

AGENDA



- Background on Cargill's application to renew their Maintenance and Operations permit
- Review the Final Environmental Assessment for the permit
- Overview of Informal Tribal Consultation
- Commission clarifying questions
- Public comments
- Commission discussion and vote



CARGILL MAINTENANCE AND OPERATIONS PERMIT



Salt pond berm photo from Cargill Maintenance Memo, 2021

- Cargill currently produces solar sea salt on the shores of SF Bay
- Cargill's current maintenance and operations activities are regulated by a 10-year permit issued in 1995 permit has been amended and extended numerous times and was recently extended to: June 30, 2025
- Cargill has applied for a new 10year permit to authorize the activities

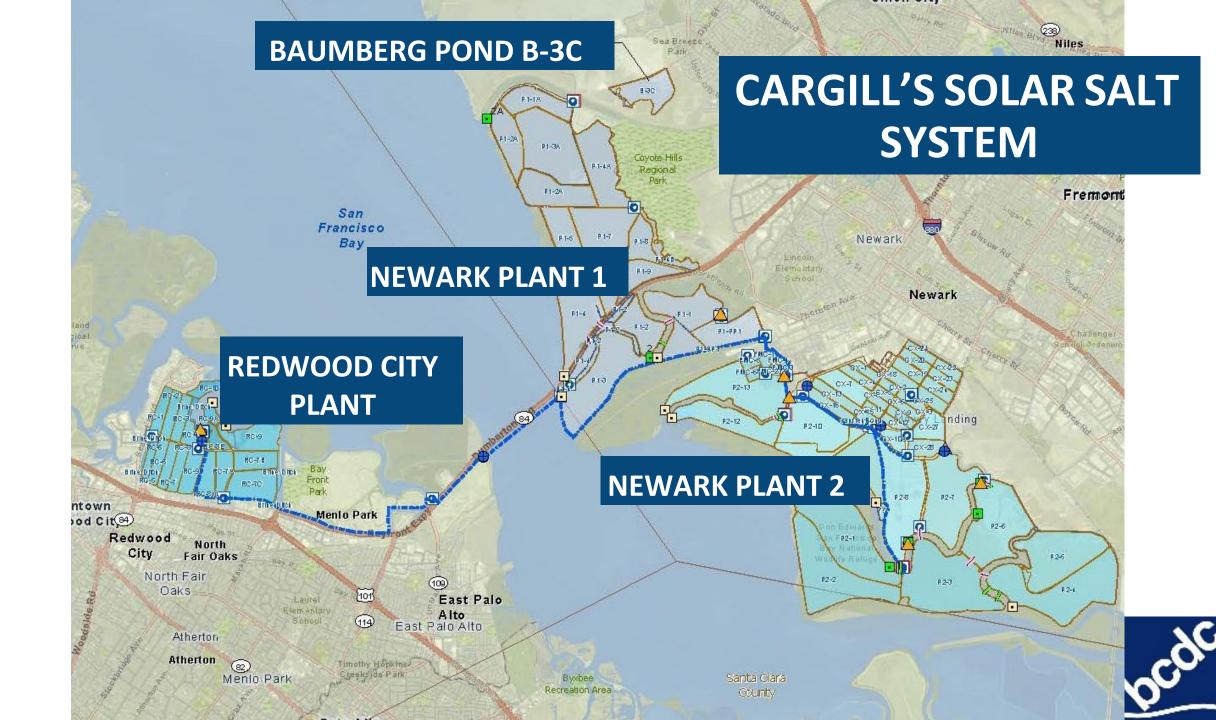
THE ENVIRONMENTAL ASSESSMENT FOR THE PERMIT



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

- Evaluates potential adverse environmental effects of the activities to be authorized in the permit
- BCDC is the lead agency under the California Environmental Quality Act (CEQA) because no local discretionary approvals are required
- BCDC's environmental review process is a certified regulatory program under CEQA
- Closely coordinating with the responsible agencies





ENVIRONMENTAL ASSESSMENT TIMELINE



Outboard salt pond berm slope protected with repurposed concrete riprap.

- Draft Environmental Assessment (EA) initially published in April 2021
- Due to changes in the proposed Project and to address comments on the Draft EA, the Recirculated Draft EA (RDEA) was released with a public comment period of August 22 to September 23, 2024
- Consulting with the Engineering Criteria Review Board (ECRB) to address concerns raised related to berm stability at Cargill's Mixed Sea Salt (MSS) storage ponds
- Final EA was posted on April 18, 2025

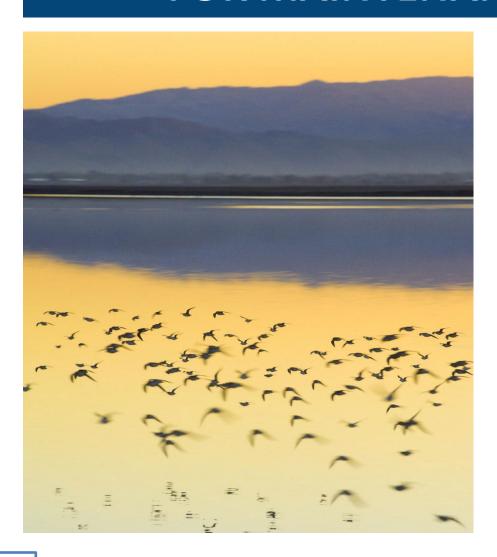


CARGILL'S PROPOSED SALT POND MAINTENANCE ACTIVITIES INCLUDE:



