

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
California State University Maritime Academy
Waterfront Master Plan



Prepared for:



California State University Maritime Academy

July 2024

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1 INTRODUCTION

1.1 PURPOSE

This statement of Findings of Fact (Findings) and Statement of Overriding Considerations addresses the environmental effects associated with the California State Maritime Academy (Cal Maritime) Waterfront Master Plan Project (project). The approximately 31-acre project site (Assessor's Parcel Number 006-209-0030) is located within the Cal Maritime campus boundaries in the City of Vallejo, at the foot of the Carquinez Bridge in southwest Solano County and the adjacent waters of Morrow cover. These Findings are made under Sections 21081, 21081.5, and 21081.6 of the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq., Title 14, California Code of Regulations Section 15000 et seq. (CEQA Guidelines), and Sections 15091 and 15093 of the State CEQA Guidelines. The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR, as well as additional facts found in the complete record of proceedings.

PRC Section 21081 and State CEQA Guidelines Section 15091 require the lead agency to prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The California State University (CSU) Board of Trustees is the lead agency responsible for preparation of the EIR in compliance with CEQA and the State CEQA Guidelines. Section 15091 of the State CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with PRC Section 21081 and Section 15093 of the State CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the State CEQA Guidelines.

Section 15093 of the State CEQA Guidelines state that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the CSU Board of Trustees finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the State CEQA Guidelines, the CSU Board of Trustees adopts these Findings as part of its certification of the Final EIR for the Waterfront Master Plan Project. Pursuant to PRC Section 21082.1(c)(3), the CSU Board of Trustees also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the project. As required by CEQA, the CSU Board of Trustees, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The CSU Board of Trustees finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of PRC Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

1.2 ORGANIZATION AND FORMAT OF FINDINGS

Chapter 1 contains a summary description of the Waterfront Master Plan Project and background facts relative to the environmental review process.

Chapter 2 discusses the CEQA findings of independent judgment. Section 2.1 identifies the project's potential environmental effects that were determined not to be significant and, therefore, do not require mitigation measures. Section 2.2 describes the environmental effects determined not to be significant during the notice of preparation (NOP) scoping process and therefore were not discussed in the EIR. Section 2.3 identifies the potentially significant effects of the project that would be mitigated to a less than significant level with implementation of the identified mitigation measures. Section 2.4 identifies the significant impacts of the project that cannot be mitigated to a less than significant level, even though all feasible mitigation measures have been identified and incorporated into the project.

Chapter 3 discusses the findings regarding the feasibility of the project alternatives that were studied in the EIR.

Chapter 4 discusses findings with respect to mitigation of significant adverse impacts, certification of the Final EIR, and adoption of MMRP.

Chapter 5 contains the Statement of Overriding Considerations providing the CSU Board of Trustees' views on the balance between the project's significant environmental effects and the merits and objectives of the project.

1.3 SUMMARY OF PROJECT DESCRIPTION

The project site is located within the Cal Maritime campus boundaries in the City of Vallejo, at the foot of the Carquinez Bridge in southwest Solano County and the adjacent waters of Morrow Cove. San Pablo Bay waterfront is the most prominent feature of the Cal Maritime campus and supports teaching and recreational programming. Facilities include an approximately 2,640-foot-long publicly accessible waterfront promenade and public parking; an operational port for small craft; an operating pier; and the (Training Ship Golden Bear) TSGB, a 500-foot training vessel on loan from the US Maritime Administration (MARAD). A time-critical component of the project is preparation for the arrival of the new training ship, the National Security Multi-Mission Vessel (NSMV), which will replace Cal Maritime's TSGB. The NSMV will be the fifth in a new fleet of ships specifically designed by MARAD for emergency use by the Federal Emergency Management Agency (FEMA) and available for requisition as needed. Most of the time, the vessels will be moored at US state maritime academies and used for training merchant marines by the academies.

The Cal Maritime waterfront has never undergone comprehensive master planning and instead has evolved over time in response to evolving programmatic needs. The condition of the waterfront facilities and infrastructure varies from good to poor, and extensive repairs or upgrades are needed. Cal Maritime also anticipates academic and operational changes over the next 5-10 years that elevate the need for a cohesive waterfront master plan. The Waterfront Master Plan establishes a vision for achieving a campus waterfront aligned with the unique academic and maritime operations, environmental factors, and resiliency needs of Cal Maritime. The plan builds on preliminary concepts explored and aligned with campus community input and identifies three phases of development over the next 10 years focusing on upgrades to in-water infrastructure, renovation and development of waterfront buildings, enhancement of waterfront open space and connectivity, and expansion of site-serving utilities. The project would not change enrollment or student capacity on campus or alter projected growth of the university.

Phase One of the project is independent of the other two phases and focuses on actions necessary to take delivery of the NSMV. It would include upgrades to in-water infrastructure and Marine Yard, as well as expansion of site-serving utilities. Phase Two of the proposed project would focus on project objectives to rehabilitate the boathouse, expand and optimize the boat basin, redevelop the existing Marine Yard, increase hands-on instructional opportunities, link campus buildings to waterfront open space, enhance public access, and safeguard waterfront resilience and ecological functioning. Phase Two involves activities that are not critical to support the arrival of the NSMV but are important for Cal Maritime's educational mission and expansion of cadet instruction. Phase Three of the proposed project would focus on many of the same objectives as Phase Two. Specifically, Phase Three would add classrooms and outdoor learning spaces associated with the Marine Programs Multi-Use Building, and a marine hydrokinetic (MHK) barge and linking trestle may also be implemented. This phase would also focus on improvement of the campus-coastline linkage and open spaces and a heightened level of resilience to climate- and storm-related stresses.

1.4 PROJECT OBJECTIVES

The twofold underlying purpose of the proposed project is to prepare the Cal Maritime campus waterfront for the arrival and subsequent operation of the NSMV and to upgrade infrastructure and facilities that support other campus and public waterfront-dependent program needs. These other program needs include hands-on campus instruction related to small and large craft navigation, maintenance, and other ship provisioning operations; small craft mooring and storage; and public recreational use.

Consistent with, and in furtherance of, the project purpose, the proposed project has the following objectives:

- ▶ Upgrade Cal Maritime's in-water and landside facilities and infrastructure to accommodate berthing and operation of the NSMV, as follows:
 - Replace the main pier and potentially the existing trestle (or causeway) to accommodate the larger NSMV, meet heavy-weather mooring requirements, and allow access to the NSMV by trucks and equipment needed for operation and maintenance of the vessel.
 - Provide necessary new and upgraded infrastructure and utilities sized to support the NSMV.
 - Upgrade the existing marine yard to accommodate improved access, a staging area for ship supplies for the annual training cruise, training areas, support for embarkation and debarkation, and US Coast Guard-required port security measures.
- ▶ Upgrade and replace infrastructure to facilitate efficient waterfront operations important for Cal Maritime's educational mission and expansion of cadet instruction.
- ▶ Increase hands-on maritime instructional opportunities for cadets to move beyond traditional classroom experience and gain in-water experience.
- ▶ Allow for NSMV to operate as an extension of Cal Maritime facilities and provide maritime training and education for cadets.

- ▶ Expand and optimize the boat basin to allow simultaneous safe movement of more than two vessels for academic on-water instruction and recreational activities; accommodate Cal Maritime training and small recreational craft currently moored off-site because of lack of space; and accommodate an expanded Cal Maritime fleet of vessels, including a new replacement tug and oceanographic or similar research vessel.
- ▶ Dredge the existing and expanded boat basin to ensure depth sufficient to accommodate small vessel programs at the university.
- ▶ Ensure that the TSGB remains accessible for instructional use during Phase One implementation of the Waterfront Master Plan.
- ▶ Rehabilitate the boathouse in a manner that retains its historic integrity.
- ▶ Link campus buildings with waterfront open space and enhance public pedestrian and bicycle access to and along an activated waterfront.
- ▶ Ensure waterfront resilience, including the shoreline upland and transition zones that support public open space and recreational use, to climate and storm-related stresses.
- ▶ Protect ecological functioning along the waterfront, including upland, intertidal, and subtidal components.
- ▶ Allow the NSMV to be requisitioned by FEMA for emergency use, as needed.

1.5 MASTER PLAN ELEMENTS

Buildout of the Waterfront Master Plan is anticipated in three phases of development over the next 10 years. Components for each phase are summarized in Table 1 below.

Table 1 Cal Maritime Waterfront Master Plan phasing and components

Land Use	Existing Conditions	Proposed Project
Phase One		
Main Pier and Trestle	<ul style="list-style-type: none"> ▶ Pier is approximately 30 feet wide and 262 feet long ▶ Trestle connecting shore to pier is approximately 20 feet wide and 202 feet long ▶ Catwalk extension is approximately 4 feet wide and 204 feet long ▶ Approximately 70 piles make up main pier, including 20 fender piles 	<ul style="list-style-type: none"> ▶ Pier demolition and replacement with 50 feet wide and 450 feet long pier ▶ Trestle extension to new length of 220 feet (with possibility of full replacement) ▶ Removal of 135 piles ▶ Removal of breakwater, including steel pile-supported catwalk and sheet piles serving as a wave screen, as well as mooring dolphins ▶ Installation of 282 new piles
Boat Basin 1 and Floating Docks	<ul style="list-style-type: none"> ▶ Approximately 4,500 square feet of floating dock space ▶ 10 slips/berthing positions ▶ 16 guide piles make up floating docks ▶ Maintenance dredging every 8–10 years of approximately 15,400 cubic yards 	<ul style="list-style-type: none"> ▶ 9,500 square feet of floating dock space ▶ 23 slips/berthing positions ▶ Installation of approximately 50 guide piles ▶ Construction of two gangways approximately 60 feet long by 5 feet wide and ascending 4 feet high ▶ 40,000 cubic yards of dredged material to be excavated
Marine Yard	<ul style="list-style-type: none"> ▶ Approximately 0.5 acre ▶ Hosts a number of small buildings and structures within secured perimeter ▶ Marine Programs and Naval Science modular structures are located outside MARSEC-secured perimeter of Marine Yard 	<ul style="list-style-type: none"> ▶ Organized to operate in a typical training and education manner

Land Use	Existing Conditions	Proposed Project
	<ul style="list-style-type: none"> ▶ Cadets use area within secured perimeter to train with forklifts and ships' cranes to practice loading cargo and other provisioning activities 	
<p>Vessel</p>	<ul style="list-style-type: none"> ▶ 500-foot training vessel (the TSGB) ▶ 151 feet tall with operating draft of 30.5 feet ▶ Accommodations for 295 crew and students 	<ul style="list-style-type: none"> ▶ 525-foot multi-mission vessel (the NSMV) ▶ Design draft of 21 feet 4 inches ▶ Accommodations for 600 cadets ▶ TSGB would be temporarily relocated and operated while the main pier is under construction during Phase One
<p>Utility Systems</p>	<ul style="list-style-type: none"> ▶ Existing wastewater pump station is adequately sized in current conditions; however, it is close to capacity ▶ No known issues with existing water conveyance system condition; no major maintenance or repair requirements are anticipated ▶ Stormwater treatment facilities currently do not exist for waterfront area 	<ul style="list-style-type: none"> ▶ Upgrades to VFWD pump station ▶ Replacing line from pier to lift station (approximately 1,400 linear feet may be required) ▶ Improvements to water conveyance system to meet fire flow and pressure requirements, as well as remediation of unusually shallow pipes in some areas, including replacement of lines that are too small and/or too shallow and connecting dead-end lines ▶ Potable water line expansion out to main pier ▶ Improvements to existing stormwater drainage channel along Maritime Academy Drive, including upsizing a culvert and potentially widening some portions of channel, and reducing peak flow upstream detention ▶ Installation of stormwater treatment facilities ▶ Upgrades to shore power transformer, switch gear, and cable management system ▶ Upgrades to telecommunication lines ▶ Upgrades to fire detection systems, energy management, heating/ventilation/air-conditioning, chilled water, boilers, and steam piping ▶ Demolition and removal of steam plant ▶ Rerouting, and potential expansion of existing dock boiler, gas supply, and metering ▶ Sitewide lighting upgrades
<p>Temporary Berth Accommodations</p>	<ul style="list-style-type: none"> ▶ Suisun Bay Reserve Fleet ▶ City of Vallejo Marina 	<ul style="list-style-type: none"> ▶ Suisun Bay Reserve Fleet (TSGB, tugboat, and small passenger boat (or T-boat)) ▶ Cadets would continue to receive instruction aboard TSGB while temporarily moored at Suisun Bay during the day, with nighttime activities limited to night watches (four cadets per watch performing 3-hour shifts for a 12-hour total nighttime duration) ▶ Cal Maritime would operate shuttle between main campus and temporary berth at Suisun Bay and City of Vallejo Marina to transport cadets, faculty, and staff as needed ▶ Cadets will continue to receive small vessel training at City of Vallejo Marina
<p>Phase Two</p>		
<p>Boathouse</p>	<ul style="list-style-type: none"> ▶ Approximately 9,990 square feet 	<ul style="list-style-type: none"> ▶ Seismic upgrades, including foundation improvements and installation of new structural piles

