

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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January 10, 2014

**TO:** All Commissioners and Alternates

**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653 lgoldzband@bcdc.ca.gov)  
Sharon Louie, Director, Administrative & Technology Services (415/352-3638 slouie@bcdc.ca.gov)

**SUBJECT: Draft Minutes of November 7, 2013 Commission Meeting**

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Ferry Building, Port of San Francisco Board Room, Second Floor, San Francisco, California at 1:08 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Addiego, Apodaca, Bates (represented by Alternate Butt), Chiu, Gibbs, Gioia, Hicks (represented by Alternate Monarres), Lucchesi (represented by Alternate Pemberton), McGrath, Nelson, Pine, Sartipi, Sears, Techel, Vierra (represented by Alternate Doherty), Wagenknecht, Ziegler and Zwissler.

Chair Wasserman announced that a quorum was present.

Not present were: Alameda County (Chan), Santa Clara County (Cortese), Department of Finance (Finn), Sonoma County (Gorin), Governor's Appointees (Jordan Hallinan and Randolph), and Solano County (Spering).

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda. Comments would be restricted to three minutes per speaker.

Seeing no speakers, Chair Wasserman moved on to Item four, Approval of the Minutes.

4. **Approval of Minutes of the October 17, 2013 Meeting.** Chair Wasserman made an on-the-record correction to the Minutes. He stated that he did not chair the October 17th meeting. It was chaired by Vice Chair Halsted. Chair Wasserman entertained a motion and a second to adopt the corrected Minutes of October 17, 2013.

**MOTION:** Commissioner Wagenknecht moved, seconded by Vice Chair Halsted, to approve the October 17, 2013 corrected Minutes. The motion carried by voice vote with Commissioner Butt abstaining.

5. **Report of the Chair.** Chair Wasserman reported on the following:

a. **New Business.** Chair Wasserman asked if anyone had any items for future agendas.

Executive Director Goldzband commented: It is encouraged for Commissioners to give a call to staff to inquire why certain items are or are not being discussed. Commissioner McGrath called me to propose that we have a briefing on a project that was started a number of years ago. We really appreciate it when Commissioners take the time to communicate with us on these items.



*Making San Francisco Bay Better*

**BCDC MINUTES  
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b. **New Alternate Commissioner.** The San Francisco Bay Regional Water Quality Control Board has appointed Newsha Ajami as Alternate Commissioner to Jim McGrath.

c. **Little Hoover Commission.** Larry Goldzband and I were privileged to represent BCDC before the Little Hoover Commission on October 24th. Little Hoover is proceeding with its investigations into governance issues arising from climate change and I testified along with Bruce Riordan representing the Joint Policy Committee and several representatives from San Diego, Los Angeles and Sacramento. We did not propose any short-term regulatory changes. We welcomed the opportunity to participate and their interest in adapting to rising sea levels. We will provide you with a copy of our testimony.

The rising sea level working group of this Commission will have its fourth meeting tomorrow focusing on the insurance industry. These are a set of outreach efforts for mutual information and communication and education with various sectors of the community affected by rising sea level.

d. **Next BCDC Meeting.** We will not hold our regularly scheduled November meeting, which is good because our staff will be busy moving our offices into the State Building. Our next regularly scheduled meeting will be held on December 5th, here at the Ferry building, where we expect to take up the following matters:

(1) We will have a public hearing and possible vote on the federal Veteran Administration's proposal for facilities on Alameda.

(2) We will have a public hearing and possible vote on a proposed bridge in Fremont.

(3) We will have a public hearing and possible vote on the consistency with the Commission's Federal Coastal Management Program of the Suisun Marsh Habitat Management Preservation and Restoration Plan by the U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation and their state and local partners.

(4) We may vote on the WETA project that we will hear about today.

e. **Ex-Parte Communications.** That completes my report. This is the time for any ex-parte communications that have not been otherwise put on the record to be put on the record by Commissioners of communications with people with pending permit applications.

Commissioner Zwissler reported: I had a meeting with Bill Butler of Jericho Products and John Paul Bruno of Lehigh Hanson on the sand mining issue. Michael Bruno is a Port Commissioner for the city of Oakland.

