San Francisco Bay Conservation and Development Commission
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Transmitted via electronic mail only.

January 23, 2026

San Francisquito Creek Joint Powers Authority
2100 Geng Road, Suite 210
Palo Alto, CA 94303
Attention: Tess Byler, Senior Project Manager (TByler@sfcjpa.org)

SUBJECT:
BCDC Comments on Draft Environmental Impact Report for the Strategy to Advance Flood Protection, Ecosystems and Recreation along San Francisco (SAFER) Bay Project, in East Palo Alto and Menlo Park, San Mateo County (*BCDC Inquiry File No. MC.MC.7415.026; SCH #2022040504*)

Dear Tess Byler:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Strategy to Advance Flood Protection, Ecosystems and Recreation along San Francisco (SAFER) Bay Project, received in our office on December 1, 2025. The San Francisco Bay Conservation and Development Commission (BCDC) is a responsible agency for this project and will rely on the DEIR when it considers the project. Our staff has prepared comments outlining specific BCDC issues or policies that should be addressed either in the DEIR or through the BCDC permitting process as appropriate. As the project design progresses, we will be able to continue working with you to ensure the project is consistent with BCDC laws and policies. The comments below are based on the McAteer-Petris Act and the Commission's San Francisco Bay Plan (Bay Plan).

1) Minimizing Fill in the Bay

Section 66605 of the McAteer-Petris Act states, among other requirements, that fill in the Bay should be authorized only when no alternative upland location is available for such purpose, and that the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill. The DEIR describes in detail certain locations where land use constraints (such as ground contamination) prevent relocation of shoreline protection features further inland, such as portions of the North of Bay Road and South of Bay Road reaches. However, in other areas, there is not sufficient detail on constraints and how fill impacts have been minimized. Please provide an analysis of all reaches that clearly identifies where and why placement of fill into existing Bay habitats may be the only feasible alternative, describes any constraints that would make setting back of levee features infeasible, and how the Project is avoiding and minimizing impacts to Bay habitats to the greatest extent feasible. The analysis should include both direct fill impacts as well as loss of tidal action to tidal and muted tidal areas inland of levee locations.

2) Tech Campus Reach

Please further analyze the ecological and public access benefits and tradeoffs between the Modified Footprint Alternative (MFA) and the Project for the Tech Campus Reach. The MFA would include a floodwall following Highway 84 and Hacker Way, while the Project would include a levee spanning Ravenswood Slough, causing loss of tidal action inland of the levee, but the DEIR does not compare these two options in depth. While BCDC staff generally agree that levees with broader slopes can provide greater ecological and recreational benefit than floodwalls, in this area it may be worth exploring the floodwall option further if it could prevent loss of tidal action to a substantial area of tidal and muted-tidal marsh.

3) Environmentally Superior Alternative

The DEIR concludes that “the magnitude of permanent impacts to wetland and aquatic habitats under the Modified Footprint Alternative would be less than the Project, although short-term significant and unavoidable aesthetic and noise impacts would be incrementally exacerbated. Between the alternatives studied, the Modified Footprint Alternative is considered the environmentally superior alternative.” The DEIR should more clearly describe and justify why the Project would be chosen over the environmentally superior Modified Footprint Alternative.

4) Muted Tidal and Non-Tidal Wetlands

For purposes of identifying and calculating impacts, the DEIR groups muted tidal and non-tidal wetlands together under the category “Non tidal wetlands”. Please note that BCDC’s Bay jurisdiction includes wetlands that are subject to tidal action, up to a maximum of five feet above mean sea level, even if the tidal action is muted. In contrast, non-tidal wetlands would generally not be in BCDC’s Bay jurisdiction, unless they were subject to BCDC’s Bay jurisdiction prior to becoming non-tidal. In calculating wetland impacts, the DEIR should differentiate between muted tidal and non-tidal wetlands. In addition, if levee impacts would result in loss of tidal action in muted tidal wetland areas (which appears to be the case near the Tech Campus reach, as an example), those muted tidal areas should be counted as loss of tidal action.

