San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

January 23, 2015

Application Summary
(For Commission consideration on February 5, 2015)

Number: Consistency Determination No. C2003.003.05
Date Filed: December 17, 2014
60th Day: February 15, 2015
Staff Assigned: Rosa Schneider (415/352-3622; rosa.schneider@bcdc.ca.gov)

Summary

Applicant: U.S. Department of the Army (Army)

Location: The Military Ocean Terminal Concord (MOTCO), the project site, is located in the Bay and within the 100-foot shoreline band in north central Contra Costa County (Figure 1, Exhibit A), near the City of Concord. MOTCO is bordered by Suisun Bay to the north and the California Department of Fish and Wildlife Point Edith Wildlife Area to the west (Exhibit B).

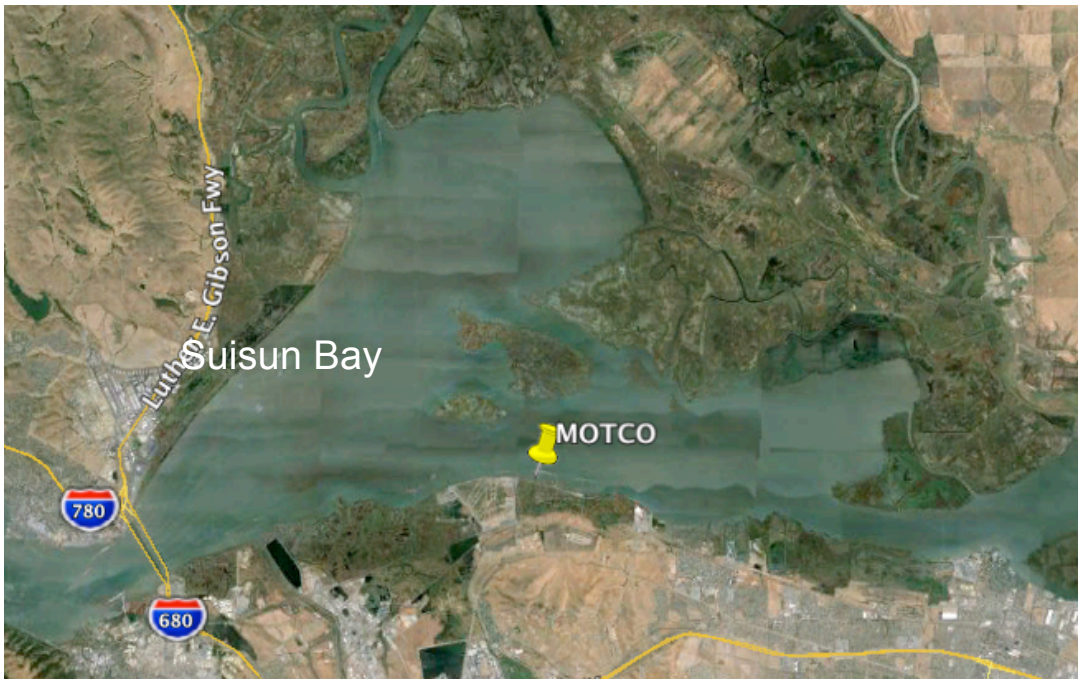

Figure 1

Project: The proposed project would involve demolishing and reconstructing Pier 2's main platform, west trestle, and forklift trestle, demolishing and constructing ancillary buildings, repairing sections of a connecting road, upgrading utilities, repairing and replacing pier-side supporting facilities, installing waterside security bollards and lighting, installing a drainage system and treatment device for surface runoff, repairing 115 linear feet of riprap, conducting maintenance dredging of approximately 750 cubic yards of material, restoring 0.084 acres of intertidal wetlands, and removing any remaining underwater explosives from the 1944 Port Chicago Disaster (Exhibits C, D, E).