Commissioner Butt stated: I had a meeting with Eric Zell about the sand mining issue.

Commissioner Gioia added: I also had a conversation with Eric on the sand mining issues.

Commissioner Addiego reported: I too had an extended meeting with John Bruno on sand mining.

6. **Report of the Executive Director.** Executive Director Goldzband reported:

With all that we have to accomplish today, we must first congratulate Commissioner David Chiu, who got married last month.

Change of another sort is front and center on BCDC's plate during the next two weeks. We're moving. Two weeks from tomorrow, on November 22, the moving vans will back up into the loading dock at 50 California Street and begin the process of moving BCDC to the tenth floor of the Hiram Johnson State Office Building on Golden Gate Avenue in the Civic Center. Sharon Louie, with the help of our Anna Yee, the rest of our Admin staff and an internal team of move captains are in charge of the move. To all of us, right now, Sharon looks like the epitome of calm amid this storm. Yet, she knows well that Wallace Stegner was right when he wrote in *Angle of*

Repose that "It's easier to die than to move... at least for the Other Side you don't need to pack trunks." Our computers and telephones will be shut down at some point mid-to-late-week before the move so that our IT system can be disassembled and then reassembled in our new office. Hopefully, there will be no parts left over like there was when I put together our son's new bike for his birthday. We shall send all of our new details to our interested parties; all of our telephone numbers and e-mail addresses will remain the same. We're getting new stationery and business cards and we should be back up and running by Monday morning, November 25th. If we aren't, we'll simply have to remember the immortal words of Rodney Dangerfield: "When I was ten my parents moved. But I found them again." You'll hear from us when we're back online.

**Budget and Staffing:**

No news to report here, except that we expect our year-to-year budget will remain flat in the Governor's budget proposal.

**Policy:**

In addition to the Little Hoover Commission meeting about which Chair Wasserman spoke, I want to let the Commission know that BCDC has been invited to testify before the Assembly Select Committee on Sea Level Rise chaired by Assembly Member Rich Gordon – formerly a BCDC Commissioner. Its final hearing on the State's response to rising sea level will be held on the morning of BCDC's January Commission meeting in Sacramento. We do plan to participate and Assembly Member Gordon's staff believes that our Little Hoover testimony provides a comprehensive base for that purpose.

Tomorrow, the Commissioner Working Group on Rising Sea Level will meet at BCDC's offices. At the Working Group's meeting in September, SFO described its strategies to keep its runways above water. Last week, Steve Goldbeck and I spent three hours with senior SFO staff to get a firsthand look at the airport's plans. I also want to let the Commission know that we shall provide you with a briefing on AB 1273, commonly known as the Warriors legislation, as soon as possible after the New Year. We shall ask the Port/City/Warriors staff to provide the Commission with a briefing on the proposed Arena's most recent design.

Finally, tomorrow Steve Goldbeck and I shall meet with representatives of the Bay Planning Coalition, Save the Bay, the Coastal Conservancy and the Bay Institute to discuss key issues in the water resource and development bills that the US Senate and House of Representatives have passed recently. Those are the bills that authorize dredging projects of the O.S. Army Corps of Engineers. We look forward to gaining agreement tomorrow on suggested language that we can provide to members of the Senate and House Conference Committee. John Coleman of the Bay Planning Coalition and I plan to be in Washington during the second week of December to advocate on behalf of the team and our suggested language.

That completes my report, Mr. Chairman.

Commissioner McGrath had a question: Is there a conference to discuss the two different versions that came out from the Senate and the House on this bill? And is this to resolve the differences?

Executive Director Goldzband replied: That's correct. It's actually two different titled bills. The Senate has the Water Resources Development Act (WRDA) and the House did something different and is calling it the Water Resources and Reform Development Act (WRRDA).

7. **Consideration of Administrative Matters.** Chair Wasserman stated that there were no listings on administrative matters. We are actually going to move Item 8 to the end of the agenda. We'll take up Item 10 first.