Land Use	Existing Conditions	Proposed Project
	<ul style="list-style-type: none"> ▶ Overwater portion supported by approximately 10 piles ▶ One large open assembly area, sail loft, seven offices, two unisex restrooms, utility and equipment rooms, break room, wood and metal workshops, and storage spaces ▶ Partially enclosed boat basin ▶ Three boat slips 	<ul style="list-style-type: none"> ▶ Interior upgrades reverting the primary entrance (or headhouse) back to original use as sail loft, ADA-compliant improvements and restroom, electrical, and plumbing system upgrades
Boat Basin 2	<ul style="list-style-type: none"> ▶ Not present in existing conditions ▶ Currently open water in Morrow Cove 	<ul style="list-style-type: none"> ▶ Expansion of existing boat basin by creating new 18,000-square-foot pier with breakwater extending 450 feet offshore ▶ Installation of 10,800 square feet of floating berthing area with 26 slips/berthing positions ▶ Installation of approximately 270 new piles ▶ 30,000 cubic yards of dredging with expanded boat basin
Marine Yard	<ul style="list-style-type: none"> ▶ Marine Yard area located outside MARSEC-secured perimeter ▶ Cadets use area to train with forklifts and practice loading cargo and other provisioning activities 	<ul style="list-style-type: none"> ▶ Envisioned to be pedestrian-oriented plaza ▶ Would serve functional activities related to the new NSMV and contain staging, storage, and truck access ▶ Landscape improvements ▶ Demolition and removal of existing Marine Program and Naval Science modulars
Shoreline	<ul style="list-style-type: none"> ▶ Maintained by Cal Maritime as open space and allows public access ▶ Armored with riprap and approximately 533 stone columns for seismic integrity site densification ▶ Picnic, fishing, and other park/recreation facilities available along the shoreline ▶ A portion of the Bay Trail also runs along an asphalt path paralleling the shoreline terminating near the dining hall on west side of campus 	<ul style="list-style-type: none"> ▶ Upland zone improvements, including primary pedestrian path; plantings; and upland portion of a public pier, lookout, and waterfront plaza
Phase Three		
Marine Programs Multi-Use Building	<ul style="list-style-type: none"> ▶ Located in Marine Yard, outside the MARSEC-secured perimeter ▶ Marine Programs modular is approximately 2,575 square feet ▶ Naval Science modular is approximately 2,279 square feet 	<ul style="list-style-type: none"> ▶ Construction of new multi-story Marine Programs Multi-Use Building set back into hillside ▶ Gross building area would be approximately 20,300 square feet ▶ Lookout and harbor control tower also proposed in this area and would be between 50 and 60 feet in height
Marine Hydrokinetic Barge	<ul style="list-style-type: none"> ▶ Not present in existing conditions ▶ Currently open water east of TSGB 	<ul style="list-style-type: none"> ▶ Installation of power barge anchored close to shore and upstream of main pier and NSMV ▶ Would provide renewable energy source to campus of up to 10 megawatts
Row House	<ul style="list-style-type: none"> ▶ Not present in existing conditions ▶ Currently open water in Morrow Cove 	<ul style="list-style-type: none"> ▶ New two-story, mixed-use, portal framed structure ▶ Gross area is proposed to be approximately 10,750 square feet (6,150 square feet at first floor and 4,600 square feet at second-floor mezzanine)

Land Use	Existing Conditions	Proposed Project
<p>Central Waterfront Esplanade and Canopy</p>	<ul style="list-style-type: none"> ▶ Not present in existing conditions ▶ Involves area at terminus of major campus axis connecting main quad and extending to new pier with breakwater developed during Phase Two 	<ul style="list-style-type: none"> ▶ Structure is proposed on-water, to be placed over floating dock system composed of high-density polyethylene cubes ▶ Construction of new iconic canopy structure, feature paving, fire pits, educational signage, and interactive furnishing elements ▶ Canopy area would be approximately 3,780 square feet with a height of 14 feet ▶ Construction of large, stepped seating area on western edge providing access to water's edge at different tidal levels ▶ Exterior light fixtures, integrated atmospheric misting, outdoor ceiling fans, built-in furniture, gas barbecue equipment or fire pits could also be developed
<p>Shoreline</p>	<ul style="list-style-type: none"> ▶ Same area as Phase Two 	<ul style="list-style-type: none"> ▶ Mass grading and implementation of the transition zone, intertidal zone, and living reefs ▶ Transition zone improvements: landscaping improvements, construction of secondary pedestrian path ▶ Intertidal zone improvements: creation of habitat for specific species and sea level rise resilience ▶ Living reef improvements: create native habitat for oysters, eels, and mussels ▶ Completion of overwater portions of public pier and lookouts constructed during Phase Two

Notes: ADA = Americans with Disabilities Act; MARSEC = Maritime Security; NSMV = National Security Multi-Mission Vessel; TSGB = Training Ship Golden Bear; VFWD = Vallejo Flood and Wastewater District

1.6 ENVIRONMENTAL REVIEW PROCESS

1.6.1 Notice of Preparation

In accordance with CEQA (PRC Section 21092) and the State CEQA Guidelines (14 CCR Section 15082), Cal Maritime issued a NOP on December 1, 2022. Cal Maritime circulated the NOP to responsible and trustee agencies, organizations, and interested individuals to solicit comments on the proposed project. Cal Maritime followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The NOP was received by the State Clearinghouse (State Clearinghouse No. 2022120009) and a 30-day public review period ended on January 3, 2023. A public scoping meeting was conducted by Cal Maritime on December 8, 2022 via webinar.

1.6.2 Draft Environmental Impact Report

In accordance with CEQA (PRC Sections 21000-21177) and the State CEQA Guidelines (14 CCR Sections 15000-15387), Cal Maritime prepared a Draft EIR to address the potential significant environmental effects associated with the proposed project. The Draft EIR addresses the following potentially significant environmental issues:

- ▶ Aesthetics;
- ▶ Air Quality;
- ▶ Archaeological, Historical, and Tribal Cultural Resources;
- ▶ Biological Resources;
- ▶ Energy;
- ▶ Geology and Soils;

- ▶ Greenhouse Gas Emissions;
- ▶ Hazards and Hazardous Materials;
- ▶ Hydrology and Water Quality;
- ▶ Land Use and Planning;
- ▶ Noise;
- ▶ Public Services and Recreation;
- ▶ Transportation;
- ▶ Utilities and Service Systems; and
- ▶ Wildfire.

Cal Maritime published the Draft EIR for public and agency review on May 15, 2024 for a 45-day public review period that ended on June 29, 2024. During the public review period, the Draft EIR was available for public review at the following locations:

- ▶ Online at: <https://www.csum.edu/facilities-planning-design-and-construction/capital-improvement-projects/waterfront.html>.
- ▶ Cal Maritime Library: 200 Academy Drive Vallejo, CA 94590.

Cal Maritime hosted a public meeting on June 5, 2024 via webinar to inform interested parties about the project, provide a summary of the environmental impact conclusions from the Draft EIR, and give agencies and the public an opportunity to provide comments on the EIR.

During the Draft EIR public review period, Cal Maritime received two letters from state agencies and two letters from organizations and individuals. All comment letters received in response to the Draft EIR were reviewed and included in the Final EIR, and responses to significant environmental points raised in the review were addressed in the Final EIR in compliance with the CEQA Guidelines (Sections 15088, 15132).

1.6.3 Final Environmental Impact Report

Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues and prepare written responses addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR as needed and as appropriate.

The Final EIR assembles in one document all the environmental information and analysis prepared for the proposed project, including comments on the Draft EIR and lead agency responses to those comments.

In accordance with State CEQA Guidelines Section 15132, the Final EIR for the proposed project consists of: (i) a list of the persons, organizations, and public agencies commenting on the Draft EIR; (ii) comments received on the Draft EIR and written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and, (iii) the Draft EIR with additions shown in underline and deletions shown in strikethrough.

The Final EIR was released on July 10, 2014 and was made available for review by commenting agencies, in accordance with CEQA requirements. The Final EIR was also made available to the public online at <https://www.csum.edu/facilities-planning-design-and-construction/capital-improvement-projects/waterfront.html>.

2 CEQA FINDINGS OF INDEPENDENT JUDGMENT

2.1 EFFECTS DETERMINED NOT TO BE SIGNIFICANT

Section 15128 of the State CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. This information is addressed under the heading "Issues Not Discussed Further" in each

resource section of the Final EIR and, with respect to those issue areas that were scoped out as part of the NOP process, in Section 6.1, "Effects Not Found to be Significant" of the Final EIR. Based on these discussions, implementation of the proposed project was determined to result in no potentially significant impacts related to the following issues, which were therefore, not discussed in detail in the EIR:

- ▶ Aesthetics: The Waterfront Master Plan would not affect scenic resources within a state scenic highway.
- ▶ Agricultural Resources: The Waterfront Master Plan would not conflict with existing agricultural zoning for agricultural use or a Williamson Act contract.
- ▶ Agricultural Resources: The Waterfront Master Plan would not conflict with existing zoning for, or cause rezoning of, forestland or timberland and would not result in the loss of forestland or conversion of forestland to non-forest use.
- ▶ Agricultural Resources: The Waterfront Master Plan would not result in conversion of agricultural land to nonagricultural use or involve other changes in the existing environment which could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use because there are no agricultural or forestry resources on the project site or designated within the City of Vallejo.
- ▶ Biological Resources: The Waterfront Master Plan would not affect riparian habitat and terrestrial sensitive natural communities.
- ▶ Biological Resources: The Waterfront Master Plan would not significantly affect state and federally protected wetlands and other waters.
- ▶ Biological Resources: The Waterfront Master Plan would not result in impacts on terrestrial wildlife movement corridors or native wildlife nursery sites.
- ▶ Biological Resources: The Waterfront Master Plan would not conflict with local policies or ordinances protecting biological resources.
- ▶ Biological Resources: The Waterfront Master Plan would not conflict with adopted habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans.
- ▶ Geology and Soils: The Waterfront Master Plan would not result in the loss of availability of mineral resources.
- ▶ Geology and Soils: The Waterfront Master Plan would not expose people or structures to potential substantial adverse effects related to the rupture of a known earthquake fault.
- ▶ Geology and Soils: The Waterfront Master Plan would not involve the construction or use of septic tanks.
- ▶ Hazards and Hazardous Materials: The Waterfront Master Plan would not emit hazardous emission or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- ▶ Hazards and Hazardous Materials: The Waterfront Master Plan is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
- ▶ Hazards and Hazardous Materials: The Waterfront Master Plan is not located within two miles of a public airport or public use airport and would not result in a related safety hazard or excessive noise for people residing or working in the project area.
- ▶ Land Use and Planning: The Waterfront Master Plan would not physically divide an established community.
- ▶ Noise: The Waterfront Master Plan would not expose people residing or working in the Master Plan area to excessive noise associated with airport/airstrip-related operations.
- ▶ Noise: The Waterfront Master Plan would not generate excessive groundborne vibration or groundborne noise levels during operation.

