Clipper Yacht Harbor
Marina Dock Replacement Project

Initial Study / Mitigated Negative Declaration

CITY OF SAUSALITO

City of Sausalito

420 Litho Street

Sausalito, CA 94965

May 2021

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Clipper Yacht Harbor Marina Dock Replacement Project
Draft Mitigated Negative Declaration

Project: Clipper Yacht Harbor Marina Dock Replacement Project

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Lead Agency: City of Sausalito

Availability of Documents: The Initial Study for this Mitigated Negative Declaration is available for review at https://www.sausalito.gov/departments/community-development/planning-division/current-planning/public-notices; or

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Attn: Lilly Whalen
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PROJECT DESCRIPTION

The City of Sausalito has received an application from Bellingham Marine Industries, Inc. on behalf of KC Pederson, owner of Clipper Yacht Harbor, to allow the removal and replacement of existing boat docks within the Clipper Yacht Harbor, located at 310 Harbor Drive, in Sausalito, Marin County. The Clipper Yacht Harbor Marina Dock Replacement Project (project) consists of the replacement of the existing dock infrastructure in Basin 3 and Basin 4 of Clipper Yacht Harbor. No increase in the number of berths or length of dock is proposed.

The project site consists of two parcels (APN 063-020-01 and APN 063-010-16). The first project parcel (APN 063-020-01) is approximately 7.08 acres and contains Clipper Yacht Harbor Basin 3, a portion of Clipper Yacht Harbor Basin 2, marina parking lots, open space, a boat yard, and storage containers. The second project parcel (APN 063-010-16) is approximately 17.5 acres and

contains Clipper Yacht Harbor Basin 4, marina parking lot area, storage containers, and industrial yards. The project parcels are located in the Waterfront (W) zoning district. The City's General Plan designates the parcels as Waterfront (W). Under the Waterfront land use designation, the City allows for marine service harbors, public access piers, and minor modifications to existing recreational marinas. Dock replacement in an existing recreational marina is consistent with the Waterfront land use designation.

The existing dock system in Basin 3 and Basin 4 consists of an overwater dock structure area totaling 101,845 square feet, or 2.34 acres, with 53,498 square feet of dock area in Basin 3 and 48,347 square feet of dock area in Basin 4. Basin 3 contains 203 slips that can support vessels ranging from 20 to 75 feet in length. Basin 4 contains 224 slips that can support vessels ranging from 28 to 75 feet. The components of the dock system in Basin 3 and Basin 4 include dock floats made of treated wood, foam, and concrete; concrete and wooden piles; wooden gangways; and fire, domestic water, sanitary sewer, and electrical utilities. The project proposes to demolish the existing docks and replace them with new docks of essentially the same size. The new dock system would be a Unifloat Dock System including concrete dock floats, concrete guide piles, and aluminum gangways. The project would reduce the existing overwater dock area of the two Basins by 3.3 percent (equivalent to 2,486 square feet), resulting in a smaller dock system of 99,359 square feet, or 2.28 acres, of overwater dock structure.

The overall project demolition and construction timeframe would span approximately 16 months, commencing in July 2022 and ending in November 2023. Construction activities in Basin 3 are anticipated to begin in late July 2022 and end in November 2022, lasting approximately five (5) months. Construction activities in Basin 4 are anticipated to begin in late July 2023 and end in November 2023, lasting approximately five (5) months.

Existing vessels docked at this facility will be relocated to other dock facilities within the area such that offshore anchorages will be avoided.

PROPOSED FINDINGS

The City of Sausalito has reviewed the attached Initial Study and determined that the Initial Study identifies potentially significant project effects, but:

1. Revisions to the Project plans incorporated herein as mitigation would avoid or mitigate the effects to a point where no significant effects would occur; and
2. There is no substantial evidence, in light of the whole record before the agency, that the Project may have a significant effect on the environment. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(3) and 15070(b), a Mitigated Negative Declaration has been prepared for consideration as the appropriate CEQA document for the Project.

BASIS OF FINDINGS

Based on the environmental evaluation presented in the attached Initial Study, the Project would not cause significant adverse effects related to: Aesthetics, Agricultural and Forest Resources, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Utilities/Service Systems, or Wildfire. The project does not have impacts that are individually limited, but cumulatively considerable.

The environmental evaluation has determined that the project would have potentially significant impacts on Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources as described below.

Mitigation Measures

The project could result in significant adverse effects to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. However, the project has been revised to include the mitigation measures listed below, which reduce these impacts to a less-than-significant level. With implementation of these mitigation measures, the project would not substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Nor would the project cause substantial adverse effects on humans, either directly or indirectly.

Mitigation Measure BIO-1a: Avoidance and Minimization Measures for Special-Status Fish. The Applicant and/or its contractor shall implement the following Avoidance and Minimization Measures (AMMs) during project construction. These measures shall be presented on all construction bid documents.

Project Demolition and Construction Avoidance and Minimization Measures

1	Silt curtains will be utilized to control turbidity during removal and placement of piles. The silt or "turbidity curtain" typically has a skirt of approximately 5' which controls any sediment suspended in the water column from propagating out of the work area.
2	Floating booms shall be maintained around the project site to capture floating debris during all demolition and construction phases. "Floating boom" curtains typically have a 1' skirt and are designed to keep any floating debris from escaping the work area before it can be removed.
3	Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
4	Floating debris would be removed from the water and disposed of properly.
5	Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
6	Operators of construction equipment and all other project workers shall not harass any marine mammals, waterfowl, or fish in project area.
7	Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering bay.
8	Erosion control/ sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition.
9	Contractor shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States.
10	All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.

11	Maintain good housekeeping. Maintain clean site at end of every construction day. Do not drop mud and debris from construction vehicles into public streets. Sweep turning areas and pavement entrances as needed.
12	At the end of the construction period, the project applicant or its contractor shall inspect the project area and ensure that no debris, trash, or construction materials has been left on the shore or in the water.

Mitigation Measure BIO-1b: Avoidance and Minimization Measures for Marine Mammals. To reduce impacts to marine mammals to less than significant levels, the following measures shall be implemented:

- The project Applicant shall create and maintain a visual 500-meter safety zone around sound sources (i.e., pile drivers and/or any motorized equipment with sound waves entering Richardson Bay) in the event that the sound level is unknown or cannot be adequately predicted. This will be required at the onset of construction. The safety zone shall be maintained by the qualified biologist through the use of a rangefinder (or similar measuring device) to closely approximate the 500-meter distance from the source of the sound (i.e., pile driver) and monitoring marine mammals within this distance. An aerial map outlining an approximate boundary within the waters of Richardson Bay may be utilized to help visualize the 500-meter safety zone.
- A qualified biologist on shore will visually survey the safety zone (by naked eye and binoculars) to ensure that no marine mammals are within or surfacing/traveling within the zone before pile driving begins. If a marine mammal is observed within the safety zone before pile driving begins, pile driving will be delayed until the marine mammals move out of the area, as evidenced by observed surfacing and/or hauling out of the individual outside the project area.

  If marine mammals enter the safety zone after pile driving of a segment has begun, pile removal and installation will continue. The qualified biologist will monitor and record the species and number of individuals observed, and note behavior patterns. If the animal appears distressed, and if it is operationally safe to do so, pile removal and installation will cease until the animal leaves the area, as evidenced by observed surfacing and/or hauling out of the individual outside the project area. Prior to the initiation of each new pile event, the area will again be thoroughly surveyed by the biologist. With the implementation of Mitigation Measure BIO-1b, potential impacts to marine mammals will be reduced to less than significant levels.

Mitigation Measure BIO-2: Implementation of Clipper Yacht Harbor Eelgrass Mitigation Plan. The following details the methods of survey and actions to be taken to protect nearby eelgrass habitat and ensure any new eelgrass habitat within the project site will not be significantly impacted during project implementation:

- A qualitative survey would be conducted prior to construction (within the April – October growing season) for presence/absence of eelgrass shoots by examining the project footprint and immediate vicinity (10-meter buffer) at low tide.
- If any eelgrass shoots are present, quantitative pre- and post-construction eelgrass surveys and monitoring would be conducted in the footprint (and buffer) of the project. A reference site used as a control shall also be included in the monitoring plan. Quantitative surveys, monitoring and mitigation would be performed in accordance with the 2014 California Eelgrass Mitigation Policy and Implementation Guidelines. Survey and

monitoring plans would be provided to NOAA Fisheries 45 days prior to construction for review and approval.

- If monitoring indicates that a loss of eelgrass has occurred as a result of the project, a USACE- approved mitigation plan will be developed and implement, in consultation with NOAA Fisheries. The monitoring and mitigation plan would compensate for negative impacts to eelgrass resulting from the project.

Mitigation Measure CUL-1: Conduct Archaeological Monitoring. The applicant shall retain a qualified professional archaeologist or archaeological firm to conduct archaeological monitoring during pile removement. The archaeologist shall be on the barge, or where piles and construction debris are first placed on removal from the water, in order to be allowed to examine the piles and other removed material for evidence of archaeological resources. If archaeological resources are suspected to have been discovered, then ground disturbing and pile removal work will cease in order to allow the archaeological monitor time to examine the potential resource.

All Native American artifacts (tribal finds) shall be considered as a significant Tribal Cultural Resource, pursuant to PRC 21074 until the lead agency has enough evidence to make a determination of significance.

If any tribal find is discovered, work on pile removal will cease and the Federated Indians of Graton Rancheria shall be contacted and consulted. The City shall coordinate with a qualified archaeologist and the Federated Indians of Graton Rancheria to develop an appropriate treatment plan for the resources. The plan may include, tribal monitoring, implementation of underwater archaeological data recovery, and subsequent laboratory processing and analysis.

In the event that a historic period archaeological resource which is likely to be significant under CEQA is discovered, work shall cease, and a qualified archaeologist shall develop an appropriate treatment plan for the resources.

A monitoring report will be written detailing all archaeological finds and submitted to the City and the NWIC.

Mitigation Measure CUL-2: Unanticipated Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the MLD from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

Mitigation Measure GEO-1: Unanticipated Discovery of Paleontological Resources. If paleontological resources are discovered during construction, sediment-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery. Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which sediment-disturbing activity within the area of the find would be temporarily halted until the resource has been recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards.

The City will ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.

RECORD OF PROCEEDINGS AND CUSTODIAN OF DOCUMENTS

The record, upon which all findings and determinations related to the approval of the project are based, includes the following:

1. The Mitigated Negative Declaration and all documents referenced in or relied upon by the Mitigated Negative Declaration.
2. All information (including written evidence and testimony) provided by City of Sausalito staff to the decision maker(s) relating to the Mitigated Negative Declaration, the approvals, and the project.
3. All information (including written evidence and testimony) presented to the City of Sausalito by the environmental consultant who prepared the Mitigated Negative Declaration or incorporated into reports presented to the City of Sausalito.
4. All information (including written evidence and testimony) presented to the City of Sausalito from other public agencies and members of the public related to the project or the Mitigated Negative Declaration.
5. All applications, letters, testimony, and presentations relating to the project.
6. All other documents composing the record pursuant to Public Resources Code section 21167.6 (e).

The City of Sausalito is the custodian of the documents and other materials that constitute the record of the proceedings upon which the City of Sausalito's decisions are based. The contact for this material is:

Lilly Whalen, Community Development Director
c/o Tricia Stevens, MIG consulting planner
tstevens@migcom.com
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Mail comments to:
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CLIPPER YACHT HARBOR MARINA REPLACEMENT PROJECT INITIAL STUDY

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Chapter 1. Introduction

This Initial Study (IS) evaluates the potential environmental effects of the redevelopment of a marina facility in the City of Sausalito (City). These proposed activities constitute a project under the California Environmental Quality Act (CEQA).

1.1 PROJECT BACKGROUND AND OVERVIEW

The project proposes to demolish the existing dock system, including dock floats, gangways, and piles, in Basin 3 and Basin 4 of the Clipper Yacht Harbor marina and construct in its place a new concrete dock system. All project improvements would take place waterside. The project includes landside activities only in that the existing marina parking lot area on-site would be used for demolition and construction staging area.

1.2 REGULATORY GUIDANCE

The California Environmental Quality Act (CEQA; Public Resources Code § 21000 et seq.) and the CEQA Guidelines (14 CCR §15000 et seq.) establish the City as the lead agency for the project. The lead agency is defined in CEQA Guidelines Section 15367 as, "the public agency which has the principal responsibility for carrying out or approving a project." The lead agency is responsible for preparing the appropriate environmental review document under CEQA. The Sausalito Planning Commission serves as the decision-making body for the City and is responsible for adopting the CEQA document and approving the project.

CEQA Guidelines Section 15070 states a public agency shall prepare a proposed Negative Declaration or a Mitigated Negative Declaration when:

1. The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
2. The Initial Study identifies potentially significant effects, but:
    - Revisions in the project plans made before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where no significant effects would occur, and
    - There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Pursuant to Section 15070, the City has determined a Mitigated Negative Declaration is the appropriate environmental review document for the project.

To ensure that the mitigation measures and project revisions identified in a Mitigated Negative Declaration are implemented, CEQA Guidelines Section 15097(a) requires the City to adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. The City shall prepare a Mitigation, Monitoring and Reporting Plan based on the mitigation measures contained in this IS/MND.

1.3 LEAD AGENCY CONTACT INFORMATION

The lead agency for the project is the City of Sausalito. The contact person for the lead agency is:

Lilly Whalen, Community Development Director

c/o Tricia Stevens, MIG consulting planner
tstevens@migcom.com
(916) 698-4592

Mail comments to:
City of Sausalito Community Development Department
Attn: Lilly Whalen
420 Litho Street, Sausalito, CA 94965

1.4 DOCUMENT PURPOSE AND ORGANIZATION

The purpose of this document is to evaluate the potential environmental effects of the 310 Harbor Drive Clipper Yacht Harbor Marina Dock Replacement Project. This document is organized as follows:

- Chapter 1 – Introduction. This chapter introduces the project and describes the purpose and organization of this document.
- Chapter 2 – Project Description. This chapter describes the project location, area, site, objectives, and characteristics.
- Chapter 3 – Environmental Checklist and Responses. This chapter contains the Environmental Checklist that identifies the significance of potential environmental impacts (by environmental issue) and a brief discussion of each impact resulting from implementation of the proposed project. This chapter also contains the Mandatory Findings of Significance.
- Chapter 4 – Report Preparation. This chapter provides a list of those involved in the preparation of this document.
- Appendices
    - Appendix A: Air Quality/GHG Calculations
    - Appendix B: Biological Resources Documentation

Chapter 2. Project Description

The City of Sausalito has received an application from Bellingham Marine Industries, Inc. on behalf of KC Pederson, owner of Clipper Yacht Harbor, to allow the removal and replacement of existing boat docks within the Clipper Yacht Harbor, located at 310 Harbor Drive, in Sausalito, Marin County. The Clipper Yacht Harbor Marina Dock Replacement Project (project) consists of the replacement of the existing dock infrastructure in Basin 3 and Basin 4 of Clipper Yacht Harbor. No increase in the number of berths or length of dock is proposed. The project would require a U.S. Army Corps of Engineers Clean Water Act (CWA) Section 404 permit, NOAA Fisheries Letter of Permission (LOP), California Department of Fish & Wildlife approval, BCDC Coastal Zone Management consistency concurrence, San Francisco Bay RWQCB 401 water quality certification, Marin County Stormwater Pollution Prevention Program (MCSTOPPP) Erosion and Sediment Control Plan approval, and permits from the City of Sausalito (design review, conditional use permit for the liveaboards, non-conformity permit to recognize the existing marina, and building permit(s)).

2.1 PROJECT LOCATION

The project site is located in the City of Sausalito (City), California, in Marin County along the western shore of the Richardson Bay in the San Francisco Bay. The proposed project is located at 310 Harbor Drive in the northern part of the City of Sausalito as shown in Figure 1. The Assessor Parcel Number (APN) of two project parcels are 063-020-01 (Basin 3) and 063-010-16 (Basin 4).

Regional vehicular access to the site is provided via U.S. Route 101 (US 101) and Bridgeway located west of the project site, as well as Harbor Drive located south of the project site.

2.2 PROJECT SITE

The project site consists of two parcels (APN 063-020-01 and APN 063-010-16). The first project parcel (APN 063-020-01) is approximately 7.08 acres and contains Clipper Yacht Harbor Basin 3, a portion of Clipper Yacht Harbor Basin 2, marina parking lots, open space, a boat yard, and storage containers. The second project parcel (APN 063-010-16) is approximately 17.5 acres and contains Clipper Yacht Harbor Basin 4, marina parking lot area, storage containers, and industrial yards. The project area consists of the marina's Basin 3 and Basin 4, and an unvegetated, level area northeast of the paved parking lot and south of the dock system in Basin 3 where a temporary demolition and construction staging area is proposed to be located. The demolition and construction staging area would be fenced and would contain signage. All project improvements would occur waterside. The project includes landside activities only in that unvegetated marina area would be used as a demolition and construction staging area, construction employees would park passenger vehicles in the marina parking lot, and trucks would use the marina driveway, local streets, and regional roadways to deliver and remove dock floats and equipment. The project site and surrounding uses are shown in Figure 2.

Basin 3 is surrounded by open water to the east, open water and Basin 4 berths to the north, marina parking and open space to the south, and marina parking and marina commercial and industrial uses to the west (Figure 2). Basin 4 is surrounded by open water to the north and east, houseboats to the west, and Basin 3 berths and marina parking to the south. The asphalt-paved marina parking areas are accessed via one driveway connected to Harbor Drive which is controlled by marina management with an attendant kiosk and control barriers.

2.2.1 Land Use and Zoning

The project is located in the Waterfront (W) zoning district. The City's General Plan designates the parcels as Waterfront (W). Under the Waterfront land use designation, the City allows for marine service harbors, public access piers, and minor modifications to existing recreational marinas.

Existing recreational marinas are permitted to remodel and realign with the issuance of a design review permit, as long as any enlargement does not exceed 10 percent. Liveaboards are required to obtain a conditional use permit and are subject to the standards of Zoning Code Section 10.44.170. A nonconformity permit is required to recognize the existing recreational marina. Dock replacement in an existing recreational marina is consistent with the Waterfront land use designation. The project would not increase the number of berths in Basin 3 and Basin 4.

The project parcels are surrounded by the Houseboats zoning district to the west, the Industrial district to the south, and the Waterfront district to the east; therefore, the Waterfront district's minimum setback requirements do not apply to the project parcels.

2.2.2 Surrounding Land Use

The project vicinity consists predominantly of marine uses, including docks, houseboats, boat yards, dry boat storage areas, and commercial and industrial facilities, such as boat repair shops, marine supply stores, boat and sailing charters, and boat and yacht sales offices. The project vicinity also contains parking lots ancillary to the marine uses and several restaurants adjacent to the parking lot area. The parcel immediately west and southwest of the Basin 3 project parcel contains boat yard buildings, a boat repair shop, a building housing a sailing school, a boat wash station, a dry boat storage lot, harbor restrooms and showers, and a marine supply store, all associated with Clipper Yacht Harbor. Further west and southwest, parcels along Gate 5 Road contain an auto body shop, office buildings, restaurants, a bicycle shop, and a cycling tour service. The parcel south of the Basin 3 project parcel contains Basin 2 of Clipper Yacht Harbor and Clipper Yacht Harbor buildings and amenities, including harbor offices, yacht sales offices, a dry boat storage lot, and a restaurant. The three parcels southwest of the Basin 4 project parcel contain houseboats (Figure 2).

