

# Staff Report 38

## APPLICANT:

Trustees of the California State University

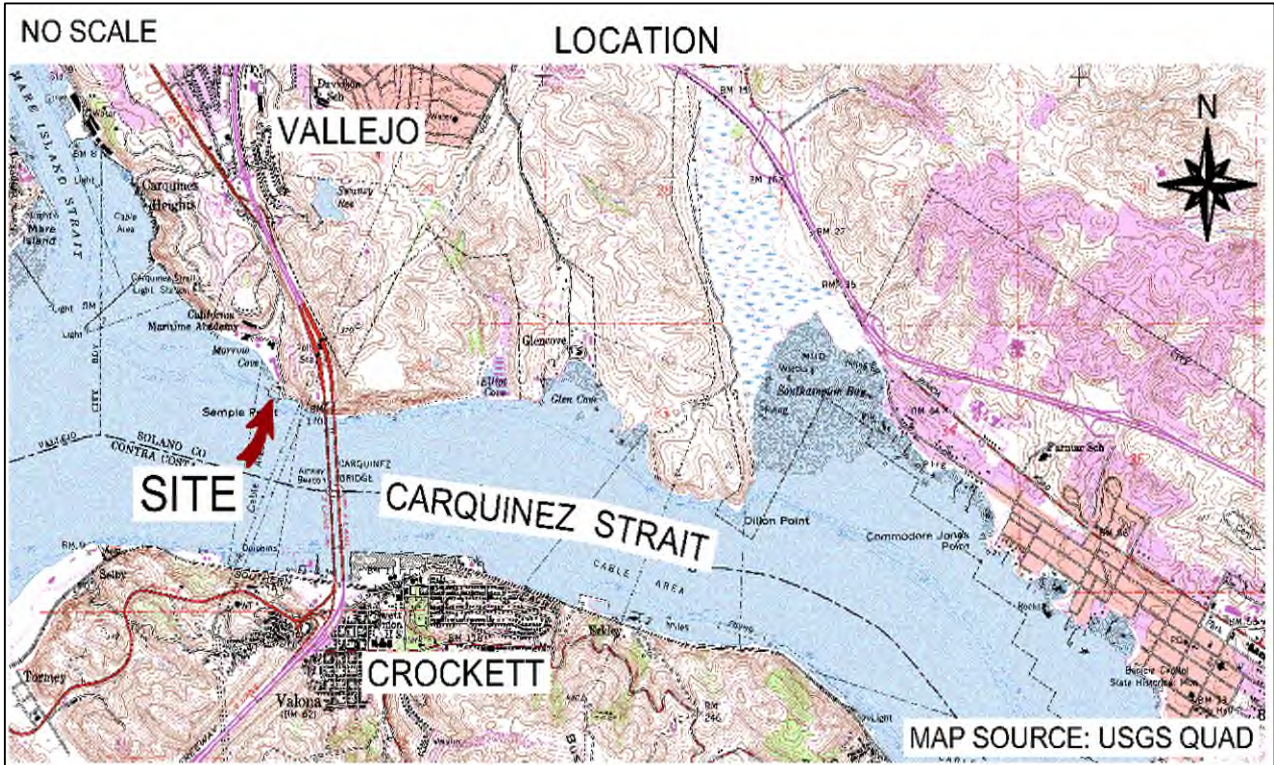
## PROPOSED ACTION:

Amendment of a General Lease – Public Agency Use

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in Carquinez Strait, adjacent to 200 Maritime Academy Drive, near Vallejo, Solano County (as shown in Figure 1).

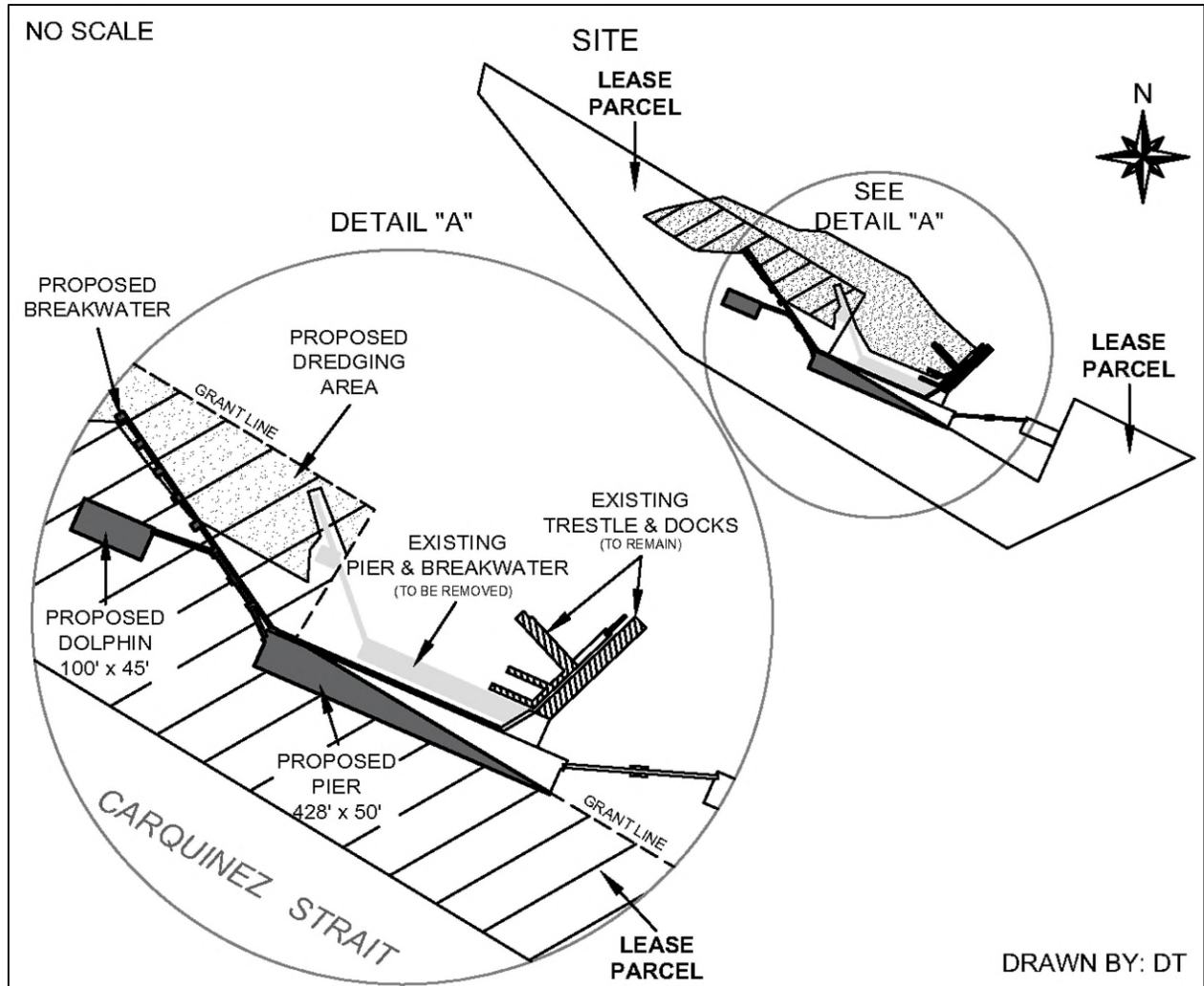
Figure 1. Location



**AUTHORIZED USE:**

Use and maintenance of an existing breakwater (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

**TERM:**

20 years, beginning May 1, 2018.

**CONSIDERATION:**

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

**PROPOSED AMENDMENT:**

- Authorize the removal and replacement of an existing breakwater, construction of a pier, installation of one dolphin, and dredging.
- Provide that construction activities will be performed pursuant to the specific terms identified in the Lease, including requirements pertaining to construction equipment, debris, and the delivery to Lessor of specified documents related to the construction activities; and that the Lessee obtain all necessary permits and authorizations prior to commencing work.
- All dredge materials shall be handled as stated in permits from the applicable regulatory agencies and disposed of at the San Francisco Bay Dredged Material Management Office (DMMO) approved disposal site. Lessee acknowledges and agrees that material dredged from the Lease Premises is the property of the State of California and shall not be sold or used for other commercial purposes.
- Within 60 days of completing the construction of authorized improvements, Lessee will provide Lessor with photographs and a set of “as-built” plans that will show where the improvements have been placed. Lessor shall then replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, to the lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by the Lessor's Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in the lease at the time of lease execution. The replaced Exhibits shall be incorporated in the lease as though fully set forth therein.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, section 2000 and 2003.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On June 21, 2018, the Commission authorized the issuance of a 20-year General Lease – Public Agency Use to the Trustees of the California State University for the use and maintenance of an existing breakwater ([Item 51, June 21, 2018](#)). That lease will expire on April 30, 2038. The Lessee is applying for an amendment of Lease 4345, for the removal and replacement of an existing breakwater, construction of a

pier, installation of one dolphin, and dredging in Carquinez Strait as part of the Phase One improvements for the Cal Maritime Waterfront Master Plan. Staff recommend amending Lease 4345 to authorize this proposed project based on the significant public benefit of improvements for maritime training and emergency/disaster support services. The proposed amendment will be effective on February 25, 2025, in order to align with the Commission's authorization date.

The work activities may commence after the Lessee has obtained all necessary permits and approvals from agencies with jurisdiction over the Project. The Applicant will follow all construction methods and timeframes provided by the San Francisco Bay Conservation and Development Commission, the San Francisco Bay Regional Water Quality Control Board, the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the DMMO, and any other agency exercising pertinent jurisdiction within the lease area.

The California State University Maritime Academy (Cal Maritime) is one of seven degree granting institutions of higher learning dedicated to maritime and naval instruction. The proposed activities are part of a Waterfront Master Plan Project (Project), to prepare for arrival of a state-of-the-art training ship known as the National Security Multi-mission Vessel (NSMV). The NSMV aligns with a fleet of federally owned ships commissioned by the Federal Maritime Administration (MARAD), to replace older vessels stationed at maritime academies across the country. The ship will contain multiple training venues which include eight classrooms, a full training bridge, lab spaces, and an auditorium. The NSMV will have space to train up to 600 cadets at sea, maximizing the capability of the ship and its mission to provide cadets with a quality education. Further, the NSMV may support federal response measures to national disasters such as hurricanes. The ship will contain medical facilities, a helicopter landing pad, and the ability to berth up to 1,000 people during times of humanitarian relief. Additionally, the NSMV will have a roll-on/roll-off ramp and container storage allowing it to provide aid to damaged ports.