- ▶ Noise: The Waterfront Master Plan would not result in an increase in operation-related traffic or associated traffic noise.
- ▶ Population and Housing: The Waterfront Master Plan would not induce unplanned population growth.
- ▶ Population and Housing: The Waterfront Master Plan would not displace people or homes, necessitating the construction of replacement housing elsewhere.
- ▶ Public Services: The Waterfront Master Plan would not affect the services of local schools and other public services.
- ▶ Transportation: The Waterfront Master Plan would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3.
- ▶ Transportation: The Waterfront Master Plan would not result in inadequate emergency access.

2.2 LESS THAN SIGNIFICANT IMPACTS

The Board of Trustees finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impacts have been determined be less than significant and no mitigation is required pursuant to PRC Section 21081(a) and State CEQA Guidelines Section 15091(a):

Aesthetics

An evaluation of the project's visual resources impacts is found in Section 3.1, "Aesthetics," of the Final EIR. The project area is already developed with the Cal Maritime campus. Although the project would expand existing structures and introduce new structures, the visual quality of the project site would continue to be aligned with the unique academic and maritime operations of the campus, aiding in the maritime academic experience by providing unique educational and training opportunities. Completion of the project would create enhanced and upgraded maritime facilities that would support the campus' educational mission, consistent with the existing uses and surroundings of the campus. Therefore, implementing the proposed project would not substantially impact scenic vistas in the vicinity (**Impact 3.1-1 and Cumulative**). The project would follow the campus design principals and guidelines stated in the Physical Master Plan to establish consistency with the surrounding campus design. Therefore, the project would not substantially impact the visual character or quality of public views of the site and surroundings (**Impact 3.1-2 and Cumulative**). Implementation of the project would result in new sources of light and glare that may affect daytime views; however, lighting would be designed to meet current regulations and policies, which would reduce both the generation of exterior light and the potential for light trespass to affect off-site areas (**Impact 3.1-3 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to scenic vistas, visual character, and contribution of light and glare that may affect daytime views and no mitigation measures are required.

Air Quality

An evaluation of the project's air quality impacts is found in Section 3.2, "Air Quality," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to conflicts with or obstructing implementation of an applicable air quality plan (**Impact 3.2-1 and Cumulative**); construction and operation emissions of criteria air pollutants or ozone precursors that exceed the Bay Area Air Quality Management District's (BAAQMD's) thresholds (**Impact 3.2-2 and Cumulative**); short- or long-term increases in localized carbon monoxide (CO) emissions that would expose sensitive receptors to unhealthy levels (**Impact 3.2-3 and Cumulative**);

exposure of sensitive receptors to substantial increases in toxic air contaminant (TAC) emissions (**Impact 3.2-4 and Cumulative**); or emissions of odors that adversely affecting a substantial number of people (**Impact 3.2-5 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to conflicts with or obstructing implementation of an applicable air quality plan, construction-related operation-related criteria air pollutants or ozone precursors, short- or long-term increases in localized CO emissions that would expose sensitive receptors to unhealthy levels, exposure of sensitive receptors to substantial increases in TAC emissions, and emissions of odors that would adversely affect a substantial number of people and no mitigation measures are required.

Archaeological, Historical, and Tribal Cultural Resources

An evaluation of the project's archaeological, historical, and tribal cultural resources impacts is found in Section 3.4, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to the disturbance of human remains (**Impact 3.4-5 and Cumulative**). Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered.

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to disturbance of human remains and no mitigation measures are required.

Energy

An evaluation of the project's energy impacts is found in Section 3.5, "Energy," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources (**Impact 3.5-1 and Cumulative**); or conflict with or obstruct a state or local plan for renewable energy or energy efficiency (**Impact 3.5-2 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to wasteful, inefficient, or unnecessary consumption of energy; wasteful use of energy resources; and conflict with or obstruction of a state or local plan for renewable energy or energy efficiency, and no mitigation measures are required.

Geology, Soils, and Mineral Resources

An evaluation of the project's geology, soils, and mineral resources impacts is found in Section 3.6, "Geology, Soils, and Mineral Resources" of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to exposure of people or structures to seismic hazards including ground shaking, seismic-related ground failure, liquefaction and lateral spreading, and tsunamis (**Impact 3.6-1 and Cumulative**) or risk of damage from development on expansive soils (**Impact 3.6-2 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to exposure of people or structures to seismic hazards and development on expansive soils, and no mitigation measures are required.

Greenhouse Gas Emissions and Climate Change

An evaluation of the project's impacts on greenhouse gas (GHG) emissions is found in Section 3.7, "Greenhouse Gas Emissions and Climate Change," of the Final EIR. Cal Maritime and its construction contractors would adhere to construction best management practices (BMPs) that would reduce GHG emissions from project construction activities. Operation of the project would not increase the student and faculty/staff population. Therefore, natural gas consumption and mobile-source emissions would not increase. The project would also include a new renewable energy source (i.e., marine hydrokinetic barge) that is expected to replace an existing nonrenewable steam plant. The project would be consistent with BAAQMD's Thresholds of Significance, the 2022 Scoping Plan, and CSU's overarching sustainability policies. For these reasons, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with state GHG reduction goals (**Impact 3.7-1 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to generation of GHGs and no mitigation measures are required.

Hazards and Hazardous Materials

An evaluation of the project's impacts related to hazards and hazardous materials is found in Section 3.8, "Hazards and Hazardous Materials," of the Final EIR. Implementation of the Waterfront Master Plan would not create a significant hazard to the public or the environment through the routine transport, use, disposal or potential upset conditions hazardous materials (**Impact 3.8-1 and Cumulative**); impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (**Impact 3.8-3 and Cumulative**); or expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires (**Impact 3.8-4 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to transport, use, or disposal of hazardous materials; interference with an adopted emergency response plan or emergency evacuation plan; and exposure to risks involving wildland fires; and no mitigation measures are required.

Hydrology and Water Quality

An evaluation of the project's hydrology and water quality impacts is found in Section 3.9, "Hydrology and Water Quality," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable management of a groundwater basin (**Impact 3.9-2 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable management of a groundwater basin and no mitigation measures are required.

Land Use and Planning

An evaluation of the project's land use impacts is found in Section 3.10, "Land Use and Planning," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (**Impact 3.10-1**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and no mitigation measures are required.

Noise and Vibration

An evaluation of the project's noise and vibration impacts is found in Section 3.11, "Noise and Vibration," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to creation of substantial temporary construction noise and vibration levels (**Impacts 3.11-1 and 3.11-2, and Cumulative**) or creation of substantial increase on-site operational noise level (**Impact 3.11-3 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to creation of substantial temporary construction noise and vibration levels and creation of substantial increase on-site operational noise level, and no mitigation measures are required.

Public Services and Recreation

An evaluation of the project's public services and recreation impacts is found in Section 3.12, "Public Services and Recreation," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to construction of new or physically altered fire and police facilities to maintain acceptable service ratios (**Impact 3.12-1 and Cumulative**) or related to deterioration of neighborhood or regional parks or require construction or expansion of recreational facilities (**Impact 3.12-2 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to public services and recreation and no mitigation measures are required.

Transportation

An evaluation of the project's transportation impacts is found in Section 3.13, "Transportation," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to conflict

with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities (**Impact 3.13-1 and Cumulative**) or increased hazards due to a geometric design feature (**Impact 3.13-2 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to conflicts with programs/plans and geometric design features, and no mitigation measures are required.

Utilities and Service Systems

An evaluation of the project's utilities and service systems impacts is found in Section 3.14, "Utilities and Service Systems," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to availability of sufficient water supplies (**Impact 3.14-1 and Cumulative**); generation of wastewater that exceed existing wastewater treatment capacity (**Impact 3.14-2 and Cumulative**), or generation of solid waste in excess of state or local standards or the capacity of local infrastructure or impairing the attainment of solid waste reduction goals or requirements (**Impact 3.14-3 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to availability of sufficient water supplies; generation of wastewater that exceed existing wastewater treatment capacity; generation of solid waste in excess of state or local standards or the capacity of local infrastructure; and impairing the attainment of solid waste reduction goals or requirements and no mitigation measures are required.

Wildfire

An evaluation of the project's wildfire impacts is found in Section 3.15, "Wildfire," of the Final EIR. Implementation of the Waterfront Master Plan is not projected to result in any significant impacts related to exposure of people or structures to the risk of loss, injury, or death directly from wildland fires or post-fire flooding or landslides (**Impact 3.15-1 and Cumulative**); or impairing an adopted emergency response plan or evacuation plan (**Impact 3.15-2 and Cumulative**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the project would have less than significant effects related to exposure of people or structures to the risk of loss, injury, or death directly from wildland fires or post-fire flooding or landslides; and impairing an adopted emergency response plan or evacuation plan and no mitigation measures are required.

2.3 POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

Pursuant to PRC Section 21081(a) and State CEQA Guidelines Section 15091(a)(1), the CSU Board of Trustees finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the identified significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

Biological Resources

An evaluation of the potential biological resource impacts associated with implementation of the Waterfront Master Plan is provided in Section 3.3, "Biological Resources," of the Final EIR. Implementation of the Waterfront Master Plan would involve ground disturbance activities that could result in loss of special-status plants if present (**Impact 3.3-1 and Cumulative**) or disturbance, injury, or mortality of several special-status wildlife species if present, reduced breeding productivity of these species, and loss of species habitat (**Impact 3.3-2 and Cumulative**). Implementation of the Waterfront Master Plan would involve in-water construction activities that could result in disturbance to or loss of aquatic sensitive natural communities and other sensitive habitat (**Impact 3.3-3 and Cumulative**); or adverse effects on fish movement and nursery habitat (**Impact 3.3-4 and Cumulative**).

Mitigation measures to avoid or reduce the environmental effects of the project on biological resources are adopted by the lead agency.

MITIGATION MEASURES

Mitigation Measure 3.3-1: Conduct Special-Status Plant Surveys, Implement Avoidance Measures and No-Net-Loss Strategies

Prior to implementation of project activities within the approximately 0.5-acre vegetated hillside on the project site and during the blooming period for the special-status plant species with potential to occur in the project site, a qualified botanist shall conduct protocol-level surveys for special-status plants within this portion of the project site using survey methods from CDFW’s Protocols for Surveying and Evaluating Impacts on Special Status Native Plant Populations and Natural Communities (CDFW 2018 or most recent version). The qualified botanist shall: 1) be knowledgeable about plant taxonomy, 2) be familiar with plants of the San Francisco Bay Area region, including special-status plants and sensitive natural communities, 3) have experience conducting floristic botanical field surveys as described in CDFW 2018, 4) be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data at <http://vegetation.cnps.org/>), and 5) be familiar with federal and state statutes and regulations related to plants and plant collecting.

- ▶ If special-status plants are not found, the botanist shall document the findings in a letter report to Cal Maritime, and no further mitigation will be required.
- ▶ If special-status plant species are found, the plant shall be avoided completely, to the maximum extent feasible (i.e., if a majority of project objectives can still be met). Avoidance may be achieved by establishing a no-disturbance buffer around the plants and demarcation of this buffer by a qualified biologist or botanist using flagging or high-visibility construction fencing, or through other established, professionally accepted methods. The size of the buffer shall be determined by the qualified biologist or botanist and will be large enough to avoid direct or indirect impacts on the plant.

Table 3.3-3 Normal Blooming Period for Special-Status Plants that May Occur on the Project Site

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Big-scale balsamroot												
Big tarplant												

Source: Data compiled by Ascent in 2023; CNPS 2023.