2.2.3 Existing Site

The existing dock system in Basin 3 and Basin 4 consists of overwater dock structure area totaling 101,845 square feet, or 2.34 acres, with 53,498 square feet of dock area in Basin 3 and 48,347 square feet of dock area in Basin 4. The site plans show 284 piles, including 134 round wooden piles and 150 square concrete piles, currently hold the dock system in place laterally. Two gangways provide access to the docks of Basin 3, and one gangway provides access to the Basin 4 docks. Basin 3 contains 203 slips that can support vessels ranging from 20 to 75 feet in length. Basin 4 contains 224 slips that can support vessels ranging from 28 to 75 feet. The components of the dock system in Basin 3 and Basin 4 include dock floats made of treated wood, foam, and concrete; concrete and wooden piles; wooden gangways; and fire, domestic water, sanitary sewer, and electrical utilities. Figure 3 shows the existing project site conditions, including existing dock infrastructure.

2.3 PROPOSED PROJECT

The project applicant proposes to demolish the existing dock floats, and gangways, and remove dock piles in Basin 3 and Basin 4 of Clipper Yacht Harbor and construct new dock floats and gangways, and place new piles in the same locations. The new dock system would be a Unifloat Dock System including concrete dock floats, concrete guide piles, and aluminum gangways (Figure 4).

2.3.1 Project Activities

The proposed project would consist of:

- Disassembly and demolition of 2.34 acres of existing dock components, including dock floats, and gangways, and removal of dock piles.
- Export of all existing dock materials from the project site to Dixon, California for recycling or disposal.
- Import of new dock system components from Dixon, California to the project site.
- Construction of a new dock system covering 2.28 acres, including assembly of dock floats and gangways and pile driving.
- Installation of new utility lines for electrical power, telephone, potable water, and wastewater services within and affixed to dock system components.
- Installation of a new Dry Class 1 fire system, including fire flow lines, fire hose cabinets and fire standpipes.
- Installation of dock lighting and dock boxes.
- Installation of signage.
- Tie-ins with the MMWD's existing domestic water and fire flow systems.
- Tie-ins with the City's sanitary sewer system.
- Tie-ins with PG&E's existing electrical power system.
- Tie-ins with AT&T's existing telephone system.

The project would reduce the existing overwater dock area of the two Basins by 3.3 percent (equivalent to 2,486 square feet), resulting in a smaller dock system of 99,359 square feet, or 2.28 acres, of overwater dock structure. The project would reduce the total number of boat slips in the two Basins from 427 to 426 slips. In addition, the project would alter the existing distribution of slips between the Basins, increasing the number of slips in Basin 3 and decreasing the number of slips in Basin 4. The project would reduce the number of piles to 211, and all new piles would be made of square, pre-stressed concrete, measuring 14 to 16 inches in size. Two of the new aluminum gangways would each measure 5 feet by 80 feet and be compliant with the Americans with Disabilities Act (ADA). The third new aluminum gangway would measure 4 feet by 45 feet and would not be ADA compliant. The project would add one concrete wave attenuator dock to each Basin between the dock slips and the open waters of the Richardson Bay.

The project proposes waterside improvements. Landside activities would include only the temporary demolition and construction staging area. The project's proposed improvements are shown in Table 1.

Table 1. Summary of Project Improvements

Dock System Features	Basin 3		Basin 4		Overall	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Overwater Dock Structure (sq. ft.)	53,498	53,060	48,347	46,299	101,845	99,359
Pile Count	-	107	-	104	284	211
Slip Count	203	258	224	168	427	426
Gangways	2	2	1	1	3	3
Freeboard of Berths (in.)	19 (±1)	18 (±1)	16 (±1)	18 (±1)	16 (±1) – 19 (±)	18 (±1)
Freeboard of Attenuator Docks (in.)	N/A	20 (±2)	N/A	20 (±2)	N/A	20 (±2)
Liveaboard Count	–	–	–	–	27	27

2.3.2 Dock System Demolition and Removal

Project construction would occur in phases to minimize displacement of the marina tenants. Marina management intends to relocate tenants within the marina while demolition and construction occur in various sections of the marina. Demolition and replacement of the existing dock system in Basin 3 and Basin 4 would occur in seven phases (Figure 5). Each phase includes both the demolition and replacement of dock infrastructure in the various sections of the basins. During each phase, tenant vessels using existing slips would be moved and temporarily moored in available slips not undergoing demolition or construction in Basin 3 or Basin 4. Following dock replacement, the tenant vessels would be moved to the newly installed dock slips.

Demolition activities would begin with the disassembly of existing dock infrastructure by a crew using hand tools. The crew would disassemble the walers (structural beams affixed to the deck of a dock float), fascia (horizontal cover boards), and steel rods that connect the dock flows, cutting the steel rods between the walers and the floats with hand-held power saws. The crew would also use hammers to remove the steel rods. To stabilize the dock floats during disassembly, the crew would use rope or trucker straps to temporarily connect the dock floats. During disassembly, the crew would secure and remove existing utility lines that may be impacted by demolition activities. A work boat would float the disconnected dock floats to a land-based crane. The land-based crane would be located in the temporary demolition and construction staging area. During this process, crew members would work in-water to help guide the dock floats to nearest riprap area along the shoreline. The crane would then lift the dock floats out of the water and place them directly on a truck. The truck would transport the dock floats to the Bellingham Marine Industries industrial plant in Dixon, California.

The crew would remove the existing wooden and concrete piles through a direct pull extraction method in which each pile is wrapped with a choker cable of chain, jetted by a crane to loosen the soil surrounding the pile foundation, and removed by the crane with an upward pull. The

removed piles would be boated to shore and placed on a truck for transport to the Bellingham Marine Industries industrial plant in Dixon, California.

All recyclable dock materials, including copper piping, concrete piles, and recyclable plastics and metals, would be recycled. Most dock float material would be disposed of rather than recycled, as the floats are composed of treated wood and foam that cannot be recycled. During the demolition and construction process, the work crew would follow a series of best management practices (BMPs) to reduce the environmental impacts of demolition and construction activities, including preventing contamination of Richardson Bay waters and minimizing disturbance to the ocean bottom and intertidal areas. Table 2 lists the BMPs the work crew would implement during demolition and construction activities as indicated by the project applicant.

Table 2. Project Demolition and Construction BMPs

1	Silt curtains will be utilized to control turbidity during removal and placement of piles. The silt or “turbidity curtain” typically have a skirt of approximately 5’ which controls any sediment suspended in the water column from propagating out of the work area.
2	Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases. “Floating boom” curtains typically have a 1’ skirt and are designed to keep any floating debris from escaping the work area before it can be removed.
3	Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
4	Floating debris would be removed from the water and disposed of properly.
5	Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
6	Operators of construction equipment and all other project workers shall not harass any marine mammals, waterfowl, or fish in project area.
7	Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering bay.
8	Erosion control/ sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition.
9	Contractor shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States.
10	All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
11	Maintain good housekeeping. Maintain clean site at end of every construction day. Do not drop mud and debris from construction vehicles into public streets. Sweep turning areas and pavement entrances as needed.

12	At the end of the construction period, the project applicant or its contractor shall inspect the project area and ensure that no debris, trash or construction materials has been left on the shore or in the water.

2.3.3 Dock System Replacement

Following the demolition of the existing dock system, the project would install a new dock system in Basin 3 and Basin 4 in the same location (Figure 4). The new Unifloat Dock System would be constructed off-site in an industrial plant in Dixon, California. Each unpainted dock float would be composed of expanded polystyrene foam encapsulated in a six-sided concrete shell. The dock floats would be rafted together with a wooden waler system; wooden dock components would be treated in accordance with the standards put forth by the American Wood Protection Association (AWPA). The three new gangways would be composed of marine grade aluminum. All new pilings would be square-shaped, pre-stressed concrete.

The individual dock floats would first be partially assembled in the industrial plant in Dixon through the assembly of hardware and waler system components. The partially assembled dock floats would be shipped to the project site by truck. The new concrete piles would be manufactured in the same industrial plant and shipped to the project site by truck. The new dock floats would be placed in water by a land-based crane located in the temporary demolition and construction staging area. A crew would then assemble and connect the dock floats using hand tools. The new concrete piles would be transported from truck to a work barge by a land-based crane. The piles would be driven through pre-cut holes in the dock system by a barge-mounted pile driver. The Applicant estimates that on average up to three piles can be placed per day, although specific construction conditions can cause this number to vary.

The following procedures would be employed to place the new piles. First, a fire hose and water pump would jet the tip of each pile into the mud line of the Bay no less than five (5) feet prior to achieving final tip elevation. Then, a diesel impact hammer with a ¾-inch plywood cushion block and attached sound curtain would be stood up on the barge, set up on top of each pile and cushion block, and used to drive the piles into the final five (5) feet of Bay substrate. The sound curtain, or bubble curtain, would consist of a perforated hose laid around the pile and diesel impact hammer in a circle to release a curtain of air bubbles generated by compressed air. The air bubbles would break up sound waves and thereby reduce the noise generated from pile driving. Prior to pile driving, a silt, or turbidity, curtain would be positioned with sufficient area as to control turbidity from pile driving activities. The silt curtain would consist of PVC-coated polyester filter fabric suspended in the water by six-inch cell floats and galvanized ballast chains. Following the installation of the dock floats and concrete piles, the crew would finish dock assembly through the installation of fendering, cover boards, pile guides, wet and dry utilities, fire standpipes, electrical power centers, and dock storage boxes using hand tools.

Construction of the new dock system would adhere to the BMPs listed in Table 2.

2.3.4 Utilities

The project would continue to be served by existing utility services, including water, sanitary sewer, electric, telephone, and fire protection. During dock system demolition, utilities would not be disconnected overnight to the extent feasible.

Water Supply

The Marin Municipal Water District (MMWD) provides water service to the City of Sausalito. The project would continue to be served by MMWD. The project would tie in new domestic water utilities affixed to the dock system to existing MMWD water line connections onsite.

Sanitary Sewer Service

Sanitary sewer collection would continue to be provided by the City of Sausalito Department of Public Works. Sanitary sewer conveyance and treatment would continue to be provided by the Sausalito-Marin City Sanitary District (SMCSD). Treatment would take place at the SMCSD treatment plant located south of the Sausalito city limits. All vessels using the new dock system would be equipped with approved sewage holding tanks. Sewage from the holding tanks would be pumped into self-contained pump out systems installed at each boat slip measuring 30 feet or greater in size. Discharge plumbing affixed to the dock system would then pump sewage to existing City connections for conveyance and eventual treatment by SMCSD. Non-liveaboard tenants would continue to use existing standalone, landside marina restroom facilities.

Electrical Utilities and Services

Electricity would continue to be provided to the project site by Pacific Gas and Electric (PG&E). The project would tie in new electrical utilities installed in the dock system to existing PG&E utility connections onsite. New electrical utility components include substations, power centers located inside dock boxes and utility pedestals, wiring, transformers, and circuit breakers.

Telephone Services

Telephone services would continue to be provided to the project site by AT&T. The project would tie in new telephone utilities affixed to the dock system to existing AT&T utility connections onsite.

Stormwater Management

The project is subject to compliance with the requirements of Section 401 of the Clean Water Act as it proposes activities that may potentially discharge pollutants into waters of the United States. The project is required to secure a 401 Water Quality Certification permit from the San Francisco Bay RWQCB, which regulates general waste discharge requirements and water quality certifications for construction and maintenance of overwater structures in the San Francisco Bay. The project would be required to adhere to stormwater control BMPs during demolition and construction activities. Following the completion of project demolition and construction activities, normal marina operations would continue to be subject to the requirements of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) under the County's National Pollutant Discharge Elimination System (NPDES) Phase II MS4 Permit.

Fire Protection

Fire protection services would continue to be provided by the Southern Marin Fire Protection District. The project would be served by a new Dry Class 1 fire system, including fire standpipes and fire hose cabinets, affixed to the dock system. The project would tie in new fire flow utility lines affixed to the dock system to existing MMWD connections onsite.

2.3.5 Project Design and Sea Level Rise

The project site and Clipper Yacht Harbor's marina facilities are located in flood hazard zones, according to the Federal Emergency Management Agency (FEMA). Future sea level rise is anticipated to exacerbate the effects of coastal flooding events. See Section 3.10, Hydrology and Water Quality, for discussion of the project applicant's assessment of the potential impacts of sea level rise (SLR) on the proposed dock system.

The new gangways would have a finished elevation of approximately 10 feet over the MLLW. In the event of a high SLR scenario and extreme high tides, the gangways would become temporarily slightly inundated; however, the gangways would continue to be serviceable and provide access to the docks. The new dock floats would float level with coastal waters at a consistent design freeboard of 16 to 18 inches, allowing the dock floats to remain functional considering anticipated SLR. Utilities would float with the dock system, as they are affixed to the dock floats. The new concrete piles would have an elevation of 12.7 feet MLLW at the top of the piles. Coastal water

levels could potentially reach approximately 10 feet over MLLW under a high SLR scenario at extreme high tides. The surface of the dock floats could potentially reach a height of 11.5 feet above MLLW under a high SLR scenario, which would remain lower than the top elevation of the piles.

2.3.6 Dock Design, Signage, and Lighting

The new dock system would be composed of concrete, fiberglass, wood, steel, rubber, and aluminum materials. The new dock system would remain similar in design and generally maintain a similar color scheme of gray, white, and brown. However, the new dock system would include a gray concrete deck, rather than the existing brown wooden deck. Figure 6 shows example dock features, materials, and colors the project would reference in the design of the new dock system. Table 3 lists the project's proposed dock system components and their materials and colors.

Table 3. Dock Materials and Colors Design Summary

Dock System Component	Material	Color
Dock floats	Concrete	Gray
Piles	Concrete	Gray
Gangways	Aluminum	Gray
Pile caps	Fiberglass	White
Fire hose cabinets	Fiberglass	White
Telephone terminal cabinets	Fiberglass	White
Dock boxes	Fiberglass	White
Junction boxes	Fiberglass	White
Walers	Wood	Brown
Cleats	Steel	Gray
Thru rods	Steel	Gray
Corner bumpers	Rubber	Gray
Fenders	Rubber	Gray
Hose bibs	Brass	Yellow
Utility lines	Steel	Gray
Utility hoses	PVC rubber	Black

The project site contains un-lit informational signage at the entrance to each basin. The project would not alter the existing basin entrance signage. The project site contains louvered (partially shielded with unshielded horizontal slats that allow for the escape of some light) nautical light post

fixtures installed on the dock deck (see Figure 3). The project proposes an in-kind replacement of the existing light fixtures.

2.3.7 Demolition and Construction Schedule

Project demolition and construction activities would generally proceed according to the following sequence. The timeline given is approximate and may vary due to selected contractor's means and methods and weather delays. Dock demolition and replacement would occur in seven phases in each basin, as shown in Figure 5. The overall project demolition and construction timeframe would span approximately 16 months, commencing in July 2022 and ending in November 2023. Construction activities in Basin 3 are anticipated to begin in late July 2022 and end in November 2022, lasting approximately four (4) months. Construction activities in Basin 4 are anticipated to begin in late July 2023 and end in November 2023, lasting approximately four (4) months. No demolition or construction activity is proposed between the end of Basin 3 construction activities (i.e., November 2022) and the commencement of Basin 4 construction activities (i.e., July 2023). Table 4 provides a summary of demolition and construction activities to occur in each Basin, as well as the number of construction days proposed for each demolition/construction activity and a description of the activity.

The City's Noise Ordinance restricts the hours of demolition and construction activities in or within 500 feet of residential zones (including Houseboat zones). Construction activities are limited to between 8:00 a.m. and 6:00 p.m. on weekdays and between 9:00 a.m. and 5:00 p.m. on Saturdays. Construction is prohibited on Sundays. The project would conduct demolition and construction activities for five (5) to eight (8) hours per day, depending on the activity, within the accepted demolition and construction hours established by the City's Noise Ordinance. Pile driving would occur at a maximum of six (6) to eight (8) hours per day during daylight hours over a period of approximately 120 days for Basin 3 and approximately 100 days for Basin 4, for a total duration of approximately 220 days with one year between pile driving in Basin 3 and pile driving in Basin 4. Piles would be installed at an approximate rate of three piles per day.

Table 4. Demolition and Construction Activity Phasing Information and Descriptions

Location / Year	Phase / Activity	Total Construction Days	Description
Basin 3 (2022)	1.0 Mobilization	N/A	Barge brought into Richardson Bay. Workboat and land-based crane imported from Dixon, CA, and set up.
	1.1 Existing Dock Demolition and Off-haul	35	Deconstruction of existing dock in Basin 3 using hand tools, materials removed from water using land-based crane. Off-haul of materials to Dixon, CA for disposal.
	1.2 New Dock Assembly, Material Import, Pile Installation	120	Installation of piles using water-based barge powered by two workboats. Concurrent import and construction of the new dock in Basin 3.
	1.3 Final Dock Assembly, Utility Work, Inspections	50	Final construction of and placement of dock using hand tools and a workboat.
Basin 4 (2023)	2.1 Existing Dock Demolition and Off-haul	28	Deconstruction of existing dock in Basin 4 using hand tools, materials removed from water using land-based crane. Off-haul of materials to Dixon, CA for disposal.
	2.2 New Dock Assembly, Material Import, Pile Installation	100	Installation of piles using water-based barge powered by two workboats. Concurrent import and construction of the new dock in Basin 4.
	2.3 Final Dock Assembly, Utility Work, Inspections	40	Final construction of and placement of dock in Basin 4 using hand tools and a workboat.
	2.4 Demobilization	N/A	Breakdown of land-based crane, export back to Dixon, CA along with workboat.

2.3.8 Construction Access

Access to the site during the construction phase would be via the existing marina entrances located on Harbor Drive. The construction staging area is anticipated to be fully within the site, on an unvegetated, level area northeast of the marina parking lot. Construction parking is anticipated to be onsite.

2.3.9 Construction Equipment and Information

The major pieces of equipment involved in project demolition activities would include:

- One (1) Workboat
- One (1) Land-based crane

- One (1) Forklift/Reach lift

Additional equipment and materials involved in project demolition activities would include:

- Three (3) Hand tools (power saws, impact drivers, power wrenches, and/or drills)
- Choker cables or chains
- Rope or trucker straps
- Silt curtains
- Floating booms
- Netting, sandbags, or tarps

Major equipment for the construction phase of the operation, including pile installation, would include:

- One (1) Barge with mounted crane
- Two (2) Workboats
- Two (2) Sea skiffs

Additional equipment and materials involved in project demolition activities include:

- One (1) Diesel hammer, hammer cushion, and driving helmet
- Three (3) Hand tools (power saws, impact drivers, power wrenches, and/or drills)
- Rope or trucker straps
- Silt curtains
- Floating booms
- Netting, sandbags, or tarps

Existing dock materials would be transported off-site to a facility in Dixon, CA by truck for disposal. The new dock system components would be transported from Dixon, CA to the project site by truck. Three (3) to five (5) trucks would be located onsite to deliver new dock floats and for loading old dock floats removed from the water. Flagmen would direct traffic in the event of a detour onsite or on the surrounding Marinship streets. Trucks would be located onsite several hours every morning during the demolition and construction period. Trucks would remain on standby each morning in the parking lot nearest the proposed staging area until needed. During demolition and construction activities, an unvegetated, level area northeast of the marina parking lot would be used as a construction staging area. Three (3) to five (5) workers are anticipated to be required onsite at any given point during demolition and construction.

2.3.10 Project Operation

The project would not alter the existing operations, including number of boat berths, number of employees, or hours of operation of the marina facility.