Issues Raised: The staff believes that the application raises six primary issues regarding the project's consistency with the McAteer-Petris Act and the San Francisco Bay Plan (Bay Plan): (1) whether the proposed fill would be consistent with the Commission's law regarding fill and relevant Bay Plan policies regarding fish, other aquatic organisms, and wildlife, subtidal areas, tidal marshes and tidal flats, water quality, and safety of fills; (2) whether the proposed project would be consistent with Bay Plan policies on Climate Change; (3) whether the proposed project would be consistent with Bay Plan policies on Protection of the Shoreline; (4) whether the proposed project would be consistent with Bay Plan policies on Dredging; (5) whether the proposed project would be consistent with Commission's law and Bay Plan policies on Public Access; and (6) whether the proposed project would be consistent with the Bay Plan Map Policies and the San Francisco Bay Area Seaport Plan.

Background

MOTCO is a military munitions and general cargo transshipment facility. It accounts for 72 percent of all Department of Defense (DOD) West Coast ammunition handling capacity. MOTCO has three dual-level piers (Piers 2, 3, and 4) designed for handling non-containerized cargo. Since MOTCO currently accommodates primarily containerized cargo, the current configuration is suboptimal and inefficient. Pier 2 is 70 years old, well past its design and service life, and has been inoperable since 2008. The proposed project would replace the pier's dual level configuration with a single-level deck, and numerous other pierside and landside improvements would be made. If Pier 2 is not repaired and modernized, the Army has stated that the DOD's ability to perform its current and future contingency operations in the Pacific theater would be impacted.

Pursuant to the federal Coastal Zone Management Act of 1972, as amended, BCDC is required to evaluate federal projects for their effects on the coastal zone, including projects located outside the Commission's jurisdiction as defined by state law that may impact the coastal zone, and concur with or object to a federal agency's determination that a project is consistent with the Commission's laws and policies.

Project Description

Project Details: The Army's consistency determination describes the project as follows:

In the Bay:

a. Prior to working on Pier 2, searching for and removing any explosive materials remaining from the 1944 Port Chicago Disaster;

b. Demolishing 159,000 square feet (sf) (3.65 acres) of pier structure, including the main Pier 2 platform, west trestle, and forklift trestle, removing 4,514 creosote-treated timber piles, or cutting them two feet below the mudline in cases where removal is not successful, removing 254 concrete square piles, 1,300 cubic yards of concrete slab, 200 tons of reinforcing steel, 1,550 timber pile cap beams, 112,500 feet (2.58 acres) of stringers, 13,500 decking boards, 1,895 cubic yards of asphalt, and various other components including utility hangers, steel fasteners, sprinklers, risers, fender frames and floats, hose connections, circuit breakers, and electrical cables, all removed material to be reused or disposed of at an authorized upland location outside the Commission's jurisdiction;

c. Constructing a single-level, 95,000 sf (2.18 acres) pier that extends 48 feet further offshore and into deeper water than the existing pier, constructing a new 21,347-square-foot (0.49 acre) west trestle, constructing a new 6,868-square-foot (0.16 acre) forklift trestle, driving 876 24-inch pre-stressed concrete piles and 125 reused square concrete piles, installing 2,000 feet of new crane rails, and adding two 80-long-ton container cranes;

d. Installing four high-mast light poles for floodlights with shields and anti-perching devices approximately 50 feet behind the back of the pier;

e. Constructing a new 1,500-square-foot Operations Building/Break-room on Pier 2;

f. Installing security lighting and waterside bollards, and repairing and replacing pier-side support facilities, including mooring hardware, removable bull-rails, pipelines for potable water, sanitary sewer, and fire response, and lightning protection;

g. Restoring approximately 0.084 acres of high intertidal salt marsh wetlands after structures are removed by establishing target elevations, removing invasive perennial pepperweed and surface soils, and planting native high marsh species; and

h. Conducting maintenance dredging of approximately 750 cubic yards of sediment to a depth of minus 32 feet mean lower low water plus two feet of overdepth using a bed-leveler device (no disposal location has been proposed).