- ▶ If special-status plants are found during special-status plant surveys and cannot be avoided, Cal Maritime in coordination with CDFW shall develop and implement a site-specific strategy to achieve no net loss of occupied habitat or individuals. Measures shall be developed by a qualified biologist and include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation, and/or restoring or creating habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within or outside of the project site. Habitat and

individual plants lost shall be mitigated at a minimum 1:1 ratio, taking into account acreage as well as function and value. Success criteria for preserved and compensatory populations shall include:

- The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat.
- Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:
 - plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
 - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
 - If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

Mitigation Measure 3.3-2a: Conduct Focused Surveys for Special-Status Birds, Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers

To minimize the potential for loss of special-status bird species, raptors, and other native birds, project activities (e.g., tree removal, other vegetation removal, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 1–January 31, as determined by a qualified biologist), if feasible. If project activities are conducted during the nonbreeding season, no further mitigation shall be required.

For project activities that occur during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), within 14 days prior to starting activities, a qualified biologist familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for special-status birds, other nesting raptors, and other native birds and shall identify active nests within 500 feet of the project site. These surveys shall be repeated if there is a break in activities longer than 14 days, which could allow birds to initiate new nests. The biologist shall document the survey results in a written memo, report, or email communication to Cal Maritime.

In the event nesting birds are identified on the project site, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance of the nest. A qualified biologist shall determine the size of the buffer after a site- and nest-specific analysis. Buffers typically will be 500 feet for raptors and 100 feet for non-raptor special-status species. Factors to be considered for determining buffer size include presence of natural buffers provided by vegetation or topography, nest height above ground, baseline levels of noise and human activity, species sensitivity, and proposed project activities. The size of the buffer may be adjusted if a qualified biologist determines that such an adjustment would not be likely to adversely affect the nest. Project activities shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer will not likely result in nest abandonment. Any buffer reduction for a special-status species shall require consultation with CDFW. Periodic monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist.

Mitigation Measure 3.3-2b: Implement Invasive Species Management Procedures

For all phases of the project, Cal Maritime shall require all vessels brought to the project site from ports outside of San Francisco Bay and Delta for aquatic construction or during operations to follow all applicable maritime regulations relating to the exchange of ballast water to prevent the spread of invasive species from outside ports. Additionally, any in-water fill materials shall not be salvaged from areas outside of San Francisco Bay (e.g., piles shall be new, rock shall be freshly quarried and not previously in a marine environment).

Any pumps that may be needed during construction shall be cleaned and dried for at least 72 hours prior to being used on the project. Implementation of this measure shall be required in the contract Cal Maritime establishes with its construction contractors.

Mitigation Measure 3.3-2c: Implement In-Water Work Window

To minimize impacts on special-status fish, Cal Maritime shall require all in-water work, including pile driving and similar activities that require placing materials below the water's surface, to be completed between July 1 and November 30. Work may occur above the waterline year-round, including use of necessary in-water support vessels, so long as spill prevention measures are employed as described in Mitigation Measure 3.3-2d. This in-water work window may be modified and extended if regulatory agencies determine during the permitting process that work outside of this window may occur without significant risk to fish. Implementation of this measure shall be required in the contract Cal Maritime establishes with its construction contractors.

Mitigation Measure 3.3-2d: Implement Spill Prevention and Control

Prior to commencement of construction activities, a spill prevention and control plan shall be developed and implemented for the proposed project throughout all phases of construction. This plan shall at minimum include the following parameters to reduce potential effects from spills to less than significant levels:

- ▶ Identification of any hazardous materials used by the project.
- ▶ Storage locations and procedures for such materials.
- ▶ Spill prevention practices as well as best management practices employed for various activities.
- ▶ Requirements to inspect equipment daily such that it is maintained free of leaks.
- ▶ Spill kit location, cleanup, and notification procedures.

Mitigation Measure 3.3-2e: Implement Environmental Awareness Training

A project-specific environmental awareness training for construction personnel shall be prepared and conducted or administered by a qualified biologist before commencement of construction activities for each phase of the project and as needed when new personnel begin work on the proposed project. The training shall inform all construction personnel about the presence of sensitive habitat types; potential for occurrence of special status fish and wildlife species; the need to avoid damage to suitable habitat and species harm, injury, or mortality; measures to avoid and minimize impacts to species and associated habitats; the conditions of relevant regulatory permits, and the possible penalties for not complying with these requirements. The training may consist of a pre-recorded presentation to be played for new personnel, a script prepared by the biologist and given by construction personnel trained by the biologist, or training administered by on-site biological monitors. The training shall include:

- ▶ Applicable State and federal laws, environmental regulations, proposed project permit conditions, and penalties for non-compliance. A physical description of special-status species with potential to occur on or in the vicinity of the project site, avoidance and mitigation measures, and protocol for encountering such species including communication chain;
- ▶ Best management practices enacted for habitat protection and their location on the project site including the implementation of any Spill or Leak Prevention Programs.
- ▶ Contractors shall be required to sign documentation stating that they have read, agree to, and understand the required avoidance measures. If they do not understand, they shall withhold their signature until the qualified biologist addresses their question. The contractor may not begin work until they have signed the documentation.
- ▶ Field identification of any project site boundaries, egress points and routes to be used for work. Work shall not be conducted outside of the project site.

A record of this training shall be maintained on the project site and shall be made available to agencies upon request.

Mitigation Measure 3.3-2f: Implement Dust and Debris Control

During all phases of the project, Cal Maritime and its construction contractors shall employ debris, dust, and garbage control measures to ensure disturbances to any upland areas as well as overwater work does not result in turbidity or debris being placed in the Bay. Dust control measures shall include all of the following:

- ▶ In areas within the boat basin where waters are less affected by high velocity currents, a debris boom or silt curtain shall be deployed around demolition sites, in addition to vessels or catchments used to catch demolition debris before it falls into the water.
- ▶ In areas outside the boat basin that are affected by high velocity currents, a debris boom or silt curtain may not be feasible during demolition and a work skiff or similar craft may be used instead of a debris boom to corral any debris that may accidentally fall into waters during demolition. Debris shall be retrieved immediately and shall not be allowed to drift away from the worksite.
- ▶ Where cast-in-place concrete is required in over-water areas, the contractor shall use forms and catchments that will prevent concrete from falling into the water. Cast-in-place forms shall remain in place until concrete has completely cured and shall be removed using means that minimizes dust and freshly cured concrete from falling into the water.
- ▶ Within upland areas, any disturbed soils shall be managed to prevent dust from becoming airborne or silt laden runoff from being introduced to the aquatic environment.
- ▶ All incidental construction-related refuse shall be collected in sealed containers and removed regularly.

Mitigation Measure 3.3-2g: Implement Sediment Testing and Dredging Controls

Prior to dredging in any phase of the project, an assessment shall be conducted according to DMMO sediment sampling requirements to sample and analyze sediments within areas proposed for dredging. The assessment shall be reviewed and approved by the DMMO according to current RWQCB and EPA standards and procedures and sediment shall be placed, beneficially re-used, or disposed of in accordance with standard DMMO requirements.

In addition, dredging activities shall implement the following best management practices:

- ▶ Materials shall only be dredged and disposed of in accordance with procedures approved by the DMMO.
- ▶ If concentrations are too high for beneficial reuse in upland restoration or other standard dredge material disposal method, materials may be hauled to an approved hazardous waste disposal facility.
- ▶ Dredging shall be limited to the specified areas, depths, and quantities.
- ▶ No overflow or decant water shall be discharged from any barge at any time.
- ▶ During transportation from the dredging site to the disposal site, no dredged material shall be permitted to overflow, leak, or spill from barges, bins, or dump scows.
- ▶ Prior to dredging in areas of contaminated sediment, a Dredge Operations Plan shall be prepared based on the results of DMMO-required sediment sampling, and shall include all necessary measures to contain, dispose of, and/or remediate contaminated sediments, including:
 - Containment of turbidity during dredging, including BMPs, such as a silt curtain.
 - Identification of measures to contain or treat areas of contaminated sediments to prevent the potential for contaminated sediment dispersal following dredging.
 - Identification of methods for handling, transporting, and disposing of contaminated sediment and methods for handling contaminated sediment.

Mitigation Measure 3.3-2h: Use Appropriate Creosote Pile Removal and Disposal Methods

During construction activities involving removal of creosote piles, Cal Maritime and its construction contractors shall implement the following measures to ensure the appropriate removal and disposal of creosote piles:

- ▶ When removing creosote piles the contractor shall either fully remove the pile/structure, or piles may be cut off at least 1 foot below the mudline.
- ▶ Any fragments of wood that break off during the removal process will be collected immediately even if within the limits of a turbidity curtain.
- ▶ Any treated timber removed in this manner shall be hauled to an upland landfill that accepts treated timber waste for disposal.

Mitigation Measure 3.3-2i: Implement Methods to Reduce Sound Attenuation from Pile Installation

Prior to initiation of construction, the CSU shall consult with regulatory agencies with jurisdiction over the project activities, including but not limited to CDFW, NMFS, and USFWS, to obtain appropriate permits, and shall follow the required permit conditions. If permit requirements conflict with requirements below, the permit requirements shall take precedence. During all phases of the project, the following measures shall be implemented during the driving of all piles to reduce any effects from pile driving to less than significant levels:

- ▶ In water work shall be limited to the work window as stated in Mitigation Measure 3.3-2c.
- ▶ Any wildlife encountered within the work area shall be allowed to leave the area unharmed.

The following measures shall also be included for times when work involves driving steel piles.

- ▶ To the extent possible, pile driving of steel piles shall be conducted with a vibratory hammer.
- ▶ When installation with an impact hammer is required for steel piles, the following additional measures shall be employed:
 - Use of a bubble curtain around steel piles.
 - Use of a slow start (gradually increasing energy and frequency) at the start of driving, or after a cessation of driving for more than 1 hour.
 - Underwater sound monitoring shall be performed during pile driving activities. Sound monitoring shall be completed for a minimum of 5 percent of the piles driven of each size and type utilized during construction to verify consistency with sound measurements of similar pile types and sizes documented for other projects. If sound measurements exceed those taken from similar pile types and sizes for other projects, additional sound attenuation measures, enhanced bubble curtains, or limiting pile strikes shall be implemented, and sound measurements shall be tested again to achieve sound levels similar to other projects.

Mitigation Measure 3.3-2j: Reduce or Compensate for Shading of Open Waters and Other Special-status Species Impacts

Where possible, the project shall install light-transmitting surfaces allowing for a minimum of 40 percent light transmission to the waters below. In the event light-transmitting surfaces cannot be installed for safety and accessibility reasons, the project shall mitigate for shading and lost aquatic resource function by one of the following means:

- ▶ Removing equivalent shaded coverage over open water at a nearby site,
- ▶ With the purchase of appropriate mitigation credits from an approved mitigation bank at a (1:1 ratio), or
- ▶ By other similar actions approved by regulatory agencies with jurisdiction over the project activities, such as CDFW, NMFS, and USFWS, during the consultation process, so long as those alternative actions achieve a similar effect as described above (e.g., construction of a restoration project which causes ecological uplift of habitat quality).

Mitigation Measure 3.3-2k Implement Limited Operating Period or Conduct Focused Surveys for Crotch Bumble Bee

Initial ground-disturbing work (e.g., grading, vegetation removal, staging) within the approximately 0.5-acre vegetated hillside portion of the project site shall take place between August 15 and March 15, if feasible, to avoid impacts on Crotch bumble bees potentially nesting in this area.

If completing all initial ground-disturbing work between August 15 and March 15 is not feasible, then a qualified biologist approved by CDFW, familiar with bumble bees of California, with experience using survey methods for bumble bees shall conduct a habitat assessment and focused survey for Crotch bumble bee within the vegetated hillside portion of the project site prior to the start of any ground-disturbing activities, following the methods in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023a).