2.4 STANDARD AVOIDANCE MEASURES

Table 5 lists standard impact avoidance measures applicable to the project that help avoid or reduce potential project impacts. Because these measures are standard requirements, they are considered part of the project and not mitigation.

Table 5. Standard Impact Avoidance Measures

Responsible Agency / Topic	Avoidance Measure
Bay Area Air Quality Management District (BAAQMD) / Standard Dust Control Measures	BAAQMD California Environmental Quality Act Air Quality Guidelines: Table 8-2 Basic Construction Mitigation Measures Recommended for ALL Proposed Projects (2017) – 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
City of Sausalito / Noise Ordinance for Construction Noise	Municipal Code Section 12.16.140 (Time restrictions on operating construction devices in residential zones) – A. The operation of construction, demolition, excavation, alteration or repair devices and equipment shall only take place during the following hours: 1. Weekdays: Between 8:00 a.m. and 6:00 p.m. 2. Saturdays: Between 9:00 a.m. and 5:00 p.m. 3. Sundays: Prohibited.

Responsible Agency / Topic	Avoidance Measure
	4. Holidays officially recognized by the City of Sausalito not including Sundays: Prohibited. B. Homeowners currently residing on the property and all other legal residents may operate construction, demolition, excavation, alteration or repair devices and equipment themselves on their own property on Sundays and holidays officially recognized by the City; provided, that such operations occur between 9:00 a.m. and 6:00 p.m. and otherwise comply with the City's laws regulating noise. C. For purposes of this section, "holidays officially recognized by the City" are those holidays indicated on the official City Calendar which is adopted by the City Council as it currently exists and may hereinafter be amended.
City of Sausalito / Stormwater Control Requirements	Municipal Code Chapter 11.17 Urban Runoff Pollution Prevention: 11.17.050 Discharge regulations and requirements – D. Reduction of Pollutants in Urban Runoff 1. Control of Littering. a. Except for pollutants left to be lawfully disposed of by way of recycling containers or garbage cans, no person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land or other premises in the City, so that the same might be or become a pollutant discharged to water. b. The occupant or tenant or, in the absence of occupant or tenant, the owner, lessee, or proprietor of any premises in the City in front of which there is a paved sidewalk shall maintain the sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from the sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on the real property as required for the recycling or disposal of garbage. c. No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the City. 2. Standard for Parking Lots and Similar Structures. Persons owning or operating a parking lot, gas station area of pavement or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm drain system. 3. Use of Construction-Phase Best Management Practices. a. Any person performing construction activities in the City shall implement appropriate BMPs to prevent the discharge

Responsible Agency / Topic	Avoidance Measure
	of construction wastes or contaminants from construction materials, tools and equipment from entering the storm drain system or watercourse. b. The City has the authority to review designs and proposals for construction activities and new development and redevelopment sites to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization. c. Construction-phase BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, tarping of materials stored on site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The agency will provide references to current guidance manuals and BMP information on request. d. Erosion and Sediment Control Plan Requirements. i. When required by the Phase II Stormwater Permit or by the agency, a project shall have an erosion and sediment control plan (ESCP) which addresses erosion and sediment control and pollution prevention during the construction phase as well as final stabilization control measures. The ESCP and the specific control measures to be utilized shall be subject to the review and approval of the agency. The ESCP shall be implemented year round and shall be revised to reflect changing conditions on the project site. The agency shall require modifications of an approved ESCP if during the course of construction at a site unanticipated conditions occur or the plans prove inadequate for the intended purpose. Revisions of the approved ESCP shall be submitted to the agency for review and approval. An erosion and sediment control plan (ESCP) shall be required for any project: (A) Subject to a grading permit under Chapter 17.08 SMC, Excavations Generally; (B) Subject to a building permit or other permit that has the potential for significant erosion and/or significant

Responsible Agency / Topic	Avoidance Measure
	non-storm water discharges of sediment and/or construction site waste; (C) As required by the City considering factors such as whether the project involves hillside soil disturbance, rainy season construction, construction near a creek or an intermittent or ephemeral drainageway, or any other condition or construction site activity that could lead to a non-storm water discharge to a storm drain if not managed by effective implementation of an ESCP. ii. The ESCP shall be submitted for review and approval by the City. The project applicant shall follow the most recent version of the MCSTOPPP Construction Erosion and Sediment Control Plan Applicant Package. At a minimum, the ESCP shall include: (A) Description of the proposed project and soil disturbing activity. (B) Site specific construction-phase best management practices (BMPs). (C) Rationale for selecting the BMPs. (D) List of applicable outside agency permits associated with the soil disturbing activity, such as: Construction General Permit (CGP); Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Streambed/Lake Alteration Agreement (1600 Agreements). (E) If the project requires coverage under the CGP issued by the State Water Resources Control Board (SWRCB), permit registration documents must be filed with the SWRCB for said coverage and a copy of the Waste Discharge Identification Number shall be submitted to the City prior to issuance of a permit for construction. The applicant may submit the Storm Water Pollution Prevention Plan (SWPPP) required by the General Construction Activity Stormwater Permit in lieu of the ESCP provided it meets the requirements of the ESCP. (F) Financial security may be required to ensure that temporary measures to control storm water pollution are implemented and maintained during construction and after construction for a period determined by the agency. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the agency. (G) When any work is being done contrary to the provisions of this chapter, the authorized enforcement official may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work

Responsible Agency / Topic	Avoidance Measure
	shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to and does not supersede or limit any and all other remedies, both civil and criminal, provided in the City of Sausalito Municipal Code. (H) Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the City for a project subject to this section. The ESCP shall be implemented year-round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the City for review and approval. 4. Permanent Stormwater Controls for New and Redevelopment. a. The City may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants and for control on the volume and rate of storm water runoff from the project's added or replaced impervious surfaces. These controls may include limits on impervious area. The selection and design of such controls shall be in general accordance with criteria established or recommended by Federal, State, and local agencies, and where required by the City, the BASMAA Post-Construction Manual. Where physical and safety conditions allow, the preferred control measure is to retain drainage ways above ground and in as natural a state as possible or other biological methods such as bioretention areas. Where required by the Phase II Stormwater Permit Provision E.12, or where required by the nature and extent of a proposed project and where deemed appropriate by the agency, every applicant shall develop, submit and implement a storm water control plan (SCP) as described below: i. The SCP shall follow the appropriate SCP template, based on project type, in the most recent version of the BASMAA Post-Construction Manual. ii. The specific practices proposed in the SCP shall be subject to the review and approval of the City and shall be in general accordance with the BASMAA Post-Construction Manual, and the Phase II Stormwater Permit. iii. The SCP is separate and distinct from the ESCP requirements described in subsection (D)(3)(d) of this section. iv. All storm water management facilities shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design

Responsible Agency / Topic	Avoidance Measure
	guidelines are outlined in the BASMAA Post-Construction Manual. v. Where required by the City, as a condition precedent to the issuance of a building permit, the applicant shall submit a preliminary storm water facilities operation and maintenance plan (O&M plan). The approval of the O&M plan by the City is required prior to final inspection and approval of building permit closure. vi. All storm water management facilities shall be maintained according to the approved O&M plan. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. The plan shall require that storm water management facilities be inspected by those responsible for maintenance at least annually. The O&M plan shall also describe how the maintenance will be funded. Upon the failure of a responsible person to maintain the storm water management facilities in accordance with the O&M plan, the City may perform the maintenance and recover its costs from the responsible person as provided in SMC 11.17.060. vii. Where deemed appropriate by the City, the City shall have access to storm water management facilities for inspections, as provided in SMC 11.17.060, and through such means as may be appropriate, including, but not limited to, legal agreements, recorded covenants or easements, shall be provided by the property owner. viii. All project proponents and their successors, or successors in fee title, in control of a project that is located within the City and that is defined as a Regulated Project in Provision E.12.c. of the Phase II Stormwater Permit, or where required by the City, shall submit one of the following as a condition prior to final inspection and approval of building permit closure: (A) The project proponent's signed statement accepting responsibility for the operations and maintenance of storm water management facilities until such responsibility is legally transferred to another entity; (B) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the operations and maintenance of the storm water management facilities until such responsibility is legally transferred to another entity; (C) Written text in project deeds, or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners' association or, if there is no association, each individual owner to assume responsibility for the operation and

Responsible Agency / Topic	Avoidance Measure
	maintenance of the storm water management facilities until such responsibility is legally transferred to another entity; or (D) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the operation and maintenance of the storm water management facilities to the project owner(s) or the City. ix. Financial security may be required to ensure that storm water management facilities operate and are maintained following construction for a period which may be determined by the agency. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the agency. 5. Notification of Intent and Compliance with General Permits. a. Each industrial discharger, discharger associated with construction activities, or other discharger, described in any general storm water permit addressing such discharges as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Regional Water Quality Control Board, shall provide permit registration documents, comply with, and undertake all other activities required by any general storm water permit applicable to such discharges. b. Each discharger identified in an individual NPDES permit relating to storm water discharges shall comply with and undertake all activities required by such permit. 6. Compliance with Best Management Practices. Where BMPs, guidelines or requirements have been adopted by any Federal, State of California, regional, and/or local agency for any activity, operation, or facility that may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm drain system, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such practices, guidelines and requirements as may be identified by an authorized enforcement official. E. Watercourse Protection. 1. Every person owning, occupying, leasing, renting or in control of premises through which a watercourse passes shall: a. Keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would and/or could pollute, contaminate, or significantly retard the flow of water through the watercourse; b. Maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not

Responsible Agency / Topic	Avoidance Measure
	become a hazard to the use, function, or physical integrity of the watercourse; and c. Not remove healthy bank vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. 2. No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the City: a. Discharge into or connect any pipe or channel to a watercourse; b. Modify the natural flow of water in a watercourse; c. Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance; d. Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or e. Place any loose or unconsolidated material adjacent to or within a watercourse so as to cause a division of the flow, or to cause a probability of such material being carried away by storm waters passing through such watercourse.
Caltrans / Construction Traffic Control Plan / Public Safety	Caltrans Standard Specifications: Section 12 Temporary Traffic Control (2018) – Public safety and traffic control shall be provided in accordance with manual of uniform traffic control devices (MUTCD) and as directed by the City. Whenever the Project Contractor's operations affect normal conditions for traffic or for the public, the Contractor shall furnish, erect and maintain, at his expense, all fences, barricades, lights, signs and other devices necessary to prevent accidents or damage or injury to the public. Construction area signs shall be furnished, installed, maintained and removed, when no longer required, in accordance with the provisions of Section 12-3.01 through 12-3.12 of the State Specifications and any requirements of the special provisions, except all compensation therefore shall be included in the prices paid for the various contract items of work, and no additional compensation will be paid therefore. The Contractor shall also furnish, at his own expense, flaggers and guards necessary to give adequate warning to traffic and to the public of construction conditions. Flaggers and guards assigned to direct traffic or to warn the public of construction conditions shall perform their duties, and shall be provided with necessary equipment, in accordance with the current edition of the Caltrans publication "Instructions to Flaggers." The equipment shall be furnished and kept clean and in good repair by the Contractor at his expense. Signs, lights, flags and other warning and safety devices shall conform to the requirements set forth in the current

Responsible Agency / Topic	Avoidance Measure
	Caltrans "Manual of Traffic Controls for Construction and Maintenance Work Zones." No material or equipment shall be stored where it will interfere with the free and safe passage of public traffic, and at the end of each day's work and at other times when construction operations are suspended for any reason, the Contractor shall remove all equipment and other obstructions from that portion of the roadway open for use by public traffic. Where any items or facilities required under the provisions of this Section are not provided or are out of service, and an emergency exists that necessitates protective measures, the City may provide or arrange to have provided such facilities during the emergency and the cost thereof will be deducted from money due or to become due to the Contractor or on private projects, will be billed to the Contractor. Before taking such emergency action, the City will endeavor to notify the Contractor of the conditions, and to allow the Contractor to correct them with his own crew, provided he acts promptly and expeditiously.
Caltrans / Construction Traffic Control Plan / Traffic	Caltrans Standard Specification 12.10 (2018) - The Contractor shall plan and conduct his activities to minimize the disruption of normal traffic and parking. Normal movement of traffic through the project area shall be maintained at all times to the greatest extent possible. Minimum 10 feet (3 meters) wide lanes shall be maintained for traffic in each direction. Delineators used to channel traffic shall be a minimum of 36 inches (91 cm) high. The Contractor shall be responsible for placing "No Parking" barricades and signs at intervals no greater than 100 feet (30 meters) at least 48 hours prior to any work requiring such traffic control. At least one-way traffic shall be maintained on all streets within the limits of work during actual work hours. During other times, all street lanes shall be free of obstructions and hazards and shall be made available for use by traffic. The Contractor shall provide for safe and convenient passage of pedestrian traffic throughout the work area at all times. When metal plates are used, they shall have a non-skid surface when subject to vehicular or pedestrian traffic.
Caltrans / Construction Traffic Control Plan / Haul Routes	Caltrans Standard Specification 12.12 (2018) – The City may require the Contractor to use only roads designated by the City as haul routes for passage of heavy vehicles carrying materials or supplies to or from the job. Additional special haul routes and conditions or limitations on their use may be set forth in the special provisions or imposed by the City.
City of Sausalito / Construction Traffic Control Plan	In addition to the Caltrans construction traffic control requirements, the City will require the project Construction Traffic Control Plan incorporate the following measures: • Traffic control for any street or lane closure, detour, or other disruption to traffic circulation.

Responsible Agency / Topic	Avoidance Measure
	• Identify routes that construction vehicles would use for the delivery and export of construction materials (i.e., dock floats, piles, etc.), to access the project site, traffic controls and detours, and proposed demolition and construction phasing plan for the project. • Specify the hours during which transport activities can occur and method to mitigate construction-related impacts to local streets. • Require the applicant to keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean any materials which may have been spilled, tracked, or blown onto adjacent streets and areas. • Hauling or transport of oversize loads shall be allowed between the hours of 9:00 A.M. and 3:00 p.m. only, Monday through Friday, unless otherwise approved by the City Engineer. No hauling or transport of oversize loads shall be allowed during nighttime hours, weekends, or federal holidays. • Haul trucks entering or existing public streets shall at all times yield to public traffic. • Construction-related parking and staging of vehicles shall occur on site.

2.5 REQUIRED APPROVALS

Bellingham Marine Industries, Inc. is the project proponent, and the City of Sausalito is the Lead Agency for the proposed project. The proposed project would be subject to the following approvals or permits:

- U.S. Army Corps of Engineers Clean Water Act (CWA) Section 404 Permit
- NOAA Fisheries Letter of Permission (LOP)
- California Department of Fish & Wildlife Approval
- BCDC Coastal Zone Management Consistency Concurrence
- San Francisco Bay RWQCB 401 Water Quality Certification
- MCSTOPPP Erosion and Sediment Control Plan Approval
- City of Sausalito (Conditional Use Permit, Non-Conformity Permit, Building Permit(s), and Design Review)

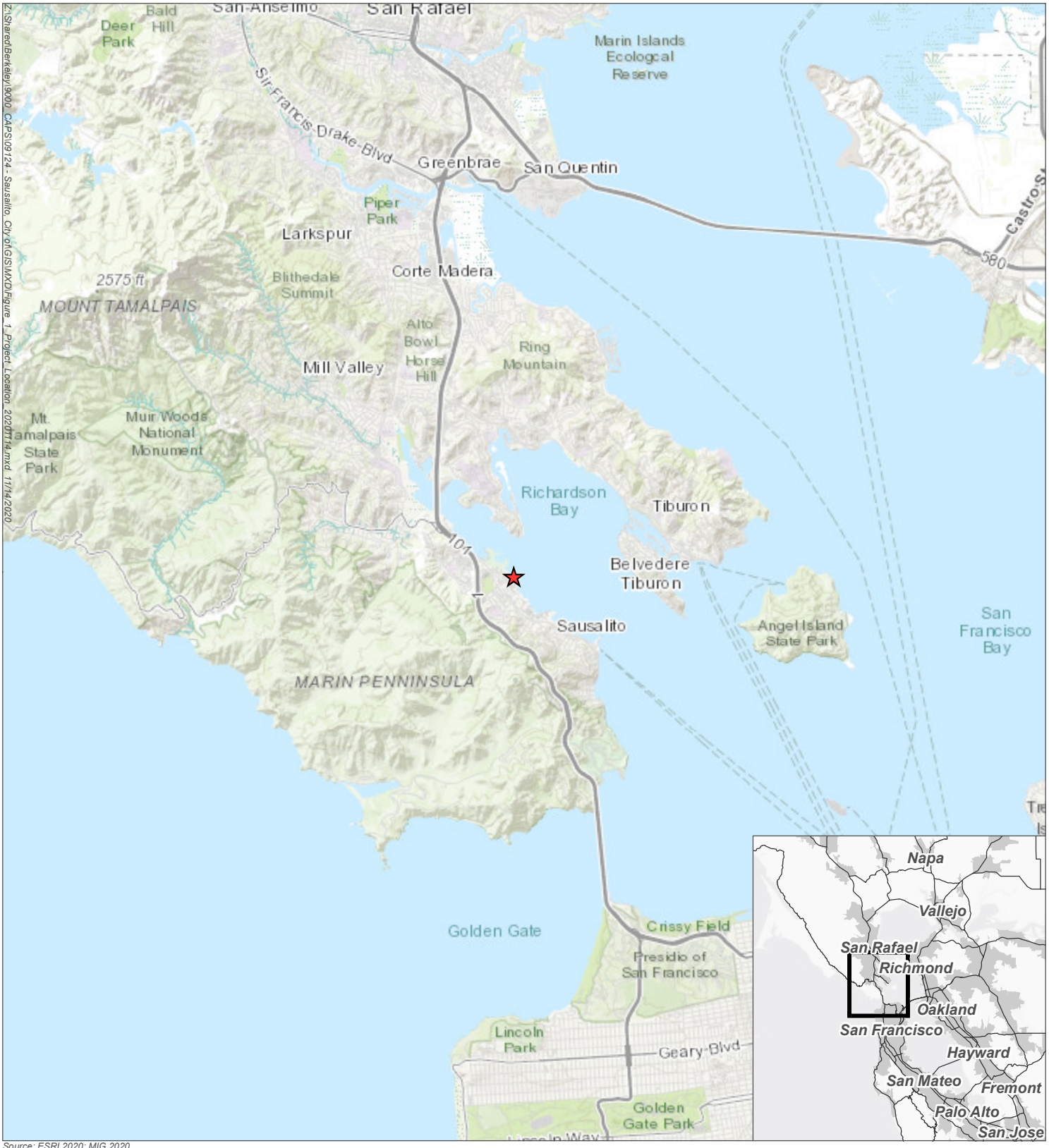

Figure 1 Project Location

Clipper Yacht Harbor Marina Dock Replacement Project

Source: ESRI 2020; MIG 2020

0 0.125 0.25 0.5 Miles

Project Area

Figure 2 Project Vicinity

Clipper Yacht Harbor Marina Dock Replacement Project

MIG

Figure 3. Existing Site Conditions

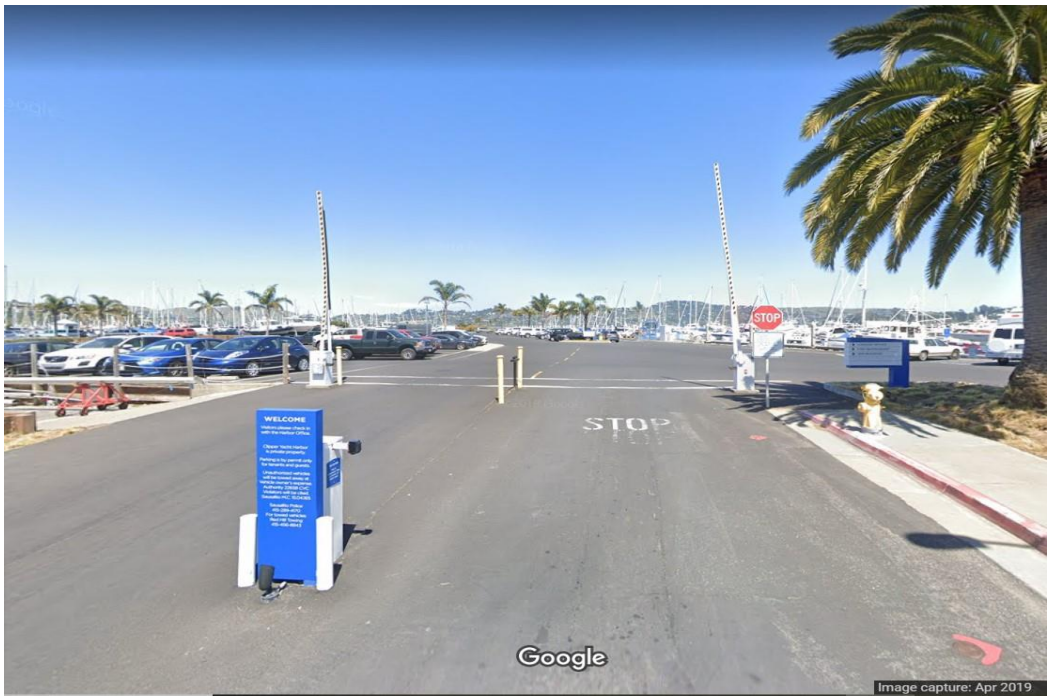

Photo 1. Clipper Yacht Harbor entrance from Harbor Drive, looking northeast. (Google Maps, 2019)

