

#### **AGENDA**



- Review Cargill's operations and maintenance activities and Environmental Assessment for permit renewal
- Public hearing/
   Commission discussion
- Public comments



# PERMITTING AND APPLICANT TEAM

#### **Presenters:**

- Harriet Ross, BCDC Regulatory Director
- Susanne von Rosenberg, GAIA Consulting, Inc.
- Phoenix Armenta, BCDC Senior Manager for Climate Equity and Community Engagement

#### Permitting Team:

- Julie Garren, BCDC Bay Resources
   Program Manager
- Sam Fielding, BCDC Permit Analyst
- Jenn Hyman, BCDC Senior Engineer

#### Cargill Team

- Connie Lee, Senior Land Management Engineer, Cargill, Inc.
- Don Brown, Land Resources Manager, Cargill, Inc.
- Matt Pitcher, Solar Plant Manager, Cargill, Inc.
- Christine Boudreau, Boudreau & Associates

### **CARGILL MAINTENANCE AND OPERATIONS PERMIT**

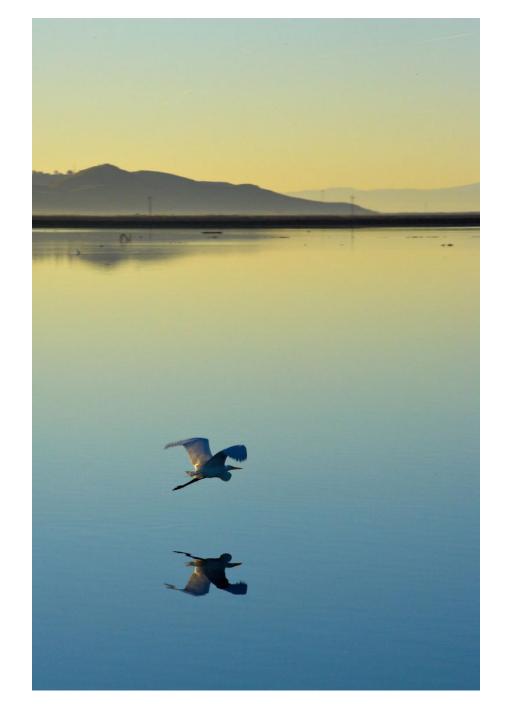


Salt pond berm photo from Cargill Maintenance Memo, 2021

- Cargill currently produces salt on the shores of SF Bay
- Cargill's current maintenance and operations activities are regulated by a 10-year permit issued by BCDC in 1995. This permit has been amended and extended numerous times and is set to expire at the end of 2024.
- Cargill is seeking a new 10-year permit to authorize the activities (permit application 2021.003.00).



"SALT PRODUCTION IS AN **ECONOMICALLY IMPORTANT AND** PRODUCTIVE USE OF THE WATERS OF THE BAY AND **SALT IS AN IMPORTANT** PRODUCT." -BCDC SALT POND POLICY FINDINGS





### THE ENVIRONMENTAL ASSESSMENT FOR THE PERMIT



Google Earth image showing project area on both sides of San Francisco Bay

- For the permit renewal, BCDC is required to evaluate the potential adverse environmental effects of the activities authorized in the permit.
- BCDC is the CEQA lead agency because no local discretionary approvals are required
- BCDC prepared a Draft Environmental Assessment (EA) to comply with CEQA, assessing potential impacts from Cargill's maintenance and operational activities.
- BCDC's environmental review process is a certified regulatory program under CEQA.
- The Draft EA was initially published in April 2021.



### **CARGILL PRESENTATION**



### THE ENVIRONMENTAL ASSESSMENT FOR THE PERMIT



Salt pond photo by J Hyman, 2023

- Following the 2021 preparation of the Draft EA, there were several changes to the project description.
- BCDC has updated the Draft EA and is now recirculating the Draft EA to allow the public to review the changes to the project description.
- The Recirculated Draft EA has been published and can be downloaded from the BCDC web site: <a href="https://bcdc.ca.gov/2024/07/02/environmental-assessment-cargill-incorporated-solar-salt-system-maintenance-and-operations-activities/">https://bcdc.ca.gov/2024/07/02/environmental-assessment-cargill-incorporated-solar-salt-system-maintenance-and-operations-activities/</a>
- You may also view a hard copy at the BCDC office.
- The 30-day public comment period ends September 21.