- ▶ Cal Maritime shall submit a survey report to CDFW within one month of survey completion and shall notify CDFW within 24 hours if Crotch bumble bees are detected.
- ▶ If Crotch bumble bees are detected during the focused survey, appropriate avoidance measures shall be implemented. Avoidance measures may include, but not be limited to the following:
 - ▶ Protective buffers shall be implemented around active nesting colonies or overwintering queens until these sites are no longer active.
 - ▶ If impacts on Crotch bumble bee cannot be avoided, Cal Maritime shall obtain an Incidental Take Permit (ITP) from CDFW and shall implement all avoidance measures included in the ITP.

Mitigation Measure 3.3-2l: Reduce Construction Impacts on Marine Mammals

In addition to implementation of Mitigation Measure 3.3-2h: Pile Driving Methods and Monitoring, the project shall implement the following additional measures to reduce impacts to marine mammals from in-water construction.

- ▶ Cal Maritime shall consult with NMFS to obtain a marine mammal harassment authorization for any potential project related harassment of marine mammals.
- ▶ During all construction work where materials are being actively placed below the water line, a marine mammal monitor shall be present to observe and document marine mammal presence.
- ▶ During pile driving, if a marine mammal is within the buffer distance shown in Table 3.3-4, or within distances determined by NMFS based on future updated construction drawings and contractor input, the marine mammal monitor shall inform the construction crew and work shall temporarily halt until the animal has passed outside of the disturbance buffer.

Table 3.3-4 Distances to Marine Mammal Onset Post-Traumatic Stress by Pile and Hammer Type

Pile Material	Pile Size	Hammer Type	Hammer Strikes Per Day (Impact) or Drive Time Per Day (Vibratory)	Buffer Distance (feet)
Steel shell	24-inch	Impact	6,000 strikes	1,750
Steel shell	24-inch	Vibratory	360 minutes	20
Steel shell ¹	48-inch	Impact	6,000 strikes	3,650
Steel shell	48-inch	Vibratory	360 minutes	50
Sheetpile ¹	24-inch	Impact	6,000 strikes	425
Sheetpile	24-inch	Vibratory	360 minutes	95

¹For calculation of the buffers distances above it is assumed a bubble curtain would be deployed to reduce the overall decibels by 5.

Mitigation Measure 3.3-2m: Reduce Impacts from Hydrokinetic Barge

Prior to installation and operation of the barge, a qualified biologist shall review the proposed design and operation of the hydrokinetic barge to determine if operation of the barge is likely to cause take of fish or if the operation will impact sensitive habitats. The qualified biologist shall compose a memo outlining anticipated operational procedures and shall review any potential impacts to fish and habitats, along with recommendations to modify the proposed operation to minimize any such impacts to less than significant levels (if necessary). Such recommendations may include:

- ▶ Take permits under California Fish and Game Code and the federal Endangered Species Act shall be obtained prior to installation and operation of any hydrokinetic barge system with the potential to harass, injure or kill listed fish or other listed aquatic species.

- ▶ Measures to isolate the turbine and other moving parts from the aquatic environment (such screening) shall be required to avoid and minimize potential impacts to listed species.
- ▶ Noise modeling shall be completed for hydrokinetic barge operation and the results compared to thresholds for noise effects to fish and marine mammals described in Table 3 and Table 7. Measures to minimize significant noise impacts to listed species and marine mammals shall be incorporated into the hydrokinetic barge design.
- ▶ Stationing the barge over water of sufficient depth that it is unlikely to support eelgrass or other submerged aquatic vegetation.
- ▶ Obtaining additional mitigation credits for shading open waters and eelgrass.
- ▶ Seasonal operation of the barge to limit the potential for special-status fish to be injured.
- ▶ During the design phase, specifications on the barge including any components for fish exclusion will be provided to the regulatory agencies including CDFW, NMFS and the USFWS for review and comment.

After a review and any recommendations are compiled, the report shall be submitted to CDFW, USFWS, and NMFS for review to ensure that installation and operation of the barge with any adaptive recommendations shall sufficiently reduce effects of installation and operation of the barge to less than significant levels.

Mitigation Measure 3.3-3: Conduct Focused Surveys and Compensate for Loss of Eelgrass

For the protection and mitigation of impacts to eelgrass, surveys and assessments as well as mitigation prescribed in the California Eelgrass Mitigation Policy (CEMP) (NMFS 2014) (or its subsequent replacement document) shall be implemented by Cal Maritime for the proposed project. As stated in the CEMP, Cal Maritime shall be required to perform the following series of pre- and post-construction surveys and assessments to minimize and compensate for (as necessary) potential impacts to eelgrass.

- ▶ No more than 60 days before implementation of any in-water construction, a pre-construction eelgrass survey shall be conducted by a qualified biologist. The pre-construction survey shall assess all subtidal areas where in-water work will occur plus a 150-foot buffer, excluding any subtidal areas that are deeper than -12 feet mean lower low water (MLLW) as these depths are considered unsuitable for eelgrass in San Francisco Bay. If any eelgrass is detected within the survey area during the pre-construction survey, a reference site shall also be surveyed as part of the pre-construction eelgrass survey as recommended by the CEMP. The size and location of the selected reference site will be determined by the qualified biologist following the recommendations provided in the CEMP. The reference site will be used to differentiate between project-related and non-project-related impacts to eelgrass following the completion of post-construction eelgrass surveys, described below. The pre-construction eelgrass survey shall occur during the growth period for eelgrass within San Francisco Bay as defined by the CEMP (April 1 – October 31).
- ▶ A new pre-construction eelgrass survey shall be performed for each year that in-water work will occur to account for the high amount of variability in eelgrass extent in San Francisco Bay (up to one pre-construction eelgrass survey per year).
- ▶ If eelgrass is detected during any pre-construction eelgrass survey, following the completion of in-water construction, the project site and reference site shall be resurveyed annually for three years as described below:
 - ▶ The first post-construction eelgrass survey shall occur within 30 days following the completion of in-water construction unless work is completed outside the eelgrass growing season in San Francisco Bay; if in-water work concludes outside the eelgrass growing season, the first post-construction eelgrass survey shall be conducted within the first 30 days of the start of next eelgrass growth period.
 - ▶ The second post-construction eelgrass survey shall be performed approximately one year after the first post-construction survey.
 - ▶ The third post-construction eelgrass survey shall be performed approximately two years after the first post-construction survey.

- ▶ All pre- and post-construction eelgrass survey results shall be provided to National Marine Fisheries Service (NMFS) and CDFW.
- ▶ Once all eelgrass surveys are completed, a comparison of pre- and post-construction eelgrass results at the project site shall be assessed relative to the reference site to determine if project-related impacts to eelgrass occurred. The findings shall be provided to NMFS and CDFW to make a final determination regarding the actual impact and amount of mitigation needed, if any, to offset impacts to eelgrass. If in-water work results in permanent impacts to eelgrass, the project proponent will prepare and implement an eelgrass mitigation plan approved by NMFS and CDFW that will result in a no net loss of habitat function or services, generate services similar to that of eelgrass habitat, or will improve conditions for establishment of eelgrass. The mitigation plan shall follow one or a combination of mitigation options described in the CEMP, detailed below:
 - **Option 1: Comprehensive Management Plan.** As described in the CEMP, a Comprehensive Management Plan (CMP) may be an appropriate eelgrass compensatory mitigation strategy in situations where a project or collection of similar projects will result in incremental but recurrent impacts to a small portion of local eelgrass populations through time (e.g., lagoon mouth maintenance dredging, maintenance dredging of channels and slips within established marinas, navigational hazard removal of recurrent shoals, shellfish farming, and restoration or enhancement actions). Specifically, CMPs allow for the development of region or system-specific framework for achieving the objectives of the CEMP instead of the preparation of individual mitigation plans for each discrete action. If prepared, the CMP would need to be approved by NMFS.
 - **Option 2: In-kind mitigation.** In-kind compensatory mitigation is defined as the creation, restoration, or enhancement of habitat to compensate for adverse impacts to the same type of habitat. Under the CEMP, eelgrass mitigation plans which propose in-kind mitigation for eelgrass impacts in the San Francisco Bay are required to achieve a final mitigation ratio of 1.2:1 (mitigation: impact) unless otherwise stated by NMFS during consultation. In addition, because of the relatively low success rate of eelgrass restoration projects implemented in San Francisco Bay, the CEMP recommends an initial eelgrass restoration site size that is 3.01-times larger than the target mitigation size to account for substantial losses. NMFS may increase the required eelgrass mitigation ratio if there is a significant delay between when impacts occurred and when mitigation commences to account for temporal losses in eelgrass habitat. After initial eelgrass planting, the CEMP recommends five years of monitoring of the mitigation site and a reference site. Specifically, the CEMP recommends mapping of eelgrass extent and monitoring of eelgrass density 0, 12, 24, 36, 48, and 60 months after installation of mitigation plantings. Success criteria (such as eelgrass density) are typically assessed relative to the reference site. Actual success criteria, monitoring periods, and site selection shall be determined in coordination with and approved by NMFS.
 - **Option 3: Mitigation banks and in-lieu-fee programs.** Under the CEMP, NMFS supports the use of mitigation bank and in-lieu fee programs to compensate for impacts to eelgrass habitat where such instruments are available and where such programs are appropriate to the statutory structure under which mitigation is recommended. If this mitigation option is selected, credits shall be used at a ratio of 1:1 if those credits have been established for a full three-year period prior to use. If the bank credits have been in place for a period less than three years, credits shall be used at a ratio determined through application of the wetland mitigation calculator.
 - **Option 4: Out-of-kind mitigation.** Out-of-kind compensatory mitigation means the adverse impacts to one habitat type are mitigated through the creation, restoration, or enhancement of another habitat type. In most cases, out-of-kind mitigation is discouraged for eelgrass because eelgrass is a rare, special-status habitat in California. There may be some scenarios, however, where out-of-kind mitigation for eelgrass impacts is ecologically desirable or when in-kind mitigation is not feasible. No recommended eelgrass mitigation ratios are provided in the CEMP for out-of-kind mitigation, however the ratio is likely to be greater than that required for in-kind mitigation. If pursued, an out-of-kind mitigation plan would need to be developed and approved by NMFS prior to implementation. Per the CEMP, the out-of-kind mitigation plan

must demonstrate that the proposed mitigation will compensate for the loss of eelgrass habitat function within the ecosystem and should evaluate mitigation options that generates services similar to that of eelgrass habitat or improve conditions for establishment of eelgrass.

If permanent impacts to eelgrass are evident following analysis of post-construction eelgrass survey, ahead of the final Year 3 post-construction eelgrass survey, Cal Maritime may proceed with developing and implementing an eelgrass mitigation plan in consultation with NMFS and CDFW via any of the above options. Commencing with the eelgrass mitigation process as soon as impacts are realized may help avoid increased mitigation ratios as described above.

Mitigation Measure 3.3-4: Design In-Water Structures to be Permeable to Fish Movement

Prior to approval of final design and construction plans, Cal Maritime shall require and ensure breakwaters and other in-water structures shall be designed to be permeable in such a way that the final design of the Waterfront Master Plan does not form a fully enclosed area which might trap or impede fish movement. Design plans shall provide multiple exit routes at all tides such that fish moving through the vicinity can enter or exit the waterfront facilities at will, through multiple locations thereby minimizing the potential to be affected by marina operations.

FINDING

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential biological resources-related impacts of the project to less than significant levels, and are adopted by the CSU Board of Trustees. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

RATIONALE

Mitigation measures include pre-construction surveys to determine whether sensitive habitat or species are present. If found to be present, mitigation measures would require avoidance (through physical design or seasonal construction windows), implementation of measures to avoid disturbance, injury, or mortality of the species, and compensatory mitigation for habitat or species lost. Mitigation measures also include requiring measures to reduce the likelihood that invasive species would be introduced; requiring in-water work to be performed during less sensitive periods; requiring spill and debris prevention; reducing shading of open waters; and reducing impacts from pile driving, pile disposal, dredging, and the hydrokinetic barge. Implementation of mitigation measures would reduce potential impacts on special-status plants and wildlife species, marine mammals, and fish movement and nursery habitat to less than significant.