On Land:

a. Demolishing Building 160 (576 square feet, a former steam plant);

b. Expanding Lot T-10 by 39,500 square feet to create an approximately 240,000 square-foot (5.5 acre) staging area for handling containers;

c. Conducting repairs to an approximately 8,500-foot-long, 39,204-square-foot section of White Road between Johnson Road and 3,000 feet east of Murdoh Road, and realigning the road network servicing the pier to serve the new access point;

d. Repairing approximately 115 linear feet of shoreline rock revetment along White Road above the limit of wetlands;

e. Performing upgrades to the utilities infrastructure, including replacing existing transformers, panel boards, and junction boxes, and burying an existing power line along White Road between the east trestle of Pier 2 and the west trestle of Pier 4;

f. Installing a drainage system and treatment device for surface runoff entering Suisun Bay; and

g. Constructing a 12-kilovolt electrical substation and installing two 1500-kilowatt diesel emergency generators.

Fill: The project would remove 159,000 square feet (sf, 3.65 acres) of pile-supported piers and associated structures that predate BCDC and place 123,215 sf (2.18 acres) of new pile-supported Bay fill, for an overall increase in Bay surface area of 35,785 sf (0.82 acres). The new pilings represent at least 307 cubic yards less volume and cover at least 876 sf less of the Bay floor than the current piles.

Public Access: No public access is proposed as part of the Pier 2 repair and modernization. Public access to MOTCO is currently limited to the Port Chicago Naval Magazine National Memorial (Memorial, Exhibit F) and to occasional restricted access for biological, historical, and cultural resource reviews.

Mitigation: To mitigate impacts to listed fish species and essential fish habitat as a result of increased turbidity, decreased water quality, and underwater noise during construction and dredging, the Army is proposing to restore on-site any sub-merged aquatic vegetation (SAV) impacted by the project at a 1 to 1 ratio, and to purchase 3.7 acres at the Liberty Island Conservation Bank and Preserve in Yolo

County (upriver and outside the Commission's jurisdiction). Approximately 0.084 acres of intertidal wetlands covered by the current pier structure would be restored by establishing desired elevations, removing invasive perennial pepperweed and surface soils, and planting native high tidal marsh species.

Public Benefits: The Army has stated that the project will allow it to conduct and support contingency operations in the Pacific theater.

Schedule and Costs: The Army expects that project work could begin as early as 2016 and could be completed in the second quarter of 2018. Project cost information has not been provided.

Staff Analysis

A. **Issues Raised:** The staff believes that the application raises six primary issues regarding the project's consistency with the McAteer-Petris Act and the San Francisco Bay Plan (Bay Plan): (1) whether the proposed fill would be consistent with the Commission's law regarding fill and relevant Bay Plan policies regarding fish, other aquatic organisms, and wildlife, subtidal areas, tidal marshes and tidal flats, water quality, and safety of fills; (2) whether the proposed project would be consistent with Bay Plan policies on Climate Change; (3) whether the proposed project would be consistent with Bay Plan policies on Protection of the Shoreline; (4) whether the proposed project would be consistent with Bay Plan policies on Dredging; (5) whether the proposed project would be consistent with Commission's law and Bay Plan policies on Public Access; and (6) whether the proposed project would be consistent with the Bay Plan Map Policies and the San Francisco Bay Area Seaport Plan.

1. **Bay Fill.** Section 66605 of the McAteer-Petris Act states, in part, that: (a) "fill should be limited to water-oriented uses (such as ports…)… should be authorized only when no alternative upland location is available… and should be the minimum amount necessary to achieve the purpose of the fill…"; (b) "the nature, location, and extent of any fill should be such that it will minimize harmful effects to the Bay area, such as the reduction or impairment of the volume, surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment…"; and (c) "fill [should] be constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters."