10. **Commission Consideration of a Contract for Proposed Amendment to the Solano County Component of the Suisun Marsh Local Protection Plan.** Item 10 is the consideration of a contract for Solano County's proposed amendment to the Solano Component of the Suisun Marsh Protection Program. The presentation will be made by Page Perry.

Ms. Perry presented the following: I am here today to recommend that you authorize the Executive Director to enter into a contract for up to \$16,560.00 with Solano County to cover the Commission's costs in processing revised amendments to the Solano County component of the Suisun Marsh Local Protection Program for certification.

The staff also recommends that the Commission authorize the Executive Director to amend the contract if that proves necessary so long as the amendment does not involve substantial changes in either the scope or amount of the contract.

The Commission previously contracted with the County to cover its costs of amending the Bay Plan and Marsh Plan and for its analysis and certification of the amended LPP component, which culminated in the County submitting an amendment to BCDC for certification on September 28, 2012.

BCDC staff circulated the 2012 LPP amendment for review and comment, prepared a staff summary and recommendation and presented a recommendation for certification of the LPP to the Commission on December 6, 2012.

However, shortly before that Commission meeting Solano County withdrew the LPP from Commission consideration to make additional changes. The County has since made changes to the LPP amendment and is now preparing to resubmit the LPP for certification by BCDC.

The Commission's regulations require that whenever a party other than the Commission or the Executive Director proposes an amendment to the Commission's planning documents, that party must pay for the Commission's costs of processing and acting on the application.

This contract will cover the Commission's costs for circulating the revised LPP amendment for public review and comment, preparing a revised staff summary, noticing and holding a public hearing, preparing a revised recommendation, processing any adopted LPP amendment through the Office of Administrative Law and NOAA's Office of Coastal Resource Management and formatting and printing the file document.

That is all I have.

Chair Wasserman added: We have not scheduled a hearing on this matter but if there is any members of the public that wish to comment on it, we will certainly hear them. We have not cards on this so I assume we have not comments.

How about questions from the Commissioners? Since I see no comments or questions from Commissioners, I will ask for a motion and a second to approve the staff recommendation.

**MOTION:** Commissioner Nelson moved this item, seconded by Commissioner Zwissler. The item passed by a voice vote with no abstentions or objections.

9. **Public Hearing and Possible Vote on a Material Amendment to BCDC Consistency Determination No. C2004.005.03 for the US Fish and Wildlife Service's Cullinan Ranch Wetland Restoration Project to Construct and Use a Dredged Sediment Offloader and Conveyance Pipeline, in the Napa River, in the City of Vallejo, Solano County.** Chair Wasserman moved to Item 9 after Item 10 was discussed. Chair Wasserman stated: Item 9 is a public hearing and possible vote on a material amendment to the consistency determination for the U.S. Fish and Wildlife's Cullinan Ranch Wetlands Restoration Project in Vallejo to allow construction and use an offloader and pipeline for dredged material. Brenda Goeden will make the presentation.

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Ms. Goeden presented the following: On October 25th you were mailed a summary and on November 1st you were mailed a recommendation for the proposed sediment offloading facility and associated sediment transport pipeline to transport dredged sediment from scows located in the Napa River to Cullinan Ranch Restoration sites in the city of Vallejo and Solano County.

The Cullinan Ranch Restoration site was authorized by the Commission in September of 2010. That authorization was for a 1,500-acre wetland restoration site which included numerous site preparation activities and public access amenities.

On the screen you will see a picture of the Cullinan Restoration site along with a summary of the written authorization made by the Commission in 2010.

In addition to the site preparation activities and public access amenities, the Commission also authorized the placement of up to 405,000 cubic yards of dredged sediment to construct up to 80 acres of Salt Marsh Harvest Mouse habitat and a small offloading facility located on Dutchman's Slough.

The shallowness of Dutchman's Slough and the lack of offloading equipment prevented any dredged sediment from being placed on the site in the past three years.

Therefore, U.S. Fish and Wildlife Service and Ducks Unlimited have chosen to relocate the offloading facility to a site off of the Napa River at the confluence of Dutchman's Slough.

In addition to the changed location, the proposed offloading facility has grown in size and that's why a material amendment to the consistency determination is necessary today.