5) Elevations

Table 2-3 (Page 2-18) specifies target elevations for the various reaches. Please specify why the target elevations vary widely among reaches. This information should also be addressed in the climate change risk assessment that will be required for the Project pursuant to the Bay Plan Climate Change Policies No. 2 and 3, as described to the project team in earlier discussions.

6) Habitat Maps

The maps of existing habitat types in the DEIR are very helpful. Please include maps of expected habitat types after project construction.

7) Figure 3.4-2t (Flood Slough Area)

Please verify the land cover types in this area. In recent site visits BCDC staff determined that tidal action passes underneath the southern Marsh Road, tidally connecting Flood Slough to the unnamed waterway immediately north of the Bayfront Expressway. The maps show this waterway to be a detention basin/canal, but BCDC believes this waterway is tidal. Please also see previous comments about BCDC jurisdiction sent to the project team via email on August 7, 2025.

8) Public Access and Recreation

a) Table S-1 (Page S-4)

i) Please note there are additional public access improvements required by BCDC permits than the trails that will be impacted by this project. This includes viewing areas, parking, signage, fishing opportunities, and connections into adjacent communities. The benefits and services of impacted public access improvements should be included in the programming for the project's design. BCDC staff will work with you to identify existing public access requirements throughout the project area.

ii) Please note that the Tech Campus has BCDC-required public shore parking, pursuant to BCDC Permit No. 1978.026.08.

b) Table S-2 (Page S-32) Transportation – Impact TRA-1

i) One mitigation measure listed is identification of parking for construction along public roadways. There are required on-street Public Shore Parking spaces required by BCDC permits, and these should not be used for contractor parking or staging until that reach is closed for construction. If Public Shore Parking is impacted by construction activities, an alternative location for this benefit should be identified and approved through BCDC's plan review process.

ii) Please note that the typical BCDC plan review process is allotted 60 days. Where traffic control plans impact or related to BCDC-required public access, the plans will need to be reviewed and approved by BCDC. Traffic control plans should be submitted with sufficient time for BCDC review and approval.

c) Tidal Salt Marsh Restoration in Ponds R1 and R2 – Proposed Changes to Recreation Features (Page 2-14)

Decommissioning of the outer berm trail creates a gap in the recreational trails and removes the loop opportunity that currently exists, which adversely affects public access in this area. Please include a connector trail between the two spur trails to ensure continued shoreline access connectivity in this area. A connector trail along the new SAFER levee outboard of the substation should be analyzed for potential wildlife impacts. Such a trail alignment was included in the Modified Footprint Alternative, but we did not find detail as to why this alignment was not included in the Project. If it is determined that an alignment outboard of the substation would adversely impact wildlife, an alternate connector trail should be included along the inland side of the substation.

d) Figure 2-10, North of Bay Road Reach Plan (Page 2-25)

We encourage continued coordination between the SAFER team and the developer of 391 Demeter Street.

e) Detail P2/Figure 2-11 Typical Section: Program-level Reaches (Page 83)

i) Please explore addition of belvederes along the P2 segments on either side of 84.

ii) Please explore means of reducing the exposed face of floodwall. It appears the exposed face of wall is about 3.5 to 4 feet tall, which would limit bay viewing from the trail for many users.

f) Dumbarton Approach Reach (Page 2-30)

Please note that Bay Plan Map 6, Policy 6 states: "Dumbarton Bridge - Approaches should provide for fishing and wildlife observation. Maintain existing public path." Please describe whether and how the project would still provide or allow for fishing opportunities in this area.

g) Figure 2-15 Typical Section: Dumbarton Approach Reach Under State Route 84

i) Please describe how the transition would accommodate bicycles and pedestrians at the east end underpass.