   Pier 2 is located in the Bay and pre-dates the Commission. With the proposed project, 159,000 sf of pile-supported structures would be removed, and 123,215 sf of pile-supported fill would be placed in the Bay, a 35,785 sf (0.82 acre) net increase in Bay surface area.

   a. **Water-oriented Use, Alternative Upland Location, and Minimum Fill Necessary.** The proposed project would modernize and repair Pier 2 so that it can be safely used as a port to ship and receive ammunition and other cargo, a water-oriented use identified in Section 66605(a) of the McAteer-Petris Act. The existing pier is both

very old and was designed to handle both container and break bulk cargo. The rebuilt pier will be designed to more efficiently handle container cargo, the method used to ship most of the munitions handled at Pier 2. Because Pier 2 requires an open-water location, the proposed project has no upland alternative. The proposed Pier is 35,785 square feet smaller than the existing pier and will require fewer pilings, resulting in a net increase of Bay volume of at least 307 cubic yards and a reduction of the amount of Bay bottom occupied by the pilings of at least 876 square feet. The Army states that "the diameter, number, and spacing of [piles] were determined to provide adequate support for the minimum overwater structure required for MOTCO's mission in this environment. The number and sizes of piles could not be reduced without risking the operability and stability of the overwater structure. Therefore, the project design represents the minimum amount of fill necessary to achieve the project purpose."

The Commission should determine whether the proposed fill is the minimum amount necessary to achieve the purpose of the project proposed on fill.

b. **Minimization of Harmful Effects to the Bay Area, such as the Reduction or Impairment of the Volume, Surface Area, or Circulation of water, Water Quality, Fertility of Marshes, or Fish or Wildlife Resources.** In addition to the relevant provision in the McAteer-Petris Act (Section 66605(d)), the Bay Plan also addresses minimizing effects of fill projects on Bay resources. The Bay Plan Policy No. 1 on **Fish, Other Aquatic Organisms and Wildlife** states, in part, that "[t]o assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased." Further, Policy No. 4 states, in part, that "[t]he Commission should: (a) consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species…; (b) not authorize projects that would result in the 'taking' of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal endangered species acts …unless the project applicant has obtained the appropriate "take" authorization from the U.S. Fish and Wildlife Service, National Marine Fisheries Service or the California Department of Fish and Game…; and (c) give appropriate consideration to the recommendations of the [state and federal resource agencies]…to avoid possible adverse effects of a proposed project on fish, other aquatic organisms and wildlife habitat."

The Bay Plan **Subtidal Areas** Policy 1 states that "[s]ubtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eelgrass beds, sandy deep water or underwater pinnacles) should be conserved. Filling, changes in use, and dredging projects in these areas should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits."

Bay Plan **Tidal Marshes and Tidal Flats Policy** 1 states that "[t]idal marshes and tidal flats should be conserved to the fullest possible extent. Filling, diking, and dredging projects that would substantially harm tidal marshes or tidal flats should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative."

Habitat types in the project vicinity include deep Bay channel immediately adjacent to the bayward-most extension of the pier, shallow subtidal areas within the pier footprint and along the shoreline, mudflats, and brackish tidal marsh (Exhibit G). These habitats are associated with a variety of fish and wildlife protected under federal and state endangered species laws. Additionally, the shallow subtidal areas at MOTCO contain extensive submerged aquatic vegetation (SAV) beds, a habitat that is scarce in the Bay and which typically has an abundance of fish and invertebrates. Some SAV, such as the native pondweed (*Stuckenia* spp.) found at MOTCO, is designated as essential fish habitat (EFH) for federally-managed fish species.

On November 19, 2014, NMFS issued an Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation Management Act Essential Fish Habitat Response for the proposed project and pile-wrapping at Pier 3 (BCDC Consistency Determination No. C2003.003.04, a non-material amendment). In this letter, NMFS stated that it anticipates take (impact to) of threatened Southern distinct population segment (DPS) of North American green sturgeon (*Acipenser medirostris*), threatened Central Valley steelhead (*Onchorhynchus mykiss*), threatened Central California Coast steelhead (*O. mykiss*), threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), and endangered Sacramento River winter-run Chinook salmon (*O. tshawytscha*) due to temporary habitat loss that would occur from elevated levels of underwater sound during pile driving, and degradation of water quality during construction and dredging. NMFS issued a conservation recommendation that the Army purchase credits at the Liberty Island Conservation Bank and Preserve in Yolo County for impacts to listed fish species and aquatic habitat. Over the long term, completion of the project is expected to benefit designated critical habitat, as the removal of 4,500 creosote-treated wood pilings would increase water and sediment quality, and removal of 28,211 square feet of overwater structure would reduce shading. The Army intends to purchase 3.7 acres of mitigation credits at Liberty Island.