Photo 2. Clipper Yacht Harbor internal driveway (foreground), parking lot (immediate background), and docks (distant background), looking north. (MIG site visit, 9/29/2020)

Photo 3. Water level marker (foreground) with rip rap, parking lot, and boat yard (background). (MIG site visit, 9/29/2020)

Photo 4. View of dock deck with bike rack, waste receptacles, dock boxes, and podiums, looking northeast.
(MIG site visit, 9/29/2020)

Photo 5. View of Basin 3 docks and adjacent shoreline with non-native ice plant vegetation, looking northeast.
(MIG site visit, 9/29/2020)

Photo 6. View of Basin 3 dock slip, with dock freeboard, looking north.
(MIG site visit, 9/29/2020)

Photo 7. View of vessel exiting Basin 3 into the Richardson Bay, looking north.
(MIG site visit, 9/29/2020)

Photo 8. View of Richardson Bay from Basin 3, looking southeast.
(MIG site visit, 9/29/2020)

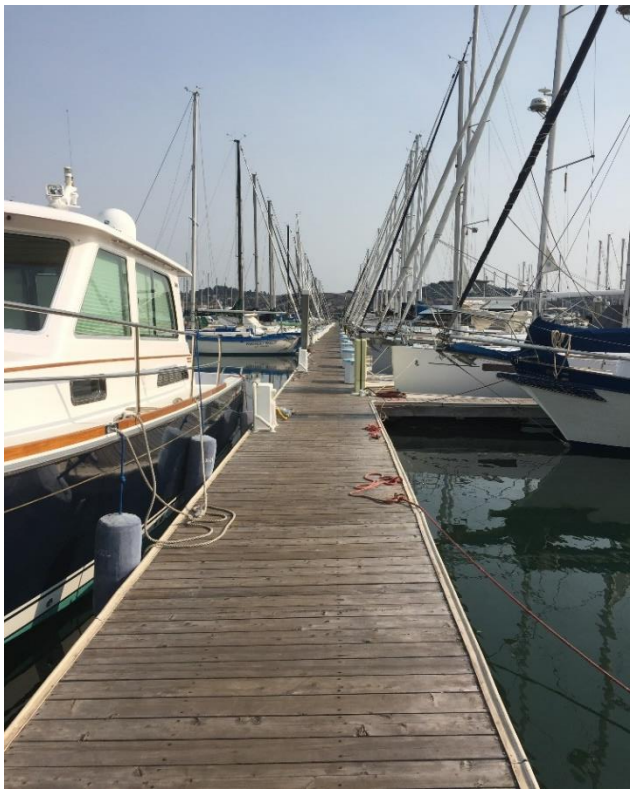

Photo 9. View of vessels moored to dock system in Basin 3, looking northeast.
(MIG site visit, 9/29/2020)

Photo 10. View of harbor seals, terns, and seagulls on haul out at end of marina docks, looking northeast.
(MIG site visit, 9/29/2020)

Photo 11. View of entrance to Basin 3, including gate and dock house, with utility lines and boxes affixed to side of dock, looking east.

(MIG site visit, 9/29/2020)

Photo 12. View of boat slip water hoses and houseboats adjacent to Basin 4, looking southwest.
(MIG site visit, 9/29/2020)

Photo 13. View of Basin central travel lane, entrance into Richardson Bay (background), and concrete (light gray) and wooden (brown) piles, looking northeast.
(MIG site visit, 9/29/2020)

Photo 14. View of dock deck and louvered nautical light post fixtures (foreground) and houseboats (background), looking northwest. Houseboats west of Basin 4 visible beyond dock.
(MIG site visit, 9/29/2020)

Photo 15. View of Basin 4 entrance and docks, including gangway and dock house, from marina parking lot, looking north.
(MIG site visit, 9/29/2020)

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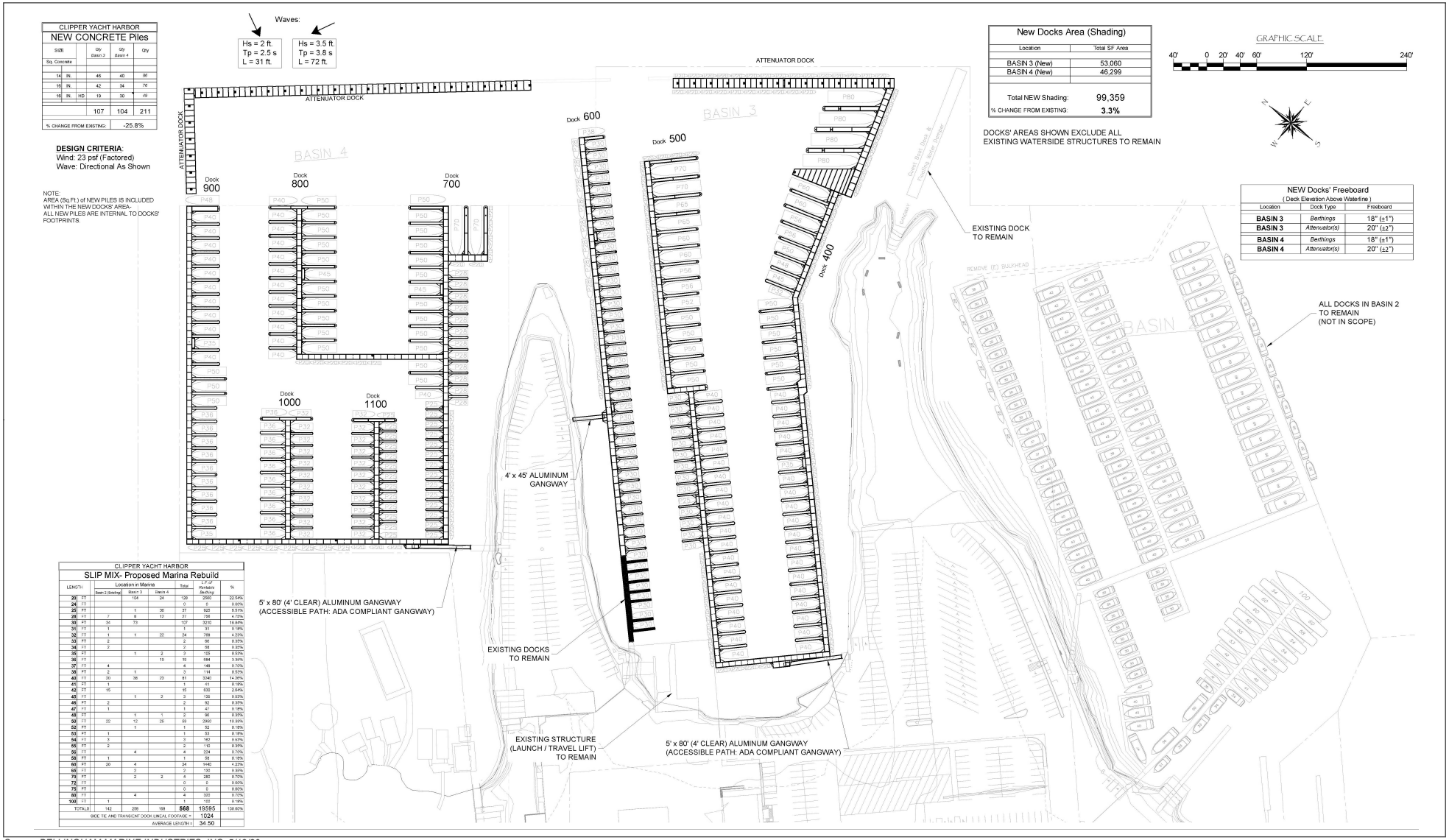
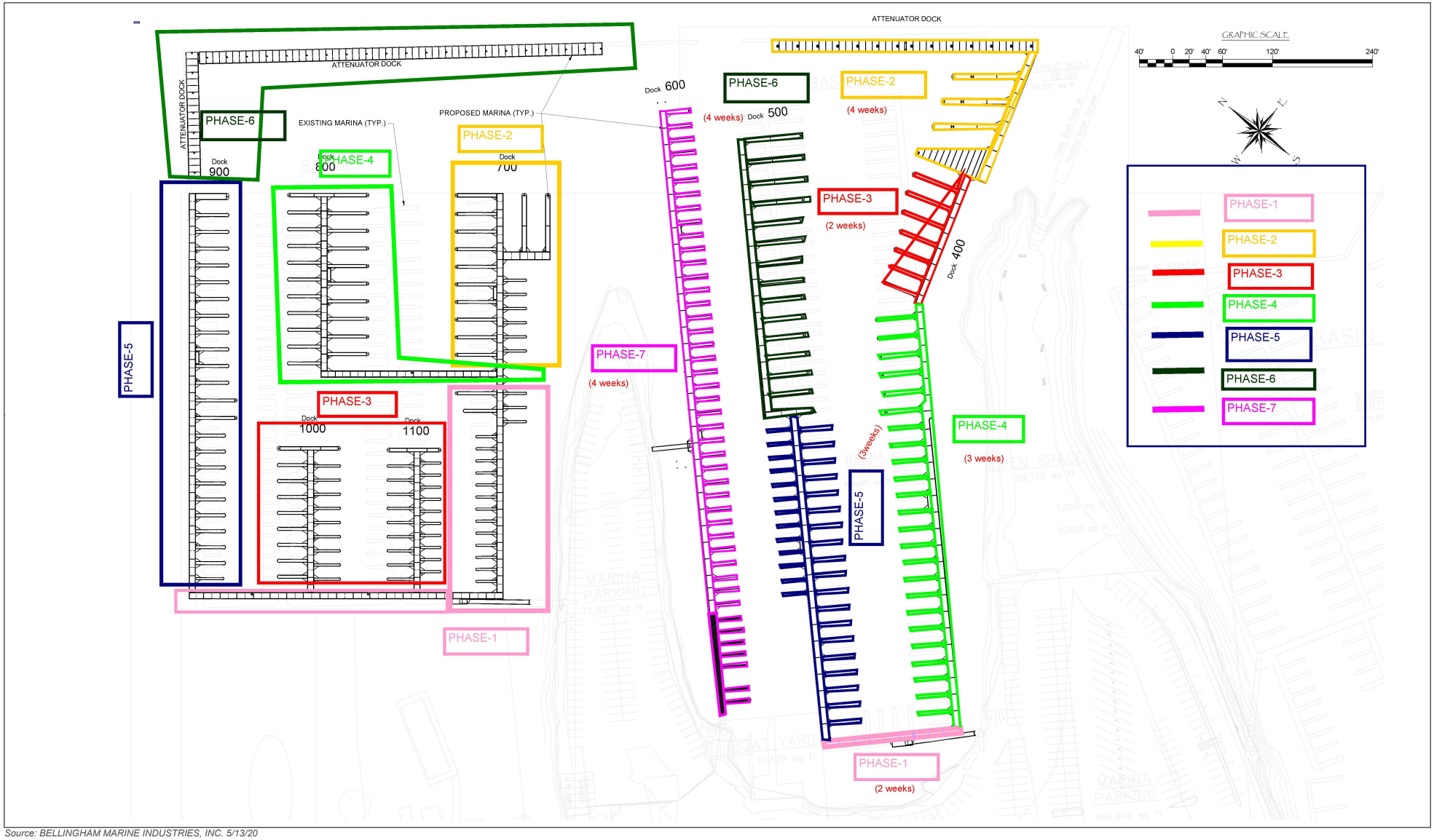


Source: BELLINGHAM MARINE INDUSTRIES, INC. 5/13/20

Figure 4 Proposed Site Plan

Clipper Yacht Harbor Marina Dock Replacement Project

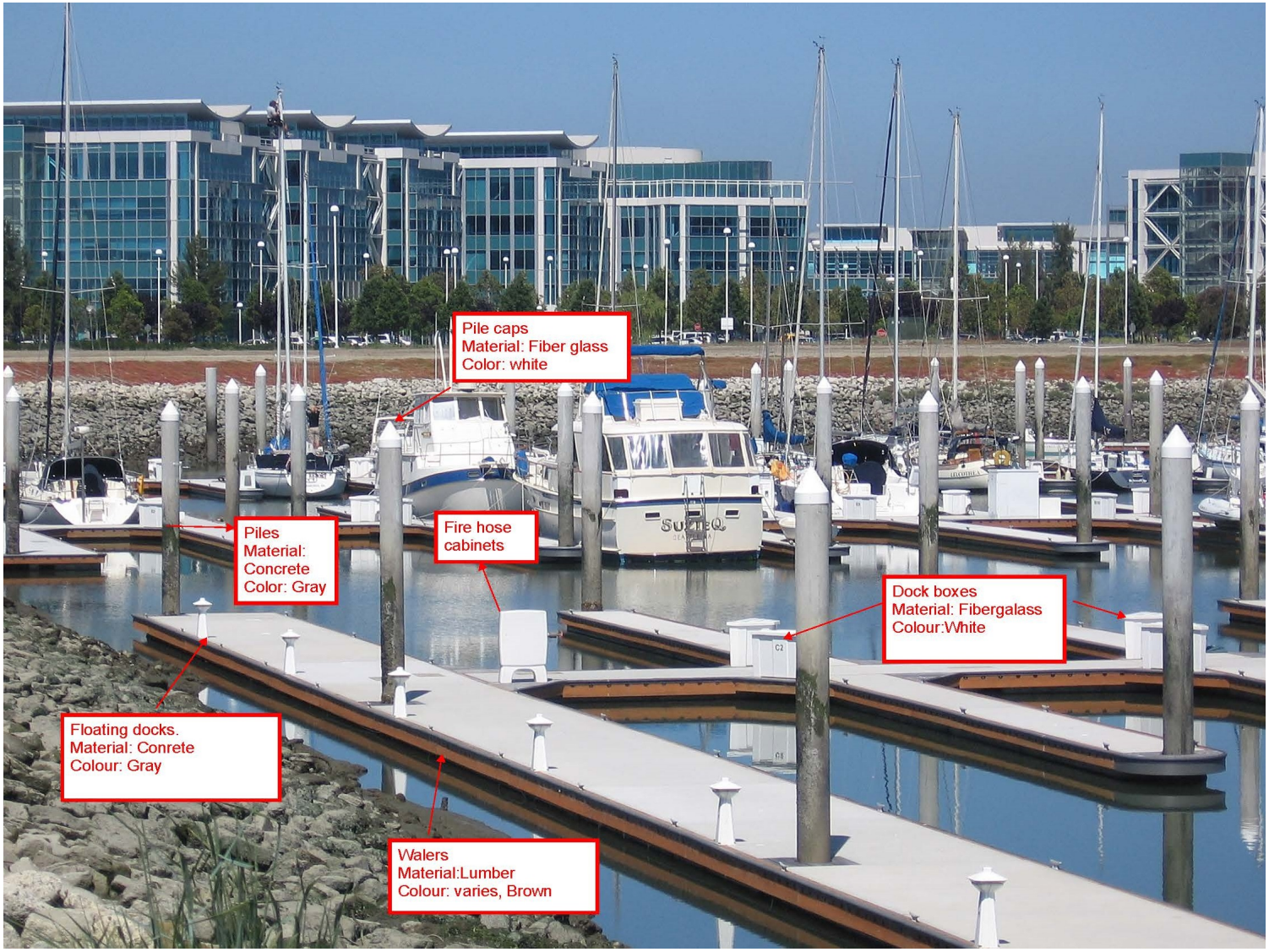


Source: BELLINGHAM MARINE INDUSTRIES, INC. 5/13/20

Figure 5 Demolition and Construction Phasing Plan

Clipper Yacht Harbor Marina Dock Replacement Project

MIG



Source: BELLINGHAM MARINE INDUSTRIES, INC. 5/13/20

Figure 6-1 Dock Design Example

Clipper Yacht Harbor Marina Dock Replacement Project

Source: BELLINGHAM MARINE INDUSTRIES, INC. 5/13/20

Figure 6-2 Dock Design Example

Clipper Yacht Harbor Marina Dock Replacement Project

Chapter 3. Environmental Checklist and Responses

1. **Project Title:** Clipper Yacht Harbor Marina Dock Replacement Project
2. **Lead Agency Name and Address:** City of Sausalito, City of Sausalito, 420 Litho Street, Sausalito, CA 94965
3. **Contact Person and Phone Number:**

Contact – Lilly Whalen, Community Development Director
c/o Tricia Stevens, MIG consulting planner
tstevens@migcom.com
(916) 698-4592

Mail comments to:
City of Sausalito Community Development Department
Attn: Lilly Whalen
420 Litho Street, Sausalito, CA 94965

4. **Project Location:** 310 Harbor Road, Sausalito, CA
5. **Project Sponsor's Name and Address:**

Usmita Pokhrel
Bellingham Marine Industries, Inc.
8810 Sparling Lane
Dixon, CA 95620
upokhrel@bellingham-marine.com
(707) 761-4192

6. **General Plan Designation:** The City's General Plan designates the parcels as Waterfront (W). Under the Waterfront land use designation, the City allows for marine service harbors, public access piers, and minor modifications to existing recreational marinas.
7. **Zoning:** The project parcels are located in the Waterfront (W) district and Marinship Specific Plan.
8. **Description of the Project:** The City of Sausalito has received an application from Bellingham Marine Industries, Inc. on behalf of KC Pederson, owner of Clipper Yacht Harbor, to allow the removal and replacement of existing boat docks within the Clipper Yacht Harbor, located at 310 Harbor Drive, in Sausalito, Marin County. The Clipper Yacht Harbor Marina Dock Replacement Project (project) consists of the replacement of the existing dock infrastructure in Basin 3 and Basin 4 of Clipper Yacht Harbor. No increase in the number of berths or length of dock is proposed.