A portion of the Project falls on submerged land under the Commission's jurisdiction which lies directly adjacent to granted lands in the Strait. The subject activities consist of the removal and replacement of an existing breakwater, construction of a pier, installation of one dolphin (on the waterward side of the pier), and dredging. Based on the size of the NSMV, the ship requires a stable pier to accommodate berthing and mooring activities. Further needs include dredging and reconfiguration of the boat basin area to ensure navigational safety and

berthing of the NSMV. The total dredge footprint will occur within the boat basin area and slightly northwest of that. Dredging will be conducted utilizing a clam shell dredge and the total volume expected to be dredged is 15,000-cubic-yards of sediment at depths up to elevation minus-10 mean lower low water (plus 1-foot over dredge). Sediment analysis testing has been conducted per the DMMO's requirements, and the material has been authorized for placement at the disposal locations identified in the DMMO's September 19, 2024 Test Results letter. According to the Commission's boundary determination officer, the modified lease area will be approximately 20,217.92 square feet (0.46 acre).

A second portion of the Project falls on legislatively granted land closer to the shore of Carquinez Strait. These lands were granted to the U.S. Department of Education for the use and benefit of the Cal Maritime, pursuant to ([Chapter 840 of 1945](#)) and ([Chapter 135 of 1947](#)). The project work on granted lands includes but is not limited to the removal of a small existing pier, removal of pilings/dolphins, installation of pilings/dolphins, installation of a connector dock and access ramps, dredging within the boat basin, and other pertinent activities (not under this lease number).

The proposed Project and improvements provide a significant public benefit, by enhancing maritime training facilities and educational programs. When the new ship is not being used for maritime training purposes, it may assist with emergency/disaster support services. The improvements will not significantly impede Public Trust use of the Carquinez Strait. The public will have access to the Public Trust easement area between the high and low-water mark in the Strait. Boating and navigation are water-dependent uses that are generally consistent with the common law Public Trust Doctrine. The California Legislature has identified boating facilities as an authorized use of Public Trust land. (Pub. Resources Code, §6503.5.)

According to the application package, a variety of marine equipment, including derrick barges, laydown barges, work boats and tugs, will be required for construction staging and materials laydown. The equipment may be anchored in one place for a few days to several weeks. The Marine Yard and existing pier (not within the lease area) will also serve as construction staging areas. All construction activities would take place within the boundaries of the project site, and no off-site staging areas will be required. To the extent possible, the work activities will be accomplished using portable equipment and manual labor, with specific tools and methods utilized to minimize pollution and atmospheric or acoustic impacts. Appropriate spill prevention and containment devices, such as floating fine mesh, will be used to prevent equipment, tools, or hazardous materials from being

discharged into the Strait during construction. Caissons will be utilized during the removal of the pilings from the Strait, and the crew will skim the water's surface to dispose of any debris. Most items will be manufactured and power-cut off-site. All steel components will be prefabricated and preprinted off-site, except for the final cuts of the steel joists during installation. The materials will be transported by and stored on the existing pier or on a barge, and protected from discharge into the Strait.

The proposed lease includes provisions on upkeep and maintenance which mitigate the State's liability. The proposed lease amendment does not alienate the State's fee simple interest or permanently impair public rights. The existing lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. The lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires consideration to compensate the people of the State for the occupation of the public land involved. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

### **CLIMATE CHANGE:**

Climate change impacts, including sea level rise, increased wave activity, storm events, and flooding may impact the proposed in-water structures, located at the Cal Maritime in the Carquinez Strait.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea level rise scenario for the lease area as listed in Table 1.

**Table 1. Projected Sea Level Rise for San Francisco**

<b>Year</b>	<b>Projection (feet)</b>
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

As stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

This increase in sea level combined with more frequent and stronger storm events will likely expose the lease area to higher flood risks, comprised of greater total water levels for longer periods of time. The proposed Phase One improvements for the Waterfront Master Plan include an existing trestle connecting to a new pier, new pier transition structure, new catwalks, new mooring dolphins, new breakwater, and other new accessory structures and utilities for the new pier. The Project also includes dredging of the boat basin surrounding the new pier. The new in-water structures will be fixed. The Final EIR for the Waterfront Master Plan states that the new pier would be designed such that in a worst-case scenario of a 100-year flood, plus 2060 sea level rise and King Tide projections, water levels would be at or below the new pier's elevation. The Final EIR used the *State of California Sea Level Rise Guidance: 2018 Update* as the primary data source for sea level rise. King Tide water levels were based on water level datums from the National Oceanic and Atmospheric Administration's water level station in the Carquinez Strait. The 100-year flood elevation was based on the 2016 Federal Emergency Management Agency's Flood Insurance Study for Solano County.

The pier and supporting in-water structures, as fixed structures, may need increased maintenance due to increased flood exposure and more frequent storm events, which will increase the structures' exposure to inundation, erosion, and wave action. Periodic maintenance dredging will also be needed to maintain safe navigation to the pier.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the

Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to the effects of climate change, including sea level rise.

**CONCLUSION:**

For all the reasons above, staff believe the amendment of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interest of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application the Lessee would not be allowed to remove and replace the existing breakwater and could not construct the proposed pier or install one dolphin or perform dredging in Carquinez Strait. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. An EIR, State Clearinghouse (SCH) No. 2022120009, was prepared by the Board of Trustees of the California State University (Board) for the Cal Maritime Waterfront Master Plan Project (Project) and certified on July 24, 2024. As part of its project approval, the Board made a Statement of Facts and Findings and adopted a Mitigation Monitoring and Reporting Program. However, the EIR does not include an analysis of changes to the design and location of in-water structures within Commission jurisdiction (Modified Project) that occurred after certification of the EIR. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), Commission staff has prepared an Addendum to analyze the environmental impacts from the Modified Project, including modification of the design and location of the trestle connecting to the new pier, new pier transition structure, new pier, new catwalks, new mooring dolphins, new breakwater, and other new accessory structures and utilities for the new pier. In February 2025, staff posted the



Addendum on the Commission's website with links to the Board's Draft EIR and Final EIR. Based on substantial evidence and the evaluation of the Modified Project contained in the Addendum, no new mitigation measures are required and none of the conditions described in CEQA Guidelines section 15162, subdivision (a), have occurred.

Staff has reviewed these documents and prepared an independent Mitigation Monitoring Program (MMP) (attached, Exhibit A) that incorporates the Board's document. Staff recommend adoption of the Exhibit A MMP by the Commission.

Staff also prepared Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) contained in the attached Exhibit B. Staff recommends the Commission adopt the Findings contained in the attached Exhibit B.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq, but such activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the CEQA review and permitting process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

## **APPROVALS REQUIRED:**

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- San Francisco Bay Conservation and Development Commission
- San Francisco Bay Regional Water Quality Control Board
- U.S. Army Corps of Engineers
- California Department of Fish and Wildlife
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service

## **EXHIBITS:**

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- A. Mitigation Monitoring Program
- B. Statement of Findings

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that an EIR, State Clearinghouse No. 2022120009, was prepared for the Cal Maritime Waterfront Master Plan Project by the Board and certified on July 24, 2024, and that the Commission has reviewed and considered the information contained therein, and in the Addendum for the Modified Project prepared by staff in January 2025.

Find that in its independent judgment, none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit A.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in the attached Exhibit B.

Determine that the Modified Project, as approved, will not have a significant effect on the environment.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed amendment of lease will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

### **SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

### **AUTHORIZATION:**

1. Authorize the amendment of Lease 4345, a General Lease – Public Agency Use, effective February 25, 2025, to authorize the removal and replacement of an existing breakwater, construction of a pier, installation of one dolphin, and

dredging; to include special lease provisions related to construction and dredging activities; and to replace the existing lease Exhibit A, Land Description, and lease Exhibit B, Site and Location Map, with a new Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease shall remain in effect without amendment.

2. Authorize the Executive Office or designee to replace Exhibits to the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following construction and installation.

**EXHIBIT A**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**  
**CAL MARITIME WATERFRONT MASTER PLAN**  
(A4279, State Clearinghouse No. 2022120009)

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The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Cal Maritime Waterfront Master Plan (Project). The CEQA lead agency for the Project is the Board of Trustees of the California State University (Board).

In conjunction with approval of Phase One of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of Phase One Project improvements located on State lands. The purpose of an MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). [State CEQA Guidelines section 15097, subdivision \(a\)](#), states in part:

*In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency certified an EIR, State Clearinghouse No. 2022120009, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the whole of the Project (see Exhibit A, Attachment A-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The term “Project” refers to the Cal Maritime Waterfront Master Plan and includes all Project phases analyzed with the EIR. However, only Phase One Project improvements were analyzed with the EIR at a project level to support current agency authorizations. Improvements and impacts specific to Phases Two and Three were analyzed at a conceptual level with more limited information and will be subject to both subsequent lead agency CEQA review

and future Commission consideration. Therefore, Table A-1 is limited to Phase One Project improvements and impacts associated with the Commission's current lease action. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table A-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and provided in Attachment A-1, is incorporated by reference in this Exhibit A.