NMFS also found that the proposed project would adversely affect EFH for various federally-managed fish species under the Pacific Salmon, Coastal Pelagic, and Pacific Groundfish Fishery Management Plans. Adverse effects would occur through increased water column turbidity, increased suspension of sediment-associated contaminants, benthic habitat disturbance to invertebrates and SAV, and elevated underwater sound levels during pile driving. As Conservation Recommendations, NMFS offered that the Army should conducted pre- and post-construction survey reports of SAV beds, and report on any compensatory mitigation for impacts to SAV, which currently occupies 22 acres in the vicinity of MOTCO. The Army will implement these recommendations through its SAV Mitigation Plan, and will mitigate

project-related losses of pondweed SAV at a 1 to 1 ratio on-site by creating potential pondweed SAV habitat through the reduction in shading and by planting pondweed SAV in suitable areas.

The USFWS biological opinion has not yet been completed, but the Army has stated that it will provide the document to BCDC once it becomes available, which could be as soon as January 2015. In the Draft Environmental Impact Statement (DEIS), the Army stated that the proposed project may affect and is likely to adversely affect the threatened delta smelt (*Hypomesus transpacificus*) and endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), and may affect but is not likely to adversely affect the endangered California Ridgway's Rail (*Rallus longirostris obsoletus*) and endangered soft bird's beak (*Chloropyron molle* ssp. *molle*).

Though the Army is not required to consult under the California Endangered Species Act, the Commission's Bay Plan policies on Fish, Other Aquatic Organisms and Wildlife state that "the Commission should not authorize projects that would result in the "taking" of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal endangered species acts…unless the project applicant has obtained the appropriate "take" authorization from the U.S. Fish and Wildlife Service, National Marine Fisheries Service or the California Department of Fish and Game." The DEIS included an analysis of potential impacts to state listed species, and was distributed to the California Department of Fish and Wildlife for review and comment. The Army has stated that the mitigation and minimization measures to be employed for federally-listed species would also protect state-listed species. Mason's lilaeopsis (*Lilaeopsis masonii*), a plant designated as "rare" by the state, has been found in the project area, and state-listed threatened black rail (*Laterallus jamaicensis coturniculus*) was found at MOTCO in 2010 and in other years.

With respect to tidal marsh, the Army has stated that there would be direct loss of approximately 0.043 acres of tidal wetlands from construction of the new Pier 2, and temporary wetland impacts within a 100-foot buffer around the new pier. The new pier would be approximately 59% smaller than the existing structure, and the Army would remove invasive perennial pepperweed (*Lepidium latifolium*) in areas which could support tidal marsh vegetation (0.084 acres) and establish desired elevations to facilitate marsh plant establishment, for a potential net gain of 0.041 acres of new intertidal wetlands.

The Bay Plan **Water Quality** Policy 1 states that "Bay water pollution should bermy has stated that removal of creosote-treated piles from beneath the existing pier structure would eliminate a long-term source of polyaromatic hydrocarbon pollutants, and that the project would increase the volume and surface area of the Bay by reducing the area of the pier and the volume of supporting piles. There will be temporary impacts to water quality from pulling and driving piles, debris removal, dredging, and construction runoff in intertidal and subtidal areas. The Army proposes to have its contractor submit an Environmental Protection Plan for review and

approval by the U.S. Army Corps of Engineers (USACE), and has stated that they will prepare a Stormwater Pollution Prevention Plan, Stormwater Management Plan, Water Quality Monitoring Plan, and Contaminant Prevention Plan, among other items.

