

# San Francisco Bay Conservation and Development Commission

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## Notice of Determination

**To:**

Office of Planning & Research - State  
Clearinghouse

1400 Tenth Street, Room 113  
Sacramento, CA 95814

**From:**

San Francisco Bay Conservation and Development  
Commission (BCDC)

375 Beale Street, Suite 510  
San Francisco, CA 94105

**Contact:**

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**SUBJECT: Filing of Notice of Determination in compliance with Public Resources Code Sections 21080.5(d)(2)(E), 21108(a) and 14 CCR Sections 10524, 11525(a)**

**Project Title:** Cargill, Incorporated Solar Sea Salt System Maintenance and Operations Activities

**State Clearinghouse #:** 2020080442

**Date Approved:** June 5, 2025

### **Project Location**

Cargill, Incorporated (Cargill) Solar Salt System maintenance and operations activities that comprise the Project will occur around the salt production areas (ponds) used by Cargill in Alameda and San Mateo Counties, California. Most of the maintenance activities will occur in Alameda County on the east shore of San Francisco Bay, with a smaller area on the west shore in San Mateo County.

Salt production is conducted in three primary areas: Newark Plants 1 and 2 (in Alameda County) and the Redwood City Plant (in San Mateo County). (A “plant” is a set, or complex, of salt ponds.) Portions of the Newark Plants are within the USFWS Don Edwards San Francisco Bay National Wildlife Refuge (Refuge). Maintenance and operations activities will occur throughout the Project area.

### **Project Description**

The Project consists of continuance of existing maintenance and operational activities at Cargill’s Solar Salt Systems in Newark/Fremont and Redwood City over the next 10 years, and several new activities as further described below. The Project also includes limited changes in the level of existing activities as described in detail in the approved Environmental Assessment (EA) for the Project.<sup>1</sup>

Maintenance activities that were performed regularly under the previous BCDC permit and will be performed regularly as part of the Project under new BCDC permit include:

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<sup>1</sup> BCDC’s permitting program under the McAteer-Petris Act has been certified by the Secretary of Natural Resources as meeting the requirements of the California Environmental Quality Act (CEQA). (14 CCR § 15251(h). *Reference also* Public Resources Code section 21080.5.) Pursuant to its regulations for implementing CEQA when it acts as lead agency, BCDC prepared an EA in support of its approval of the Project.

- Maintenance of salt pond berms, various salt-making equipment, and pipes and ditches used to move brine;
- Minor excavation to provide access to repair and replace berms and other facilities, including use of locks;
- Making salt pond berms drivable;
- Removal of sediment at Bay water intakes;
- Import of clean soil and concrete; and
- Minor modifications to internal berms including re-establishing vehicle access on some internal berms by replacing existing gaps with culverts and bridges.

Operational activities covered by the new BCDC permit consist primarily of intake of Bay water to support the salt production process. The salt-making process itself is not being regulated under the new maintenance and operations permit, but these activities are discussed in the EA as part of the existing environmental and baseline conditions.

The Project includes new berm maintenance activities related to sea level rise adaptation as well as new protections for special status fish at Cargill's Bay water intakes. These activities include:

- Installing fish screens on one or more of the three pumps comprising Cargill's main (Coyote) Bay water intake near the mouth of Alameda Creek.
- Preparing a Monitoring and Adaptive Management Plan (MAMP) to evaluate the potential for sensitive fish species to be present at Cargill's Bay water intakes, and to define and prioritize any additional fish protection measures that may be required. (Additional, separate CEQA review would be necessary for any additional fish protection measures that may need to be implemented pursuant to the MAMP.)
- Conducting a study of using vinyl sheet pile for possible sea level rise adaptation efforts and enhanced berm integrity. The work would consist of installing approximately 500 to 600 linear feet of vinyl sheet pile.
- Cargill may also modify its maintenance methods and implement methods that reduce the potential for impacts to the environment, increase efficiency, and/or address effects of climate change so long as the modifications do not raise the possibility of causing any significant environmental impacts beyond those raised by existing approved maintenance methods. Alternative or new methods, if proposed, will be reviewed and approved as part of the Annual Work Plan process included as a condition of approval of the BCDC permit.