# SEPARATE PROPOSED CARGILL PROJECT: PROJECT FOR MSS RISK REDUCTION

- Will reduce the volume of MSS stored onsite via enhanced harvesting and Bay discharge
- Final EIR certified by EBDA June 15, 2023
- BCDC provided comments
- Cargill is working with agencies and property owners on an alternative route for the pipeline construction
- Addressed as part of cumulative projects in EA

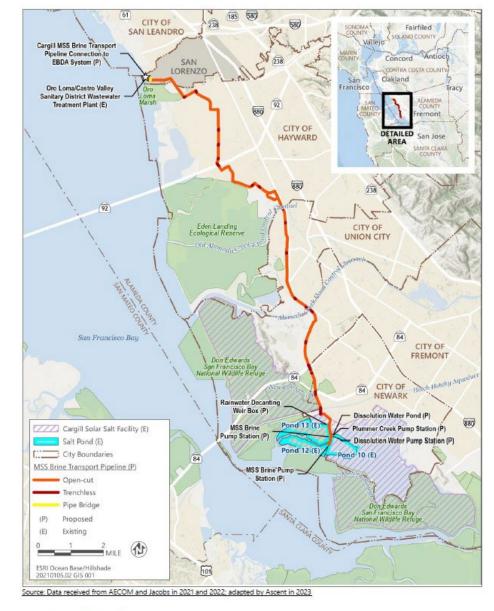
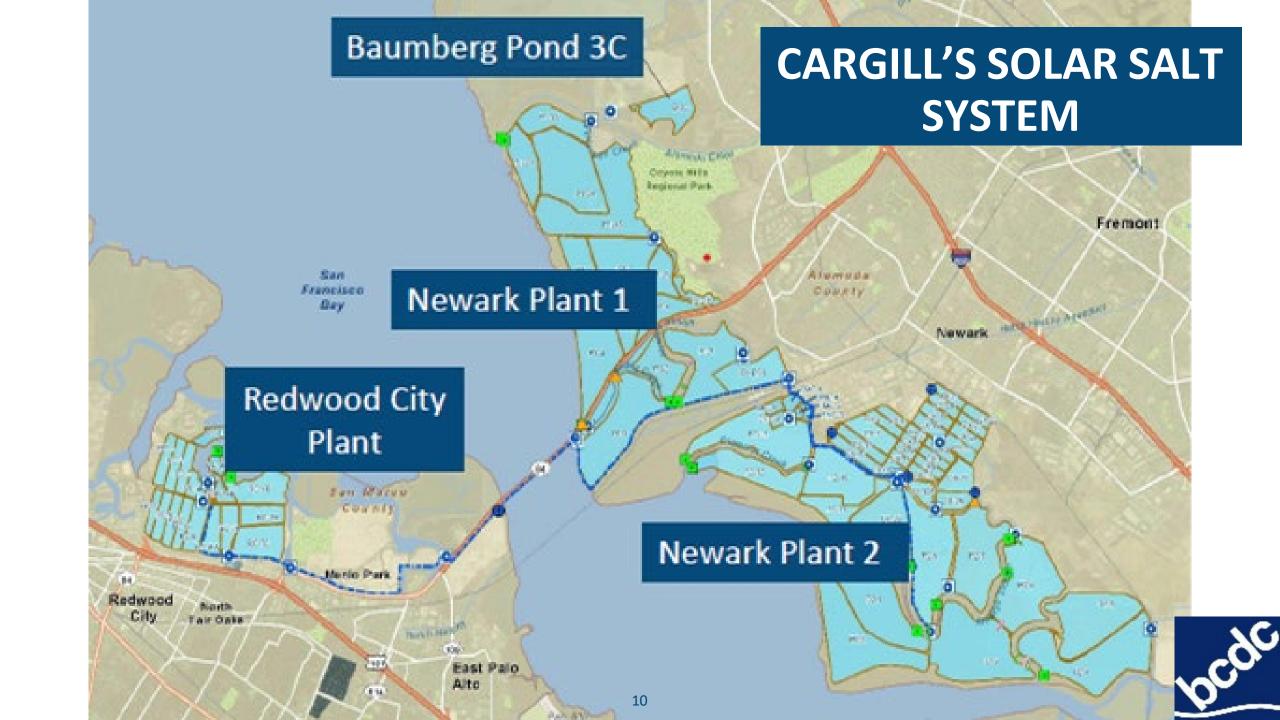


Figure 2-1 Project Are

East Bay Dischargers Authority Cargill Mixed Sea Salt Processing and Brine Discharge Project Final EIF