**Table A-1. Impacts and Applicable Mitigation Measures for Phase One Project Improvements**

<b>Potential Impact</b>	<b>Mitigation Measure (MM)<sup>1</sup></b>
<b>3.3-2 Disturbance/Loss of Special-Status Wildlife Species/Habitat (Aquatic)</b>	3.3-2b, 3.3-2c, 3.3-2d, 3.3-2e, 3.3-2f, 3.3-2g, 3.3-2h, 3.3-2i, 3.3-2j, 3.3-2l, 3.3-2m
<b>3.3-3 Disturbance/Loss of Aquatic Sensitive Natural Communities/Sensitive Habitat</b>	3.3-3
<b>3.3-4 Wildlife Movement Corridors/Nursery Sites</b>	3.3-4
<b>3.4-3 Substantial Adverse Change in Significance of Previously Undiscovered Archaeological Resources</b>	3.4-3
<b>3.4-4 Substantial Adverse Change in Significance of a Tribal Cultural Resource</b>	3.4-4a, 3.4-4b, 3.4-4c
<b>3.8-2 Release of In-Water Hazardous Substances During Construction</b>	3.3-2g
<b>3.9-1 Violate Water Quality Standards and Waste Discharge Requirements or Degrade Surface and Groundwater Quality</b>	3.3-2d, 3.3-2f, 3.3-2g, 3.3-2h
<b>3.9-5 Conflict With or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan</b>	3.3-2d, 3.3-2f, 3.3-2g, 3.3-2h

<sup>1</sup> See Attachment A-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

## **ATTACHMENT A-1**

**MITIGATION MONITORING AND REPORTING PROGRAM ADOPTED BY THE  
BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY**

**Table 1 Cal Maritime Waterfront Master Plan Final EIR Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
<b>3.3 Biological Resources</b>					
<p><b>Impact 3.3-1: Result in Disturbance or Loss of Special-Status Plant Species</b></p>	<p><b>Mitigation Measure 3.3-1: Conduct Special-Status Plant Surveys, Implement Avoidance Measures and No-Net-Loss Strategies</b>                      Prior to implementation of project activities within the approximately 0.5-acre vegetated hillside on the project site and during the blooming period for the special-status plant species with potential to occur in the project site, a qualified botanist shall conduct protocol-level surveys for special-status plants within this portion of the project site using survey methods from CDFW's Protocols for Surveying and Evaluating Impacts on Special Status Native Plant Populations and Natural Communities (CDFW 2018 or most recent version). The qualified botanist shall: 1) be knowledgeable about plant taxonomy, 2) be familiar with plants of the San Francisco Bay Area region, including special-status plants and sensitive natural communities, 3) have experience conducting floristic botanical field surveys as described in CDFW 2018, 4) be familiar with the <i>California Manual of Vegetation</i> (Sawyer et al. 2009 or current version, including updated natural communities data at <a href="http://vegetation.cnps.org/">http://vegetation.cnps.org/</a>), and 5) be familiar with federal and state statutes and regulations related to plants and plant collecting.</p> <ul style="list-style-type: none"> <li>▶ If special-status plants are not found, the botanist shall document the findings in a letter report to Cal Maritime, and no further mitigation will be required.</li> <li>▶ If special-status plant species are found, the plant shall be avoided completely, to the maximum extent feasible (i.e., if a majority of project objectives can still be met). Avoidance may be achieved by establishing a no-disturbance buffer around the plants and demarcation of this buffer by a qualified biologist or botanist using flagging or high-visibility construction fencing, or through other established, professionally accepted methods. The size of the buffer shall be determined by the qualified biologist or botanist and will be large enough to avoid direct or indirect impacts on the plant.</li> <li>▶ If special-status plants are found during special-status plant surveys and cannot be avoided, Cal Maritime in coordination with CDFW shall develop and implement a site-specific strategy to achieve no net loss of occupied habitat or individuals. Measures shall be developed by a qualified biologist and include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation, and/or restoring or creating habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within or outside of the project site. Habitat and individual plants lost shall be</li> </ul>	<p>Ensure that special-status plant surveys are conducted during the specified period indicated, and findings documented, by qualified biologist.</p> <p>Qualified biologist or botanist establishes avoidance measures if special-status species are found.</p> <p>If special-status plants cannot be avoided, develop and implement a site-specific strategy with on-site and/or off-site mitigation measures in coordination with CDFW.</p>	<p>SS, DE, CO</p>	<p>Conduct surveys during appropriate season, as specified in measure, prior to final project design approval and prior to construction.</p> <p>Implement avoidance measures during construction.</p> <p>Development site-specific strategy prior to construction.</p> <p>Implement on-site mitigation prior to construction.</p> <p>Implement off-site mitigation, if required, prior to and</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p>

<sup>1</sup> Project stage at which implementation of the measure is required - SS=site selection; DE=detailed project planning or project design prior to project approval; CO=prior to or during construction; OC=prior to occupancy; OP=prior to or during operation

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<p>mitigated at a minimum 1:1 ratio, taking into account acreage as well as function and value. Success criteria for preserved and compensatory populations shall include:</p> <ul style="list-style-type: none"> <li>▪ The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat.</li> <li>▪ Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:                             <ul style="list-style-type: none"> <li>• plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and</li> <li>• reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.</li> <li>• If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.</li> </ul> </li> </ul>			during construction.	
<p><b>Impact 3.3-2: Result in Disturbance to or Loss of Special-Status Wildlife Species and Habitat</b></p>	<p><b>Mitigation Measure 3.3-2a: Conduct Focused Surveys for Special-Status Birds, Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers</b></p> <p>To minimize the potential for loss of special-status bird species, raptors, and other native birds, project activities (e.g., tree removal, other vegetation removal, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 1–January 31, as determined by a qualified biologist), if feasible. If project activities are conducted during the nonbreeding season, no further mitigation shall be required.</p> <p>For project activities that occur during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), within 14 days prior to starting activities, a qualified biologist familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for special-status birds, other nesting raptors, and other native birds and shall identify active nests within 500 feet of the project site. These surveys shall be repeated if there is a break in activities longer than 14 days, which could allow birds to initiate new nests. The biologist shall document the survey results in a written memo, report, or email communication to Cal Maritime.</p>	<p>Conduct project activities during the nonbreeding season, if feasible</p> <p>For project activities that occur during the breeding season, retain a qualified biologist to conduct focused surveys.</p> <p>Surveys report and mapping will be provided to Cal Maritime.</p>	SS, DE, CO	<p>If project activities occur during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), within 14 days prior to ground disturbance activities.</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p>



Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<p>In the event nesting birds are identified on the project site, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance of the nest. A qualified biologist shall determine the size of the buffer after a site- and nest-specific analysis. Buffers typically will be 500 feet for raptors and 100 feet for non-raptor special-status species. Factors to be considered for determining buffer size include presence of natural buffers provided by vegetation or topography, nest height above ground, baseline levels of noise and human activity, species sensitivity, and proposed project activities. The size of the buffer may be adjusted if a qualified biologist determines that such an adjustment would not be likely to adversely affect the nest. Project activities shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer will not likely result in nest abandonment. Any buffer reduction for a special-status species shall require consultation with CDFW. Periodic monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist.</p>	<p>If nesting birds are identified, the qualified biologist shall establish buffers and conduct periodic monitoring.</p>	CO	<p>Conduct periodic monitoring during construction, as determined by the qualified biologist.</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p>
	<p><b>Mitigation Measure 3.3-2b: Implement Invasive Species Management Procedures</b>                      For all phases of the project, Cal Maritime shall require all vessels brought to the project site from ports outside of San Francisco Bay and Delta for aquatic construction or during operations to follow all applicable maritime regulations relating to the exchange of ballast water to prevent the spread of invasive species from outside ports. Additionally, any in-water fill materials shall not be salvaged from areas outside of San Francisco Bay (e.g., piles shall be new, rock shall be freshly quarried and not previously in a marine environment).                      Any pumps that may be needed during construction shall be cleaned and dried for at least 72 hours prior to being used on the project. Implementation of this measure shall be required in the contract Cal Maritime establishes with its construction contractors.</p>	<p>All vessels follow applicable maritime regulations regarding prevention of the spread of invasive species.</p> <p>Ensure all in-water fill materials are new and clean.</p> <p>Ensure all pumps are cleaned and dried for at least 72 hours.</p>	CO	<p>During construction</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p> <p>Shall be a requirement in the contract Cal Maritime establishes with its construction contractors</p>
	<p><b>Mitigation Measure 3.3-2c: Implement In-Water Work Window</b>                      To minimize impacts on special-status fish, Cal Maritime shall require all in-water work, including pile driving and similar activities that require placing materials below the water's surface, to be completed between July 1 and November 30. Work may occur above the waterline year-round, including use of necessary in-water support vessels, so long as spill prevention measures are employed as described in Mitigation Measure 3.3-2d. This in-water work window may be modified and extended if regulatory agencies determine during the</p>	<p>Ensure all in-water work occur during July 1 and November 30.</p>	CO	<p>During all in-water construction activities</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p> <p>Shall be a requirement in the</p>

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	<p>permitting process that work outside of this window may occur without significant risk to fish. Implementation of this measure shall be required in the contract Cal Maritime establishes with its construction contractors.</p>				<p>contract Cal Maritime establishes with its construction contractors</p>
	<p><b>Mitigation Measure 3.3-2d: Implement Spill Prevention and Control</b>                      Prior to commencement of construction activities, a spill prevention and control plan shall be developed and implemented for the proposed project throughout all phases of construction. This plan shall at minimum include the following parameters to reduce potential effects from spills to less than significant levels:</p> <ul style="list-style-type: none"> <li>▶ Identification of any hazardous materials used by the project.</li> <li>▶ Storage locations and procedures for such materials.</li> <li>▶ Spill prevention practices as well as best management practices employed for various activities.</li> <li>▶ Requirements to inspect equipment daily such that it is maintained free of leaks.</li> <li>▶ Spill kit location, cleanup, and notification procedures.</li> </ul>	<p>Prepare and implement spill prevention and control plan.</p>	<p>DE, CO</p>	<p>Prepare plan prior to construction and implement plan during construction</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p>
	<p><b>Mitigation Measure 3.3-2e: Implement Environmental Awareness Training</b>                      A project-specific environmental awareness training for construction personnel shall be prepared and conducted or administered by a qualified biologist before commencement of construction activities for each phase of the project and as needed when new personnel begin work on the proposed project. The training shall inform all construction personnel about the presence of sensitive habitat types; potential for occurrence of special status fish and wildlife species; the need to avoid damage to suitable habitat and species harm, injury, or mortality; measures to avoid and minimize impacts to species and associated habitats; the conditions of relevant regulatory permits, and the possible penalties for not complying with these requirements. The training may consist of a pre-recorded presentation to be played for new personnel, a script prepared by the biologist and given by construction personnel trained by the biologist, or training administered by on-site biological monitors. The training shall include:</p> <ul style="list-style-type: none"> <li>▶ Applicable State and federal laws, environmental regulations, proposed project permit conditions, and penalties for non-compliance. A physical description of special-status species with potential to occur on or in the vicinity of the project site, avoidance and mitigation measures, and protocol for encountering such species including communication chain;</li> <li>▶ Best management practices enacted for habitat protection and their location on the project site including the implementation of any Spill or Leak Prevention Programs.</li> </ul>	<p>Conduct environmental awareness training and maintain training record</p>	<p>CO</p>	<p>Once prior to construction for each phase of the project and as needed during construction when new personnel begin work on the project</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p> <p>A record of this training shall be maintained on the project site and shall be made available to agencies upon request</p>