Archaeological, Historical, and Tribal Cultural Resources

An evaluation of the project's impacts related to archaeological, historical, and tribal cultural resources is found in Section 3.4, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR. The Cal Maritime boathouse has been recommended as eligible for listing in the National Register of Historic Places (NRHP)/California Register of Historical Resources (CRHR) under Criterion A/1. Implementation of Phase Two of the Waterfront Master Plan could impact the boathouse resulting in adverse effects to a historic resource (**Impact 3.4-1 and Cumulative**). Results of the records search and pedestrian survey did not identify unique archaeological resources within the project site. Although the project site has a low sensitivity for subsurface resources, it remains possible that project-related ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g) (**Impact 3.4-3 and Cumulative**). Tribal consultation under Assembly Bill (AB) 52 has not resulted in the positive identification of a tribal cultural resource as defined by PRC Section 21074. However, excavation activities associated with project construction may disturb or destroy previously undiscovered significant subsurface tribal cultural resources (**Impact 3.4-4 and Cumulative**).

Mitigation measures to avoid or reduce the environmental effects of the project related to historic, archaeological, and tribal cultural resources are adopted by the lead agency.

MITIGATION MEASURES

Mitigation Measure 3.4-1: Comply with the Secretary of the Interior's Standards for Rehabilitation

Prior to implementation of any modifications to the boathouse, Cal Maritime shall consult with SHPO under PRC 5024.5. This consultation shall confirm that alterations to the boathouse comply with the *Secretary of the Interior's Standards for Rehabilitation*.

Mitigation Measure 3.4-3: Halt Ground-Disturbing Activity upon Discovery of Subsurface Archaeological Features

Prior to the start of any ground-disturbing activities, a qualified archaeologist meeting the US Secretary of the Interior guidelines for professional archaeologists shall be retained to develop a construction worker awareness brochure. This brochure shall be distributed to all construction personnel and supervisors who may have the potential to encounter cultural resources. The topics to be addressed in the Worker Environmental Awareness Program shall include, at a minimum:

- ▶ types of cultural resources expected in the project area;
- ▶ what to do if a worker encounters a possible resource;
- ▶ what to do if a worker encounters bones or possible bones; and
- ▶ penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archaeological Resources Protection Act.

If any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil ("midden"), which may conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted, and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, Cal Maritime shall contact the appropriate California Native American tribes. A tribal representative from a California Native American tribe that is traditionally and culturally affiliated with the project area may make recommendations for further evaluation and treatment as necessary and provide input on the preferred treatment of the find. If the find is determined to be significant by the archaeologist or the tribal representative (i.e., because it is determined to constitute a unique archaeological resource or a tribal cultural resource, as appropriate), the archaeologist and tribal representative, as appropriate, shall develop, and Cal Maritime shall implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures may include but would not necessarily be limited to preservation in place (which shall be the preferred manner of mitigating impacts on archaeological and tribal sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan). No work at the discovery location (i.e., within 100 feet of the discovered resource[s] unless a lesser buffer distance is determined appropriate by a qualified professional archaeologist) shall resume until necessary investigation, evaluation, and protection of the resource has been conducted.

Mitigation Measure 3.4-4.a: Worker Environmental Awareness Program for Tribal Cultural Resources

Prior to initiating landside construction-related ground-disturbing activities, representatives of either of the two tribes that participated in formal consultation under AB 52 shall have the opportunity to train construction contractors engaged in ground disturbance activities regarding tribal cultural values and tribal cultural resource potential as those relate to the project site, and of the regulatory protections afforded those resources under CEQA.

The initial training shall be conducted by the on-site Native American monitor and can be incorporated into the project's construction safety training or in conjunction with the Worker Environmental Awareness Program for Archaeological Resources in accordance with Mitigation Measure AR-C. A supplemental briefing shall be provided to all new construction personnel that are engaged in ground-disturbing activities and may consist of reviewing presentation slides or viewing a recording.

Construction contractors shall also be informed of the required procedures to be undertaken in the event of discovery of unanticipated resources that require evaluation as potential tribal cultural resources, such leaving

artifacts *in situ*, informing a construction supervisor, the Native American monitor(s), and the university in the event that tribal cultural resources are discovered during ground-disturbing activities.

Examples of ground-disturbing activities include:

- ▶ Clearing
- ▶ Excavating, digging, trenching, and grading
- ▶ Land leveling
- ▶ Equipment and materials staging and laydown
- ▶ Soil stockpiling
- ▶ Landside placement of temporary structures including construction trailers

Mitigation Measure 3.4-4.b: Native American Construction Monitoring

Construction monitoring shall be conducted by a qualified Native American monitor representing either of the two tribes that participated in formal consultation under AB 52. Archaeological monitoring shall be provided by an entity separate and distinct from that providing Native American monitoring. The tribal cultural monitor shall observe ground-disturbing activities, maintain logs of all activities monitored, and make documentation available to the university and any consulting Native American tribal representatives who request a record of the logs. The log shall contain at a minimum: a brief description of the locations and activities monitored; a description of tribal cultural resources encountered; and a description of the treatment of those resources. The logs shall be submitted to the university within 4 weeks of the completion of monitoring.

Mitigation Measure 3.4-4.c: Treatment of Tribal Cultural Resources

Avoidance and preservation in place are the preferred treatment for tribal cultural resources, should such resources be discovered. In the event of discovery, the university shall attempt avoidance, if possible, through such measures such as restricting work to disturbed soil or limiting the depth of excavations to avoid potential tribal cultural resources. If a significant tribal cultural resource as defined by PRC Section 21074 is identified within the project site, the university shall prepare a treatment plan and share it for review and comment by the Native American tribe(s) engaged in consultation prior to the beginning of the ground-disturbing activities within the boundaries of the resource.

FINDING

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential historic, archaeological, and tribal cultural resources-related impacts of the project to less than significant levels, and are adopted by the CSU Board of Trustees. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

RATIONALE

The mitigation measures would require compliance with the Secretary of the Interior's Standards for Rehabilitation to reduce the impact on historic resources; require the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously undocumented significant archaeological resources; and require appropriate awareness, construction monitoring, and treatment and proper care of significant tribal cultural resources, in collaboration and accordance with tribe(s) that participated in formal consultation under AB 52.

Geology, Soils, and Mineral Resources

An evaluation of the potential impacts to geology, soils, and mineral resources resulting from implementation of the Waterfront Master Plan is provided in Section 3.6, "Geology, Soils, and Mineral Resources," of the Final EIR.

Implementation of the Waterfront Master Plan could result in the discovery of and disturbance to yet unknown paleontological resources during ground-disturbing activities (**Impact 3.6-3 and Cumulative**).

Mitigation measures to avoid or reduce the environmental effects of the project related to geology and soils are adopted by the lead agency.

MITIGATION MEASURES

Mitigation Measure 3.6-3a: Paleontological Sensitivity Training for Construction Personnel

Prior to construction commencing on the Marine Programs Multi-Use Building under Phase Three and before initiating earthmoving activities, Cal Maritime shall provide training for construction personnel involved with earthwork at the site of excavations. The training will educate construction workers about the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and the proper stop-work and CSU-approved notification procedures to follow if fossils are encountered.

Mitigation Measure 3.6-3b: Inadvertent Discovery of Potential Paleontological Resources

During construction of the Marine Programs Multi-Use Building under Phase Three, if a paleontological resource is inadvertently discovered during project-related soil disturbance, regardless of the depth of work or location, work must be halted within 30 feet of the find and a qualified paleontologist notified immediately so that an assessment of its potential significance can be undertaken. Coordination with experts on resource recovery and curation of specimens and/or other measures will be considered, as appropriate, after assessment and consultation with the qualified paleontologist.

FINDING

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential paleontological resources-related impacts of the project to less than significant levels, and are adopted by the CSU Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

RATIONALE

Mitigation measures would reduce potentially significant impacts on undiscovered paleontological resources by providing paleontological resource training to construction workers and halting work in the event of an inadvertent discovery. Training would require that if paleontological resources are encountered, they would be properly identified and avoided or handled appropriately. In addition, in the event of an inadvertent discovery halting work and contacting a qualified paleontologist would allow avoidance or treatment.

Hazards and Hazardous Materials

Hazards and hazardous materials impacts associated with project implementation are evaluated in Section 3.8, "Hazards and Hazardous Materials," of the Final EIR. Development under the Waterfront Master Plan would involve dredging activities and in-water construction activities that could result in disturbance to contaminated seabed sediments and suspension of these sediments in the water column (**Impact 3.8-2 and Cumulative**).

Mitigation measures to avoid or reduce the environmental effects of the project on hydrology and water quality are adopted by the lead agency.

MITIGATION MEASURES

Mitigation Measure 3.3-2g: Implement Sediment Testing and Dredging Controls (see description above)

FINDING

The CSU Board of Trustees finds that the above mitigation measure is feasible, will reduce the potential hazards and hazardous materials impacts to a less than significant level, and is adopted by the CSU Board of Trustees. Accordingly, the CSU Board of Trustees finds that, pursuant to Public Resources Code Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

RATIONALE

Environmental exposure to contaminated sediment would be limited by preparing an assessment according to Dredged Material Management Office's (DMMO's) sediment sampling requirements to sample and analyze sediments within areas proposed to be dredged. The assessment would be required to be approved by DMMO before any dredging activities could occur and would also comply with all current standards and procedures for disposal including disposal of contaminated sediment. Prior to dredging in areas of contaminated sediment, a Dredge Operations Plan would be prepared based on the results of DMMO-required sediment sampling, and would include all necessary measures to contain, dispose of, and/or remediate contaminated sediments. Thus, materials would only be dredged and disposed of in accordance with procedures approved by the DMMO.

Hydrology and Water Quality

Hydrology and water quality impacts associated with project implementation are evaluated in Section 3.9, "Hydrology and Water Quality," of the Final EIR. Development under the Waterfront Master Plan would involve in-water activities, including dredging, removal of piles, and in-water construction conducted during all project phases that could potentially affect surface water quality (**Impact 3.9-1 and Cumulative**). Landside activities during Phases Two and Three would have the potential to result in impacts related to erosion, sedimentation and sediment dynamics (**Impact 3.9-3 and Cumulative**). The project is located within a coastal area with a 1 percent chance or greater of flooding, and within a tsunami zone. All project phases could result in the release of pollutants due to project inundation (**Impact 3.9-4 and Cumulative**). All project phases could result in potential impacts to water quality and hydrology during construction and operations. These impacts could result in a conflict with or obstruct implementation of the Water Quality Control Plan for the San Francisco Bay Basin (**Impact 3.9-5 and Cumulative**).

Mitigation measures to avoid or reduce the environmental effects of the project on hydrology and water quality are adopted by the lead agency.

MITIGATION MEASURES

Mitigation Measure 3.3-2d: Implement Spill Prevention and Control (see description above)

Mitigation Measure 3.3-2f: Implement Dust and Debris Control (see description above)

Mitigation Measure 3.3-2g: Implement Sediment Testing and Dredging Controls (see description above)

Mitigation Measure 3.3-2h: Use Appropriate Creosote Pile Removal and Disposal Methods (see description above)

Mitigation Measure 3.9-1: Coastal Evaluation Study and Implementation of Design Control Measures

Prior to construction of in-water elements as part of Phases Two and Three, a Coastal Evaluation Study shall be prepared by a qualified coastal engineer. The study shall evaluate whether or not proposed in-water elements, such as piers, docks, breakwaters and other similar permanent structures will result in changes to sediment dynamics, currents, and wave patterns such that erosion or siltation of on-site or off-site shoreline areas and navigational channels would occur. The study will include recommendations regarding design control measures to address potential adverse effects resulting from changes to sediment dynamics, currents, and wave patterns which may affect shoreline areas and navigational channels.