So the current proposal is for a 16,000 square foot floating platform, including pumps and equipment that would pump the sediment from the scows through a 4,800 foot long pipeline off to the Cullinan Ranch Restoration Site.

I also want to note that the water intake pipe, which would be on the Napa River would be screened for exclusion of fish species including migratory salmon, longfin smelt and Delta smelt, threatened and endangered species which occur in this area.

This offloading facility was the subject of an addendum to the California Fish and Wildlife Service's CEQA document when the State Lands Commission issued a lease for the offloader project.

The proposed facility represents 16,000 square feet of floating fill and 938 cubic yards of solid fill. The equipment, pipeline, platform and piles would be removed after two years once the dredged sediment placement was complete.

The amount of fill proposed for authorization cannot be done administratively through the Commission's regulations and therefore we're bringing it as a material amendment for your consideration.

Because restoration project has been found consistent with the public access needs for the Commission, the project proponents are not proposing any additional public access at this time. The public access that has been previously provided includes trail improvements, fishing piers and a kayak launch ramp.

With that, I would like to present the project proponents from U.S. Fish and Wildlife Service, Don Brubaker and then Steve Carroll from Ducks Unlimited.

Mr. Brubaker presented the following: I am manager of Antioch Dunes, Marin Island and San Pablo Bay National Wildlife Refuges. The National Wildlife Refuge System is under the Department of the Interior. BLM National Park Service is one of our sister bureaus.

The Cullinan Ranch Project is a restoration project of about 1,500 acres. It's at the top end of San Pablo Bay.

Only about 200 years ago about one-quarter of this area was part of the San Francisco Estuary.

U.S. Wildlife purchased this land in 1991. We are looking to restore this area and put in short-term and long-term wetlands and also to protect Highway 37.

We also want to provide public amenities. We want to get the public out here to enjoy this restoration.

I like to refer to this area as a faux upland. We've gone in and removed a lot of trees and historically you wouldn't have seen many trees in this area.

We would like to make this area look like Guadalcanal, which is just east of this area.

Over time, 70 years out or so, we're looking to have this become a functional estuarine system again. We're wanting to speed this process up a bit by using beneficially reused sediment.

We want to create fish habitat and salt marsh harvest mouse habitat. The refuge was originally established for waterfowl and other migratory birds.

Estuarine systems are nursery facilities and serve fisheries production very well.

We're working at building safer ingress and egress for traffic with acceleration and deceleration lanes in the future.

We are proposing to protect Highway 37 with a 3,900 foot protection levee down at the east end of the restoration.

We also want to put in kiosks, interpretive centers and places where we can provide environmental education outings and safely bring on and take off busloads of kids.

We also want to restore the tidal hydrology. We want to return this back to what it was once before. We want to jumpstart this by creating marsh plain habitat that is already at marsh plain.

Mr. Steve Carroll spoke: I am with Ducks Unlimited. Cullinan Ranch was diked in the 1800s to be an agricultural operation and it has subsided over time of up to six feet below sea level.

Our approach at the time of acquisition was a passive one. We were going to protect adjacent property owners and put in some public access features and install some breaches and let the marsh evolve over time as sediment was brought in from the sloughs and river.

Our estimate at that time said it would take up to 70 years for the sediment to accrete to where we got the marsh elevations that would support vegetation and then provide habitat for the harvest mouse.

Since endangered species need habitat as soon as possible, we considered and included the caveat that if it was feasible we would bring in up to 50 acres of fill, up to 405,000 cubic yards so that we could establish some habitat much sooner than the 70 year timeframe.

We weren't able to attract small dredgers to our site like we were hoping we would. We tried to promote our project with bigger dredgers but they were too big to come up Dutchmen's Slough to the area that we had obligated as our offloading site.

We want to move our site to the Napa River and this would make it more accessible to the larger facilities and they could bring up scows with large capacity – up to 6,000 cubic yards.

We would have to bring in 10 million cubic yards passively to get to our target marsh plain habitat. We're looking to bring 405,000 yards just to accelerate the project adjacent to Guadalcanal Village.