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# CARGILL'S PROPOSED SALT POND MAINTENANCE ACTIVITIES INCLUDE:

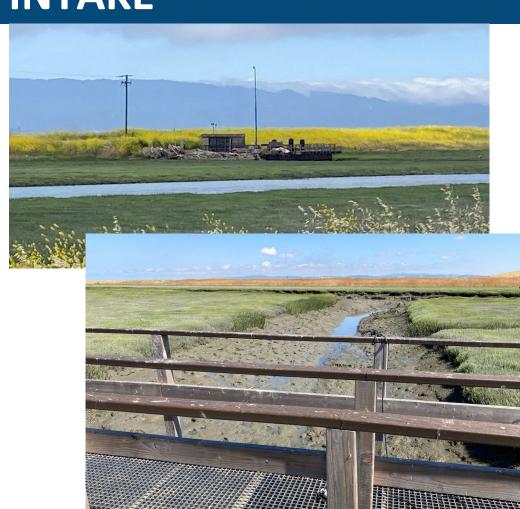


- Adding, replacing, and repairing soil, filter fabric, and riprap on limited sections of berms
- Adding soil to berms and grading the tops to address erosion, adapt to sea level rise, and improve drivability
- Maintaining and replacing infrastructure such as pumps, tide gates, and platforms
- Removing sediment at pump intakes
- Installing fish screens on one or more pumps at their main Bay water intake on Alameda Creek

### INSTALLATION OF FISH SCREENS AT THE COYOTE INTAKE, CARGILL'S PRIMARY BAY WATER INTAKE



Conical fish screens at Napa Sonoma Marsh Restoration Area Photo courtesy of Karen Taylor, CDFW



Photos of the Coyote Intake

by J Hyman, BCDC

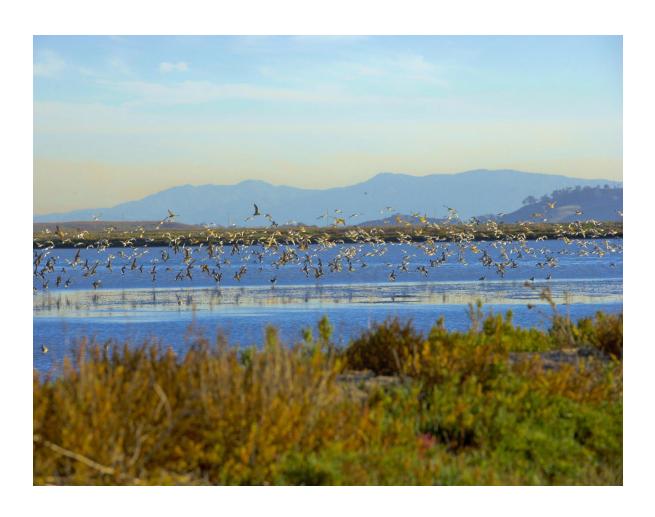
# ACTIVITIES EVALUATED IN THE DRAFT ENVIRONMENTAL ASSESSMENT



- The Recirculated Draft EA evaluates the potential impacts of these maintenance and operation activities.
- The EA covers a broader scope than the existing Cargill Maintenance & Operations permit and includes an analysis of certain operations, including:
  - Pumping water from the Bay into ponds
  - Truck trips in and out of the plants
  - Storage of highly saline brine in ponds adjacent to the Bay



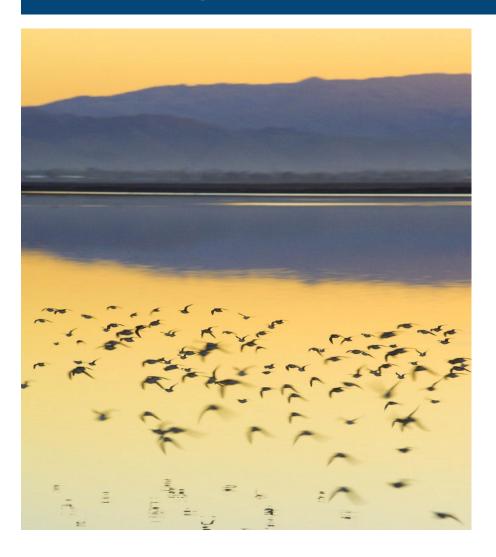
### BENEFITS OF MAINTAINING THE SOLAR SALT SYSTEM



- Provides habitat for numerous species of fish and wildlife
- Supports millions of wintering and migratory seabirds, shorebirds, and waterfowl, in addition to various special-status species
- Protects approximately 20 miles of public access trails
- Salt ponds serve as a buffer from Bay waves and tides during storms
- Produces food grade and industrial sea salt products through a sustainable process
- Provides hundreds of jobs and other economic benefits to the region