   The project site consists of two parcels (APN 063-020-01 and APN 063-010-16). The first project parcel (APN 063-020-01) is approximately 7.08 acres and contains Clipper Yacht Harbor Basin 3, a portion of Clipper Yacht Harbor Basin 2, marina parking lots, open space, a boat yard, and storage containers. The second project parcel (APN 063-010-16) is approximately 17.5 acres and contains Clipper Yacht Harbor Basin 4, marina parking lot area, storage containers, and industrial yards. The project parcels are zoned by the City as the base Waterfront (W) district.

   The existing dock system in Basin 3 and Basin 4 consists of overwater dock structure area totaling 101,845 square feet, or 2.34 acres, with 53,498 square feet of dock area in Basin 3 and 48,347 square feet of dock area in Basin 4. Basin 3 contains 203 slips that can support vessels ranging from 20 to 75 feet in length. Basin 4 contains 224 slips that can support vessels ranging from 28 to 75 feet. The components of the dock system in Basin 3 and

Basin 4 include dock floats made of treated wood, foam, and concrete; concrete and wooden piles; wooden gangways; and fire, domestic water, sanitary sewer, and electrical utilities. The project proposes to demolish the existing docks and replace them with new docks of essentially the same size. The new dock system would be a Unifloat Dock System including concrete dock floats, concrete guide piles, and aluminum gangways. The project would reduce the existing overwater dock area of the two Basins by 3.3 percent (equivalent to 2,486 square feet), resulting in a smaller dock system of 99,359 square feet, or 2.28 acres, of overwater dock structure.

9. **Surrounding Land Uses and Setting:** The project vicinity consists predominantly of marine uses, including docks, houseboats, boat yards, dry boat storage areas, and commercial and industrial facilities, such as boat repair shops, marine supply stores, boat and sailing charters, and boat and yacht sales offices. The project vicinity also contains parking lots ancillary to the marine uses and several restaurants adjacent to the parking lot area. The parcel south of the Basin 3 project parcel contains Basin 2 of Clipper Yacht Harbor and Clipper Yacht Harbor buildings and amenities, including harbor offices, yacht sales offices, a dry boat storage lot, and a restaurant. The three parcels southwest of the Basin 4 project parcel contain houseboats.

10. **Other public agencies whose approval is required:**

    - U.S. Army Corps of Engineers Clean Water Act (CWA) Section 404 Permit
    - NOAA Fisheries Letter of Permission (LOP)
    - California Department of Fish & Wildlife Approval
    - BCDC Coastal Zone Management Consistency Concurrence
    - San Francisco Bay RWQCB 401 Water Quality Certification
    - MCSTOPPP Erosion and Sediment Control Plan Approval
    - City of Sausalito (Conditional Use Permit, Non-Conformity Permit, Building Permit(s), Sign Permit, and Design Review)

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** The City of Sausalito has not received any requests from a Native American tribe traditionally and culturally affiliated with the project area. Thus, no consultation has been conducted.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Greenhouse Gas Emissions	☐	Public Services
☐	Agricultural and Forestry Resources	☐	Hazards and Hazardous Materials	☐	Recreation
☐	Air Quality	☐	Hydrology/Water Quality	☐	Transportation
☒	Biological Resources	☐	Land Use/Planning	☒	Tribal Cultural Resources
☒	Cultural Resources	☐	Mineral Resources	☐	Utilities/Service Systems
☐	Energy	☐	Noise	☐	Wildfire
☒	Geology/Soils	☐	Population/Housing	☒	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed Project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Tricia Stevens	05/21/2021
Signature	**Date**
Tricia Stevens	Contract Planner
Printed Name	**Title**
City of Sausalito, c/o MIG	
Agency	

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in 5. below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.

    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c. Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

    a. the significance criteria or threshold, if any, used to evaluate each question; and
    b. the mitigation measure identified, if any, to reduce the impact to less than significance.

3.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
*Would the project:**				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
*Except as provided in Public Resources Code Section 21099				

3.1.1 Environmental Setting

The project is located at 310 Harbor Drive, in the northern part of the City of Sausalito. Harbor Drive is lined with industrial buildings, businesses, office space, restaurants, a bank, and a government building and acts as a mixed-use collector street in Sausalito. The site is two parcels totaling 24.58 acres and containing Clipper Yacht Harbor facilities and amenities, including Basin 3, Basin 4, a portion of Basin 2, marina parking lots, open space, a boat yard, storage containers, and industrial yards. The existing dock system in Basin 3 and Basin 4 consists of 101,845 square feet, or 2.34 acres, of overwater dock structure, including dock floats and wood and concrete piles, and three gangways. The existing dock system was constructed circa 1975.

The project vicinity is predominantly marine commercial and industrial businesses and structures. The parcel immediately west and southwest of the Basin 3 project parcel contains boat yard buildings, a boat repair shop, a building housing a sailing school, a boat wash station, a dry boat storage lot, harbor restrooms and showers, and a marine supply store, all associated with Clipper Yacht Harbor. Further west and southwest, parcels along Gate 5 Road contain an auto body shop, office buildings, restaurants, a bicycle shop, and a cycling tour service. The parcel south of the Basin 3 project parcel contains Basin 2 of Clipper Yacht Harbor and Clipper Yacht Harbor buildings and amenities, including harbor offices, yacht sales offices, a dry boat storage lot, and a restaurant. The three parcels southwest of the Basin 4 project parcel contain houseboats.

The Clipper Yacht Harbor is located along the southwestern shores of Richardson Bay and is part of the overall industrial/marina development along the Sausalito shoreline as described above. Richardson Bay is recognized as a valuable scenic resource and is highly valued by visitors to the area and the many residential areas ringing the Bay, including the Harbor Point area, Little Reed Heights, the Hilarita area, and the Belvedere area of Tiburon. The 2020 Draft City General

Plan states, “Sausalito’s views of the water are part of what makes the city special, and the scenic qualities of Sausalito are further exemplified by the garden atmosphere of the hillside residential areas” (City of Sausalito 2020a, CD-5). Clipper Yacht Harbor is part of this valued scenic resource. Within Clipper Yacht Harbor, the sandy peninsula between Basins #2 and #3 have been used by the public as open space with significant views of the bay and San Francisco.

3.1.2 Regulatory Setting

City of Sausalito Zoning Ordinance

The City of Sausalito Zoning Ordinance consists of text and a map delineating districts for basic land uses as open space and public, residential, commercial, and industrial, and establishing special regulations for design and other specific concerns. The City of Sausalito Zoning Ordinance also describes procedures for processing discretionary approvals.

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the Final Draft General Plan was released to the public on October 20, 2020. The following relevant policies are from the General Plan Update’s Community Design, Historic, and Cultural Preservation Element and Waterfront and Marinship Element:

> **Policy CD-1.3 Maximum Height Limit.** Establish a maximum height limit for all structures in Sausalito while recognizing that maximum height is not guaranteed for development proposals where view preservation, shadow impact, and scale are an issue.
>
> **Policy CD-1.4 Commercial, Industrial, and Institutional Uses.** Develop all commercial, industrial, and institutional sites in a balanced composed manner consistent with those uses contemplated in specific areas.
>
> **Policy CD-2.1 Natural Features.** Maintain and enhance natural site features and minimize disturbance to the natural terrain to the extent possible, consistent with permitted densities.
>
> **Policy CD-3.1 Private Views.** Locate and design new and significantly remodeled structures and landscape improvements to minimize the interference with primary views from structures on neighboring properties. Some minor loss of view may be consistent with this policy if necessary to protect a property right.
>
> **Policy CD-3.2 Public Views**. Locate and design new and significantly remodeled structures and other private and public improvements with consideration for their impact on significant public views and view corridors.
>
> **Policy CD-4.5 Sausalito Identity.** Enhance Sausalito's architectural quality and diversity, general city characteristics, and historical legacy via a design review process that has careful consideration of objective development standards and design guidelines.
>
> **Policy CD-4.6 Working Waterfront.** Emphasize the Marinship’s working waterfront and cultural landscape.
>
> **Policy W-5.1 Marinship Character.** Preserve and enhance the maritime history and character of the Marinship, including giving preference to marine uses and maritime industries where feasible.

Marinship Specific Plan

The Marinship Specific Plan was published in 1989 and guides land use development in the City’s Marinship area located east of Bridgeway and north of Napa Street along the waterfront. The Clipper Yacht Harbor is within the Marinship Plan area. The Marinship is the City’s only industrial and working waterfront area and consists mainly of original buildings associated with a 1942 U.S.

Army Corps of Engineers shipyard. The specific plan requires that all harbor plans must be review and approved by the City's Planning Commission. The specific plan also identifies Marinship view corridors to be preserved and enhanced. These view corridors provide Richardson Bay views, typically from Bridgeway. Harbor Drive is identified as a "required corridor" from which views are to be "maintained open, free of structures or landscaping that measurably obstructs views of Richardson Bay, or in specific cases, views of Richardson Bay maritime activity" (City of Sausalito 1989). Coloma Street, located southwest of the project site, is identified as a view corridor, though it does not provide shoreline views due to topography and sight line distances. A third view corridor is located along Varda Landing Road and provides a small view to houseboats, the Clipper Yacht Harbor marina, and open water. In addition, the specific plan acknowledges the scenic views provided by the open space sandy peninsula located between Basin 2 and Basin 3 of Clipper Yacht Harbor.

Scenic Roadways

Scenic roads are an important resource. The State of California has identified Highway 101 from opposite San Francisco (beginning from the location at which the Golden Gate Bridge transitions from overwater to overland in Marin County) to Route 1 in Marin City as an Eligible State Scenic Highway – not officially designated (Caltrans 2019).

3.1.3 Discussion

Would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact (Responses a-c). The project site is surrounded predominately by marine commercial and industrial buildings, including boat repair shops, boat yards, harbor offices, and marine supply stores, to the west and the open waters of the Richardson Bay to the east. The color scheme and materials of the new dock system would largely mimic those of the existing dock system; however, the new dock system would consist of concrete rather than wood decking and the new gangways would be reflective aluminum and gray in color rather than wooden and non-reflective concrete, as are the existing gangways. The new dock system would remain consistent in design with the other marinas and harbors in the project vicinity along the shoreline in the City by employing mainly white, gray, and brown colors in its design.

The project would temporarily alter the existing scenic quality of the project site during demolition and construction activities. Workboats, barges, land-based cranes, and forklifts/reach lifts would be used during project demolition and construction, temporarily detracting from the scenic quality of the project surroundings, which include open water, marina docks, and houseboats. Demolition and construction equipment would remain on site during the demolition and construction periods for dock replacement in each basin (see Table 4). Major equipment would be present for a period of approximately four (4) months for the replacement of the Basin 3 docks, removed from the project site for the following eight (8) months, returned to the project site for approximately four (4) months for the replacement of Basin 4 docks, and then removed from the project site altogether. As a result, major equipment would be present on site for approximately eight (8) months.

For purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. While there are no designated State Scenic Highways within the City of Sausalito, Highway 101 from the Golden Gate Bridge to Marin City is an Eligible State Scenic Highway. The Sausalito General Plan contains policies requiring uses in the City's shoreline area to be designed and developed in ways that maintain the aesthetic integrity of the shoreline and open water (City of Sausalito 2020a). The Sausalito General Plan also requires development in the Marinship area to be as visually attractive as possible consistent with functionality. The Marinship Specific Plan requires views from Harbor Drive, a required view corridor under the plan, to be maintained open and free of structures that would "measurably obstruct" views of Richardson Bay (City of Sausalito 1989). In addition, the Marinship Specific Plan identifies Coloma Street and a segment of Varda Landing Road as view corridors, and acknowledges the scenic views provided by the open space sandy peninsula located between Basin 2 and Basin 3 of Clipper Yacht Harbor. The project would replace the existing docks in Basin 2 and Basin 3 of the marina with similar, in-kind docks and would result in a smaller overall dock system footprint compared to existing conditions. The new docks would not measurably obstruct views of the shoreline area nor of Richardson Bay from these view corridors. Therefore, the project would maintain existing scenic views of the project site, shoreline area, and Richardson Bay, if any, from these view corridors.

Sausalito Municipal Code Section 10.54.100 (Time limits for construction) establishes limitations on the duration of construction projects in the City to avoid adverse impacts from prolonged construction projects. Section 10.54.100 requires an applicant to submit an estimated project value for a proposed project as part of an application for a construction permit for a project requiring a design review permit. A construction time limit for the project is then determined according to criteria in Municipal Code Section 10.54.100.C. Per Section 10.54.100.C., the most restrictive construction timeframe to which the project may be subject is 18 months for a project with an estimated value of $0 to $500,000. The project would locate major construction equipment on site for two non-consecutive periods of approximately four (4) months. The total time proposed to complete demolition and construction activities in the two marina basins is approximately 17 months, with construction equipment being located on site for approximately eight (8) of those 17 months. As a result, the project would comply with construction time limits established by the City and that would be incorporated as a condition of the design review permit. Project compliance with Section 10.54.100 of the Sausalito Municipal Code would reduce the impact of project demolition and construction activities on scenic quality of the project site surroundings.

The temporary presence of demolition and construction on site would not constitute a significant environmental impact. The project would not permanently locate major equipment on site. The project's permanent structures, including dock floats, gangways, and piles, would maintain the aesthetic integrity of the shoreline and open water by replacing the existing docks with similar, in-kind docks. The new docks would be visually attractive and consistent in design with other marine uses in the project vicinity and would not measurably obstruct views of Richardson Bay. In addition, the project would not have a substantial impact on views from the closest Eligible Sate Scenic Highway, Highway 101, due to distance and intervening structures and landforms.

The proposed project would not result in substantial adverse effect to a scenic vista, or cause damage to scenic resources. Design approval from the City's Design Review Board (DRB) is required prior to receiving the required permits for the project, and design review would ensure the proposed dock system design is consistent with City design standards and would not become a visually prominent feature along the shoreline. The project would not conflict with applicable zoning and other regulations, including General Plan and Marinship Specific Plan policies, governing scenic quality.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. The project site currently includes sources of glare and has been a source of nighttime light. The project is expected to replace existing sources of light and glare (i.e., louvered post light fixtures on the dock deck) in-kind. The new light fixtures would roughly maintain existing levels and intensity of light and glare. Light and glare produced by the new dock system is not expected create an adverse impact due to different or more intense light because the project proposes an in-kind replacement of existing light fixtures. The project would not increase existing light or glare produced in the area as uses surrounding the project site are predominantly marine-oriented business and industrial yards, houseboats, and other recreational marinas that produce similar amounts of light. The project would result in a similar total amount of light emanating from the project site compared to existing conditions.

Glare would be caused by the reflection of light from the dock light fixtures on surrounding waters, the glass windows of the parked cars in the marina parking lot, and the vessels moored at the docks. Individual vessels moored to the new dock system may also be equipped with light fixtures that would contribute to nighttime glare. The project would result in a similar amount of glare compared to existing conditions as the project would not increase uses on site.

Design approval from the City's Planning Commission is required prior to receiving the required permits for the project, and design review would ensure the proposed dock system light fixtures are consistent with City design and lighting standards. As a result, the impact of light and glare from the new light fixtures, light and glare from vessels, and glare from vehicle windows would constitute a less than significant impact. The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

3.1.4 References

California Department of Transportation (Caltrans). 2019. List of eligible and officially designated State Scenic Highways. Accessed on November 5, 2020 at https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

City of Sausalito. 1998. *Marinship Specific Plan*. Accessed October 7, 2020 at https://www.sausalito.gov/city-government/special-committees/past-special-committees/marinship-specific-plan-steering-committee.

_____. 2020. Municipal Code. Accessed October 7, 2020 at https://www.codepublishing.com/CA/Sausalito/.

_____. 2020a. *Final Draft General Plan*. October 20, 2020. Accessed November 18, 2020 at https://www.sausalitogeneralplan.org/.

3.2 AGRICULTURAL AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:*				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒
*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				

3.2.1 Environmental Setting

The project is located in the City of Sausalito, at the edge of Richardson Bay, on a site that is developed with a recreational marina with associated dock systems, parking lots, and marine commercial and industrial buildings. The California Department of Conservation Farmland Mapping and Monitoring Program identifies the property as Urban and Built-up Land, and Water. The project site has a General Plan designation of Waterfront (W) (City of Sausalito 2020).

3.2.2 Discussion

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact (Responses a – e). There are no forest lands or agricultural lands on or near the proposed project site, which is surrounded by water and commercial and industrial development. The project would not convert or cause the conversion of any farmland or forest land to a non-agricultural/non-forest use. The proposed project would not impact Prime Farmland, Unique Farmland, Farmland of Statewide Importance, forest land, or land under a Williamson Act contract. Therefore, the project would not result in impacts to any agricultural or forestry resources.

3.2.3 References

California Department of Conservation. 2020. California Important Farmland Finder. Accessed October 5, 2020 at https://maps.conservation.ca.gov/DLRP/CIFF/.

City of Sausalito. 2020. *Final Draft General Plan*. October 20, 2020. Accessed November 18, 2020 at https://www.sausalitogeneralplan.org/.

3.3 AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐
*Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.				

3.3.1 Environmental Setting

Air quality is a function of pollutant emissions and topographic and meteorological influences. Physical atmospheric conditions such as air temperature, wind speed and topography influence air quality.

Criteria Air Pollutants

Federal, state, and local governments control air quality through the implementation of laws, ordinances, regulations, and standards. The federal and state governments have established ambient air quality standards for "criteria" pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), fine particulate matter (particles 2.5 microns in diameter and smaller, or $PM_{2.5}$), inhalable coarse particulate matter (particles 10 microns in diameter and smaller, or PM_{10}), and sulfur dioxide (SO_2). California Ambient Air Quality Standards (CAAQS) are more stringent than the national standards for the pollutants listed above and include the following additional pollutants: hydrogen sulfide (H_2S), sulfates (SO_x), and vinyl chloride. In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), such as asbestos and diesel particulate matter (DPM).

San Francisco Bay Area Air Basin

The proposed project is located in the San Francisco Bay Area Air Basin (SFBAAB), an area of non-attainment for both the 1-hour and 8-hour state ozone standards, and the national 24-hour $PM_{2.5}$ standard (BAAQMD 2017a). The SFBAAB is comprised of nine counties: all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin, Napa, and the southern portions of Solano and Sonoma. Along the Marin County coast and in southern Marin County, clean air from the Pacific Ocean helps to keep air pollution at a minimum. Elsewhere in Marin, ozone only rarely becomes a concern, but the hilly terrain and colder winter temperatures can trap $PM_{2.5}$ near the surface, resulting in air quality that exceeds health standards (BAAQMD 2019).

The San Francisco Bay Area is generally characterized by a Mediterranean climate with warm, dry summers and cool, damp winters. During the summer daytime high temperatures near the coast are primarily in the mid-60s, whereas areas farther inland are typically in the high-80s to low-90s. Nighttime low temperatures on average are in the mid-40s along the coast and low to mid-30s inland.

The Mediterranean climate is seen along most of the west coast of North America and is primarily due to a (typically dominating) high-pressure system, located off the west coast of North America, over the Pacific Ocean. During the summer and fall months the high-pressure ridge is at its strongest and therefore provides a more stable atmosphere. Warm temperatures and a stable atmosphere associated with the high-pressure ridge provide favorable conditions for the formation of photochemical pollutants (e.g. O_3) and secondary particulates (e.g. nitrogen oxides (NO_x) and SO_2).

Varying topography and limited atmospheric mixing throughout the SFBAAB restrict air movement resulting in reduced dispersion and higher concentrations of air pollutants. The SFBAAB is most susceptible to air pollution during the summer when cool marine air flowing through the Golden Gate can become trapped under a layer of warmer air (a phenomenon known as an inversion) and is prevented from escaping the valleys and bays created by the Coast Ranges.