- 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

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 pond berms from wave overtopping



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 evaluated and are generally similar to current conditions

POTENTIALLY SIGNIFICANT IMPACTS



Longfin smelt, endangered

- Most potential impacts are anticipated to be less than significant
- 8 potentially significant impacts were identified
 - Biological Resources (4 impacts)
 - Cultural and Tribal Cultural Resources (3 impacts)
 - 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

Source: Rene Reyes, US Bureau of Reclamation



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



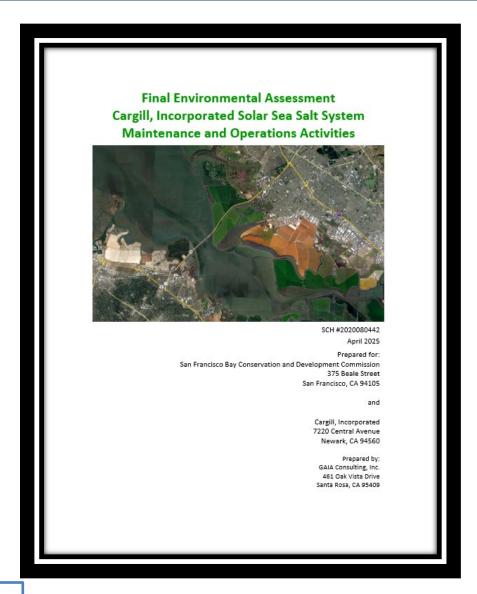
Slough and salt ponds

Source: Cargill, Inc.

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



CONTENTS OF THE FINAL EA



- Update on Tribal consultation
- Comments and responses to comments, including 2 master comment responses
 - MCR-1 Intake of Bay Water
 - MCR-2 Nature-Based Solutions
- Clarifications and corrections to the RDEA
- Mitigation Monitoring and Reporting Program (MMRP)
- Expanded discussion of Monitoring and Adaptive Management Plan (MAMP) in MCR-1
- Comment Letters
- Mailing List



CHANGES BETWEEN THE DRAFT AND FINAL EA



Photo of the Coyote Intake by J Hyman, BCDC

- An expanded description of the Monitoring and Adaptive Management Plan (MAMP)
- More specific requirements for interim operations of Bay intakes (as part of last time extension for existing permit) before the permit and MAMP are implemented
- An expanded discussion of the potential use of nature-based solutions instead of riprap for shoreline protection
- Addition of 7 new best management practices (BMPs)
- Deletion of one geologic mitigation measure that is no longer needed as a result of ECRB input
- Updated anticipated maintenance quantities

SAFETY MEASURES FOR THE MIXED SEA SALTS (MSS) PONDS



- As a result of three ECRB meetings held, the EA includes special measures for the MSS pond berms:
- Pond berms will be raised above the FEMA Base Flood Elevation of 11 feet to an elevation of 11.5 feet NAVD88 and the berms facing the Bay up to 12.0 feet NAVD88 by the end of 2029
- Cargill will prepare a Long-term Adaptive Management Plan (LAMP) by the end of 2029 to address potential berm overtopping and erosion from extreme storms and sea level rise
- Due to the potential for the berms to be displaced in an earthquake, Cargill will prepare a robust Emergency Contingency Plan



PUBLIC OUTREACH OVERVIEW



Public Outreach Activities for the Draft EA and RDEA:

- Scoping of Draft EA (2020) newspaper notices and direct mailing
- Draft EA (2021) mailed > 400 notices, email list of interested parties notified
- Publicly-noticed ECRB Meetings –
 2022, 2023, and 2024
- Community meetings –
 August 8, 2023

(Continued...)



PUBLIC OUTREACH OVERVIEW (CONTINUED)

Public Outreach Activities for the RDEA and Final EA:

- Recirculated Draft EA (2024) mailed
 >2,000 notices, extensive email list of interested parties notified
- Community meeting September 4, 2024
- Commission hearing on RDEA –
 September 5, 2024
- Final EA (2025) again mailed > 2,000
 notices, and notified extensive email list of
 interested parties (public notice of the
 Final EA is not required under CEQA)
- Commission meeting on Final EA May 1, 2025

PUBLIC COMMENTS ON RDEA



Salt pond photo by J Hyman, 2023

- BCDC received comment letters from:
 - California Department of Fish and Wildlife (CDFW)
 - California Department of Transportation (Caltrans)
 - California State Lands Commission (SLC)
 - California Department of Toxic Substances Control (DTSC)
 - San Francisco Bay Regional Water Quality Control Board (RWQCB)
 - Citizens Committee to Complete the Refuge (CCCR)
- These letters contained a total of 102 distinct comments
- 3 verbal comments received at the September
 4, 2024 Community Meeting