If the Coastal Evaluation Study finds that proposed in-water elements could result in changes to sediment dynamics, currents, and wave patterns such that erosion or siltation of on-site or off-site shoreline areas and navigational channels would occur, the project shall implement design control measures to avoid and minimize those adverse effects, such as:

- ▶ Erosion control measures such as rip rap or bioengineered methods to control shoreline erosion.
- ▶ Project design modifications such as reconfiguration of in-water elements to lessen the adverse effects, or inclusion of additional elements such as breakwaters or similar structures to control, avoid and minimize potential adverse shoreline or navigational channel erosion or siltation.

Mitigation Measure 3.9-2: Hazardous Material Storage Facilities

For all phases of the project, all permanent storage facilities for potentially hazardous materials shall be located on land and shall be designed to be resilient to flood events through incorporation of measures such as secondary containment, stable foundations that avoid buoyancy of storage facilities during floods, and access and entry ways that can be securely locked and secured.

FINDING

The CSU Board of Trustees finds that the above mitigation measure is feasible, will reduce the potential impacts of the project on hydrology and water quality to a less than significant level, and is adopted by the CSU Board of Trustees. Accordingly, the CSU Board of Trustees finds that, pursuant to Public Resources Code Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

RATIONALE

The above mitigation measure would reduce the potential impacts on surface water, stormwater, and groundwater by requiring measures to reduce the likelihood that contaminants from operating equipment and debris from in-water and landside construction by implementing spill prevention practices and cleanup procedures, catchment systems for over-water areas, and dust control.

2.4 SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the CSU Board of Trustees, pursuant to State CEQA Guidelines Section 15093, if the project is approved. Based on the EIR analysis, the following impacts have been determined to be significant and unavoidable:

Archaeological, Historical, and Tribal Cultural Resources

An evaluation of the project's impacts related to archaeological, historical, and tribal cultural resources is found in Section 3.4, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR. Project-related ground-

disturbing activities could result in damage to the shipwreck *Contra Costa*. The shipwreck has been recommended eligible for listing in the NRHP and CRHR, and therefore is a significant archaeological resource as defined in State CEQA Guidelines Section 15064.5. Phase Two of the project consists of dredging which would result in substantial damage to the *Contra Costa* (**Impact 3.4-2 and Cumulative**). This impact would be significant and unavoidable at the project and cumulative level.

MITIGATION MEASURES

Mitigation Measure 3.4-2: SHPO Consultation and Programmatic Agreement

Prior to implementation of Phase 2 activities, Cal Maritime shall consult with SHPO under PRC 5024.5 related to the *Contra Costa*, because it is a state-owned historic property. Through SHPO consultation under PRC 5024.5, a programmatic agreement shall be developed, outlining preservation/recovery options for the shipwreck. Based on the finalized dredging boundaries and identification of the portions of the *Contra Costa* to be removed, these preservation/recovery options are expected to include: documentation of the shipwreck through a data recovery plan in coordination with the Research Center of the San Francisco Maritime National Historical Park; salvaging portions of the shipwreck, possibly in coordination with the Maritime Museum at the San Francisco Maritime National Historical Park; or development of an interpretive display at a publicly accessible portion of Cal Maritime.

FINDING

The CSU Board of Trustees finds that implementation of the identified mitigation measure will reduce impacts to the shipwreck. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this significant impact attributable to the project, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the identified significant impact to a less than significant level. Therefore, this impact would remain significant and unavoidable at the project and cumulative level. However, pursuant to PRC Section 21081(b), specific economic, legal, social, technological, and other benefits of the project would outweigh this significant and unavoidable impact. See Statement of Overriding Considerations.

RATIONALE

As described in Section 3.4, "Cultural Resources," of the Final EIR, implementation of Phase Two of the project, and more specifically construction of Boat Basin 2, has the potential to impact the *Contra Costa*, a wooden-hulled, side-paddlewheel, double-ended steam powered train transfer ferry that was launched in 1914 for service between Port Costa and Benicia. The ferry was retired in 1930 after the opening of the Benicia-Martinez bridge, which provided an avenue for trains to make their trip uninterrupted over water. The retired ferry underwent a process of partial scrapping, sparing the large wooden hull. By 1932, *Contra Costa's* hull had been stripped and beached in Morrow Cove on the shoals of the Carquinez Strait, repurposed as a fishing platform for anglers. This transition marked a notable chapter in the vessel's history, as it shifted from its role in transportation to becoming a fixture in the recreational landscape.

As described in Chapter 2, "Project Description," of the Final EIR, creation of Boat Basin 2 is needed to optimize movement and storage of Cal Maritime's fleet of vessels, as well as for training and on-water instruction for cadets. Boat Basin 2 would encompass approximately 200,000 square feet of area, or 4.6 acres. Relocation of the proposed Boat Basin 2 was considered during the conceptual design process; however, its proposed location represents an expansion of the existing boat basin, Boat Basin 1. Keeping the complementary facilities associated with Boat Basins 1 and 2 in close proximity maximizes the efficiency of on-water training programs as well as the safety and security of these facilities. As noted in the Final EIR, the design of Phase 2 of the project is conceptual at this time. It is possible that when a more detailed design of Phase 2 is completed, additional avoidance strategies may be available. However, given the impracticality of relocating Boat Basin 2 and the prohibitive cost associated with full preservation of this potential resource, it is assumed that development of Boat Basin 2 would result in a significant and unavoidable impact on the *Contra Costa*.

As described above and in Section 3.4, "Cultural Resources," of the Final EIR, implementation of the mitigation measure would reduce impacts to the shipwreck Contra Costa, a NRHP- and CRHR-eligible archaeological resource. This measure would require consultation with SHPO under PRC 5024.5 related to the Contra Costa. This process would result in development of a programmatic agreement outlining preservation/recovery options for the shipwreck, thus providing another potential opportunity to maximize impact avoidance. However, given the level of design detail available at this time for the Phase Two components of the project, it is conservatively assumed that the project would remove either the whole or a portion of the shipwreck, resulting in the loss of this archaeological resource. This mitigation measure would not reduce the impacts to a less-than-significant level at the project and cumulative level.

3 FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the State CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." The Final EIR identified and considered the following reasonable range of feasible alternatives to the proposed project which would be capable, to varying degrees, of reducing identified impacts:

- ▶ Alternative 1: No Project – No Development Alternative
- ▶ Alternative 2: No Master Plan – Mooring Dolphin Only Alternative
- ▶ Alternative 3: No Boat Basin 2 (Historic Preservation) Alternative
- ▶ Alternative 4: No Boathouse, Shoreline, or Public Access Improvements Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the proposed project as described in the Final EIR.

3.1 ALTERNATIVE 1: NO PROJECT - NO DEVELOPMENT ALTERNATIVE

Description

The State CEQA Guidelines (Section 15126.6[e][1]) states the purpose for describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The Guidelines suggest two typical paths for discussing the no project alternative: 1) when the project is the revision of an existing land use or regulatory plan, the no project alternative would be a continuation of the existing plan into the future, or 2) if the project is other than a land use plan, for example a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed, specifically the practical result of the project's non-approval (not a set of artificial assumptions that would be required to preserve the existing physical environment).

Alternative 1, the No Project – No Development Alternative, falls under the second category. Under Alternative 1, no action would be taken by Cal Maritime: the project site would remain unchanged from current conditions, and the NSMV would not be delivered to replace the TSGB. No improvements would be made to the pier or the waterfront, and the TSGB would remain as the cadets' primary experience for hands-on applied instruction until its retirement date (2030). After the TSGB is recalled in 2030, the Cal Maritime Academy would not be able to fulfill its mission to provide high-quality licensed officers and other personnel for the merchant marine and national maritime industries. Alternative 1 would not meet any of the identified project objectives (see Section 1.4). Additionally, the purpose and need for the project would not be met: the new NSMV would not be able to moor at the university, and there would be no training ship for the university to provide hands-on instruction and training related to large craft navigation,

maintenance, and other ship provisioning operations for the merchant marine and national maritime industries. This would ultimately eliminate the hands-on maritime educational component at Cal Maritime and for the CSU. Additionally, the existing pier would continue to deteriorate and no longer be able to safely moor or provide access to any vessels. While the No Project – No Development Alternative would not meet the project objectives, as required by CEQA, the No Project – No Development Alternative is evaluated in the Final EIR.

Although it is acknowledged that under the No Project–No Development Alternative, there would be no discretionary action by the State and thus no impact, for purposes of comparison with the other action alternatives, conclusions for each technical area are characterized as “impacts” that are greater, similar, or less, to describe conditions that are worse than, similar to, or better than those of the proposed project.

Implementation of this alternative would reduce all identified significant impacts of the Waterfront Master Plan and the significant and unavoidable historic era archaeological resource impact avoided because no development would occur.

Finding

The CSU Board of Trustees rejects the No Project – No Development Alternative as undesirable as it fails the project’s fundamental purpose and does not achieve any of the project objectives, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

Rationale

The No Project – No Development Alternative would eliminate the hands-on maritime educational component at Cal Maritime and the CSU system, after the TSGB retires in 2030. The project site would remain unchanged from current conditions, and the NSMV would not be delivered to replace the TSGB. Cal Maritime would not be able to fulfill its mission to provide the highest quality licensed officers and other personnel for the merchant marine and national maritime industries.

3.2 ALTERNATIVE 2: NO MASTER PLAN - MOORING DOLPHIN ONLY ALTERNATIVE

Description

Under Alternative 2, the No Master Plan – Mooring Dolphin Only Alternative, no improvements under the Waterfront Master Plan would be constructed, and the existing pier, trestle, and waterfront would remain in its current condition. Instead, Cal Maritime would construct four new mooring dolphins approximately 30 feet farther out in Morrow Cove to provide NSMV berthing accommodations at the university without upgrades to the existing pier.

Because no development would occur under this alternative, it would reduce impacts on biological resources, geology and soils, and hydrology and water quality. Given that less ground-disturbing and construction related activities would occur, the potential for impacts on biological resources, geology and soils, hazardous materials, and hydrology and water quality related to the development of Phases One, Two, and Three would be eliminated. However, impacts on aesthetics under this alternative would be greater than the proposed project, because the waterfront improvements proposed under Phase One, Two, and Three of the project would not occur, resulting in the likely deterioration of the scenic quality and character of the campus.

Additionally, under this alternative, students would not have full-time immediate access to the ship and would need to be shuttled on water to gain access to the ship. Shuttling students on water to and from the ship would also limit emergency response capabilities in the event of an emergency or fire and would create gangway safety issues for obtaining access on to the ship. This alternative also would fail to meet the operational needs of the ship and University objectives for training and education in maritime activities such as training cadets in roll-on/roll-off

functionality. In addition, because this alternative would have the NSMV moored further out in Morrow Cove with no direct access to the ship, it would not meet project objectives to update the existing marine yard to accommodate improved access, create a staging area for ship supplies for the annual training cruise, establish training areas, support embarkation and debarkation, and implement US Coast Guard–required port security measures.

Finding

The CSU Board of Trustees rejects the No Mater Plan – Mooring Dolphin Only Alternative as undesirable as it would not fully meet most of the project objectives. Therefore, the Trustees decline to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

Rationale

Although Alternative 2 achieves the project’s fundamental purpose to allow for arrival and berthing accommodations for the NSMV, it would not allow for upgrades to in-water and landside facilities and infrastructure to fully accommodate berthing and operation of the NSMV. Alternative 2 also would not allow for upgrades to and replacement of infrastructure to facilitate efficient waterfront operations that are important for Cal Maritime’s educational mission and expansion of cadet instruction. Alternative 2 would not allow for expansion and optimization of the boat basin, accommodation of Cal Maritime training and small recreational craft currently moored off-site because of lack of space, expansion of Cal Maritime’s fleet of vessels (including a new replacement tug and oceanographic or similar research vessel). Alternative 2 would not include dredging of the existing and expanded boat basin to ensure depth sufficient to accommodate small vessel programs at the university. Alternative 2 would not be able to ensure that the TSGB remains accessible for instructional use during Phase One implementation of the Waterfront Master Plan. Alternative 2 would not rehabilitate the boathouse in a manner that retains its historic integrity, link campus buildings with waterfront open space, or enhance public pedestrian and bicycle access to and along an activated waterfront, Alternative 2 would not be able to ensure waterfront resilience (including the shoreline upland and transition zones that support public open space and recreational use, to climate and storm-related stresses) or protect ecological functioning along the waterfront (including upland, intertidal, and subtidal components).