The California Air Resources Board (CARB) maintains publicly meteorological data for use in air quality analyses. The closest meteorological station to the proposed project with wind conditions considered to be similar to those at the proposed project site is San Francisco International Airport, located approximately 17 miles south of the project site.[1] The most recent data CARB has released for this site, which is available from 2009 to 2014 and depicted in Figure 7 on the next page, indicates the prevailing wind at the airport blows from the west.

Sensitive Receptors

A sensitive receptor is generally defined as a location where human populations, especially children, seniors, and sick persons, are located where there is reasonable expectation of continuous human exposure to air pollutants. These typically include residences, hospitals, and schools. The nearest sensitive receptors within 1,000 feet of the project site include residents on houseboats in proximity of the project site.

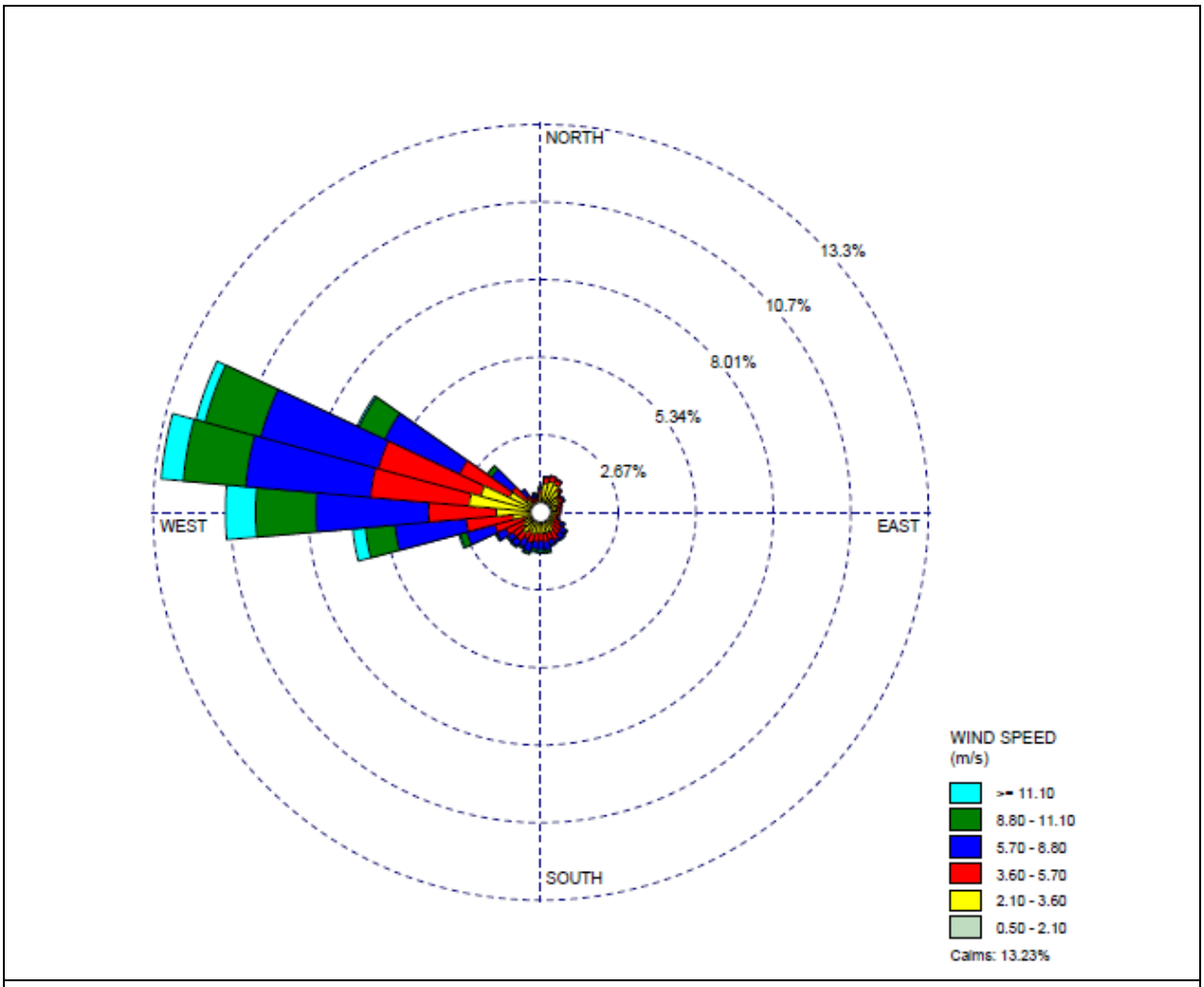
3.3.2 Regulatory Setting

CARB Commercial Harbor Craft Regulation

In October 2008, CARB adopted a regulation to reduce DPM, NO_x, and ROG emissions from diesel engines used in commercial harbor craft (e.g., crew and supply boats, fishing vessels, ferries, excursion vessels, tug boats, barges, dredges, and other vessel types) operating within 24 nautical miles of the California coast. The regulation includes requirements for new and in-use (existing) engines, including the use of ultra-low sulfur diesel fuel (15 parts per million [ppm]) or other CARB-approved fuel and the phased turnover of older, higher-emitting engines to newer engines that meet stricter emission standards. The regulation will be fully implemented by the end of 2022 barring amendment or modification of the existing regulation by CARB.

[1] Oakland International Airport is approximately the same distance from the project site, but is located on the opposite side of the bay and therefore considered to be less representative of the project site than San Francisco International Airport.

Figure 7. Wind Rose for San Francisco International Airport (Blowing From)



Source: CARB, 2015

CARB In-Use Off-Road Diesel Vehicle Regulation

On July 26, 2007, CARB adopted a regulation to reduce DPM and nitrous oxides (NO_x) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. This regulation applies to all off-road diesel vehicles over 25 horsepower (hp) used in California and most two-engine vehicles (except on-road two-engine sweepers), which are subject to the *Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road Regulation).* Additionally, vehicles that are rented or leased (rental or leased fleets) are included in this regulation.

The Off-Road regulation:

- Imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles;
- Requires all off-road diesel vehicles over 25-horsepower be reported to CARB (using the Diesel Off-Road Online Report System DOORs) and labeled;
- Restricts the adding of older vehicles into fleets; and,

- Requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies, VDECS (i.e., exhaust retrofits).

CARB On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation

CARB's In-Use Heavy-Duty Diesel-Fueled regulation (also known as the Truck and Bus Regulation) is intended to reduce emission of NO_x, PM, and other criteria pollutants generated from existing on-road diesel vehicles operating in California. The regulation applies to nearly all diesel fueled trucks and buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds that are privately or federally owned, and for privately and publicly owned school buses. Heavier trucks and buses with a GVWR greater than 26,000 pounds must comply with a schedule by engine model year or owners can report to show compliance with more flexible options. Fleets complying with the heavier trucks and buses schedule must install the best available PM filter on 1996 model year and newer engines and replace the vehicle 8 years later. Trucks with 1995 model year and older engines had to be replaced starting 2015. Replacements with a 2010 model year or newer engines meet the final requirements, but owners can also replace the equipment with used trucks that have a future compliance date (as specified in regulation). By 2023, all trucks and buses must have at least 2010 model year engines with few exceptions.

Bay Area Air Quality Management District

The BAAQMD is the agency primarily responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the SFBAAB. The BAAQMD carries out this responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards. The BAAQMD currently has 14 regulations containing more than 100 rules that control and limit emissions from sources of pollutants. Table 6 summarizes the major BAAQMD rules and regulations that may apply to the proposed project.

Table 6. Potentially Applicable BAAQMD Rules and Regulations

Regulation	Rule	Description
6 – Particulate Matter	1 – General Requirements	Limits visible particulate matter emissions.
Source: BAAQMD 2020		

On April 19, 2017, the BAAQMD adopted the *2017 Clean Air Plan: Spare the Air, Cool the Climate* (*2017 Clean Air Plan*), which updates the District's *2010 Clean Air Plan*, and continues to provide the framework for assuring that the NAAQS and CAAQS would be attained and maintained in the Bay Area in compliance with state and federal requirements (BAAQMD 2017b). The BAAQMD's 2017 *Clean Air Plan* is a multi-pollutant plan focused on protecting public health and the climate. Specifically, the primary goals of the *2017 Clean Air Plan* are to:

- Attain all state and national quality standards;
- Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Reduce Bay Area GHG Emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050.

The *2017 Clean Air Plan* includes 85 distinct control measures to help the region reduce air pollutants and has a long-term strategic vision which forecasts what a clean air Bay Area will look like in the year 2050. The control measures aggressively target the largest source of GHG, ozone pollutants, and particulate matter emissions – transportation. The *2017 Clean Air Plan* includes

more incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives, and off-road equipment (BAAQMD 2017b).

City of Sausalito General Plan

The Environmental Quality Element of the City's General Plan contains the following policy and programs that may be applicable to the proposed project:

- **Policy EQ-2.5: Community Action**. Collaborate with city employees, residents, and business to improve air quality.
    - **Program EQ-5.2.4: Dust Mitigation**. Require that developers prepare a dust mitigation plan that identifies strategies for reducing particulate emissions.
    - **Program EQ-5.2.6: Reduced-Emission Equipment**. Give preference to contractors and contracts for services to firms that use reduced emission equipment and/or practice sustainable operations.

3.3.3 Discussion

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The proposed project would not conflict with nor obstruct implementation of the BAAQMD *2017 Clean Air Plan* (BAAQMD 2017b). The *2017 Clean Air Plan* includes increases in regional construction, area, mobile, and stationary source activities, and operations in its emission inventories and plans for achieving attainment of air quality standards.[2] Chapter 5 of the *Clean Air Plan* contains the BAAQMD's strategy for achieving the plan's climate and air quality goals. This control strategy is the backbone of the *2017 Clean Air Plan*.

The proposed project consists of dock replacement activities. The proposed project would not result in any operational changes at the site. The proposed project would not exceed the level of population or housing foreseen in city or regional planning efforts; therefore, it would not have the potential to substantially affect housing, employment, and population projections within the region, which are the basis of the *2017 Clean Air Plan* projections. The control measures in the *2017 Clean Air Plan* do not directly apply to the proposed project and, therefore, the proposed project would not conflict with the *2017 Clean Air Plan*.[3] Furthermore, as described under b), below, the increase in regional emissions generated by the proposed project would be less than the BAAQMD's emissions thresholds. No impact would occur.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. The proposed project consists of dock removal and replacement in Basins 3 and 4 that would take place in 2022 and 2023, respectively. These activities would

[2] The *2017 Clean Air Plan* includes emissions from marine engines in emissions inventory and control measures.

[3] Mobile Source Control Measure C3 of the *2017 Clean Air Plan* is directed toward reducing emissions from recreational watercraft; however, this control measure consists of a voluntary program implemented by the BAAQMD to retire older engines, and would be applicable to the existing watercraft that utilize the docks under existing conditions and post-project conditions. The project would not hinder or interfere with its implementation.

generate criteria pollutant emission from on-road mobile sources (e.g., worker trips, deliveries, off-haul of material, etc.), land-based off-road equipment (e.g., land-based crane and forklift), and water-based equipment (e.g., work boat, sea skiff, barge-mounted crane, and diesel impact hammer).

The project Engineer anticipates construction activities at each basin would commence in late July for each year (i.e., construction in Basin 3 would commence in July 2022 and Basin 4 would commence in July 2023) and last approximately five months (Bellingham Marine, 2020a and 2020b). Construction activities (e.g., material import / export, equipment runtime, etc.) are anticipated to be slightly more intense during construction of Basin 3 (2022) than Basin 4 (2023); however, only approximately three to five workers are anticipated to be required at the site during any given point in construction. Phasing for each basin would generally be broken down as such:

- **Mobilization (Only in 2022).** Import of barge, water-based crane, and two sea skiffs from Southern California. Import of land-based crane and workboat from Dixon, CA.
- **Existing Dock Demolition and Off-haul.** Deconstruction of existing dock and dock infrastructure by workers using hand tools (e.g., power saws, impact drivers, power wrenches, drills, etc.) and workboat. Demolition debris and materials would be removed from the water using the land-based crane and exported back to Dixon for reuse / disposal.
- **New Dock Import, Assembly, and Pile Installation.** Import of new dock materials from Dixon. Assembly and start of installation via hand while new piles are installed using the water-based, barge-mounted crane, and diesel impact hammer which would be moved into proper position by the sea skiffs.
- **Final Dock Assembly, Utility Work, and Inspections.** Final construction and placement of dock using hand tools and a workboat.
- **Demobilization (Only in 2023).** Export of land-based crane and workboat to Dixon, CA.

Please see Appendix A Criteria Air Pollutant and GHG Emissions Calculations for a full description of construction phasing; worker, vendor, and hauling trip assumptions; and equipment operating assumptions.

The proposed project's emissions were estimated using equipment operating assumptions and trip generation information provided by the project Engineer (Bellingham Marine, 2020a and 2020b). On-road mobile source emissions (i.e., worker trips, vendor deliveries, and haul trips) were estimated using emission factors derived from CARB's EMission FACtor (EMFAC) database (version 1.0.3) for vehicles operating in the BAAQMD's jurisdiction in 2022. Heavy-duty, off-road, land-based construction equipment emissions were estimated using emission factors derived from CARB's OFFROAD ORION database (version 1.0.1) for off-road equipment operating in the BAAQMD's jurisdiction in 2022, and CARB / U.S. EPA Tier IV emission standards (CARB, 2017). The proposed project's water-based construction emissions (i.e., workboat, sea skiffs, and barge-mounted crane) were estimated using emission rates from the Port of Oakland 2017 Seaport Air Emissions Inventory and CalEEMod, V. 2016.3.2 default data information (Port of Oakland, 2018; Trinity Consultants, 2016). Emissions from hand tools were not estimated, since they are anticipated to be powered by battery and not generate exhaust emissions.

The project's construction emissions are shown in Table 7.

Table 7. Estimated Project Construction Criteria Air Pollutant Emissions

Year / Scenario	Pollutant Emissions (Average Pounds per Day)				
	ROG	NOx	CO	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Year 2022					
On-Road Mobile Sources	0.3	0.6	0.7	<0.0(A)	<0.0(A)
Land-Based Off-road Equipment	0.2	0.6	<0.0(A)	<0.0(A)	<0.0(A)
Water-Based Off-road Equipment	1.4	12.9	8.5	0.7	0.7
Year 2022 Total	1.9	14.0	9.2	0.7	0.7
Year 2023					
On-Road Mobile Sources	0.2	0.5	0.6	<0.0(A)	<0.0(A)
Land-Based Off-road Equipment	0.1	0.5	<0.0(A)	<0.0(A)	<0.0(A)
Water-Based Off-road Equipment	1.2	11.0	7.3	0.6	0.6
Year 2023 Total	1.6	12.0	7.9	0.6	0.6
BAAQMD CEQA Threshold	**54**	**54**	**--**	**82**	**82**
Potentially Significant Impact?	**No**	**No**	**No**	**No**	**No**

BAAQMD 2017c and MIG 2020. See Appendix A.
(A) <0.0 does not mean zero; rather, it means less than 0.05, but greater than zero.

As shown in Table 7, the proposed project's emissions would not exceed the BAAQMD's regional criteria air pollutant emission thresholds in 2022 or 2023. Regarding the emissions estimates in Table 7:

- The BAAQMD considers fugitive dust emissions generated by construction activities to be potentially significant, regardless of the quantity of PM_{10} or $PM_{2.5}$ emitted, unless the BAAQMD's eight, recommended fugitive dust BMPs are implemented during construction activities (BAAQMD 2017c, pg. 8-4). The proposed project involves dock replacement, which consists of a water-based structure. Therefore, the proposed project is not anticipated to generate fugitive dust emissions that are typical to other construction projects (e.g., site preparation and grading activities); however, should earth moving activities occur on land as part of the proposed project, the BAAQMD's fugitive dust BMPs would need to be implemented.
- The emissions presented in Table 7 only reflect the mass of emissions that would be generated within the BAAQMD's jurisdiction.[4] The proposed project would, however, also generate emissions outside the SFBAAB. For example, on-road mobile source emissions would be generated by vehicle travel through the South Coast Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District, etc. during the transport of equipment from Southern California to Sausalito. These emissions sources would be minor (estimated at less than 25 trips per year), only emit exhaust emissions during the active transport of equipment, and would not exceed any thresholds of the air districts they pass through. Similarly, some of the on-road emissions associated with the movement of materials between Dixon and Sausalito would occur within the Yolo-Solano Air Quality

[4] For emission estimation purposes, the portion of trips within the BAAQMD's jurisdiction were estimated to originate in Vacaville for trips coming from Dixon. For trips originating from Southern California, trips were estimated to originate from Tracy. These cities reflect approximate BAAQMD jurisdictional boundaries.

Management District's jurisdiction. These emissions would also be nominal and not exceed any applicable criteria air pollutant thresholds maintained by the Yolo-Solano Air Quality Management District.

As discussed above, the proposed project would not generate criteria air pollutants during construction that would exceed any applicable thresholds, including those maintained by the BAAQMD and other air district jurisdictions (in which nominal quantities of emissions would be emitted). The project is not proposing any alterations to operational activities in Basins 3 or 4. Thus, the proposed project would not result in any alterations to operational emissions associated with the docks in Basins 3 or 4.

The proposed project would not generate emissions during construction or operation that would exceed any applicable air district thresholds and, therefore, would not result in a cumulatively considerable net increase of any criteria pollutants. This impact would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. During project construction, the heavy-duty, diesel-powered, off-road construction equipment, as well as diesel-powered vendor and haul tucks, would emit DPM as part of their exhaust emissions; however, these emissions would not result in pollutant concentrations that could generate substantial adverse health risks to adjacent sensitive receptors for several reasons.

First, as shown in Table 7, the proposed project's emissions would be below all BAAQMD construction emissions thresholds. Second, project construction emission activities would only occur intermittently, between the hours of Monday through Friday between 8:00 AM and 6:00 PM, and Saturday between 9:00 AM and 5:00 PM, consistent with the City's Noise Ordinance (Sausalito, 2020). The intermittent nature of project construction activities would provide time for emitted pollutants to disperse on an hourly and daily basis according to the prevailing wind in the area. Third, project construction activities would be limited to approximately 10 months total, split across two years. In the context of most construction projects, this timeframe is relatively short, and the equipment required for dock replacement activities is less than a typical brick-and-mortar construction project. Finally, most heavy-duty construction equipment associated with the proposed project would either be water-based (i.e., workboat, sea skiffs, and barge-mounted crane) or located on the peninsula east of Basin 3. The operation of these pieces of equipment would generally take place east of where sensitive receptors are located. Prevailing winds at the project site, which are from the west (see Figure 7), would generally cause emitted pollutants to disperse toward the east, away from sensitive receptor locations. For these reasons, the proposed project does not have the potential to expose sensitive receptors to substantial pollutant concentrations. This impact would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. Construction of the project would generate typical odors associated with construction activities, such as vehicle exhaust odors. Odors may also be generated during the removal and off-haul of old piers, which may have mud and other material from the harbor still attached to it as it is removed from the water and off-hauled to Dixon. The odors generated by the project would be intermittent and localized in nature and would disperse quickly in accordance with the prevailing wind direction, which is from the west (meaning that odors would disperse in the opposite direction as receptors). Therefore, the project would not create emissions or odors that adversely affect a substantial number of people. This impact would be less than significant.