In addition, the Bay Plan's **Water Quality** Policy 2 states, in part, that "[w]ater quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the Regional Water Quality Control Board's [RWQCB] Basin Plan. The policies, recommendations, decisions, advice and authority of the State Water Resources Control Board and the Regional Water Quality Control Board, should be the basis for carrying out the Commission's water quality responsibilities."

The Army has stated that the Section 401 Water Quality Certification application for Pier 2 is tentatively scheduled to be submitted to the RWQCB in May or June 2015, and that the Army has stated that it will implement all appropriate terms and conditions.

The Commission should determine whether the proposed fill would be consistent with its law regarding fill and the Bay Plan policies on Fish, Other Aquatic Organisms, and Wildlife, Subtidal Areas, Tidal Marshes and Tidal Flats, and Water Quality.

c. **Fills in Accordance with Sound Safety Standards**. In addition to the relevant provision in the McAteer-Petris Act (Section 66605(e)), the Bay Plan also requires that any authorized fill must be constructed in accord with sound safety standards.

The Bay Plan **Safety of Fills** Policies 1 and 2 state, in part, that "[t]he Commission has appointed an Engineering Criteria Review Board (ECRB)…competent to and adequately empowered to…review all except minor projects for the adequacy of their specific safety provisions, and make recommendations…no fill or building should be constructed if hazards cannot be overcome adequately for the intended use in accordance with the criteria prescribed by the ECRB."

The Army has stated that it will require that the Pier 2 design be consistent with the safety criteria prescribed by the ECRB to the maximum extent practicable. It should be noted, however, that the ECRB does not prescribe criteria, but reviews and comments on criteria of proposed projects.

A Concept Design Report (CDR) prepared by Moffat and Nichol (2013) for the proposed project evaluated two alternative structural systems under hypothetical seismic loading. The CDR concluded that while both alternatives would be structurally adequate, detailed analysis (including site-specific soil and topographic parameters) would be required for final design development, as the CDR was based on a geotechnical report from Pier 3. On January 20, 2015, the Army provided BCDC with design criteria, preliminary geotechnical recommendations for the 35 percent design stage, and 35 percent design plans, which staff will review for consistency with the above policies. However, because these plans have only recently been

submitted, there is no time for the ECRB to review and discuss the design criteria with the Army before the Commission must determine whether the project is consistent with its Coastal Zone Management Program.

The Bay Plan **Safety of Fills** Policy 4 states, in part, that "[a]dequate measures should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project…. New projects on fill…should either be…built so the bottom floor level of structures will be above a 100-year flood elevation that takes sea level rise into account, for the expected life of the project, be specifically designed to tolerate periodic flooding, or employ other effective means of addressing the impacts of future sea level rise and storm activity."

The Army has stated that it does not view the modernization and repair of Pier 2 as a new project, and that the new west trestle, main platform, and forklift trestle cannot be designed to accommodate a sea level projection that would make it incompatible with the remaining east trestle and White Road.

On January 20, 2015, the Army submitted a sea level rise study and other relevant information completed as part of the 35 percent design effort to BCDC. The staff is currently reviewing this information but has had insufficient time to include its analysis in this staff summary.

The Commission should determine whether the proposed project would be consistent with its law regarding fill and the Bay Plan policies on Safety of Fills.

2. **Climate Change Policies.** The Bay Plan's **Climate Change** Policy 2 states that "[w]hen planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices."

   On January 20, 2015, the Army submitted a sea level rise study and other relevant information completed as part of the 35 percent design effort, the BCDC staff is currently reviewing this information but has had insufficient time (two days) to include its analysis in this staff summary.

   Policy 3 states: "To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing

urbanized areas—should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century."