September 5, 2024 14

### ENVIRONMENTAL PROTECTON MEASURES IN THE EA FOR MAINTENANCE & OPERATION ACTIVITIES



- Prior to performing work, biological monitoring is performed, where needed, to determine if special status species are present
- Best Management Practices (BMPs) avoid and minimize impacts to special status wildlife species and sensitive habitat present in and around the salt ponds
- Cargill will install fish screens for at least one of its pumps at the main Bay water intake on Alameda Creek, and will conduct monitoring to assess the need for fish protection measures at other intakes to avoid potential impacts to special status fish species
- Cargill will further evaluate risks to MSS berms from wave overtopping and berm keying



### ADDITIONAL STUDIES RELATED TO THE MIXED SEA SALTS (MSS) PONDS AT NEWARK PLANT 2



- Cargill has performed additional studies on the MSS ponds for:
  - Berm seismic integrity
  - Shoreline erosion protection (riprap)
  - Potential flooding from extreme storms and sea level rise (berm height)
  - Emergency response planning
  - These studies will be considered by the ECRB at its September 11 meeting

September 5, 2024

# SUMMARY OF THE ENVIRONMENTAL ASSESSMENT PROCESS



Salt marsh harvest mouse, endangered

Western snowy plover, threatened



Salt marsh harvest mouse image from USFWS; Western snowy plover image from California Audubon Society

- GAIA Consulting is preparing the EA consistent with BCDC's process for environmental review under CEQA.
- The Recirculated Draft EA is currently posted on the BCDC web site.
- The Recirculated Draft EA 30-day public comment period will conclude on September 21, 2024.
- Comments received on the Recirculated Draft EA will be considered in the Final EA document.
- The EA may be used by other State agencies to support their related permit approvals.



## KEY ISSUES IN THE ENVIRONMENTAL ASSESSMENT



South Bay salt marsh image from South Bay Salt Pond
Restoration Project/California State Coastal Conservancy

#### Potential effects of:

- Maintenance activities on various species and sensitive habitat within and adjacent to the Cargill Solar Salt system
- Placement of riprap at new locations along the outboard berm slopes facing the Bay
- Sea level rise and seismic events on berm integrity
- Water intake and sediment removal on special status fish species
- Maintenance activities on cultural and tribal cultural resources

Potential effects on air quality, greenhouse gas emissions, noise, traffic and water quality also being evaluated and are generally similar to current conditions

### CHANGES FROM THE CURRENT PERMIT



Longfin smelt, endangered

Cargill is making limited changes to its current operations, including:

- Installing fish screens on one or more pumps at their main Coyote intake
- Increasing its use of amphibious equipment which substantially reduces impacts to salt marsh habitat

#### Changed conditions:

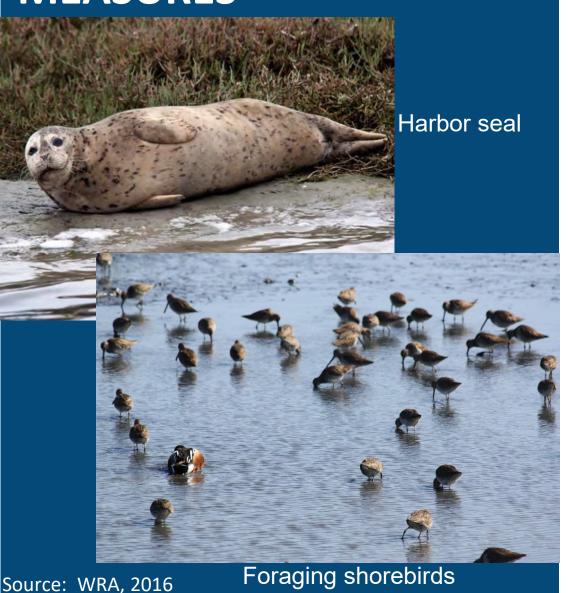
- Two threatened or endangered fish species were listed after Cargill obtained its current permit and have the potential to be present within the area.
- Environmental conditions have changed because fish passage for threatened species has been restored in Alameda Creek