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	<ul style="list-style-type: none"> <li>▶ Contractors shall be required to sign documentation stating that they have read, agree to, and understand the required avoidance measures. If they do not understand, they shall withhold their signature until the qualified biologist addresses their question. The contractor may not begin work until they have signed the documentation.</li> <li>▶ Field identification of any project site boundaries, egress points and routes to be used for work. Work shall not be conducted outside of the project site.</li> </ul> <p>A record of this training shall be maintained on the project site and shall be made available to agencies upon request.</p>				
	<p><b>Mitigation Measure 3.3-2f: Implement Dust and Debris Control</b></p> <p>During all phases of the project, Cal Maritime and its construction contractors shall employ debris, dust, and garbage control measures to ensure disturbances to any upland areas, as well as overwater work does not result in turbidity, or debris being placed in the Bay. Dust control measures shall include all of the following:</p> <ul style="list-style-type: none"> <li>▶ In areas within the boat basin where waters are less affected by high velocity currents, a debris boom or silt curtain shall be deployed around demolition sites, in addition to vessels or catchments used to catch demolition debris before it falls into the water.</li> <li>▶ In areas outside the boat basin that are affected by high velocity currents, a debris boom or silt curtain may not be feasible during demolition and a work skiff or similar craft may be used instead of a debris boom to corral any debris that may accidentally fall into waters during demolition. Debris shall be retrieved immediately and will not be allowed to drift away from the worksite.</li> <li>▶ Where cast-in-place concrete is required in over-water areas, the contractor shall use forms and catchments that will prevent concrete from falling into the water. Cast-in-place forms shall remain in place until concrete has completely cured and shall be removed using means that minimizes dust and freshly cured concrete from falling into the water.</li> <li>▶ Within upland areas, any disturbed soils shall be managed to prevent dust from becoming airborne or silt laden runoff from being introduced to the aquatic environment.</li> <li>▶ All incidental construction-related refuse will be collected in sealed containers and removed regularly.</li> </ul>	<p>Implement debris, dust, and garbage control measures</p>	<p>CO</p>	<p>During construction</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p>
	<p><b>Mitigation Measure 3.3-2g: Implement Sediment Testing and Dredging Controls</b></p> <p>Prior to dredging in any phase of the project, an assessment shall be conducted according to DMMO sediment sampling requirements to sample and analyze sediments within areas proposed for dredging. The assessment shall be reviewed and approved by the DMMO according to current RWQCB and EPA standards and procedures and sediment shall be</p>	<p>Conduct dredging assessment and obtain Dredged Material Management Office (DMMO) approval. Implement best management practices.</p>	<p>CO</p>	<p>Conduct assessment and obtain approval prior to dredging activities.</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction, DMMO</p>

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	<p>placed, beneficially re-used, or disposed of in accordance with standard DMMO requirements.</p> <p>In addition, dredging activities shall implement the following best management practices:</p> <ul style="list-style-type: none"> <li>▶ Materials shall only be dredged and disposed of in accordance with procedures approved by the DMMO.</li> <li>▶ If concentrations are too high for beneficial reuse in upland restoration or other standard dredge material disposal method, materials may be hauled to an approved hazardous waste disposal facility.</li> <li>▶ Dredging shall be limited to the specified areas, depths, and quantities.</li> <li>▶ No overflow or decant water shall be discharged from any barge at any time.</li> <li>▶ During transportation from the dredging site to the disposal site, no dredged material shall be permitted to overflow, leak, or spill from barges, bins, or dump scows.</li> <li>▶ Prior to dredging in areas of contaminated sediment, a Dredge Operations Plan shall be prepared based on the results of DMMO-required sediment sampling, and shall include all necessary measures to contain, dispose of, and/or remediate contaminated sediments, including:                             <ul style="list-style-type: none"> <li>▪ Containment of turbidity during dredging, including BMPs, such as a silt curtain.</li> <li>▪ Identification of measures to contain or treat areas of contaminated sediments to prevent the potential for contaminated sediment dispersal following dredging.</li> <li>▪ Identification of methods for handling, transporting, and disposing of contaminated sediment and methods for handling contaminated sediment.</li> </ul> </li> </ul>		<p>Implement best management practices during dredging activities</p>		
	<p><b>Mitigation Measure 3.3-2h: Use Appropriate Creosote Pile Removal and Disposal Methods</b></p> <p>During construction activities involving removal of creosote piles, Cal Maritime and its construction contractors shall implement the following measures to ensure the appropriate removal and disposal of creosote piles:</p> <ul style="list-style-type: none"> <li>▶ When removing creosote piles the contractor shall either fully remove the pile/structure, or piles may be cut off at least 1 foot below the mudline.</li> <li>▶ Any fragments of wood that break off during the removal process will be collected immediately even if within the limits of a turbidity curtain.</li> <li>▶ Any treated timber removed in this manner shall be hauled to an upland landfill that accepts treated timber waste for disposal.</li> </ul>	<p>Ensure the appropriate removal and disposal of creosote piles.</p>	<p>CO</p>	<p>During creosote piles removal.</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p>

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<p><b>Mitigation Measure 3.3-2i: Implement Methods to Reduce Sound Attenuation from Pile Installation</b></p> <p>Prior to initiation of construction, the CSU shall consult with regulatory agencies with jurisdiction over the project activities, including but not limited to CDFW, NMFS, and USFWS, to obtain appropriate permits, and shall follow the required permit conditions. If permit requirements conflict with requirements below, the permit requirements shall take precedence. During all phases of the project, the following measures shall be implemented during the driving of all piles to reduce any effects from pile driving to less than significant levels:</p> <ul style="list-style-type: none"> <li>▶ In water work shall be limited to the work window as stated in Mitigation Measure 3.3-2c.</li> <li>▶ Any wildlife encountered within the work area shall be allowed to leave the area unharmed.</li> </ul> <p>The following measures shall also be included for times when work involves driving steel piles.</p> <ul style="list-style-type: none"> <li>▶ To the extent possible, pile driving of steel piles shall be conducted with a vibratory hammer.</li> <li>▶ When installation with an impact hammer is required for steel piles, the following additional measures shall be employed:                             <ul style="list-style-type: none"> <li>▪ Use of a bubble curtain around steel piles.</li> <li>▪ Use of a slow start (gradually increasing energy and frequency) at the start of driving, or after a cessation of driving for more than 1 hour.</li> <li>▪ Underwater sound monitoring shall be performed during pile driving activities. Sound monitoring shall be completed for a minimum of 5 percent of the piles driven of each size and type utilized during construction to verify consistency with sound measurements of similar pile types and sizes documented for other projects. If sound measurements exceed those taken from similar pile types and sizes for other projects, additional sound attenuation measures, enhanced bubble curtains, or limiting pile strikes shall be implemented, and sound measurements shall be tested again to achieve sound levels similar to other projects.</li> </ul> </li> </ul>	<p>Obtain appropriate permits.</p> <p>Implement permit requirements and sound attenuation reduction measures.</p>	<p>DE, CO</p>	<p>Consult agencies and obtain permits prior to construction.</p> <p>Implement permit requirements and measures during pile installation.</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction,</p> <p>CDFW, NMFS, USFWS</p>
	<p><b>Mitigation Measure 3.3-2j: Reduce or Compensate for Shading of Open Waters and Other Special-status Species Impacts</b></p> <p>Where possible, the project shall install light-transmitting surfaces allowing for a minimum of 40 percent light transmission to the waters below. In the event light-transmitting surfaces cannot be installed for safety and accessibility reasons, the project shall mitigate for shading and lost aquatic resource function by one of the following means:</p> <ul style="list-style-type: none"> <li>▶ Removing equivalent shaded coverage over open water at a nearby site,</li> </ul>	<p>Install light-transmitting surfaces or implement shading mitigation measures as outlined in the measure.</p>	<p>CO</p>	<p>During construction</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p> <p>CDFW, NMFS, USFWS</p>

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<ul style="list-style-type: none"> <li>▶ With the purchase of appropriate mitigation credits from an approved mitigation bank at a (1:1 ratio), or</li> <li>▶ By other similar actions approved by regulatory agencies with jurisdiction over the project activities, such as CDFW, NMFS, and USFWS, during the consultation process, so long as those alternative actions achieve a similar effect as described above (e.g., construction of a restoration project which causes ecological uplift of habitat quality).</li> </ul>				
	<p><b>Mitigation Measure 3.3-2k: Implement Limited Operating Period or Conduct Focused Surveys for Crotch Bumble Bee</b></p> <p>Initial ground-disturbing work (e.g., grading, vegetation removal, staging) within the approximately 0.5-acre vegetated hillside portion of the project site shall take place between August 15 and March 15, if feasible, to avoid impacts on Crotch’s bumble bees potentially nesting in this area.</p> <p>If completing all initial ground-disturbing work between August 15 and March 15 is not feasible, then a qualified biologist approved by CDFW, familiar with bumble bees of California, with experience using survey methods for bumble bees shall conduct a habitat assessment and focused survey for Crotch’s bumble bee within the vegetated hillside portion of the project site prior to the start of any ground-disturbing activities, following the methods in <i>Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</i> (CDFW 2023).</p> <ul style="list-style-type: none"> <li>▶ Cal Maritime shall submit a survey report to CDFW within one month of survey completion and shall notify CDFW within 24 hours if Crotch’s bumble bees are detected.</li> <li>▶ If Crotch’s bumble bees are detected during the focused survey, appropriate avoidance measures shall be implemented. Avoidance measures may include, but not be limited to the following:                             <ul style="list-style-type: none"> <li>▶ Protective buffers shall be implemented around active nesting colonies or overwintering queens until these sites are no longer active.</li> <li>▶ If impacts on Crotch’s bumble bee cannot be avoided, Cal Maritime shall obtain an Incidental Take Permit (ITP) from CDFW and shall implement all avoidance measures included in the ITP.</li> </ul> </li> </ul>	<p>Within the approximately 0.5-acre vegetated hillside portion of the project site, ensure ground-disturbing activities occur between August 15 and March 15 or retain a qualified biologist to conduct habitat assessment and focused survey for Crotch’s bumble bee.</p> <p>Submit survey report to CDFW, obtain ITP, and implement avoidance measures, if required.</p>	DE, CO	Prior to construction	<p>Cal Maritime Facilities Planning, Design &amp; Construction,</p> <p>CDFW</p>
	<p><b>Mitigation Measure 3.3-2l: Reduce Construction Impacts on Marine Mammals</b></p> <p>In addition to implementation of Mitigation Measure 3.3-2h: Pile Driving Methods and Monitoring, the project shall implement the following additional measures to reduce impacts to marine mammals from in-water construction.</p>	Implement additional measures to protect marine mammals	CO	During in-water construction	<p>Cal Maritime Facilities Planning, Design &amp; Construction,</p> <p>NMFS</p>

