

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
wildlife.ca.gov

June 19, 2026

Jennifer McKellar, Senior Planner
City and County of San Francisco
49 Van Ness Avenue #1400
San Francisco, CA 94103
Jennifer.Mckellar@sfgov.org

Subject: Pier 92 Modernization and Plant Replacement Project, Draft Environmental Impact Report, SCH No. 2025070553, City and County of San Francisco

Dear Jennifer McKellar:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City and County of San Francisco (City) for the Pier 92 Modernization and Plant Replacement Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the draft EIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City and County of San Francisco

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Jennifer McKellar, Senior Planner
City and County of San Francisco
June 19, 2026
Page 2

Objective: The project would reconstruct and modernize the existing sand processing facility on Pier 92 at the Port of San Francisco in order to improve environmental controls. Proposed changes include constructing a warehouse; installing new equipment; upgrading select existing equipment; paving site locations where mobile equipment is used (e.g., trucks and front-end loaders) and where employee/visitor vehicles are parked; and installing a modern stormwater management system. The facility would seek approval from the Port of San Francisco to expand its lease area by 34,370 square feet (from 190,230 to 224,600 square feet) to accommodate the proposed changes at the site. Construction would take up to seven months and involve 3,305 cubic yards of soil excavation/disturbance. Sand processing operations would continue during construction. As part of the project, the facility would also seek approval of an Authority to Construct and Permit to Operate from the Bay Area Air Quality Management District, with a proposed throughput limit of 800,000 tons per year.

Location: Pier 92, San Francisco County, at cross streets Amador Street and Pier 92, Latitude 37.746145, Longitude -122.377381.

Timeframe: Construction is estimated to last up to seven months and would occur in one calendar year (2027).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 1: Construction buffers and shorebird protection

Section E.15, Biological Resources

Issue: The Project is planned to occur within existing developed areas at Pier 92 in San Francisco, which is directly adjacent to wetland habitat at Pier 94. Pier 94 supports populations of California seablite (*Sueda californica*), a rare plant with a California Rare Plant Rank of 1B.2, and provides habitat for many species of shorebirds, including nesting colonies of redwing blackbirds (*Agelaius phoeniceus*) and nesting American avocets (*Recurvirostra americana*), observed in 2026 by Golden Gate Bird Alliance staff who steward and conduct habitat restoration at Pier 94.

The draft EIR states that there would be less-than-significant impacts, either directly or through habitat modifications on any species identified as candidate, sensitive, or special-status species, and no mitigation measures to protect biological resources at Pier 94 wetlands are proposed in the draft EIR.

CDFW appreciates that the proposed modifications to existing sand processing facilities at Pier 92 will likely prove beneficial to wetland habitat due to reduction of airborne particulate matter (i.e. reduction in generation of airborne dust related to sand processing activities), however, the potential for short-term impacts to the Pier 94 wetland and the shorebird species it supports due to construction activities is unclear.

Specific impact, why impact would occur, and evidence impact would be significant:
The federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code provide protections for migratory and nesting birds, including the many species of shorebirds that utilize the Pier 94 wetlands adjacent to the project site. Under the MBTA of 1918, it is

Jennifer McKellar, Senior Planner
 City and County of San Francisco
 June 19, 2026
 Page 3

unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg of any such bird, and California Fish and Game Code section 3503 states that “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.”

The draft EIR and Appendix E Biological Resources Supporting Information do not describe existing levels of noise and visual disturbance to species of birds that utilize the Pier 94 wetland habitat, and thus it is unclear whether Project construction would have the potential to result in take of nesting or foraging birds at Pier 94.

Noise disturbances to birds could result from operation of heavy equipment at greater frequencies and for longer durations as compared to baseline vehicle operation on-site, as well as activities associated with installation of new facilities, operation of pavers on-site, etc. Visual disturbances could result from installation of outdoor, artificial light features, construction of a 63-foot-tall warehouse structure, and operation of equipment necessary for its construction.

The Project, as proposed and in the absence of mitigation measures protecting birds utilizing habitat at Pier 94 wetlands for foraging and breeding, could result in disturbance to or indirect take of birds during the breeding season (generally defined as February 15-August 30 for species such as redwing blackbirds and American avocets) due to noise and visual disturbances exceeding baseline levels.

Recommendation: To avoid take of nesting birds and to ensure disturbance to breeding and foraging birds due to Project construction is minimized to less-than-significant levels, the DEIR should analyze whether construction-generated noise and visual disturbance exceed baseline levels of disturbance at Pier 92. Should this analysis demonstrate that construction activities would exceed baseline levels of noise and visual disturbance, CDFW recommends the draft EIR include measures to protect birds utilizing habitat at Pier 94 by installing visual and noise-dampening buffers/barriers between construction areas and wetland habitat. These barriers should serve to reduce potentially significant impacts to breeding and foraging birds to less-than-significant levels by demonstrating reduction in levels of noise and visual disturbance to below baseline levels.

Additionally, CDFW recommends the draft EIR discuss the Project's proposed lighting scheme to be used during construction as well as operational lighting plans following construction completion and address potential impacts to birds utilizing habitat at Pier 94 due to artificial light being used at night and spilling over into wetland areas. In this analysis of potential impacts of the use of artificial light at night on birds, potential solutions to light spillover should be addressed, and may include restricting artificial light use during evening hours, provisioning for use of light fixtures that reduce and/or eliminate light spillover into wetland habitat, or other approaches.

Lastly, CDFW recommends the draft EIR discuss the timing of construction operations and whether the nesting bird season (February 15- August 30) can be avoided, and if it cannot be avoided, whether and how the above recommendations can be incorporated into mitigation measures for the Project to reduce potentially significant impacts to nesting birds at Pier 94 to less-than-significant levels.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link:

Jennifer McKellar, Senior Planner
City and County of San Francisco
June 19, 2026
Page 4

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Shannon Husband, Environmental Scientist, at (707) 337-1364 or Shannon.Husband@wildlife.ca.gov; or Wes Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento
Craig Weightman, CDFW Bay Delta Region - Craig.Weightman@wildlife.ca.gov