Specific maintenance activities and the extent of maintenance activities needed will vary year to year, are influenced by annual weather patterns, among other factors, and will be approved on a year-to-year basis through the Annual Work Plan encompassing work allowed under the BCDC permit for the upcoming year of authorization. This process was implemented as part of the previous BCDC permit and will continue to occur as a component of the new BCDC permit authorizing the Project.

Cargill has previously implemented and will continue to implement a wide range of best management practices (BMPs) to avoid or minimize potential impacts to the environment, including sensitive species, marsh habitat, and water quality. These BMPs include specific procedures for certain activities, such as lock access and weed management, as well as employee training and proper timing of maintenance activities. The approved EA includes 67 BMPs that will be implemented as part of the proposed Project and are also required as a condition of the BCDC permit. The BMPs address berm maintenance, endangered species and sensitive natural resources, lock access/egress, rip-rap placement, and weed

management.

**Notice of Determination**

This Notice of Determination (NOD) is to advise that BCDC, as the Lead Agency under CEQA, has approved the above-described Project effective 6/5/2025 based upon: (1) BCDC’s approval of the Final EA at its May 1, 2025 meeting<sup>2</sup>; and (2) BCDC’s approval of a permit at its June 5, 2025 meeting.<sup>3</sup> BCDC makes the following determinations regarding its approval of the Project.

1. **Environmental Impacts** from the project will:
  - Have a significant effect on the environment.
  - Not have a significant effect on the environment (with imposition of mitigation measures).
  
2. **The Environmental Document** prepared for this Project, pursuant to BCDC’s certified regulatory program (14 CCR § 15251(h); Public Resources Code § 21080.5) and BCDC’s regulations implementing its certified regulatory program when acting as CEQA lead agency (14 CCR §§ 11520-25) is an: **Environmental Assessment (EA)**.
  
3. **Mitigation Measures** were:
  - Made a condition of approval of the project.
  - Not made a condition of approval of the project.
  
4. **A Mitigation Monitoring and Reporting Plan (MMRP)** was:
  - Adopted for this project.
  - Not adopted for this project.
  
5. **A Statement of Overriding Considerations** was:
  - Adopted for this project.
  - Not adopted for this project.
  
6. **Findings** were:
  - Made for this project, pursuant to Public Resources Code section 21081, the CEQA Guidelines (14 CCR § 15091(a)), and BCDC’s regulations implementing CEQA (14 CCR § 11524(c)).
  - Not made for this project.
  1. The BCDC permit for the Project is a discretionary action, which has the potential for resulting in direct or indirect change to the environment and, therefore, is considered a “project” as defined by the California Environmental Quality Act (CEQA). (14 CCR § 15378.)
  
  2. BCDC administers a regulatory program that has been certified by the Secretary of the California Natural Resources Agency as meeting the requirements of Public Resources Code section 21080.5.

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<sup>2</sup> A Draft EA was prepared and initially circulated in 2021. The Draft EA was updated to address Project changes and other information, then recirculated (RDEA) on August 22, 2024. A public hearing on the RDEA was held at the September 5, 2024 BCDC meeting, and the public comment period for the RDEA ended on September 23, 2024.

<sup>3</sup> BCDC’s regulations implementing CEQA pursuant to its certified regulatory program specify that the EA “shall become final” upon approval of the permit application. (14 CCR § 11524(a).)

(Reference 14 CCR § 15251(h).) Consequently, BCDC's permitting program under the McAteer-Petris Act is exempt from the requirements of having to prepare an environmental impact report or negative declaration in order to comply with CEQA, but as the lead agency BCDC instead prepares an EA in compliance with its regulations implementing its certified regulatory program as codified at 14 CCR Sections 11520 to 11525.