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<ul style="list-style-type: none"> <li>▶ Cal Maritime shall consult with NMFS to obtain a marine mammal harassment authorization for any potential project related harassment of marine mammals.</li> <li>▶ During all construction work where materials are being actively placed below the water line, a marine mammal monitor shall be present to observe and document marine mammal presence.</li> <li>▶ During pile driving, if a marine mammal is within the buffer distances specified for the various installation scenarios (pile size and hammer size) shown in Table 3.3-4 in Section 3.3, "Biological Resources," or within distances determined by NMFS based on future updated construction drawings and contractor input, the marine mammal monitor shall inform the construction crew and work shall temporarily halt until the animal has passed outside of the disturbance buffer.</li> </ul>				
	<p><b>Mitigation Measure 3.3-2m: Reduce Impacts from Hydrokinetic Barge</b>                      Prior to installation and operation of the barge, a qualified biologist shall review the proposed design and operation of the hydrokinetic barge to determine if operation of the barge is likely to cause take of fish or if the operation will impact sensitive habitats. The qualified biologist shall compose a memo outlining anticipated operational procedures and shall review any potential impacts to fish and habitats, along with recommendations to modify the proposed operation to minimize any such impacts to less than significant levels (if necessary). Such recommendations may include:</p> <ul style="list-style-type: none"> <li>▶ Take permits under California Fish and Game Code and the federal Endangered Species Act shall be obtained prior to installation and operation of any hydrokinetic barge system with the potential to harass, injure or kill listed fish or other listed aquatic species.</li> <li>▶ Measures to isolate the turbine and other moving parts from the aquatic environment (such screening) shall be required to avoid and minimize potential impacts to listed species.</li> <li>▶ Noise modeling shall be completed for hydrokinetic barge operation and the results compared to thresholds for noise effects to fish and marine mammals described in Table 3 and Table 7. Measures to minimize significant noise impacts to listed species and marine mammals shall be incorporated into the hydrokinetic barge design.</li> <li>▶ Stationing the barge over water of sufficient depth that it is unlikely to support eelgrass or other submerged aquatic vegetation.</li> <li>▶ Obtaining additional mitigation credits for shading open waters and eelgrass.</li> <li>▶ Seasonal operation of the barge to limit the potential for special-status fish to be injured.</li> </ul>	<p>Retain a qualified biologist to review the design and operation of the hydrokinetic barge.</p> <p>The qualified biologist shall prepare a memo outlining operational procedures and providing recommendations to minimize impacts to sensitive habitats and fish.</p> <p>Ensure memo is approved by CDFW, USFW, and NMFS</p>	CO	Prior to installation and operation of the barge	<p>Cal Maritime Facilities Planning, Design &amp; Construction,</p> <p>CDFW, USFW, NMFS</p>

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<p>► <u>During the design phase, specifications on the barge including any components for fish exclusion will be provided to the regulatory agencies including CDFW, NMFS and the USFWS for review and comment.</u></p> <p>After a review and any recommendations are compiled, the report shall be submitted to CDFW, USFWS, and NMFS for review to ensure that installation and operation of the barge with any adaptive recommendations shall sufficiently reduce effects of installation and operation of the barge to less than significant levels.</p>				
<p><b>Impact 3.3-3: Result in Disturbance to or Loss of Aquatic Sensitive Natural Communities and other Sensitive Habitat</b></p>	<p><b>Mitigation Measure 3.3-3: Conduct Focused Surveys and Compensate for Loss of Eelgrass</b></p> <p>For the protection and mitigation of impacts to eelgrass, surveys and assessments as well as mitigation prescribed in the California Eelgrass Mitigation Policy (CEMP) (NMFS 2014) (or its subsequent replacement document) shall be implemented by Cal Maritime for the proposed project. As stated in the CEMP, Cal Maritime shall be required to perform the following series of pre- and post-construction surveys and assessments to minimize and compensate for (as necessary) potential impacts to eelgrass.</p> <p>► No more than 60 days before implementation of any in-water construction, a pre-construction eelgrass survey shall be conducted by a qualified biologist. The pre-construction survey shall assess all subtidal areas where in-water work will occur plus a 150-foot buffer, excluding any subtidal areas that are deeper than -12 feet mean lower low water (MLLW) as these depths are considered unsuitable for eelgrass in San Francisco Bay. If any eelgrass is detected within the survey area during the pre-construction survey, a reference site shall also be surveyed as part of the pre-construction eelgrass survey as recommended by the CEMP. The size and location of the selected reference site will be determined by the qualified biologist following the recommendations provided in the CEMP. The reference site will be used to differentiate between project-related and non-project-related impacts to eelgrass following the completion of post-construction eelgrass surveys, described below. The pre-construction eelgrass survey shall occur during the growth period for eelgrass within San Francisco Bay as defined by the CEMP (April 1 – October 31).</p> <p>► A new pre-construction eelgrass survey shall be performed for each year that in-water work will occur to account for the high amount of variability in eelgrass extent in San Francisco Bay (up to one pre-construction eelgrass survey per year).</p> <p>► If eelgrass is detected during any pre-construction eelgrass survey, following the completion of in-water construction, the project site and reference site shall be resurveyed annually for three years as described below:</p> <ul style="list-style-type: none"> <li>▪ The first post-construction eelgrass survey shall occur within 30 days following the completion of in-water construction unless work is completed outside the eelgrass growing season in San Francisco Bay; if in-water work concludes outside the eelgrass</li> </ul>	<p>Conduct focused surveys for eelgrass on-site and at a reference site if eelgrass is detected within survey area.</p> <p>Submit all survey results to NMFS.</p> <p>Compare pre- and post-construction eelgrass results at the project site against the results at the reference site.</p> <p>Prepare and implement NMFS approved eelgrass mitigation plan if it is determined that permanent impacts to eelgrass have occurred.</p>	<p>CO, OC, OP</p>	<p>Conduct survey once a year, during April 1 and October 31 and no more than 60 days prior to in-water construction.</p> <p>If eelgrass is detected, conduct post-construction surveys annually for three years.</p> <p>Implement eelgrass mitigation plan after construction or earlier with consultation with NMFS.</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction, NMFS</p>



Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<p>growing season, the first post-construction eelgrass survey shall be conducted within the first 30 days of the start of next eelgrass growth period.</p> <ul style="list-style-type: none"> <li>▪ The second post-construction eelgrass survey shall be performed approximately one year after the first post-construction survey.</li> <li>▪ The third post-construction eelgrass survey shall be performed approximately two years after the first post-construction survey.</li> </ul> <p>▶ All pre- and post-construction eelgrass survey results shall be provided to National Marine Fisheries Service (NMFS) and CDFW.</p> <p>▶ Once all eelgrass surveys are completed, a comparison of pre- and post-construction eelgrass results at the project site shall be assessed relative to the reference site to determine if project-related impacts to eelgrass occurred. The findings shall be provided to NMFS and CDFW to make a final determination regarding the actual impact and amount of mitigation needed, if any, to offset impacts to eelgrass. If in-water work results in permanent impacts to eelgrass, the project proponent will prepare and implement an eelgrass mitigation plan approved by NMFS and CDFW that will result in a no net loss of habitat function or services, generate services similar to that of eelgrass habitat, or will improve conditions for establishment of eelgrass. The mitigation plan shall follow one or a combination of mitigation options described in the CEMP, detailed below:</p> <ul style="list-style-type: none"> <li>▪ <b>Option 1: Comprehensive Management Plan.</b> As described in the CEMP, a Comprehensive Management Plan (CMP) may be an appropriate eelgrass compensatory mitigation strategy in situations where a project or collection of similar projects will result in incremental but recurrent impacts to a small portion of local eelgrass populations through time (e.g., lagoon mouth maintenance dredging, maintenance dredging of channels and slips within established marinas, navigational hazard removal of recurrent shoals, shellfish farming, and restoration or enhancement actions). Specifically, CMPs allow for the development of region or system-specific framework for achieving the objectives of the CEMP instead of the preparation of individual mitigation plans for each discrete action. If prepared, the CMP would need to be approved by NMFS.</li> <li>▪ <b>Option 2: In-kind mitigation.</b> In-kind compensatory mitigation is defined as the creation, restoration, or enhancement of habitat to compensate for adverse impacts to the same type of habitat. Under the CEMP, eelgrass mitigation plans which propose in-kind mitigation for eelgrass impacts in the San Francisco Bay are required to achieve a final mitigation ratio of 1.2:1 (mitigation: impact) unless otherwise stated by NMFS during consultation. In addition, because of the relatively low success rate of eelgrass restoration projects implemented in San Francisco Bay, the CEMP recommends an initial eelgrass restoration site size that is 3.01-times larger than the target mitigation</li> </ul>				