3.3 ALTERNATIVE 3: NO BOAT BASIN 2 (HISTORIC PRESERVATION) ALTERNATIVE

Description

Under Alternative 3, No Boat Basin 2 (Historic Preservation) Alternative, buildout of the Waterfront Master Plan would occur as described, except that it would not include Boat Basin 2. By eliminating Boat Basin 2, this alternative also would not include the new 18,000 square-foot pier with breakwater meant to provide wind and wave protection for the operation of small craft and docked larger craft, or the additional slips and berthing areas for Cal Maritime’s fleet of small passenger boats and other vessels currently located off-site and/or planned for future acquisition.

This alternative would reduce the amount of in-water construction and dredging activities for Phase Two and thus reduce impacts on biological resources and geology and soils. It would also avoid the significant and unavoidable project-level and cumulative impacts related to historic era archaeological resource (shipwreck). However, because the remaining Phase One and Three components, and partial Phase Two components, would still occur under this alternative, impacts on hydrology water quality would not be reduced.

Finding

The CSU Board of Trustees rejects Alternative 3: No Boat Basin (Historic Preservation) Alternative as undesirable as it would not achieve the project objectives set forth below and more fully described in the Final EIR and in the record of

proceeding, the Trustees find that Alternative 3 is infeasible, fails to meet most of the basic project objectives. Therefore, the Trustees decline to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines

Rationale

Alternative 3 would allow for buildout of all components of the Waterfront Master Plan, except for the creation of Boat Basin 2, a new pier with breakwater, and additional slips and berthing areas for small passenger boats and other vessels currently located off-site and/or planned for future acquisition. Alternative 3 would not fully upgrade and replace infrastructure to facilitate efficient waterfront operations important for Cal Maritime's educational mission and expansion of cadet instruction. Alternative 3 would not expand or optimize the boat basin to allow simultaneous safe movement of more than two vessels for academic on-water instruction and recreational activities. Alternative 3 would not be able to accommodate Cal Maritime training and small recreational craft currently moored off-site because of lack of space or accommodate an expanded Cal Maritime fleet of vessels, including a new replacement tug and oceanographic or similar research vessel. Alternative 3 would not dredge the existing and expanded boat basin to ensure depth sufficient to accommodate small vessel programs at the university. It would also not optimize movement and storage of Cal Maritime's fleet of vessels and would reduce opportunities for training and on-water instruction for cadets.

3.4 ALTERNATIVE 4: NO BOATHOUSE, SHORELINE, OR PUBLIC ACCESS IMPROVEMENTS ALTERNATIVE

Description

Under Alternative 4, the No Boathouse, Shoreline or Public Access Improvements Alternative, buildout of the Waterfront Master Plan would occur as described for the proposed project with the exception of the Phase Two restoration and rehabilitation of the boathouse and the enhancement and improvements to the shoreline and public access that would occur under Phases Two and Three. Without the necessary seismic upgrades and rehabilitation of the boathouse, this alternative would ultimately render the boathouse unsafe and unable to provide cadet training, vessel storage, or woodworking and vessel service/demonstration areas.

In addition, shoreline and public access improvements proposed in Phases Two and Three would not be developed. Instead, this alternative would develop all components of Phase One; create Boat Basin 2 and Marine Yard improvements from Phase Two; and construct the Marine Programs Multi-Use Building, harbor control tower, berthing for the MHK barge and linking trestle, and row house and floating landing from Phase Three.

This alternative would reduce impacts on geology and soils given that less ground disturbing activities with the potential to adversely impact paleontological resources, and hydrology and water quality, because the increase in the area of impervious surfaces from shoreline improvements proposed in Phases Two and Three that could have the potential to affect water quality would not be implemented. However, this alternative would not minimize impacts on historic resources or avoid significant and unavoidable project-level and cumulative impacts related to historic era archaeological resource (shipwreck).

Finding

The CSU Board of Trustees rejects Alternative 4: No Boathouse, Shorelines or Public Access Improvements Alternative as undesirable as it would not achieve all of the project objectives. For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the Trustees find that Alternative 4 is infeasible, fails to meet most of the basic project objectives and would not substantially lessen the environmental impacts of the Waterfront Master Plan such that significant impacts would be avoided. Therefore, the Trustees decline to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

Rationale

Alternative 4 would partially but not fully meet most of the identified project objectives. Specifically, while Alternative 4 would allow for buildout of all components of Phase One, it would not include Phase Two restoration and rehabilitation of the boathouse or the enhancement and improvements to the shoreline and public access proposed under Phases Two and Three. Alternative 4 would not be able to fully upgrade and replace infrastructure to facilitate efficient waterfront operations important for Cal Maritime's educational mission and expansion of cadet instruction. Alternative 4 would not rehabilitate the boathouse in a manner that retains its historic integrity, link campus buildings with waterfront open space, or enhance public pedestrian and bicycle access to and along an activated waterfront. Alternative 4 would not be able to ensure waterfront resilience, including the shoreline upland and transition zones that support public open space and recreational use, to climate and storm-related stresses.

4 GENERAL CEQA FINDINGS

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

Based on the entire record before the CSU Board of Trustees and having considered the unavoidable significant impacts of the project, the CSU Board of Trustees hereby determines that all feasible mitigation within the responsibility and jurisdiction of Cal Maritime has been adopted to reduce or avoid the potentially significant impacts identified in the Final EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed in Sections 2.3 and 2.4, above, and are set forth in the MMRP.

PRC Section 21081.6 requires the CSU Board of Trustees to adopt a monitoring or compliance program regarding changes made to the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the Waterfront Master Plan Project is hereby adopted by the CSU Board of Trustees because it fulfills the CEQA mitigation monitoring requirements, as follows:

- ▶ The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and
- ▶ Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements, or other measures.

4.2 STATE CEQA GUIDELINES SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the administrative record, the CSU Board of Trustees has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.

2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

4.3 CSU BOARD OF TRUSTEES INDEPENDENT JUDGMENT

The Final EIR for the Waterfront Master Plan reflects the CSU Board of Trustees' independent judgment in accordance with PRC Section 21082.1(c)(3). Having received, reviewed, and considered the information in the Final EIR, as well as other information in the record, the CSU Board of Trustees hereby makes findings pursuant to and in accordance with PRC Sections 21081, 21081.5, and 21081.6.

4.4 NATURE OF FINDINGS

Any findings made by the CSU Board of Trustees shall be deemed made, regardless of where they appear in this document. All language included in this document constitutes findings by the CSU Board of Trustees, whether or not any particular sentence or clause includes a statement to that effect. The CSU Board of Trustees intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the CSU Board of Trustees with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

4.5 RELIANCE ON RECORD

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project.

4.6 RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the CSU Board of Trustees' decision on the project includes the following documents:

- ▶ The NOP for the project and all other public notices issued in conjunction with the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▶ The Draft EIR for the project and all appendices;
- ▶ All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- ▶ The Final EIR for the project, including comments received on the Draft EIR, responses to those comments, and appendices;
- ▶ Documents cited or referenced in the Draft EIR and Final EIR;
- ▶ The MMRP for the project;
- ▶ All findings and resolutions adopted by the Trustees in connection with the project and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the Trustees' action on the project;
- ▶ All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;

- ▶ Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- ▶ Any and all resolutions adopted by the CSU Board of Trustees regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▶ Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- ▶ Any other written materials relevant to the CSU Board of Trustees' compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the CSU Board of Trustees non-privileged retained files for the EIR or project;
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e); and
- ▶ The Notice of Determination.

The CSU Board of Trustees intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the CSU Board of Trustees and listed above shall comprise the administrative record for the project. Only that evidence was presented to, considered by, and ultimately before the CSU Board of Trustees prior to reviewing and reaching its decision on the EIR and project.

4.7 CUSTODIAN OF RECORDS

The custodian of the documents or other material that constitute the record of proceedings, upon which the CSU Board of Trustees' decision is based, is identified as follows:

California State University, Maritime Academy
200 Maritime Academy Drive
Vallejo, CA 94590

4.8 RECIRCULATION NOT REQUIRED

State CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (State CEQA Guidelines, §15088.5(a).) "Significant new information," as defined in State CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

An example of significant new information provided by the State CEQA Guidelines is a disclosure showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented"; that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance"; or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." (State CEQA Guidelines, §15088.5(a)(1)-(3).)

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." (State CEQA Guidelines, §15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed

responses to comments submitted by public agencies. In short, recirculation is “intended to be an exception rather than the general rule.” (Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1132.)

In this legal context, the CSU Board of Trustees finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR’s findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR’s revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the State CEQA Guidelines.

4.9 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The CSU Board of Trustees certifies that the Final EIR, dated July 2024, has been completed in compliance with CEQA and the State CEQA Guidelines, that the EIR was presented to the CSU Board of Trustees, and that the Board reviewed and considered the information contained therein before approving the proposed Waterfront Master Plan as the project, and that the EIR reflects the independent judgment and analysis of the Board. (CEQA Guidelines § 15090.)

5 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081(b) and State CEQA Guidelines section 15093(a) and (b), the CSU Board of Trustees is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable” (State CEQA Guidelines, §15093 (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines, §15093(b)).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656. In accordance with the requirements of CEQA and the State CEQA Guidelines, the CSU Board of Trustees finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen many of the significant effects identified in the Final EIR for the proposed Cal Maritime - Waterfront Master Plan. However, certain significant impacts of the Waterfront Master Plan are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to a known historic era archaeological resource. The Final EIR provides detailed information regarding these impacts (see Section 2.4, “Significant Impacts that Cannot be Mitigated Below a Level of Significance”).

The CSU Board of Trustees finds that all feasible mitigation measures identified in the Final EIR within the purview of Cal Maritime will be implemented with implementation of the Waterfront Master Plan, and that the remaining significant

unavoidable effect is outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, as follows:

1. The Waterfront Master Plan establishes a vision for achieving a campus waterfront aligned with the unique academic and maritime operations, environmental factors, and resiliency needs of the Academy.
2. The Waterfront Master Plan provides a comprehensive guide to redevelop Cal Maritime's in-water and landside facilities and infrastructure to support academic and maritime operations, public access, environmental factors, and long-term resiliency.
3. The Waterfront Mater Plan strategically plans for short-term critical path features to prepare for arrival of the NSMV as well as long-term campus needs and goals.
4. The Waterfront Master Plan includes the improvements necessary to meet the physical and operational requirements of the NSMV that will better meet Academy's training needs and will support the federal response to national disasters and other critical national needs,
5. The Waterfront Master Plan includes the improvements to facilitate efficient waterfront operations important for Cal Maritime's educational mission and expansion of cadet instruction.
6. The Waterfront Master Plan would provide increased hands-on maritime instructional opportunities for cadets to move beyond traditional classroom experience and gain in-water experience.
7. The Waterfront Master Plan would allow for the expansion and optimization of the existing boat basin to allow the safe movement of vessels for academic on-water instruction and recreational activities; accommodate Cal Maritime training and small recreational craft currently moored off-site because of lack of space; and accommodate an expanded Cal Maritime fleet of vessels, including a new replacement tug and oceanographic or similar research vessel.
8. The Waterfront Master Plan will enhance waterfront resilience to climate and storm-related stresses and protect the ecological function of the waterfront.
9. The Waterfront Master Plan provides the essential linkage from campus buildings to waterfront open space, providing public pedestrian and bicycle access to and along the waterfront.
10. The Waterfront Master Plan includes creation of Boat Basin 2, which will optimize movement and storage of Cal Maritime's fleet of vessels and will increase opportunities for training and on-water instruction for cadets.

Considering all the factors, the CSU Board of Trustees finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable. Therefore, the CSU Board of Trustees hereby adopts this Statement of Overriding Considerations.