### POTENTIALLY SIGNIFICANT IMPACTS



- Most potential impacts are anticipated to be less than significant
- 9 potentially significant impacts were identified
  - Biological Resources (4 impacts)
  - Cultural and Tribal Cultural Resources (3 impacts)
  - Geology/Seismicity (1 impact)
  - Hydrology and Water Quality (1 impact)
- The EA concluded that all potentially significant impacts can be mitigated to a less than significant level with the mitigation included in the EA

### PROPOSED MITIGATION MEASURES



- Biological Resources
  - Minimization of potential for brine seepage
  - Avoidance, minimization, and mitigation of impacts associated with use of Bay water intakes
  - Minimization of potential hydroacoustic impacts due to impact pile driving
  - Compensatory mitigation for loss of or unavoidable impacts to State- or Federally-protected wetlands and waters of the State

### PROPOSED MITIGATION **MEASURES**



Slough and salt ponds

Source: Cargill, Incorporated

- Cultural and Tribal Cultural Resources
  - Response processes for inadvertent encounter of undiscovered archaeological resources, human remains, and/or Tribal **Cultural Resources**
- Geology, Soils and Seismicity
  - Evaluation and mitigation of potential effects of MSS pond berm keying
- Hydrology and Water Quality
  - Evaluation of MSS pond berms' vulnerability due to wave runup and overtopping during storm events



### **NEXT STEPS**



American avocets

September 5, 2024

Source: Houston Audubon Society

- BCDC receipt of public comments through September 21
- Consideration of and response to public comments
- Preparation of Final EA
- Commission review of Final EA and consideration of new permit

### COMMENT REVIEW PROCESS



- Transcribe verbal comments from the meeting recordings
- Compile verbal and written comments
- Identify common themes
- Evaluate need for modifications to the project and/or mitigation measures
- Revise and finalize EA with modifications as needed
- A listing of comments and responses to the comments will be included in the EA as an appendix
- Comments provided in Spanish will be translated into English and addressed in English

### WE WELCOME PUBLIC COMMENTS



- Provide verbal comments today (following Commission discussion)
- Provide written comments today in the chat or on comment cards (comment cards are available)
- Provide written comments by 5 PM on September 21, 2024 to Sam Fielding: via email <a href="mailto:sam.fielding@bcdc.ca.gov">sam.fielding@bcdc.ca.gov</a> or via snail mail at BCDC, 375 Beale St., San Francisco, CA 94105
- Comments cannot be accepted by telephone



### ADDITIONAL OPPORTUNITIES FOR PUBLIC COMMENT

- Written or verbal comments on the proposed permit may be provided to BCDC (Sam Fielding) at any time until the Commission's consideration of the permit.
- A BCDC Engineering Criteria Review Board meeting will be held on September 11 to discuss MSS Pond stability issues. The public can attend and comment at that meeting.
- The Commission will meet to consider the Final EA and permit (December 2024). The public can attend and comment at that meeting.
- Contact Sam Fielding at BCDC to get put on the "Interested Party List" to get electronic notices of all public meetings on the Cargill permit.
- Interpretation is available for individuals preferring to comment in a language other than English.

### **ENVIRONMENTAL JUSTICE (EJ)**



 Outreach to adjacent communities is a component of the permitting process, in compliance with Bay Plan Environmental Justice and Social Equity policies



### PUBLIC OUTREACH OVERVIEW



### Public Outreach Activities Conducted in Support of the Project to Date:

- Scoping (2020) newspaper notices and direct mailing
- Tribal outreach to contact list provided by NAHC in 2020 and 2024 (updated list) – four tribes responded, one tribe provided input
- Draft EA mailed > 400 notices, email list of interested parties notified
- ECRB Meetings 2022, 2023, and
   September 11, 2024
- Community meetings August 8, 2023
- Recirculated Draft EA mailed > 2,000 notices, extensive email list of interested parties notified
- Community meeting September 4, 2024
- Commission hearing September 5, 2024



### **COMMISSION DISCUSSION**



### WE WELCOME PUBLIC **COMMENTS**

#### **BCDC Contacts:**

- **Phoenix Armenta** Phoenix.Armenta@bcdc.ca.gov
- Sam Fielding: Sam.Fielding@bcdc.ca.gov
- Harriet Ross: Harriet.Ross@bcdc.ca.gov

- You have 3 minutes to speak
- In Zoom, Raise your hand or put questions in the ChatOn your phone, press \*9







### PUBLIC COMMENTS