ii) Please describe whether there would be any treatments on the underpass wall that would provide value to viewers.

h) Bedwell Bayfront Park Reach – Recreation (Page 2-55)

Please ensure the levee at the Bedwell entrance is sufficient to accommodate the driveway/road, parking, and Bay Trail.

i) Marsh Road Reach – Recreation (Page 2-56)

BCDC's policies require that projects provide maximum feasible public access. We strongly encourage the inclusion of a recreational trail along the top of the levee, which would implement an important Bay Trail gap section. Please note that private property does not disqualify the site from required public access, therefore public access in this area needs to be studied further.

j) Table 2-4 SAFER Bay Project Implementation Schedule (Page 2-58)

The breaching of the levee takes place before the implementation of any trail improvements or connections, resulting in almost a year of lapsed access. Please minimize impacts and closures to public access and consider interim public access improvements to offset for the creation of the trail gap.

k) Section 2.6.1 Construction Process (Page 2-59) and Section 3.15.3 Impacts and Mitigation Measures – Construction (Page 3.15-7)

i) Please describe how the project would minimize necessary trail closures. Please ensure the project team works with local jurisdictions, the Metropolitan Transportation Commission (MTC), and BCDC on appropriate detours/improvements to bike and pedestrian facilities for the duration of the impacts to trail and recreation facilities.

ii) All BCDC required public access, including Bay Trail segments, should have alternatives and detours during construction closures.

l) Section 2.7.3 Recreation (Page 2-69)

Please note that many segments of the Bay Trail are required public access improvements associated with BCDC permits that also include provisions for maintaining the improvements.

9) Geology

The DEIR notes that any geological concerns will be less that significant and that they will not require any mitigation measures. Nevertheless, the proposed project design will address concerns related to ground shaking, liquefaction, soil erosion, loss of topsoil and expansive soils. Please provide information on the geologic design criteria used for various flood protective elements of the SAFER project.

10) Flood gate at Bay Road:

The DEIR notes that a single flood gate will be installed at Bay Road. Please provide design of the flood gate, at least at a conceptual level, with the flooding conditions for which it will be designed.

11) Levee Plans and Design:

a) The levee plans show that sections of the levee will use a geogrid on the waterside slope. Please provide a more detailed design for the geogrid element and identify how the waterward slope of the levee will terminate, how the geogrid will be maintained, and whether there will be any constraints on the plantings.

b) In Figure 2-11, please describe the substructure below the levee.

c) Figure 2-15 notes that there are callouts F1 and F3, however Figure 2-13 shows callouts F1 and F2. Was F3 a typo, or is there a third call-out that was not shown?

d) Project plans show that the trails around the Ravenswood Substation will be constructed across some areas that are now inundated. How will the drainage be modified to address this situation?

e) The US Army Corps of Engineers has design criteria for many structures. Please identify what design criteria will be used specifically for these levees.

12) Site Hydrology

a) The water levels at several of the Ponds are now or will be controlled by structures. Please identify likely modifications that might be needed in the future to maintain habitat values. Will any of the SAFER project elements limit significantly the future water management options?

b) Several of the levee segments will have sheet pile walls that will likely go through groundwater layers. The Gilken Sheet pile system will constrain groundwater flow. These impacts have not been discussed in the DEIR. Please discuss the ways that groundwater will be modified, associated impacts, and possible measures to minimize these impacts.

Thank you for providing the staff with an opportunity to review the DEIR for the *Strategy to Advance Flood Protection, Ecosystems and Recreation along San Francisco (SAFER) Bay Project*. We recognize the importance and scope of this project and hope these comments aid you in preparation of the Final EIR. We look forward to working with you and the project sponsors as the project is developed and through the permitting stage. If you have any questions regarding this letter or the Commission's policies and permitting process, please do not hesitate to contact me at 415-352-3668 or schuyler.olsson@bcdc.ca.gov.

Sincerely,

DocuSigned by:
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