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<p>size to account for substantial losses. NMFS may increase the required eelgrass mitigation ratio if there is a significant delay between when impacts occurred and when mitigation commences to account for temporal losses in eelgrass habitat. After initial eelgrass planting, the CEMP recommends five years of monitoring of the mitigation site and a reference site. Specifically, the CEMP recommends mapping of eelgrass extent and monitoring of eelgrass density 0, 12, 24, 36, 48, and 60 months after installation of mitigation plantings. Success criteria (such as eelgrass density) are typically assessed relative to the reference site. Actual success criteria, monitoring periods, and site selection shall be determined in coordination with and approved by NMFS.</p> <ul style="list-style-type: none"> <li>▪ <b>Option 3: Mitigation banks and in-lieu-fee programs.</b> Under the CEMP, NMFS supports the use of mitigation bank and in-lieu fee programs to compensate for impacts to eelgrass habitat where such instruments are available and where such programs are appropriate to the statutory structure under which mitigation is recommended. If this mitigation option is selected, credits shall be used at a ratio of 1:1 if those credits have been established for a full three-year period prior to use. If the bank credits have been in place for a period less than three years, credits shall be used at a ratio determined through application of the wetland mitigation calculator.</li> <li>▪ <b>Option 4: Out-of-kind mitigation.</b> Out-of-kind compensatory mitigation means the adverse impacts to one habitat type are mitigated through the creation, restoration, or enhancement of another habitat type. In most cases, out-of-kind mitigation is discouraged for eelgrass because eelgrass is a rare, special-status habitat in California. There may be some scenarios, however, where out-of-kind mitigation for eelgrass impacts is ecologically desirable or when in-kind mitigation is not feasible. No recommended eelgrass mitigation ratios are provided in the CEMP for out-of-kind mitigation, however the ratio is likely to be greater than that required for in-kind mitigation. If pursued, an out-of-kind mitigation plan would need to be developed and approved by NMFS prior to implementation. Per the CEMP, the out-of-kind mitigation plan must demonstrate that the proposed mitigation will compensate for the loss of eelgrass habitat function within the ecosystem and should evaluate mitigation options that generates services similar to that of eelgrass habitat or improve conditions for establishment of eelgrass.</li> </ul> <p>If permanent impacts to eelgrass are evident following analysis of post-construction eelgrass survey, ahead of the final Year 3 post-construction eelgrass survey, Cal Maritime may proceed with developing and implementing an eelgrass mitigation plan in consultation with NMFS and CDFW via any of the above options. Commencing with the eelgrass mitigation process as soon as impacts are realized may help avoid increased mitigation ratios as described above.</p>				

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
<b>Impact 3.3-4: Wildlife Movement Corridors and Native Wildlife Nursery Sites (Aquatic)</b>	<b>Mitigation Measure 3.3-4: Design In-Water Structures to be Permeable to Fish Movement</b> Prior to approval of final design and construction plans, Cal Maritime shall require and ensure breakwaters and other in-water structures shall be designed to be permeable in such a way that the final design of the Waterfront Master Plan does not form a fully enclosed area which might trap or impede fish movement. Design plans provide multiple exit routes at all tides such that fish moving through the vicinity can enter or exit the waterfront facilities at will, through multiple locations thereby minimizing the potential to be affected by marina operations.	Ensure breakwaters and in-water structures are designed to be permeable.	DE	Once prior to final design approval	Cal Maritime Facilities Planning, Design & Construction
<b>3.4 Archaeological, Historical, and Tribal Cultural Resources</b>					
<b>Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource</b>	<b>Mitigation Measure 3.4-1: Comply with the Secretary of the Interior's Standards for Rehabilitation</b> Prior to implementation of any modifications to the boathouse, Cal Maritime shall consult with SHPO under PRC 5024.5. This consultation shall confirm that alterations to the boathouse comply with the <i>Secretary of the Interior's Standards for Rehabilitation</i> .	Consult with SHOP regarding the alterations to the boathouse	CO	Once prior to modifications to the boathouse	Cal Maritime Facilities Planning, Design & Construction, SHPO
<b>Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of a Known Historic Era Archaeological Resource (Shipwreck)</b>	<b>Mitigation Measure 3.4-2: SHPO Consultation and Programmatic Agreement</b> Prior to implementation of Phase 2 activities, Cal Maritime shall consult with SHPO under PRC 5024.5 related to the <i>Contra Costa</i> , because it is a state-owned historic property. Through SHPO consultation under PRC 5024.5, a programmatic agreement shall be developed, outlining preservation/recovery options for the shipwreck. Based on the finalized dredging boundaries and identification of the portions of the <i>Contra Costa</i> to be removed, these preservation/recovery options are expected to include: documentation of the shipwreck through a data recovery plan in coordination with the Research Center of the San Francisco Maritime National Historical Park; salvaging portions of the shipwreck, possibly in coordination with the Maritime Museum at the San Francisco Maritime National Historical Park; or development of an interpretive display at a publicly accessible portion of Cal Maritime.	Consult with SHPO regarding the <i>Contra Costa</i> and development a programmatic agreement	CO	Once prior to commencement of Phase Two activities	Cal Maritime Facilities Planning, Design & Construction, SHPO
<b>Impact 3.4-3: Cause a Substantial Adverse Change in the Significance of Previously Undiscovered Archaeological Resources</b>	<b>Mitigation Measure 3.4-3: Halt Ground-Disturbing Activity upon Discovery of Subsurface Archaeological Features</b> Prior to the start of any ground-disturbing activities, a qualified archaeologist meeting the US Secretary of the Interior guidelines for professional archaeologists shall be retained to develop a construction worker awareness brochure. This brochure shall be distributed to all construction personnel and supervisors who may have the potential to encounter cultural	Retain a qualified archaeologist to develop a construction worker awareness brochure.	CO	Once prior to construction to develop and distribute construction worker awareness brochure.	Cal Maritime Facilities Planning, Design & Construction, qualified archaeologist,

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<p>resources. The topics to be addressed in the Worker Environmental Awareness Program shall include, at a minimum:</p> <ul style="list-style-type: none"> <li>▶ types of cultural resources expected in the project area;</li> <li>▶ what to do if a worker encounters a possible resource;</li> <li>▶ what to do if a worker encounters bones or possible bones; and</li> <li>▶ penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archaeological Resources Protection Act.</li> </ul> <p>If any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil (“midden”), which may conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted, and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, Cal Maritime shall contact the appropriate California Native American tribes. A tribal representative from a California Native American tribe that is traditionally and culturally affiliated with the project area may make recommendations for further evaluation and treatment as necessary and provide input on the preferred treatment of the find. If the find is determined to be significant by the archaeologist or the tribal representative (i.e., because it is determined to constitute a unique archaeological resource or a tribal cultural resource, as appropriate), the archaeologist and tribal representative, as appropriate, shall develop, and Cal Maritime shall implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures may include but would not necessarily be limited to preservation in place (which shall be the preferred manner of mitigating impacts on archaeological and tribal sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan). No work at the discovery location (i.e., within 100 feet of the discovered resource[s] unless a lesser buffer distance is determined appropriate by a qualified professional archaeologist) shall resume until necessary investigation, evaluation, and protection of the resource has been conducted.</p>	<p>Distribute the brochure to all construction personnel.</p> <p>Halt ground-disturbing activities within 100 feet of the find.</p> <p>Qualified archaeologist evaluates the find and Cal Maritime contacts the appropriate tribes if the find is to be native American in nature.</p> <p>Develop and implement appropriate procedures to protect the find if it is determined to be significant by the archaeologist or the tribal representative.</p>		<p>Distribute brochures as needed during construction.</p> <p>Halt ground-disturbing activities and implement appropriate procedures to evaluate found resources on a as-needed base during construction.</p>	<p>tribal representatives (as necessary)</p>
<p><b>Impact 3.4-4: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource</b></p>	<p><b>Mitigation Measure 3.4-4a: Worker Environmental Awareness Program for Tribal Cultural Resources</b></p> <p>Prior to initiating landside construction-related ground-disturbing activities, representatives of either of the two tribes that participated in formal consultation under AB 52 shall have the opportunity to train construction contractors engaged in ground disturbance activities regarding tribal cultural values and tribal cultural resource potential as those relate to the project site, and of the regulatory protections afforded those resources under CEQA.</p>	<p>Provide tribal representatives with the opportunity to train construction contractors about tribal cultural values and resources and about procedures in the event</p>	<p>CO</p>	<p>Once prior to commencement of landside ground-disturbing activities, as needed during construction.</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction,</p> <p>tribal representatives/monitors</p>

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	<p>The initial training shall be conducted by the on-site Native American monitor and can be incorporated into the project’s construction safety training or in conjunction with the Worker Environmental Awareness Program for Archaeological Resources in accordance with Mitigation Measure AR-C. A supplemental briefing shall be provided to all new construction personnel that are engaged in ground-disturbing activities and may consist of reviewing presentation slides or viewing a recording.</p> <p>Construction contractors shall also be informed of the required procedures to be undertaken in the event of discovery of unanticipated resources that require evaluation as potential tribal cultural resources, such leaving artifacts in situ, informing a construction supervisor, the Native American monitor(s), and the university in the event that tribal cultural resources are discovered during ground-disturbing activities.</p> <p>Examples of ground-disturbing activities include:</p> <ul style="list-style-type: none"> <li>▶ Clearing</li> <li>▶ Excavating, digging, trenching, and grading</li> <li>▶ Land leveling</li> <li>▶ Equipment and materials staging and laydown</li> <li>▶ Soil stockpiling</li> <li>▶ Landside placement of temporary structures including construction trailers</li> </ul>	<p>of discovery of a resource.</p>			
	<p><b>Mitigation Measure 3.4-4b: Native American Construction Monitoring</b></p> <p>Construction monitoring shall be conducted by a qualified Native American monitor representing either of the two tribes that participated in formal consultation under AB 52. Archaeological monitoring shall be provided by an entity separate and distinct from that providing Native American monitoring. The tribal cultural monitor shall observe ground-disturbing activities, maintain logs of all activities monitored, and make documentation available to the university and any consulting Native American tribal representatives who request a record of the logs. The log shall contain at a minimum: a brief description of the locations and activities monitored; a description of tribal cultural resources encountered; and a description of the treatment of those resources. The logs shall be submitted to the university within 4 weeks of the completion of monitoring.</p>	<p>Tribal cultural monitor conduct construction monitoring and maintain monitored activities logs.</p> <p>Tribal cultural monitor provides monitoring documentation to Cal Maritime and any consulting Native American tribes.</p>	<p>CO</p>	<p>During ground-disturbing activities</p> <p>Logs on monitoring activities shall be submitted within 4 weeks of completion of monitoring</p>	<p>Cal Maritime, tribal cultural monitor, consulting Native American tribes</p>
	<p><b>Mitigation Measure 3.4-4c: Treatment of Tribal Cultural Resources</b></p> <p>Avoidance and preservation in place are the preferred treatment for tribal cultural resources, should such resources be discovered. In the event of discovery, the university shall attempt avoidance, if possible, through such measures such as restricting work to disturbed soil or limiting the depth of excavations to avoid potential tribal cultural resources. If a significant tribal cultural resource as defined by PRC Section 21074 is identified within the project site,</p>	<p>Avoid and preserve discovered tribal cultural resources.</p> <p>Prepare a treatment plan and submit to the</p>	<p>CO</p>	<p>During ground-disturbing activities</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction,</p>