3. BCDC, as CEQA lead agency, has evaluated the potential environmental effects of the Project pursuant to its certified regulatory program through preparation of a Draft EA, RDEA, and ultimately approval of a Final EA.<sup>4</sup>
4. Because the Final EA concluded that the Project may have significant adverse impacts on the environment, the Final EA included mitigation measures and an alternatives analysis as required by 14 CCR Section 11521(d)-(e). Feasible mitigation measures were identified for the following environmental resource areas:
  - Biological resources
  - Cultural resources
  - Hydrology and water quality
  - Tribal cultural resources

These mitigation measures were made a condition of project approval and were adopted as part of BCDC's approval of a permit for the Project at its June 5, 2025 meeting.

5. BCDC made findings<sup>5</sup> that:
  - The Final EA identified potentially significant impacts to biological resources associated with intake of Bay water, seepage of high salinity brine from the ponds, hydroacoustic impacts associated with impact pile driving, and permanent loss of State- or Federally-protected wetlands. BCDC made a finding that changes have been required or incorporated into the Project which reduce the potentially significant biological resources impacts to a less than significant level.
  - The Final EA identified potentially significant impacts to cultural resources associated with a substantial adverse change in the significance of a historical or archaeological resource, or disturbance of human remains. BCDC made a finding that changes have been required or incorporated into the Project which reduce the potentially significant cultural resources impacts to a less than significant level.
  - The Final EA identified a potentially significant impact to hydrology and water quality associated with release of high-salinity brines due to inundation or overtopping during storm events or as a result of sea level rise. BCDC made a finding that changes have been required or incorporated into the Project which reduce the potentially significant impact to hydrology and water quality to a less than significant level.
  - The Final EA identified a potentially significant impact to tribal cultural resources due to a substantial adverse change in the significance of a tribal cultural resource that is listed or

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<sup>4</sup> Refer to footnote 2.

<sup>5</sup> Refer also to the revised staff report adopted for the Final EA at the May 1, 2025 BCDC meeting, available here: <https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2024/12/REVISED-Staff-Report-for-Public-Meeting-on-the-Final-Environmental-Assessment-for-Cargill.pdf>.

eligible for listing in the California Register of Historical Resources, or in a local register of historical resources a resource determined to be significant. BCDC made a finding that changes have been required or incorporated into the Project which reduce the potentially significant tribal cultural resources impact to a less than significant level.

6. Further, since mitigation measures were identified as necessary in order to reduce Project impacts to a level of less than significance, a Mitigation, Monitoring, and Reporting Plan (MMRP) was also prepared and adopted as a condition of permit approval at the June 5, 2025 BCDC meeting. (Reference 14 CCR § 11524(d).)
7. BCDC reviewed and considered the Final EA; the findings contained in the revised staff report in support of the Final EA; the MMRP; and all supporting documentation prior to making a decision on the Project when it approved a permit for the Project at its June 5, 2025 meeting.<sup>6</sup>

This is to certify that copies of the Final EA and supporting documents, including the entire RDEA, may be viewed on the BCDC website at the following link:

<https://www.bcdc.ca.gov/2024/07/02/environmental-assessment-cargill-incorporated-solar-salt-system-maintenance-and-operations-activities/> or at BCDC's offices during regular working hours, Monday through Friday, 8:30AM to 5PM.

Signature: *Michael Ng*

Name: Michael Ng  
Title: Senior Staff Attorney  
Date: June 5, 2025

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<sup>6</sup> Materials supporting BCDC's public hearing on and consideration of the RDEA at its September 5, 2024 meeting can be found here: <https://www.bcdc.ca.gov/event/september-5-2024-commission-meeting/>; materials supporting BCDC's consideration and approval of the Final EA at its May 1, 2025 meeting can be found here: <https://www.bcdc.ca.gov/event/may-1-2025-commission-meeting/>; materials supporting BCDC's consideration and approval of a permit for the Project at its June 5, 2025 meeting can be found here: <https://www.bcdc.ca.gov/event/june-5-2025-commission-meeting/>.