We're going to pull water from the Napa River through fish screens and slurry the material and pump it into Cullinan Ranch into our containment unit that is going to be built within our placement site. All the water from the slurry operation will be decanted into the Cullinan Ranch site where it will evaporate.

One of the key components is that we're really trying to provide flexibility because we need to work with the marine contractors so that we can keep our costs down.

Phase 1 has already been completed. We started a setback levee which is a levee that is going to protect the eastern portion of Highway 37 from inundation once we restore it.

Chair Wasserman continued the meeting: We have no cards from the public. Are there any members of the public that wish to comment on this? Seeing no speakers, I will open it up to questions from Commissioners.

Commissioner Nelson commented: I first started working on Cullinan Ranch protection more than 25 years ago. I want to salute the local community that has been working for more than a quarter of a century to make sure that this site is protected and restored.

There has always been a concern about the rate of sedimentation in this area. Are you confident that this new project is going to succeed in bringing in the sediment that you are looking for?

Mr. Carroll answered: This new concept we actually conceived working with a lot of the larger dredgers in the area and we are very hopeful of bringing in some of the material from the maintenance dredging that is going on in Oakland right now.

We are trying to keep it flexible because the large dredgers know how to put this together and we don't want to constrain them. I am confident that this will be a successful approach.

Commissioner Nelson added: And our dredging policies encourage the reuse of dredged material. Do you anticipate this is a one-time project or are you thinking this might be Phase 1 and there might be subsequent projects.

Mr. Carroll replied: If by subsequent projects you mean other restoration sites, then definitely yes.

Commissioner McGrath commented: I want to make sure that we have a full record that responds to the comments made by Mr. Levine, particularly sensitive is the comment he made on page three of making sure that we don't have a different standard for the good guys and the bad guys.

We have a concern about air quality and about potential habitat impacts. There was an addendum prepared by the State Lands Commission and an addendum is appropriate if there are no new significant impacts or increases to the severity of significant impacts.

Deputy Attorney General Tiedemann stated: That is correct.

Commissioner McGrath continued: And so we have a circumstance where there is the CEQA-prescribed mechanism to look at the changed projects and in addition to that we also have consultation and continued consultation and testimony about the actual rate of removal from the slough to make sure that it is not going to affect the smelt.

Mr. Levine also raised questions about air quality impacts. There are two questions here.

One is the federal requirement of conformity. I am virtually certain that this project falls below the threshold for the air quality conformity test. There is one other test, which is the significant impact due to air quality emissions. I didn't see in the record that the addendum had looked at air quality and looked at the potential impacts of diesel. Did it? And, was that laid out in the addendum in the prescribed manner and could we just be clear on that?

Mr. Carroll answered: It did not look at diesel but our intention is to use electricity for this. Island Power on Mare Island can supply us with the service that we need.

Commissioner McGrath continued the conversation: Even better. So we have a circumstance where we know the air quality emissions will not be above the significance threshold. So the only remaining question is whether or not construction of power facilities would have significant impacts.

From the staff's perspective you've looked at this issue and this doesn't concern you?

Ms. Goeden replied: We have talked with the applicants about the power issue. Right now they're not proposing to construct any power lines. If they do need to construct power we expect them to come back for an amendment to the consistency determination once they've determined the scope of what that activity would be.

Commissioner McGrath probed deeper: I have a propensity to make sure that the record does bridge the analytical gap. I think the general concerns of Mr. Levine are legitimate, specifically in this particular circumstance, we do have a CEQA addendum which covers those issues and assures us with the expertise of our staff that we have no new significant impacts and all the impacts fall below that.

We have previously encouraged dredged material and that resolves the questions raised by Mr. Levine's letter.

Commissioner Butt weighed in: Over a long period of time there's been a, I'm going to call it a conspiracy, by the California Fish and Wildlife, U.S. Fish and Wildlife Service and NOAA to constitute trustees for various consent decrees and settlements.

Every time there's been a major action in Richmond those three agencies have taken the money and instead of using it for a project in Richmond, which could use a lot of projects and a lot of money, they move it up to this particular place.