3.3.4 References

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3.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) 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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

3.4.1 Biological Setting

Methods

The following databases were reviewed for special-status species data at the proposed project site and general vicinity:

- The California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (CNDDB) records for the United States Geological Survey (USGS) 7.5' quadrangle containing the project site and the seven (7) surrounding quadrangles (San Rafael, San

Quentin, Richmond, Point Bonita, San Francisco North, San Francisco South, Oakland West, and Hunters Point);[5]

- United States Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) database;[6] and
- San Francisco Bay Subtidal Habitat Goals Project.[7]

The United States Army Corps of Engineers (USACE) has issued a provisional letter of permission (LOP) for the project (Sahrye Cohen to Ken Pedersen, December 23, 2019, and included as Appendix B Biological Resources Documentation, USACE LOP with NOAA Fisheries Concurrence. In the analysis of the proposed project, USACE consulted with the National Marine Fisheries Service (NMFS; also called NOAA Fisheries) to determine if any federal listed marine species would be impacted by the proposed project. The response from NMFS is also included in Attachment A. The LOP was used in this assessment of potential project impacts to biological resources.

The project proponent also received a memo from Marine Taxonomic Services, Ltd. On February 25, 2020 in reference to, "baseline eelgrass data to support evaluation of the Clipper Yacht Harbor Redevelopment Project permit application" (Appendix B Biological Resources Documentation, MTS Eelgrass Memo). The results summarized in that memo also inform the assessment of potential project impacts to biological resources, specifically eelgrass.

MIG biologist Melinda Mohamed conducted a site visit on September 29, 2020 and a subsequent desktop analysis of the project site and surrounding area to determine if habitat suitable to support special-status species is present. A description of the biological resources within and immediately adjacent to the project site and their legal status is described in the following sections.

Physical Setting

The biological study area includes the in-water footprint of the proposed project that will be directly impacted by project construction, the waters surrounding the project site that could be indirectly impacted by construction or operations, and the nearby shoreline (Figure 2 and Figure 3). The waters within and immediately surrounding the project site are within Richardson Bay, which joins with the San Francisco Bay approximately two miles south of the project site (see Section 3.10, Hydrology and Water Quality).

General Habitat Conditions

Aquatic habitat in the biological study area supports species assemblages common at dock locations throughout the San Francisco Bay and smaller bays and inlets that occur along the margins, including: benthic fauna (clams, crabs, shrimp), encrusting organisms (mussels, etc.), aquatic vegetation, planktonic organisms, fish, and marine mammals. Marine habitats along the project's waterfront include intertidal, subtidal, and open water. The north end of Richardson Bay is protected in the Richardson Bay Audubon Sanctuary which includes 900 acres of marine habitat between Belvedere and Tiburon that is seasonally closed to watersports for protection of migratory waterfowl. Richardson Bay is considered one of the most "pristine estuaries on the Pacific Coast in spite of its urbanized periphery" and is recognized as an Important Bird Area (IBA) and is located on the Pacific Flyway, an important migratory bird corridor. During the winter months, the Bay supports hundreds of thousands of waterbirds, including shorebirds and waterfowl.

5 Search conducted November 2020.
6 Search conducted November 2020.
7 Search conducted December 2020.

The shoreline adjacent to the project site is developed with the existing dock and associated infrastructure and hard armoring (i.e., rip-rap). Marine habitats and associated communities present include artificial intertidal structure (rip-rap, dock system with current piles, and old deteriorating piers at the edge to the northeast of the existing dock), the substrate of the San Francisco Bay, and open water. All shorelines within the vicinity of the project site are heavily trafficked and impacted by development. Those directly associated with the Clipper Yacht Harbor are most impacted and entirely developed, whereas there are small patches of less impacted marsh habitat (less than 1-acre total) to the southwest of the existing dock, near residential houseboat docks (Figure 2).

Special Aquatic Sites

Waters of the United States that are recognized as having great ecological value have been designated "special aquatic sites." This includes sanctuaries and refuges, mudflats, wetlands, vegetated shallows, eelgrass beds, coral reefs, and riffle and pool complexes. Special aquatic sites have additional protection and/or consideration under federal regulations. Within the Central San Francisco Bay, there are two unique natural communities considered special aquatic sites: eelgrass beds and native oyster beds.

Eelgrass is considered a sensitive habitat by CDFW, USFWS, NOAA Fisheries, United States Environmental Protection Agency (EPA), and San Francisco Bay Conservation and Development Commission (BCDC). NOAA Fisheries considers eelgrass beds to be a habitat area of particular concern. Eelgrass commonly inhabits shallow, soft-bottom substrates of bays and estuaries along the coast of California. Eelgrass beds often accumulate sediments and function ecologically as substrate for marine species and often as a nursery habitat for juvenile fish. In San Francisco Bay, eelgrass provides unique biological environments for spawning Pacific herring (*Clupea pallasii*) and serves as a nursery area for other economically important fish species, including halibut (*Hippoglossus* spp.), and English sole.

A memo detailing the baseline eelgrass data prepared by Marine Taxonomic Services, Ltd (Appendix B Biological Resources Documentation, MTS Eelgrass Memo) states that eelgrass has not historically extended into the project area. In 2014, the nearest eelgrass was mapped approximately 60.5 meters (198 feet) northeast from Basin 4 and approximately 23 meters (75 feet) northeast of Basin 3 (Figure 8).

Native oyster beds are comprised of living Olympia oysters (*Ostrea conchaphila*) and remnant beds composed of dead shell material. Oyster beds form in the subtidal zone, typically bordered by mudflats at higher elevations and eelgrass beds at lower elevations. No live subtidal Olympia oysters have been documented at the project site, and the project site has not been identified as a priority native oyster restoration site. However, there is a native oyster bed documented approximately 0.4 mile south of the project site and native oysters may be found on pilings within the project site (San Francisco Bay Subtidal Habitat Goals Project 2020).

Sensitive Habitat

Sensitive natural communities within USGS 7.5' quadrangle containing the project site and the seven (7) surrounding quadrangles (San Rafael, San Quentin, Richmond, Point Bonita, San Francisco North, San Francisco South, Oakland West, and Hunters Point) the biological study area include: coastal brackish marsh, coastal terrace prairie, northern coastal salt marsh, northern maritime chaparral, serpentine bunchgrass, and valley needlegrass grassland. None of these communities have potential to occur within the project site.

Essential Fish Habitat

Essential fish habitat is defined as the specific habitat essential for each life stage of federally managed species. The San Francisco Bay, including the project site, is designated essential fish habitat for fish species managed under the Coastal Pelagic, Pacific Groundfish, and Pacific Coast

Salmon Fishery Management Plans. The Pacific Coast Groundfish Fishery Management Plan manages at least 89 species over a large, ecologically diverse area covering the entire west coast of the continental United States. Fifteen species managed under this Fishery Management Plan occur in San Francisco Bay. The Coastal Pelagic Species Fishery Management Plan addresses five species, three of which occur in San Francisco Bay. The Pacific Coast Salmon Fishery Management Plan addresses Chinook salmon (*Oncorhynchus tshawytscha*) and coho salmon (*Oncorhynchus kisutch*; NOAA Fisheries 2014), and identifies the entire San Francisco Bay as essential fish habitat for these species. Species with designated essential fish habitat within the project site include the following (NOAA Fisheries 2015):

- Pacific Groundfish Fishery Management Plan
    - English sole (*Parophrys vetulus*)
    - starry flounder (*Platichthys stellatus*)
    - brown rockfish (*Sebastes auriculatus*)
    - Pacific sanddab (*Citharichthys sordidus*)
    - lingcod (*Ophiodon elongatus*)
    - sand sole (*Psettichthys melanostictus*)
    - leopard shark (*Triakis semifasciata*)
    - spiny dogfish (*Squalus acanthias*)
    - big skate (*Raja* ssp.)
    - Pacific whiting (*Merluccius productus*)
    - kelp greenling (*Hexagrammos decagrammus*)
    - soupfin shark (*Galeorhinus galeus*)
    - curlfin sole (*Pleuronichthys decurrens*)
    - bocaccio (*Sebastes paucispinis*)
    - cabezon (*Scorpaenichthys marmoratus*)
- Coastal Pelagic Fishery Management Plan
    - northern anchovy (*Engraulis mordax*)
    - jack mackerel (*Trachurus symmetricus*)
    - Pacific sardine (*Sardinops sagax*)
- Pacific Coast Salmon Fishery Management Plan
    - chinook salmon (*Oncorhychus tshawytscha*)
      coho salmon (*Oncorhychus kisutch*)

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Figure 8. Map of Eelgrass Habitat within Proximity to Clipper Yacht Harbor (Prepared by Marine Taxonomic Services February 25, 2020)

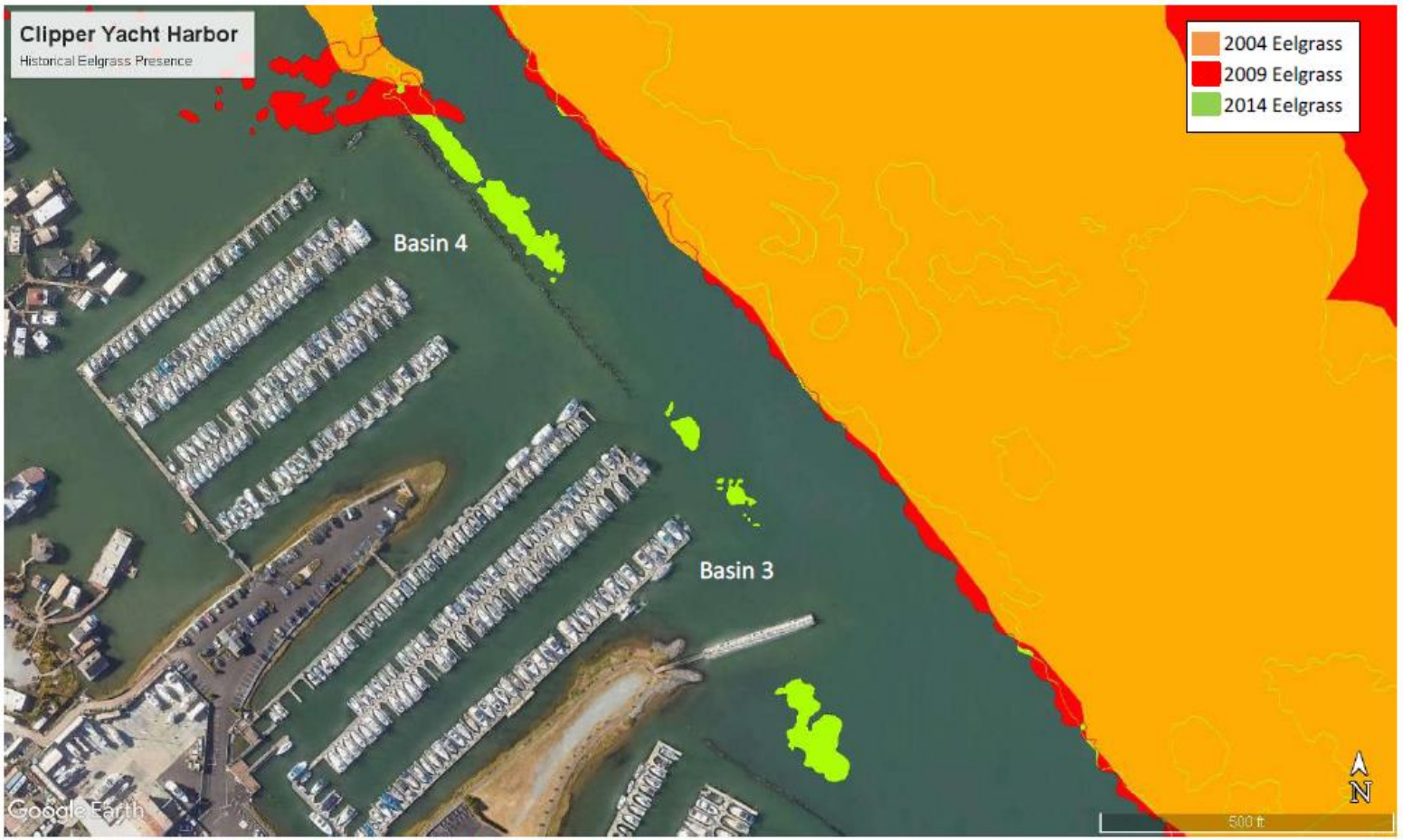

Figure 1. Historical eelgrass cover in the proximity of Clipper Yacht Harbor.

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Special-Status Species

For the purposes of this assessment, special-status fish and wildlife species are those that are:

- listed under FESA
- listed under the California Endangered Species Act (CESA)
- considered Fully Protected Species under the California Fish and Game Code (CFP; sections 3511, 4700, 5050, and 5515)
- designated California Species of Special Concern (SSC)
- fish species with EFH designations
- protected under the Marine Mammal Protection Act (MMPA)

Of the 46 fish and wildlife special-status species documented to occur near the project site (Appendix B Biological Resources Documentation, CNDDB 9 Quad Wildlife Search), most have no potential to occur within the project site due to lack of habitat (i.e., terrestrial, marsh, brackish water, freshwater, or coastal) and lack of proximity to the species' extant range.

The following six bird species and two mammal species with documented occurrences near the project site often occur on the shoreline of San Francisco Bay in marsh and sandy shoreline habitat:

- California black rail (*Laterallus jamaicensis coturniculus*; State Threatened [ST]; CFP)
- California least tern (*Sternula antillarum browni*; Federal Endangered [FE]; State Endangered [SE]; CFP)
- California Ridgway's rail (*Rallus obsoletus obsoletus*; FE; SE; CFP)
- saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*; SSC)
- western snowy plover (*Charadrius alexandrinus nivosus*; FT; SSC)
- yellow rail (*Coturnicops noveboracensis*; SSC)
- salt-marsh harvest mouse (*Reithrodontomys raviventris*; FE; SE; CFP)
- salt-marsh wandering shrew (*Sorex vagrans halicoetes*; SSC)

The shoreline habitat directly adjacent to the project site is highly urbanized and impacted, with few to almost no shoreline plants (i.e., pickleweed [*Salicornia* spp.]) to offer habitat and/or protection to these wildlife species. The nearest viable marsh habitat is approximately one mile northwest of the project site, directly east of the Shoreline Highway and Highway 101 interchange. In addition, the project will take place almost entirely over the marine waters of San Francisco Bay. The land-based crane to be used for construction will sit in a paved parking lot within the Clipper Yacht Harbor and will not impact natural terrestrial habitat. Therefore, these species have no potential to occur within the project site and are not considered further within this assessment.

In the September 26, 2019 letter acknowledging the completion of section 7(a)(2) consultation via the Federal Endangered Species Act (FESA), NOAA Fisheries included the following federal listed species Evolutionarily Significant Units (ESU) or Distinct Population Segments (DPS) that may be affected by the project:

- Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*; FE; SE)
- Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*; FT; ST)

- Central California Coast steelhead (*Oncorhynchus mykiss*; FT)
- Central Valley steelhead (*Oncorhychus mykiss*; FT)
- North American green sturgeon southern DPS (*Acipenser medirostris*; FT; SSC)

The anadromous salmonids listed above use San Francisco Bay primarily as a migration corridor en route to the Pacific Ocean to rear as juveniles or to upstream areas to spawn as adults. Adult steelhead and adult winter-run Chinook salmon typically begin their migrations through San Francisco Bay in early December. Adult spring-run Chinook salmon migrate through San Francisco Bay during the spring months. Juvenile steelhead and Chinook salmon migrate downstream through San Francisco Bay during the late winter and spring months. Adult and juvenile ESA-listed anadromous salmonids may be seasonally present in Richardson Bay.

A brief life history of these species is described below.

Chinook salmon. Three Chinook salmon ESUs migrate through the northern and central portions of San Francisco Bay: Sacramento River winter-run, Central Valley spring-run, and Central Valley fall/late fall-run. Each ESU is considered a distinct race and has been given its own management status. Sacramento River winter-run Chinook salmon migrate and spawn from mid-December to August along the Sacramento River, up to Keswick Dam in Shasta County. Adult winter-run Chinook salmon can be found in the bay in November and December. Central Valley spring-run Chinook salmon have a similar life history but begin spawning migration to the Delta in late winter to spring. Adults are found in the bay during the migratory period in the spring, and juveniles have the potential to inhabit the bay in the fall, winter, and spring. Critical habitat for Sacramento River winter-run Chinook and Central Valley spring-run Chinook salmon includes all waters of the San Francisco Bay north of the Bay Bridge[2]. Adult Central Valley fall-run/late fall-run Chinook salmon begin their migration toward their spawning grounds in June, with a peak in September. They spawn in the Delta in December and January. Juvenile salmon potentially inhabit the bay in the late winter through summer. There is no critical habitat designated for this species.

Steelhead. Individuals from two steelhead evolutionarily significant units can be found in the bay: central California coast steelhead and Central Valley steelhead. Central Valley steelhead migrate between the Pacific Ocean and the Delta and its tributaries via the San Francisco and San Pablo bays. Upstream migration occurs in the winter, with peak spawning occurring from December through April. Central California coast steelhead migrate from the Pacific coast through the bay in the winter to spawn in freshwater in the upper Sacramento River. Critical habitat for central California coast steelhead and Central Valley steelhead occurs in the San Francisco Bay and includes the project site.

Green sturgeon. Green sturgeon occur throughout the San Francisco Bay and are native to the Sacramento-San Joaquin River system. Spawning occurs in the lower reaches of the Sacramento-San Joaquin River system, however feeding occurs throughout the bay. Adult green sturgeon migrate into freshwater beginning in late February, with spawning occurring in March through July and peak activity in April and June. After spawning, juveniles remain in fresh and estuarine waters for one to four years and migrate out to the Pacific Ocean. Critical habitat for green sturgeon occurs within the San Francisco Bay and includes the project site.

In addition, the following special-status marine and anadromous species have potential to occur in San Francisco Bay and may therefore be impacted by the proposed project:

- longfin smelt (*Spirinchus thaleichthys*; Federal Candidate; ST)
- Delta smelt (*Hypomesus transpacificus*; FT; SE)
- coho salmon Central California Coast ESU (*Oncorhynchus kisutch*; FE; SE)

A brief life history of these species is described below.

Longfin smelt. Longfin smelt live in the open waters of San Francisco Bay, and could occur within the project site. Longfin smelt inhabit San Francisco Bay waters throughout the year, although they migrate to the Sacramento Delta to spawn in freshwater during the winter. No critical habitat has been designated for this species.

Delta smelt. The Delta smelt is a small fish, endemic to California that only occurs in the San Francisco Estuary. The Delta smelt life cycle follows the four seasons—spring spawning in fresh water, summer migration/rearing in the low salinity zone, fall maturation in the low salinity zone, and winter upstream migration shortly before spawning. Most spawning happens in tidally influenced backwater sloughs and channel edgewaters. Eggs are adhesive and thought to be released in batches over firm substrates or sand. Delta Smelt is a euryhaline species, able to tolerate a wide salinity range.

Coho salmon. Adult coho salmon migrate through San Francisco Bay after late fall or winter heavy rains to spawn in the San Francisco Bay Delta. Juvenile coho potentially inhabit the bay in the spring, summer, and fall. Critical habitat for Central California Coast coho salmon within San Francisco Bay includes all waters of the Central Bay north of the Bay Bridge**.**

Marine mammals protected by the Marine Mammal Protection Act (MMPA) also may inhabit waters within San Francisco Bay and occur in the proposed project site. The most common species include Pacific harbor seals (*Phoca vitulina*) and California sea lions (*Zalophus californianus*). Transient visiting and rare marine mammal species that may occasionally be within the project site or which may be impacted by project activities nearby include: harbor porpoise (*Phocoena phocoena*), Steller sea lion (*Eumetopias jubatus*; Federal Delisted), southern sea otter (*Enhydra lutris*; FT; CFP), and gray whale (*Eschrichtius robustus*). Extremely rarely in recent history, individual humpback whales (*Megaptera novaeangliae*) have entered San Francisco Bay. Marine mammals may travel throughout and forage within the waters of the project site, although Richardson Bay is likely too shallow for whales (NOAA 2020). Harbor seals and sea lions specifically are known and have been frequently observed utilizing the abandoned old pilings directly adjacent to the northeast of the project site for hauling out. A brief life history of these two species is described below.