The Army has stated that the expected life of the project is 50 years. As noted above, the Army has stated that it does not view the modernization and repair of Pier 2 as a new project, and that the new west trestle, main platform, and forklift trestle cannot be designed to accommodate a sea level projection that would make it incompatible with the remaining east trestle and White Road. Because the Army believes that this project is a repair to an existing facility, even though the majority of the pier will be demolished and rebuilt, the Army has stated that it is not required to develop a risk assessment nor an adaptive management plan. On January 20, 2015, three days prior to the mailing of this consistency summary, the Army submitted a sea level rise study and other relevant information completed as part of the 35 percent design effort, which staff is currently reviewing for consistency with the above policy.

Climate Change Policy 7 identifies specific types of projects that are deemed to have regional benefits, advance regional goals, and that should be encouraged, if their regional benefits and their advancement of regional goals outweigh the risk from flooding. These include a "transportation facility, public utility, or other critical infrastructure that is necessary for existing development…."

The Army has stated that maintaining the DOD West Coast pier-side ammunition handling capability and associated ability to conduct and support contingency operations in the Pacific theater is a regional benefit and outweighs the risk from flooding.

The Commission should determine whether the proposed project would be consistent with its Bay Plan policies on Climate Change.

3. **Shoreline Protection Policies.** The Bay Plan **Protection of the Shoreline** Policy 1 states, in part, that: "…maintenance or reconstruction of existing projects and uses should be authorized if…the project is necessary to provide flood or erosion protection for existing development, use or infrastructure...the project is properly engineered to provide erosion control and flood protection for the expected life of the project based on a 100-year flood event that takes future sea level rise into account…and the protection is integrated with current of planned adjacent shoreline protection measures…."

   The Army has stated that the proposed revetment repairs would provide erosion protection for existing infrastructure and the Memorial, a relatively small section of MOTCO shoreline, and that designing for 100-year flood protection and sea level rise would necessitate expanding the area of armored shoreline both seaward and along the shoreline, creating a physical and visual discontinuity that would impact the visitor's experience and the natural shore environment and would do little to protect the vast

majority of MOTCO from sea level rise as bay waters would inundate MOTCO from around the small area proposed to be protected. The Army intends to modify the shoreline as little as possible.

The Bay Plan **Shoreline Protection** Policy 2, in part, that: "[r]iprap revetments…should be constructed of properly size [material] and [should be placed] according to accepted engineering practice…."

Shoreline protection repair would occur along approximately 115 linear feet of existing rock revetment between the Memorial and Pier 2's west trestle, and would above any wetlands. The Army has stated that it would require its contractor to meet the requirements of Policy 2 regarding revetment material composition and placement.

The Commission should determine whether the proposed project would be consistent with its Bay Plan policies on shoreline protection.

4. **Dredging Policies.** The Bay Plan's **Dredging** Policy 3 states, in part, that… "Dredged materials should, if feasible, be reused or disposed outside the Bay and certain waterways. Except when reused in an approved fill project, dredged material should not be disposed in the Bay and certain waterways unless disposal outside these areas is infeasible and the Commission finds: (a) the volume to be disposed is consistent with applicable dredger disposal allocations and disposal site limits adopted by the Commission by regulation; (b) disposal would be at a site designated by the Commission; (c) the quality of the material disposed of is consistent with the advice of the San Francisco Bay Regional Water Quality Control Board and the inter-agency Dredged Material Management Office (DMMO); and (d) the period of disposal is consistent with the advice of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service…."

   The proposed project would involve dredging approximately 750 cubic yards of material to a depth of approximately minus 32 feet mean lower low water using a bed-leveler. The Army has stated that the DMMO permit application would be submitted following post-construction bathymetric surveys, and that May 2014 sediment sampling results indicate the discharge into Suisun Bay is not likely to cause adverse impact to water quality or ecological receptors regardless of dredging method. The Army has also stated that it plans to use a bed-leveler due to the small amount of material present and due to the potential presence of explosives remaining from the Port Chicago Disaster. The Army has not indicated where it proposes to dispose of the dredged material, but on-site disposal may be proposed given the use of a bed-leveler.

   The Commission should determine whether the proposed project would be consistent with its Bay Plan policies on dredging.