Chevron entered into a settlement over pollution and damage to Castro Cove and a significant part of that money was moved up to pay for this project. And that's been done at least three times over the last ten or twenty years to the tune of millions and millions of dollars.

The people of Richmond have been very upset about this for a long time. They have protested to everybody they can protest to, all to no avail.

I thought people would like to know this. In my opinion these three agencies are basically thieves. I hope that in the future they'll look at keeping this money in the communities where the damage was done that generated these settlements and judgments. However, I think this is a great project. I just don't like where they got the money to pay for it.

Chair Wasserman commented: I would note that not even Mr. Levine actually uses good guys/bad guys but does distinguish between private businesses and public agencies and hopes that they are treated the same. I think that this is an important policy and goal.

Does staff or the applicant have any comments or thoughts about how this project and State Route 37 will be affected by rising sea level?

Ms. Goeden replied: For the project that is before us today which is the offloader, we looked at climate change and rising sea levels and there were two things we considered.

One is that the offloader is a floating facility and it's only going to be in place for two years, so rising seas should not affect it.

We also looked at the climate change policies and noted that the restoration project came before the Commission in 2010, and as you may recall, the Commission didn't issue and amend the Bay Plan for climate change until 2011. We can't go back and retroactively analyze the project

against the climate change policies. We looked at this issue and talked it over very carefully and concluded that that is not the Commission's practice to retroactively revise conditions or findings on permit actions that have previously been authorized.

Chair Wasserman agreed: Your point is well made. This is not raised in the sense of, we cannot approve this without that being addressed. It is raised in the context that in every instance where a project before us has significant infrastructure, which is potentially threatened by rising sea level, we should at least discuss that issue and hopefully both the applicant and staff considered it, not to say, approve or not approve. We do need to take a broader view because we want to be as wise as the people were 25 years ago who started this project.

Chief Deputy Director Goldbeck commented: Brenda is correct that we are not considering the greater project here. Using dredged sediment on the site to accelerate the restoration of wetlands is actually consistent with the policies.

Establishing vegetation really helps the wetlands to be able to respond and capture more sediment and grow. The quicker that they can vegetate, the better. Using dredged sediment should help it in terms of that long-term response.

Mr. Carroll stated: We would be open to entertaining more dredged sediment. It has taken us a while to get through the design process on this project.

We are currently still working with Caltrans and they are asking us to go back and look at a slightly higher standard than our original one. We're trying to figure out what that is. It could be that we are actually increasing our flood protection from what we already obligated ourselves to do.

Ms. Renee Spent commented: I am with Ducks Unlimited. I am the biologist on this project. We have to pay attention to the issue of, Are we going to get enough sediment to continue to meet our goals for the project?

There is a technical advisory committee. There's a monitoring program in place for the project and periodically we're going to have to go through and assess are we getting towards where we want to go. And if the answer comes back, no, then we'll have to put our heads together and think about what that means for the project site.

Commissioner Sartipi commented: With respect to Highway 37 and the long-term implications of sea level rise, we have been looking at that and specific to this project, we have been working with the applicant. We want to make sure that if there are actions to be taken now that they address situations in the future.

Chair Wasserman added: One the reasons that this discussion is important is that in many forums where rising sea level is addressed the discussion tends to move towards hardscape protections.

There are many places where providing sediment and supporting marshes, supporting wetlands becomes a much more effective and realistic and less expensive solution, sponges instead of hardscapes. This needs to be part of our vocabulary and conceptions as we think about this.

This concludes the hearing on this item. I would take a motion to close the public hearing.

Motion: Vice Chair Halsted moved to close the public hearing, seconded by Commissioner Gibbs. The motion passed by a voice vote with no opposition.

Ms. Goeden gave the staff recommendation: The staff recommends that the Commission approve the project as conditioned and issue Material Amendment No. Three to authorize the construction, use and maintenance of an offloading facility and associated pipeline for transportation of sediment to Cullinan Ranch for up to two years and consistency determination in C2004.005 with a few minor but non-substantive clarifications.

Chair Wasserman inquired: Has the applicant reviewed the recommendation and is the applicant in agreement with it?

