site to become airborne or erode into the Bay or sensitive habitats, as well as any measures needed to control dust, prevent erosion, and contain any other potential contaminants.

3. **Sea Level Rise Analysis.** As part of the hydrology analyses, including the analysis of the Project's effect on drainage and whether flood hazards present a risk of releasing pollutants, please include analysis of relevant sea level rise scenarios in accordance with the best available science (currently considered to be the Ocean Protection Council's 2018 Sea Level Rise Guidance). Because sea levels are expected to rise over the life of the Project, the analysis of operational impacts would be incomplete without a consideration of sea level rise scenarios. The DEIR should identify all types of potential flooding related to sea level rise (including groundwater rise) and any proposed adaptation measures, including site elevation or flood protection. Particular attention should be paid to potential future flooding impacts on the proposed public access amenities, Seaport Boulevard, the ferry landing, access roads, utilities, and the storm drainage system.

   Note that as part of the application for the Project, the project proponents are expected to provide a sea level rise risk assessment prepared by a qualified engineer, per Bay Plan Climate Change Policy No. 2. The risk assessment will be expected to include mid- and end-of-century scenarios at the medium-high risk level, with the high emissions assumption, using the NAVD 88 datum. Bay Plan policies require that all projects be designed to be resilient to a mid-century sea level rise projection and adaptable to end-of-century if the project is expected to still be in place. In designing any proposed shoreline protection, please note that Bay Plan Shoreline Protection Policy No. 5 requires projects to evaluate the use of natural and nature-based features and incorporate these features to the greatest extent practicable. For the DEIR, any design features necessary to ensure resilience should be included in the Project Description and analyzed throughout the document as part of the project.

Land Use and Planning

The McAteer-Petris Act and the Bay Plan are a State law and a land use plan, respectively, adopted for the purpose of avoiding or mitigating an environmental effect and should be included in the regulatory settings for this section as well as considered in the impact analysis.

The DEIR should reflect that the project occurs within a Bay Plan-designated Port Priority Use Area (see Bay Plan Map No. 6). The Commission has designated on the Bay Plan maps those areas which should be reserved for priority land uses on the Bay shoreline, such as seaports. Within a Port Priority Use Area, any proposed project must be consistent with the Bay Plan Ports policies. Those policies state, in part, that "Port Priority Use Areas should be protected for marine terminals and directly related ancillary activities," and that other uses are permissible only if they "do not significantly impair the efficient utilization of the port area." The Seaport Plan further expands on and the Bay Plan's policies and provides more detail on the requirements for development in Port Priority Use Areas

Therefore, issuance of a permit for the project from BCDC as described in the NOP may require amendments to the Bay Plan and Seaport Plan to remove the Port Priority Use designation from the project site, depending on the location of the proposed visitor-oriented uses that would not be consistent with the Priority Use designation. To consider removing a port priority use area designation; the Seaport Plan requires that BCDC evaluate the impact of a proposed deletion on the region's capacity to handle the amount of ocean-going cargo projected to pass through the Bay Area ports. Under the provisions of the Seaport Plan, to approve the requested amendment the Commission must determine that eliminating the potential future use of the area for port purposes will not negatively affect the region's cargo handling capacity and will not increase the need to fill the Bay for future port development. One of the foundations upon which the Commission's port designations are based is a forecast of the volume of the different cargo types that are expected to be handled at the Bay Area ports. This information should be provided as part of the DEIR.

Recreation

Per the McAteer-Petris Act, BCDC is tasked with ensuring maximum feasible public access to the Bay. As such, BCDC has permitted several public recreation facilities along the shoreline in the vicinity of the Project site, including contiguous segments of the Bay Trail adjacent to the site that connect a series of existing and planned park spaces. As the project will provide both a new Bay Trail connection and a new recreation destination in this network, please include the adjacent Bay Trail segments and connected planned and existing recreation areas in the study area for the recreation analysis, identify the service area and service population for these facilities, assess whether the recreational facilities provided are commensurate with the need generated by the Project, and consider whether the Project has the potential to result in the physical deterioration of these facilities.

As part of ensuring maximum feasible public access, Bay Plan Public Access Policy No. 7 requires that public access along the shoreline be permanently guaranteed and should remain viable in the event of future sea level rise or flooding, or that equivalent access consistent with the project be provided nearby. The DEIR analysis should demonstrate that public access and recreational facilities are resilient to projected sea level rise at mid-century, with a comprehensive plan for adaptation through the end of the century. This plan should include strategies for maintaining accessibility, functionality, and safety of recreational and visitor-serving amenities under various sea level rise scenarios. The DEIR should state whether the adaptation or replacement of the proposed public access would require further construction or expansion of recreational facilities and assess whether that may have an adverse effect on the environment.

Transportation

One of BCDC’s key considerations for assessing maximum feasible public access is the convenience and safety of site access where a project connects to the larger transportation network, particularly for members of the public approaching the site via the Bay Trail or by surface roads. Please review the findings and policies in the Bay Plan’s sections on Transportation and Public Access and acknowledge them in the regulatory settings for the transportation analysis. Furthermore, please consider these policies in your analysis of whether

the Project would conflict with a policy addressing transit, roadway, bicycle, and pedestrian facilities, and whether the Project would increase transportation hazards, with particular attention paid to the Bay Trail and routes by which drivers would access the Project's public parking spaces.

Additionally, the Bay Plan states that, "because ferry routes can cross shipping lanes, water recreation areas, and areas used by water birds and marine mammals, care in the planning and siting of ferry routes and terminals must be taken to ensure safe navigation and the protection of Bay fish and wildlife resources and their habitats." The DEIR should provide a detailed analysis of the proposed ferry routes and terminal locations, ensuring that they are planned and sited to avoid conflicts with shipping lanes, recreational areas, and critical habitats. This analysis should include measures to ensure the safety of navigation and the protection of the Bay's ecological resources, including strategies to mitigate potential impacts on fish, wildlife, and their habitats.

Conclusion

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the scope of the DEIR. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at pierce.abrahamson@bcdc.ca.gov.

Sincerely,

DocuSigned by:
Pierce Abrahamson
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PIERCE ABRAHAMSON
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