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
	the university shall prepare a treatment plan and share it for review and comment by the Native American tribe(s) engaged in consultation prior to the beginning of the ground-disturbing activities within the boundaries of the resource.	consulting Native American tribes if discovery is determined to be a significant tribal cultural resource			consulting Native American tribes.
<b>3.6 Geology, Soils, and Mineral Resources</b>					
<b>Impact 3.6-3: Loss of a Unique Paleontological Resource</b>	<b>Mitigation Measure 3.6-3a: Paleontological Sensitivity Training for Construction Personnel</b> Prior to construction commencing on the Marine Programs Multi-Use Building under Phase Three and before initiating earthmoving activities, Cal Maritime shall provide training for construction personnel involved with earthwork at the site of excavations. The training will educate construction workers about the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and the proper stop-work and CSU-approved notification procedures to follow if fossils are encountered.	Provide paleontological sensitivity training to all construction personnel involved with earthwork at the Marine Programs Multi-Use Building	CO	Once prior to construction commencing on the Marine Programs Multi-Use Building.  As needed during construction on the Marine Programs Multi-Use Building.	Cal Maritime Facilities Planning, Design & Construction,
	<b>Mitigation Measure 3.6-3b: Inadvertent Discovery of Potential Paleontological Resources</b> During construction of the Marine Programs Multi-Use Building under Phase Three, if a paleontological resource is inadvertently discovered during project-related soil disturbance, regardless of the depth of work or location, work must be halted within 30 feet of the find and a qualified paleontologist notified immediately so that an assessment of its potential significance can be undertaken. Coordination with experts on resource recovery and curation of specimens and/or other measures will be considered, as appropriate, after assessment and consultation with the qualified paleontologist.	Halt work within 30 feet of the find and notify qualified paleontologist to assess significance of the find.	CO	As needed during construction on the Marine Programs Multi-Use Building	Cal Maritime Facilities Planning, Design & Construction,  qualified paleontologist
<b>3.9 Hydrology and Water Quality</b>					
<b>Impact 3.9-3: Substantially alter the existing drainage pattern of the site or area, including through the</b>	<b>Mitigation Measure 3.9-1: Coastal Evaluation Study and Implementation of Design Control Measures</b> Prior to construction of in-water elements as part of Phases Two and Three, a Coastal Evaluation Study shall be prepared by a qualified coastal engineer. The study shall evaluate whether or not proposed in-water elements, such as piers, docks, breakwaters and other	Retain a qualified coastal engineer to prepare a Coastal Evaluation Study.	CO	Prepare study prior to in-water construction	Cal Maritime Facilities Planning, Design & Construction,

Impact	Mitigation Measure	Monitoring and Reporting Procedure	Timing <sup>1</sup> /Frequency		Verification
<p>alteration of the course of a stream or river, in a manner that would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water that would exceed the capacity of existing or planned stormwater-drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows.</p>	<p>similar permanent structures will result in changes to sediment dynamics, currents, and wave patterns such that erosion or siltation of on-site or off-site shoreline areas and navigational channels would occur. The study will include recommendations regarding design control measures to address potential adverse effects resulting from changes to sediment dynamics, currents, and wave patterns which may affect shoreline areas and navigational channels. If the Coastal Evaluation Study finds that proposed in-water elements could result in changes to sediment dynamics, currents, and wave patterns such that erosion or siltation of on-site or off-site shoreline areas and navigational channels would occur, the project shall implement design control measures to avoid and minimize those adverse effects, such as:</p> <ul style="list-style-type: none"> <li>▶ Erosion control measures such as rip rap or bioengineered methods to control shoreline erosion.</li> </ul> <p>Project design modifications such as reconfiguration of in-water elements to lessen the adverse effects, or inclusion of additional elements such as breakwaters or similar structures to control, avoid and minimize potential adverse shoreline or navigational channel erosion or siltation.</p>	<p>The Coastal Evaluation Study shall include recommendations for design control measures addressing adverse effect to sediment dynamics, currents, and wave patterns.</p> <p>Implement recommended design control measures if required.</p>		<p>during Phases Two and Three.</p> <p>Implement control measures during Phases Two and Three in-water construction.</p>	<p>qualified coastal engineer</p>
<p>Impact 3.9-4: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation</p>	<p><b>Mitigation Measure 3.9-2: Hazardous Material Storage Facilities</b>                      For all phases of the project, all permanent storage facilities for potentially hazardous materials shall be located on land and shall be designed to be resilient to flood events through incorporation of measures such as secondary containment, stable foundations that avoid buoyancy of storage facilities during floods, and access and entry ways that can be securely locked and secured.</p>	<p>Ensure that all hazardous materials permanent storage facilities are located on land and designed to be resilient to flood events.</p>	<p>CO, OC, OP</p>	<p>During construction and during operation</p>	<p>Cal Maritime Facilities Planning, Design &amp; Construction</p>

# **EXHIBIT B – Cal Maritime Waterfront Master Plan**

## **CALIFORNIA STATE LANDS COMMISSION**

### **STATEMENT OF FINDINGS**

#### **1.0 INTRODUCTION**

The California State Lands Commission (Commission or CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize amendment of a General Lease – Public Agency Use, to the Board of Trustees of the California State University (Board), for use of sovereign land associated with Phase One Project improvements of the proposed Cal Maritime Waterfront Master Plan (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)<sup>1</sup> The term “Project” refers to the Cal Maritime Waterfront Master Plan and includes all Project phases analyzed with the EIR. However, only Phase One Project improvements were analyzed with the EIR at a project level to support current agency authorizations. Improvements and impacts specific to Phases Two and Three were analyzed at a conceptual level with more limited information and will be subject to both subsequent lead agency CEQA review and future Commission consideration. Therefore, Exhibit B is limited to Phase One Project improvements and impacts associated with the Commission’s current lease action.

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Phase One Project improvements within Commission jurisdiction, because the Commission must authorize amendment of a lease for the Phase One Project improvements to go forward and because the Board, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review for the Phase One Project improvements under CEQA. The Board analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse No. 2022120009) and, in

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<sup>1</sup> CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.



July 24, 2024, certified the EIR and adopted a Mitigation Monitoring and Reporting Program (MMRP), Findings, and Statement of Overriding Considerations.

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. This work includes demolition of the existing pier, boat slips, and support structures; construction of the new pier and navigation aids; and maintenance dredging within the existing boat basin and new dredging within the expanded boat basin. The purpose of the 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 Board determined that Phase One of the Project could have significant environmental effects on the following environmental resources:

- Biological Resources
- Archaeological, Historical, and Tribal Cultural Resources
- Hazards and Hazardous Materials
- Hydrology/Water Quality

Phase One Project improvements within the Commission's jurisdiction could have significant environmental effects on all of the aforementioned resource areas.

In certifying the Final EIR and approving the Project, the Board imposed various mitigation measures for Project-related significant effects on the environment as conditions of approval and concluded that Phase One related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant.

Following the Board's certification of the Final EIR and approval of the Project, the Project was modified (Modified Project). A subsequent EIR is required for a project only if substantial changes in the project or circumstances require major revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or if certain new information shows that the project will result in significant new or more severe effects or new or previously infeasible mitigation measures are now feasible and would substantially reduce significant effects (State CEQA Guidelines, § 15162). If some changes or additions are necessary to a previously certified EIR, but none of the conditions described in section 15162 calling for preparation of a subsequent EIR has occurred, then a responsible agency considering a project is required to prepare an addendum (State CEQA Guidelines, § 15164).

As a responsible agency, the Commission complies with CEQA by considering the EIR and the Commission's Addendum to the Final EIR (<https://www.slc.ca.gov/ceqa/cal-maritime-waterfront-master-plan/>) for the Modified Project (February 2025) and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the Commission may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or revisions to Phase One Project improvements are implemented, the Commission adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit A as part of its approval for the Phase One Project improvements.

## **2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD**

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission Division of Environmental Science, Planning, and Management.

## **3.0 FINDINGS**

The Commission's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment. (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the Board for Phase One Project improvements identifies potentially significant impacts that fall within the scope of the Commission's approval, the Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.

While the Commission must consider the environmental impacts of Phase One Project improvements as set forth in the EIR, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of Phase One Project improvements is limited to those parts which it decides to carry out, finance, or approve. (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the

Commission's exercise of discretion involves only amending a General Lease – Public Agency Use for the Phase One Project improvements, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of Phase One Project improvements, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the EIR. The Commission has also reviewed and considered the information contained in the Commission's Addendum to the Final EIR that evaluates changes proposed by the Modified Project. All significant adverse impacts of the Phase One Project improvements identified in the EIR and in the Modified Project identified in the Addendum to the Final EIR relating to the Commission's approval of an amendment to the General Lease – Public Agency Use, which would authorize the proposed Phase One Project improvements, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.<sup>2</sup>

A discussion of supporting facts follows each Finding.

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<sup>2</sup> See Public Resources Code section 21081, subdivision (a), and State CEQA Guidelines section 15091, subdivision (a).

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR. For the full text of each mitigation measure (MM), please refer to Exhibit A, Attachment A-1.