Mr. Don Brubaker replied: Yes we are.

Chair Wasserman continued: Any discussion on the motion? He received a motion for approval from the floor.

Motion: Commissioner McGrath moved approval of the staff recommendation, seconded by Commissioner Nelson. A roll call vote was taken.

**VOTE:** The motion carried with a roll call vote of 18-0-0 with Commissioners Addiego, Apodaca, Butt, Chiu, Gibbs, Gioia, Pemberton, McGrath, Nelson, Pine, Sartipi, Sears, Techel, Doherty, Wagenknecht, Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

**8. Public Hearing on Permit Application No. 2011.002 from the Water Emergency Transportation Authority (WETA) for the Vallejo Ferry Maintenance Facility, proposed along the Mare Island Strait, at 1080 Nimitz Avenue, in the City of Vallejo, Solano County.** Item 8 was discussed after Item 9.

Chair Wasserman announced: Item #8 is a hearing on the application of the Water Emergency Transportation Agency (WETA) for their maintenance facility on Mare Island Strait in Vallejo. Michelle Burt Levenson will make the staff presentation.

Ms. Levenson presented the following: The project involves the relocation of two floats from the existing maintenance facility located one-half mile upstream and the placement of five new floats and associated pilings, at Building 165, on Mare Island, in the City of Vallejo, Solano County.

In addition, a ferry portal and utility connection would be installed. A total of 13,096 square feet of fill will be placed with the project.

The fill impacts associated with the project would be mitigated by removing fill at several locations in the project vicinity. These efforts would result in removal of 1,676 square feet of existing Bay fill.

Several public access improvements are proposed with the project. These include the continuation of a public access promenade along 465 feet of an existing wharf, a ferry waiting area and an area that would contain naval artifacts.

A total of approximately 26,000 square feet of public access would be provided with the project.

While a vote on the recommendation for this project was originally scheduled for today, this item has been postponed to a later date.

On Wednesday of last week staff was informed that issuance of the Naval lease for the project site would require consultation with the U.S. Fish and Wildlife Service because this process might result in new or revised conditions and mitigation that could affect the BCDC authorization for the project, the applicant has requested that the vote be postponed.

I am happy to report that consultation with the U.S. Fish and Wildlife Service officially commenced yesterday and we hope to learn more of any potential requirements in the upcoming weeks.

It is anticipated that the recommendation for this project will be brought for Commission consideration sometime in early 2014.

Mr. Chad Mason, with WETA addressed the Commission: I am a senior planner and project manager at WETA. Today I'm going to provide an overview of the project, a history of the project and a discussion of the project as it relates to BCDC policies.

I also have some members of our project team with me today.

In 2007, SB976 and subsequently SB 1093, gave us an emergency mandate and consolidation of the city-run services of Alameda and Vallejo to be operated and controlled by WETA.

After that we adopted a transition plan in 2009 that guided that process. The transition of the Vallejo service was completed to WETA last year.

This project has been in the works for over 10 years. With the transition of the service also came the maintenance facility project.

The service carries over 700,000 riders annually, approximately 2,000 riders a day. In addition, during a recent BART strike, ridership increased almost triple system-wide and was up 40- to 50-percent.

The existing facility is located at Building 477 along Waterfront Avenue. This site has been in operation since 1997.

The existing facility doesn't allow the maximum efficiency of our maintenance needs. Most importantly, it doesn't allow for fuel storage. Diesel fuel is delivered daily to the site.

This really limits our ability to respond in an emergency if other infrastructure in the area is inaccessible.

It also does not allow for passenger loading. Right now we cannot load any passengers. Passenger loading will be accommodated in the new facility.

There are three main components of the project; (1) the landside improvements; (2) the waterside improvements; and (3) the public access improvements.

The landside improvements include abatement and rehabilitation of Building 165 which is a historic structure. There will also be reuse of an existing warehouse building, Building 165A. This will be for shops and storage.

We'll be constructing a new warehouse as well as a fuel tank storage area that will allow us to store 48,000 gallons of diesel fuel.

The other improvements include site, utilities, parking and public access improvements.