5. **Public Access.** Section 66602 of the McAteer-Petris Act states, in part, that: "existing public access to the shoreline and waters of the San Francisco Bay is inadequate…[and that] maximum feasible public access, consistent with a proposed project, should be provided…." The *Bay Plan* Policies on Public Access further state that "maximum feasible public access should be provided in and through every new development in the Bay or

on the shoreline…except in cases where public access would be clearly inconsistent with the project because of public safety considerations….. In these cases, in lieu access at a another location, preferably near the project, should be provided."

No public access is proposed as part of the Pier 2 repair and modernization. Public access to MOTCO is currently limited to the Memorial and to occasional restricted access for biological, historical, and cultural resource reviews. The Army has stated that it does not intend to expand public access at MOTCO since national security as well as public health and safety would be put at risk.

During the approximately six weeks that the Army will clear the project area of under-water explosives, the Army would work with the National Park Service to ensure that the Memorial is closed when visitors could be at risk, and to avoid scheduling the most disruptive activities during times when the Memorial is being used for interpretive, ceremonial, or other commemorative events. The Army would restrict access to vessels in Suisun Bay within the potentially dangerous areas which could be up to two miles, but does not anticipate impacts to recreational boats on the weekends.

The Commission should determine whether the proposed project is consistent with its law and policies on Public Access.

6. **Bay Plan Map Policies and the San Francisco Bay Area Seaport Plan.** According to Bay Plan Map 3, MOTCO is located in a port-priority use area. The site-specific policy states that "when no longer owned or controlled by the federal government, give first consideration to port or water-related industrial use. Port and industrial use should be restricted so that they do not adversely affect marshes.... If not needed for port or water-related industry use, consider waterfront park use."

   The San Francisco Bay Area Seaport Plan Policy for the Concord Naval Weapons Reserve (now MOTCO) states that "the CNWR should be reserved as a port priority use area to be considered for bulk cargo marine terminal development if and when the Navy ceases its munitions operations."

   The site is still owned and managed by the U.S. Army and the project is designed to continue use of the shoreline for shipping munitions. The Commission should determine whether the proposed project is consistent with the Bay Plan Map Policies and Seaport Plan Policy for the site.

B. **Environmental Review.** Pursuant to the National Environmental Policy Act (NEPA), the Army distributed a Draft Environmental Impact Statement in November 2013. The Army plans to issue the Final Environmental Impact Statement no later than February 20, 2015 and is tentatively planning on publishing the signed Record of Decision no later than March 31, 2015.

C. **Review Boards**. As no public access is proposed, the project has not been reviewed by the Design Review Board. As the structural plans were submitted three days before the date of the mailing of this staff summary (January 20, 2015) and the 60th day by which the Commission must act on the consistency determination ends February 15, there has been no opportunity for the Engineering Criteria Review Board to review the engineering plans for the rebuilt pier.

D. **Relevant Portions of the McAteer-Petris Act**

Section 66602
Section 66604
Section 66605
Section 66632

E. **Relevant Portions of the San Francisco Bay Plan**

San Francisco Bay Plan Policies on Fish, Other Aquatic Organisms, and Wildlife

San Francisco Bay Plan Policies on Water Quality

San Francisco Bay Plan Policies on Water Surface Area and Volume

San Francisco Bay Plan Policies on Tidal Marshes and Tidal Flats

San Francisco Bay Plan Policies on Subtidal Areas

San Francisco Bay Plan Policies on Climate Change

San Francisco Bay Plan Policies on Safety of Fills

San Francisco Bay Plan Policies on Protection of the Shoreline

San Francisco Bay Plan Policies on Dredging

San Francisco Bay Plan Policies on Public Access

Bay Plan Maps

San Francisco Bay Seaport Plan

Exhibits

A. Regional Location
B. MOTCO Property
C. Pier 2 Reconstruction Plan
D. Pier 2 General Site Plan
E. Maintenance Dredging Area Adjacent to Pier 2
F. Location of Port Chicago Naval Magazine Explosion Site and National Memorial
G. Habitats