#### A. SUMMARY OF FINDINGS

Based on the EIR, the proposed Phase One Project improvements will have No Impact on the following environmental resource areas:

- Agricultural Resources
- Mineral Resources
- Population and Housing

The EIR subsequently identified the impacts to the following resources areas as Less Than Significant:

- Aesthetics
- Air Quality
- Energy
- Greenhouse Gas Emissions and Climate Change
- Land Use
- Noise
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

For the remaining potentially significant effects associated with Phase One Project improvements, the Findings are organized by significant impacts within the EIR resource areas as presented below.

#### B. POTENTIALLY SIGNIFICANT IMPACTS

The impacts associated with Phase One Project improvements within the Commission's jurisdiction, identified in Table B-1, were determined in the Final EIR to be potentially significant absent mitigation. After application of mitigation, however, all impacts were determined to be less than significant (LTSM).

**Table B-1 – Significant Impacts by Resource Area**

<b>Environmental Resource Area</b>	<b>Impact Nos. (LTSM)</b>
Biological Resources	3.3-2, 3.3-3, 3.3-4
Archaeological, Historical, and Tribal Cultural Resources	3.4-3, 3.4-4
Hazardous Materials	3.8-2
Hydrology/Water Quality	3.9-1, 3.9-5

**C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION**

The impacts from Phase One Project improvements identified below were determined in the Final EIR to be potentially significant absent mitigation; however, the impacts were determined to be less than significant with mitigation (LTSM).

**1. BIOLOGICAL RESOURCES**

<p><b>CEQA FINDING NO. 1</b></p> <p>Impact: <b>BIO-3.3-2. Disturbance/Loss of Special Status Wildlife Species/Habitat (Aquatic).</b></p> <p>Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.</p>
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**FACTS SUPPORTING THE FINDING(S)**

Use of barges and work vessels from outside of San Francisco Bay and the Delta during Phase One Project improvements have the potential to result in introduction of aquatic invasive species. Additionally, construction activities, equipment, personnel, and the design of the new structures have the potential to impact special status species and sensitive biological resources and habitats. The EIR identified mitigation measures that would require compliance with regulations to prevent aquatic species introductions through the management of ballast water; use of only new and cleaned building materials for in-water structures; and implementation of biological work windows, spill and contaminant prevention, underwater sound attenuation, environmental awareness training, and minimized over-water shading by new structures.

Implementation of MMs 3.3-2b through 3.3-2j, 3.3-2l, and 3.3-2m has been incorporated into Phase One Project improvements to reduce this impact to a less than significant level.

**MM 3.3-2b: Implement Invasive Species Management Procedures.**

**MM 3.3-2c: Implement In-Water Work Window**

**MM 3.3-2d: Implement Spill Prevention and Control**

**MM 3.3-2e: Implement Environmental Awareness Training**

**MM 3.3-2f: Implement Dust and Debris Control**

**MM 3.3-2g: Implement Sediment Testing and Dredging Controls**

**MM 3.3-2h: Use Appropriate Creosote Pile Removal and Disposal Methods**

**MM 3.3-2i: Implement Methods to Reduce Sound Attenuation from Pile Installation**

**MM 3.3-2j: Reduce or Compensate for Shading of Open Waters and Other Special-Status Species Impacts**

**MM 3.3-2l: Reduce Construction Impacts on Marine Mammals**

**MM 3.3-2m: Reduce Impacts from Hydrokinetic Barge**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. 2**

Impact: **BIO-3.3-3. Result in Disturbance to or Loss of Aquatic Sensitive Natural Communities and other Sensitive Habitat**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activities as part of Phase One Project improvements have the potential to result in a potentially significant impact to eelgrass, a state and federally protected species. The EIR identified mitigation measures to implement

pre- and post-construction eelgrass surveys and assessments to minimize and compensate for potential impacts to eelgrass, and to prepare and implement an Eelgrass Mitigation Plan, approved by the National Marine Fisheries Service and California Department of Fish and Wildlife, to minimize any permanent impacts.

Implementation of MM 3.3-3 has been incorporated into the Phase One Project improvements to reduce this impact to a less than significant level.

**MM 3.3-3: Conduct Focused Surveys and Compensate for Loss of Eelgrass**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. 3**

Impact: **BIO-3.3-4. Wildlife Movement Corridors and Native Wildlife Nursery Sites (Aquatic)**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

**FACTS SUPPORTING THE FINDING(S)**

Activities proposed as part of Phase One Project improvements have the potential to create barriers to fish movement from enclosure of breakwaters and in-water structures. The EIR identified mitigation measures to design breakwaters and in-water structures with openings to prevent entrapment and impeding the movement of fish.

Implementation of MM 3.3-4 has been incorporated into the Project to reduce this impact to a less than significant level.

**MM 3.3-4: Design In-Water Structures to be Permeable to Fish Movement**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

## 2. ARCHAEOLOGICAL, HISTORICAL, TRIBAL CULTURAL RESOURCES

### CEQA FINDING NO. 4

Impact: **ARCH-3.4-3. Cause a Substantial Adverse Change in the Significance of Previously Undiscovered Archaeological Resources**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

#### FACTS SUPPORTING THE FINDING(S)

Ground disturbing activities proposed as part of Phase One Project improvements have potential for discovery of subsurface archaeological features.

The EIR identified mitigation measures to retain a qualified archaeologist to develop a construction worker awareness brochure with procedures to halt work and contact identified personnel if archaeological features are discovered.

Implementation of MM 3.4-3 has been incorporated into the Project to reduce this impact to a less than significant level.

#### **MM 3.4-3: Halt Ground Disturbing Activity Upon Discovery of Archaeological Features**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

### CEQA FINDING NO. 5

Impact: **ARCH-3.4-4. Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

#### FACTS SUPPORTING THE FINDING(S)

Ground disturbing activities proposed as part of Phase One Project improvements have the potential to affect Tribal Cultural Resources.

The EIR identified mitigation measures to require tribal monitor training for construction contractors engaged in ground disturbing activities regarding Tribal



cultural values and resource potential, including required procedures for discovery of unanticipated resources. A Native American monitor shall be retained on-site during ground disturbing activities. Avoidance and preservation in place is the preferred treatment for discovery of Tribal Cultural Resources with preparation of a Treatment Plan.

Implementation of MMs 3.4-4a, 3.4-4b, and 3.4-4c has been incorporated into Phase One Project improvements to reduce this impact to a less than significant level.

**MM 3.4-4a: Worker Environmental Awareness Program for Tribal Cultural Resources**

**MM 3.4-4b: Native American Construction Monitoring**

**MM 3.4-4c: Treatment of Tribal Cultural Resources**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**3. HAZARDS AND HAZARDOUS MATERIALS**

**CEQA FINDING NO. 6**

Impact: **HAZ-3.8-2. Result in Release of Hazardous Substances During In-Water Activities**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

**FACTS SUPPORTING THE FINDING(S)**

Disturbance of seabed sediments from in-water construction activities during Phase One Project improvements could result in release of contaminated sediments and suspension of those sediments in the water column.

The EIR identified mitigation measures that would, prior to all future dredging activities, require compliance with the requirements of the San Francisco Bay Dredge Materials Management Office (DMMO) for review of sediment sampling analysis and authorization of disposal methods and locations, to ensure contaminated sediment is identified and disposed in accordance with the DMMO regulatory agencies.

Implementation of MM 3.3-2g has been incorporated into the Phase One Project improvements to reduce this impact to a less than significant level.

**MM 3.3-2g: Implement Sediment Testing and Dredging Controls**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**4. HYDROLOGY/WATER QUALITY**

**CEQA FINDING NO. 7**

Impact: **HYD/WQ-3.9-1. Violate Any Water Quality Standards or Waste Discharge Requirements or Otherwise Degrade Surface or Groundwater Quality**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

**FACTS SUPPORTING THE FINDING(S)**

In-water construction activities proposed as part of Phase One Project improvements have the potential to significantly affect surface water quality through disturbance of sediment.

The EIR identified mitigation measures that would require spills and contaminant prevention, dust and debris control, sediment testing and dredging controls, and creosote pile removal and disposal methods to prevent release of contaminants.

Implementation of MMs 3.3-2d, 3.3-2f, 3.3-2g, 3.3-2h has been incorporated into Phase One Project improvements to reduce this impact to a less than significant level.

**MM 3.3-2d: Implement Spill Prevention and Control**

**MM 3.3-2f: Implement Dust and Debris Control**

**MM 3.3-2g: Implement Sediment Testing and Dredging Controls**

**MM 3.3-2h: Use Appropriate Creosote Pile Removal and Disposal Methods**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. 8**

Impact: **HYD/WQ-3.9-5. Conflict with or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

**FACTS SUPPORTING THE FINDING(S)**

Phase One in-water construction activities could result in potentially significant impacts to water quality and hydrology and obstruct or conflict with implementation of the Water Quality Control Plan for the San Francisco Bay Basin.

The EIR identified mitigation measures that would prevent spills and contaminants, implement dust and debris control as well as sediment testing and dredging controls, and require creosote pile removal and disposal methods to prevent release of contaminants.

Implementation of MMs 3.3-2d, 3.3-2f, 3.3-2g, 3.3-2h has been incorporated into Phase One Project improvements to reduce this impact to a less than significant level.

**MM 3.3-2d: Implement Spill Prevention and Control****MM 3.3-2f: Implement Dust and Debris Control****MM 3.3-2g: Implement Sediment Testing and Dredging Controls****MM 3.3-2h: Use Appropriate Creosote Pile Removal and Disposal Methods**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**D. FINDINGS ON ALTERNATIVES**

The Commission, as a responsible agency and pursuant to State CEQA Guidelines section 15096, subdivision (g)(2), finds there are no feasible alternatives for the Phase One Project improvements within its powers that would substantially lessen or avoid any outstanding significant effects that the Phase One Project improvements, as proposed, would have on the environment.

#### **4.0 CONCLUSION**

Based upon the objectives identified in the EIR and the detailed mitigation measures imposed upon the Project, the Commission has determined that the Phase One Project improvements should be approved, subject to the mitigation measures found in Exhibit A, Mitigation Monitoring Program.