The waterside facility includes seven new floats. Two of the floats are being relocated from the existing facility, which includes a service float and a passenger float.

There is a new landing float which provides access to the finger floats and the service float. The new finger floats will accommodate maintenance activities as well as passenger loading.

There will also be a 100-square-foot work float that is able to move around the facility and work on the outer edges of the vessels that aren't accessible from the main floats.

There will be up to 40 piles to support the floats. We anticipate it being a little bit less than that.

Public access improvements along the waterfront will create an important connection for Mare Island residents to access the waterfront and also to access passenger ferry service that is currently not available from the island.

These improvements are also designed to allow for future use by Mare Island residents. These improvements have been addressed under a separate BCDC permit.

The improvements in front of the WETA project site will be completed after our major construction activities are completed.

This facility allows us to maximize our maintenance efficiencies and respond in an emergency.

There is not an upland alternative that is feasible. This would be inefficient and cost prohibitive.

The City of Vallejo first applied for the BCDC permit two or three years ago, the project was 32,000 square feet. Since WETA has taken over we have really made an effort to reduce the footprint which also reduces the cost. We have reduced the square footage by 21,000 square feet and reduced the amount of piles by 14.

The top of the key wall along the waterfront is over one foot above the mid-century projected sea level rise.

There will be 23,000 square foot promenade improvements and a 2,800 square-foot ferry passenger waiting area and a naval artifact area.

Pile driving and construction activities will occur within a work window from July 1st to October 30th. We will use bubble curtains during pile driving activities and hydro-acoustic monitoring program will be implemented during those activities.

We'll also be doing fill mitigation to the south of Mare Island Strait, a removal of at least 114 creosote-treated piles, a 1,550 square foot pile-supported pier and we'll be removing solid fill along the shoreline.

We're also including mitigation bank credits at Liberty Island to address our Delta Smelt impacts.

Chair Wasserman commented: We will now open the public hearing. I don't think we have any public wishing to make comments. We can close the hearing if there is a motion to do so.

**MOTION:** Vice Chair Halsted moved to close the hearing, seconded by Commissioner Wagenknecht. The hearing was closed by a voice vote.

Vice Chair Halsted inquired: How much of the time will you be loading passengers and how much of it will be for maintenance?

Mr. Mason answered: Passengers will be able to load at the facility whenever there is a scheduled trip. There won't be activities that will be occurring. It will be coordinated so we can load on every trip that's leaving the island.

Vice Chair further inquired: When looking at the plan it looks like there's no particular provision for any buses or any larger vehicles.

Mr. Mason replied: This service is really designed to provide access for residents of Lennar Mare Island. It's not going to be a new terminal.

Vice Chair Halsted continued: I want to raise the issue that it wasn't reviewed by our Design Review Board. I don't understand what our standards are for what goes to Design Review and what doesn't. I'd like to have this discussed at a later time.

Ms. Ellen Miramontes with the Commission staff commented: We did discuss the possibility of coming to the Design and Review Board and felt there really wasn't enough for them to delve into. We worked at a staff level with the applicants.

Commissioner McGrath commented: The issue is that there is no certainty at this point of the land ownership and the land tenure. That will need to be resolved before it comes back. That applies to public access as well as the site.

Ms. Levenson responded: What has delayed the item for a vote today is that the water site property is owned by the Navy. WETA is in the process of obtaining a lease with the Navy for the water side portion.

The land side portion is owned by Lennar Mare Island. They have a lease for the land side activities.

Commissioner McGrath added: So in that event the public access is not affected by the question of the lease with the Navy?

Ms. Levenson replied: That is correct.

Chair Wasserman stated: We are not taking a vote on this matter. I would entertain a motion for adjournment.

11. **Adjournment.** Upon motion by Vice Chair Halsted, seconded by Commissioner Nelson, the meeting was adjourned at 2:22 p.m.

Respectfully submitted,

LAWRENCE J. GOLDZBAND  
Executive Director

Approved, with no corrections, at the  
San Francisco Bay Conservation and  
Development Commission Meeting  
of January 16, 2014

R. ZACHARY WASSERMAN, Chair