PUBLIC COMMENTS ON RDEA



- The Final EA has tabulated responses for each individual comment
- Final EA provides detailed master comment responses on two most frequently-raised issues:
 - 1) minimizing impacts from the intake of Bay water and
 - 2) use of nature-based solutions for shoreline protection

Photo of high-salinity salt ponds



TRIBAL OUTREACH - 2020



This image demonstrates the overlapping lands of native tribes in the vicinity of the Cargill salt ponds, represented by the blue marker. From the Map of Native Lands in the Bay Area from the Bay Area Equity Atlas, Indigenous Populations in the Bay Area Bay Area Equity Atlas, 2025 – this map was created by local non-profits and may not reflect all tribes or the extent of native lands determined from the tribes themselves.

Draft EA outreach letters were emailed to each tribe on list of tribal contacts from Native American Heritage Commission (NAHC)

- The Indian Canyon Mutsun Band of Costanoan responded, recommending an archeological monitor and Native American monitor be present during any earth moving activity
- A representative of the Ohlone Indian Tribe commented verbally for support of mitigation measures provided in the EA



TRIBAL OUTREACH - 2024

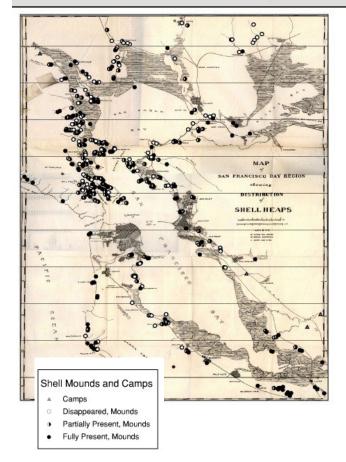
Outreach letters on the RDEA were sent to updated tribal contact list obtained from NAHC - four tribes responded:

- The Amah Mutsun Tribal Band of San Juan Bautista offered cultural resources services and general recommendations should any potential tribal resources be identified within 1 mile of the Project area.
- The Muwekma Ohlone Tribe, Inc. Offered tribal cultural services.
- The Indian Canyon Band of Costanoan Ohlone People indicated that the Project's Area of Potential Effect overlaps with or is near the management boundary of a potentially eligible cultural site, and are interested in consulting and voicing their concerns. They also provided general recommendations regarding work near the location of the potentially eligible cultural site.
- The Confederated Villages of Lisjan Nation, which have a cultural affiliation with an area including Newark Plants 1 and 2, requested tribal consultation.



TRIBAL CONSULTATIONS

Shellmounds in San Francisco Bay Area, 1909



From Matthew Booker and Allen Roberts, Spatial History Lab, Stanford University

- The Confederated Villages of Lisjan Nation is an Ohlone tribe who has lived on East Bay lands for thousands of years.
- Concerned with historical records indicating the potential presence of shellmounds on Cargill's Newark Plant 2.
- Additional research was done and desktop study was prepared to review the locations of shellmound sites. No evidence placed the shellmounds in the project area, evidence showed several to be nearby.
- Tribe's input was reflected in the updated mitigation measure on tribal cultural resources in the Final EA through a series of meetings.
- Cargill will collaborate with the tribe to provide training to Cargill staff on identifying potential tribal cultural artifacts during their work.
- Cargill will work with other interested tribes on annual training.



CARGILL PRESENTATION



OTHER AGENCY ENTITLEMENTS FOR THIS PROJECT



U.S. Army Corps of Engineers*

- Clean Water Act (CWA) Section 404 Permit
- Section 10 Rivers and Harbors Act Permit
- Section 408 Permission

National Marine Fisheries Service – Biological Opinion

U.S. Fish and Wildlife Service – Biological Opinion California Department of Fish and Wildlife

- Incidental Take Permit
- Routine Maintenance Agreement
- Lake and Streambed Alteration Agreement (Possible)

SF Bay Regional Water Quality Control Board*

- CWA Section 401 Water Quality Certification
- Waste Discharge Requirements issued pursuant to the authority of the State of CA Porter-Cologne Water Quality Act

*These agencies are relying on this EA



NEXT STEPS



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- Commission review of staffrecommended approval of Final EA
- Commission consideration of new permit application (targeted for June 5, 2025 Commission meeting date)
- File CEQA Notice of Determination if Commission approves EA and permit
- Cargill, BCDC, and other agencies will implement and monitor implementation of Mitigation Monitoring and Reporting Program

Source: Houston Audubon Society

COMMISSION CLARIFYING QUESTIONS



PUBLIC COMMENTS



COMMISSION DISCUSSION AND ACTION

- Staff recommends that the Commission approve the Final EA with specified management practices and mitigation measures to reduce environmental impacts of the proposed continued maintenance and operation activities of Cargill's solar salt system in Newark and Redwood City, California to a level of less than significance.
- Final EA is not effective unless and until the Commission approves the permit application for the Project
- Resource agencies are relying on EA for issuance of their entitlements