Pacific harbor seals. Pacific harbor seals are nonmigratory, have limited seasonal movements associated with foraging and breeding activities, and occur in San Francisco Bay year-round. Harbor seals forage in shallow waters on a variety of fish and crustaceans, and therefore, could forage in and around the project site. Harbor seals come ashore (haul out) in groups ranging in size from a few individuals to several hundred, although the only nearby haul out habitat can only support approximately one dozen seals at a time. Other habitat used as haul out sites include tidal rocks, bayflats, sandbars, and sandy beaches.

California sea lions. California sea lions breed in Southern California and along the Channel Islands. After the breeding season, males migrate up the Pacific Coast and enter the San Francisco Bay. During anchovy and herring runs, approximately 400 to 500 sea lions (mostly immature males) feed almost exclusively in the North and Central San Francisco Bay (URS Corporation 2013) and could occasionally forage and haul out at or adjacent to the project site.

3.4.2 Regulatory Setting

FEDERAL

Federal Endangered Species Act

The Federal Endangered Species Act of 1973 (as updated in 50 CFR 17.11 and 17.12, January 1992) (FESA) protects plants and wildlife that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Section 9 of the FESA prohibits the taking of endangered wildlife. Taking is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50

CFR 17.3). For plants, this statute pertains to removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging-up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law (16 USC 1538).

Under Section 7 of the FESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect an endangered species or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity provided the action will not jeopardize the continued existence of the species. Consultation would be triggered if a particular project affects wetlands or waters of the U.S., requiring the U.S. Army Corps of Engineers (USACE) to issue a 404 permit. Section 10 of FESA provides for issuance of incidental take permits to private parties provided a habitat conservation plan is developed.

Marine Mammal Protection Act

The Marine Mammal Protection Act (MMPA) was passed in 1972 to maintain the health and stability of the marine ecosystem. The MMPA protects all marine mammals, including cetaceans (whales, dolphins and porpoises), pinnipeds (seals and sea lions), sirenians (manatees and dugongs), sea otters, and polar bears within the waters of the United States. Under the MMPA, it is illegal to "take" (i.e., harass, feed, hunt, capture, or kill) marine mammals without a permit. The MMPA is jointly enforced by NOAA Fisheries and USFWS, depending on the species. Sea otters, walruses, polar bears, and three species of manatees and dugongs fall under the jurisdiction of USFWS, while pinnipeds and cetaceans fall under the jurisdiction of NOAA Fisheries.

Federal Clean Water Act

The Clean Water Act's (CWA) purpose is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." Section 404 of the CWA prohibits the discharge of dredged or fill material into "waters of the United States" without a permit from the U.S. Army Corps of Engineers (USACE). "Waters of the U.S." include territorial seas, tidal waters, and non-tidal waters in addition to wetlands. Wetlands are defined as those areas "that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3[b]). The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when in compliance with Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under its regulatory branch. The U.S. Environmental Protection Agency (U.S. EPA) has veto authority over the USACE's administration of the Section 404 program and may override a USACE decision with respect to permitting. Substantial impacts on wetlands may require an individual permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the Regional Water Quality Control Board (RWQCB).

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (FCMA; United States Department of the Interior Bureau of Ocean Energy Management 2020), as amended (16 U.S.C. 1801 et seq.) established:

- A fishery conservation zone between the territorial seas of the United States and 200 nautical miles offshore;
- An exclusive U.S. fishery management authority over fish within the fishery conservation zone (excluding highly migratory species);

- Regulations for foreign fishing within the fishery conservation zone through international fishery agreements, permits, and import prohibitions; and
- National standards for fishery conservation and management and eight regional fishery management councils to apply those national standards in fishery management plans.

Congress enacted the 1996 amendments to the Act, known as the Sustainable Fisheries Act (SFA) (P.L. 104-297), to address the substantially reduced fish stocks that declined as a result of direct and indirect habitat loss. The SFA requires that agencies consult with NOAA Fisheries concerning actions that may adversely impact Essential Fish Habitat (EFH).

In 2007, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 was signed into law. It mandates the use of annual catch limits and accountability measures to end overfishing, provides for fishery management by a limited access program, and calls for increased international cooperation.

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, eelgrass is designated as an EFH habitat area of particular concern (HAPC) for various federally managed fish species within the Pacific Coast Groundfish Fishery Management Plan (FMP). An HAPC is a subset of EFH that is rare, particularly susceptible to human-induced degradation, especially ecologically important, and/or located in an environmentally stressed area. HAPC designations are used to provide additional focus for conservation efforts.

NOAA Fisheries California Eelgrass Mitigation Policy

Eelgrass has a strong protection strategy because of the important biological, physical, and economic values it provides, as well as its importance to managed species under the Magnuson-Stevens Fishery Conservation and Management Act. As such, NOAA Fisheries has recommended the California Eelgrass Mitigation Policy to achieve its goal of "no net loss of eelgrass habitat function in California." Vegetated shallows that support eelgrass are also considered special aquatic sites under the 404(b)(1) guidelines of the Clean Water Act (40 C.F.R. § 230.43). The NOAA Fisheries Service developed the California Eelgrass Mitigation Policy to protect this resource and its habitat functions, including spatial coverage and density of eelgrass habitats. This NOAA Fisheries policy and implementing guidelines are being shared with agencies and the public to ensure there is a clear and transparent process for developing eelgrass mitigation recommendations.

STATE

California Endangered Species Act

The California Endangered Species Act (CESA; Fish and Game Code 2050 et seq.) generally parallels the FESA. It establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. Section 2080 of the California Fish and Game Code prohibits the take, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or by the regulations. "Take" is defined in Section 86 of the California Fish and Game Code as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." This definition differs from the definition of "take" under FESA. CESA is administered by CDFW. CESA allows for take incidental to otherwise lawful projects but mandates that State lead agencies consult with the CDFW to ensure that a project would not jeopardize the continued existence of threatened or endangered species.

California Fish and Game Code

CDFW is authorized under the California Fish and Game Code, Sections 1600-1607 to develop mitigation measures and enter into Streambed Alteration Agreements with applicants who propose projects that would obstruct the flow of, or alter the bed, channel, or bank of a river or

stream in which there is a fish or wildlife resource, including intermittent and ephemeral streams. Often, projects that require a Streambed Alteration Agreement also require a permit from the USACE under section 404 of the Clean Water Act. In these instances, the conditions of the Section 404 permit and the Streambed Alteration Agreement may overlap.

Sections 3500-3516, 4700, 5050, and 5515 address Fully Protected species. Prior to the passage of CESA, the classification of Fully Protected was the State's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Subsequently, many Fully Protected species have been listed under the State and/or federal endangered species acts. The only exceptions are golden eagle, white-tailed kite, trumpeter swan, northern elephant seal, and ringtail. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

California Fish and Game Code Section 4150 states, "All mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission." The non-game mammals that may be taken or possessed are primarily those that cause crop damage.

LOCAL

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the final draft General Plan was released on October 20, 2020. The following policies from the Waterfront and Marinship and Environmental Quality elements of the General Plan are applicable to biological resources that may be impacted by the proposed project:

> **Policy W-4.1 Ecological Functions.** Require that no net loss of ecological functions occur as a result of uses, development, shoreline modifications, or expansion of existing uses.
>
> **Policy W-4.2 Bay Waters.** Preserve and enhance the wetlands, open waters, and ecosystem of Richardson's Bay and San Francisco Bay and utilize these landscapes for sea level rise mitigation.
>
> **Policy EQ-1.1 Preservation Strategy.** Utilize the development review process to protect natural areas in private ownership.
>
> **Policy EQ-1.4 Threatened and Endangered Species.** Protect threatened and endangered wildlife and plant species native to Sausalito and the Southern Marin area.
>
> **Policy EQ-1.5. Non-Threated Species.** Protect flora and fauna that provide an environmental benefit to Sausalito.

3.4.3 Discussion

Project impacts to biological resources, as defined in the CEQA checklist, are described in this section.

Would the proposed project:

a. 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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant with Mitigation Incorporated. As stated in the September 26, 2019 NOAA Fisheries letter (Appendix B Biological Resources Documentation, USACE LOP with NOAA Fisheries Concurrence), the proposed project may affect the following federal listed species: Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, Central California Coast steelhead, Central Valley steelhead, and North American green sturgeon. NOAA Fisheries concluded that the proposed project was not likely to adversely affect any federal listed species. In addition, NOAA determined that while EFH within the project site (for fish species managed under the Coastal Pelagic, Pacific Groundfish, and Pacific Coast Salmon Fishery Management Plans) may be adversely affected by project implementation, effects would be minimized and/or mitigated by the project applicant's proposed avoidance and minimization measures presented in Table 2 in the Project Description. These measures are intended to reduce turbidity during construction, prevent debris from falling into the water, protect water quality from contamination by construction debris or equipment fluids, and prohibit harassment of any marine mammals, waterfowl, or fish in project area by construction workers.

Three other special-status fish species were identified as having potential to occur within the waters of the project site and could be affected by the proposed project (Section 3.4.1): longfin smelt, Delta smelt, and coho salmon-Central California Coast ESU. In addition, Pacific harbor seals, California sea lions, and other marine mammals protected under the MMPA have potential to be impacted by project construction. Fish and marine mammals that frequent the project area are unlikely to be negatively impacted following project completion, as the project does not propose changes in use or increased in intensity of use of the marina.

Fish species may be impacted during project construction through water quality degradation, disturbance of benthic substrate, and elevated underwater sound levels during pile driving while constructing the replacement dock associated with the project. For fish species, degradation of water quality will impact primary production (sunlight available for algae photosynthesis), which would impact feeding ability through sight and general availability. Fish species may be prone to gill injury during increases in water turbidity. Fish species are also susceptible to injury or mortality when exposed to high levels of underwater sound pressure waves generated by impact hammers like those proposed to drive piles into the substrate of the project site.

According to the September 26, 2019 NOAA Fisheries letter regarding potential project impacts to federally listed fish species (Appendix B Biological Resources Documentation, USACE LOP with NOAA Fisheries Concurrence), "although temporary increases in turbidity in the adjacent water column are expected during project construction, the Applicant proposes to use silt curtains which will contain suspected sediments. Outside the silt curtain, elevated levels of turbidity are expected to be low and rapidly return to background levels with tidal circulation after work ceases. Based on the above information, construction activities are expected to only cause short-term and minor increased levels of turbidity in the water column where listed fish may be present. Green sturgeon and listed anadromous salmonids are adapted to living in estuaries with fine sediment bottoms and are tolerant of levels of turbidity that exceed levels expected to result from this project. For the above reasons, the effects of degraded water quality during project construction activities are expected to be less than significant on listed fish.

Demolition and removal of the existing docks may accidentally discharge materials into waters of the harbor and Richardson Bay. To ensure materials do not become debris in Richardson Bay, the Applicant proposes the use of floating booms and divers to contain and collect debris (Table 2). Therefore, discharge of materials into waters of Richardson Bay is unlikely to occur during project activities (see Appendix B Biological Resources Documentation, USACE LOP with NOAA Fisheries Concurrence).

Based on hydroacoustic data collected previously from projects using similar sized concrete piles in San Francisco Bay (Buehler 2015), sound pressure levels during project implementation should not present a risk of physical injury to listed salmonids or sturgeon. For this project, NMFS anticipates the sound pressure levels during pile driving with an impact hammer will not exceed

190 dB (peak) and 160 dB (SEL). These sound levels are significantly lower than the NMFS thresholds for the onset of physical injury to fish. Further, the applicant proposes to use a "soft start" and a cushion block atop the pile during pile driving activities. This soft start is meant to divert fish away from the pile driving site by starting with a lower sound level rather than starting right away with strongest pile strikes that generate the highest sound levels. If ESA-listed salmonids or southern DPS green sturgeon react behaviorally (i.e., startled and disperse) to the elevated underwater sound produced during the installation of these piles, Richardson Bay offers adequate areas to escape this disturbance during pile driving. Based on the above, the effects of exposure to elevated underwater sound levels during pile driving by this project are expected to be insignificant to ESA-listed salmonids and southern DPS green sturgeon."

Other non-federal listed fish species (longfin smelt, Delta smelt, and coho salmon) have the same anticipated impacts as those noted above for federal listed fish species, and therefore will have less than significant impacts with the implementation of the silt curtain, floating booms, divers, and pile driving soft start proposed in the project (Table 2; Appendix B Biological Resources Documentation, USACE LOP with NOAA Fisheries Concurrence).

Marine mammals may also be impacted by decreased visibility and feeding opportunities during any increase in turbidity during project construction. Noise associated with pile driving may also negatively impact marine mammal health and mobility. Marine mammals are generally highly mobile with large home ranges and are therefore expected to be capable of avoiding areas for short periods of time with little adverse impact to an individual. Marine mammals within the vicinity are expected to avoid the project site, especially with the use of the silt curtain and "soft start" method described in Table 2 and Appendix B Biological Resources Documentation, USACE LOP with NOAA Fisheries Concurrence.

Implementation of Mitigation Measures BIO-1a and BIO-1b would reduce potentially significant impacts to less than significant levels.

Impact BIO-1a: Special-status fish species may be prone to injury and/or decreased foraging opportunities during increases in water turbidity associated with project implementation.

Mitigation Measure BIO-1a: Avoidance and Minimization Measures for Special-Status Fish: The Applicant and/or its contractor shall implement the following Avoidance and Minimization Measures (AMMs) during project construction. These measures shall be presented on all construction bid documents.

Project Demolition and Construction Avoidance and Minimization Measures

1	Silt curtains will be utilized to control turbidity during removal and placement of piles. The silt or "turbidity curtain" typically have a skirt of approximately 5' which controls any sediment suspended in the water column from propagating out of the work area.
2	Floating booms shall be maintained around the project site to capture floating debris during all demolition and construction phases. "Floating boom" curtains typically have a 1' skirt and are designed to keep any floating debris from escaping the work area before it can be removed.
3	Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
4	Floating debris would be removed from the water and disposed of properly.
5	Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.

6	Operators of construction equipment and all other project workers shall not harass any marine mammals, waterfowl, or fish in project area.
7	Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering bay.
8	Erosion control/ sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition.
9	Contractor shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States.
10	All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
11	Maintain good housekeeping. Maintain clean site at end of every construction day. Do not drop mud and debris from construction vehicles into public streets. Sweep turning areas and pavement entrances as needed.
12	At the end of the construction period, the project applicant or its contractor shall inspect the project area and ensure that no debris, trash or construction materials has been left on the shore or in the water.

Impact BIO-1b: Marine mammals may be impacted by decreased visibility and feeding opportunities during any increase in turbidity during project construction. Noise associated with pile driving may also negatively impact marine mammal health and mobility.

Mitigation Measure BIO-1b: Avoidance and Minimization Measures for Marine Mammals: To reduce impacts to marine mammals to less than significant levels, the following measures shall be implemented[8]:

- The project Applicant shall create and maintain a visual 500-meter safety zone around sound sources (i.e. pile drivers and/or any motorized equipment with sound waves entering Richardson Bay) in the event that the sound level is unknown or cannot be adequately predicted. This will be required at the onset of construction. The safety zone shall be maintained by the qualified biologist through the use of a rangefinder (or similar measuring device) to closely approximate the 500-meter distance from the source of the sound (i.e. pile driver) and monitoring marine mammals within this distance. An aerial map outlining an approximate boundary within the waters of Richardson Bay may be utilized to help visualize the 500-meter safety zone.
- A qualified biologist on shore will visually survey the safety zone (by naked eye and binoculars) to ensure that no marine mammals are within or surfacing/traveling within the zone before pile driving begins. If a marine mammal is observed within the safety zone before pile driving begins, pile driving will be delayed until the marine mammals move out

8 This mitigation measure is adapted from a similar pile driving project with the San Francisco Bay with impacts to the same marine mammal species as the proposed project (San Francisco Planning Department 2017).

of the area, as evidenced by observed surfacing and/or hauling out of the individual outside the project area.

If marine mammals enter the safety zone after pile driving of a segment has begun, pile driving will continue. The qualified biologist will monitor and record the species and number of individuals observed, and note behavior patterns. If the animal appears distressed, and if it is operationally safe to do so, pile driving will cease until the animal leaves the area, as evidenced by observed surfacing and/or hauling out of the individual outside the project area. Prior to the initiation of each new pile driving event, the area will again be thoroughly surveyed by the biologist. With the implementation of Mitigation Measure BIO-1b, potential impacts to marine mammals will be reduced to less than significant levels.

Effectiveness: This measure would minimize and/or avoid impacts on fish and marine mammal species within the project vicinity to less than significant levels.

Implementation: The Applicant and/or its contractor(s) shall implement this measure in throughout project demolition and construction. This measure shall be placed on all construction bid documents.

Timing: Throughout all project phases.

Monitoring: The biological monitor will note and record data any incidences of special-status fish mortality as a result of discharges of fill material into waters of the U.S., to be provided to NOAA Fisheries, Office of Protected Resources (Appendix B). The biological monitor will maintain a record of any marine mammals observed within the project vicinity, to be made available to City and Resource Agency officials if requested.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant Impact. In their February 25, 2020 memo, Marine Taxonomic Services states that “there is no potential to impact eelgrass because the Project is an in-kind dock replacement. This means there will be no impacts associated with shading or changes in use which could lead to cumulative impacts” (Appendix B Biological Resources Documentation, MTS Eelgrass Memo). However, pre-construction and post-construction eelgrass surveys will be required to be implemented as per the California Eelgrass Mitigation Policy and the project applicant has proposed to monitor and mitigate for potential impacts to eelgrass during project construction, as detailed in the NOAA Fisheries assessment of potential project effects to federal listed species (Appendix B Biological Resources Documentation, USACE LOP with NOAA Fisheries Concurrence).

The project applicant will implement the “Clipper Yacht Harbor Eelgrass Mitigation Plan” prepared by WRA and dated July 10, 2007 and confirmed with USACE and NOAA Fisheries by conducting pre- and post-construction eelgrass surveys in the vicinity of Basins 3 and 4 in accordance with NMFS’ California Eelgrass Mitigation Policy and Implementation Guidelines (October 2014). The project applicant will provide results of the survey to NOAA Fisheries for review and approval. If impacts to eelgrass are observe from the project, a mitigation plan shall be provided to NOAA Fisheries.

Impact BIO-2: Sensitive eelgrass beds in proximity of the project site may be directly impacted if they have colonized the project area since the last survey. Sensitive eelgrass beds in proximity,

but outside the project area may be impacted by increased turbidity associated with project demolition and construction.

Mitigation Measure BIO-2: Implementation of Clipper Yacht Harbor Eelgrass Mitigation Plan: The following details the methods of survey and actions to be taken to protect nearby eelgrass habitat and ensure any new eelgrass habitat within the project site will not be significantly impacted during project implementation:

- A qualitative survey would be conducted prior to construction (within the April – October growing season) for presence/absence of eelgrass shoots by examining the project footprint and immediate vicinity (10-meter buffer) at low tide.
- If any eelgrass shoots are present, quantitative pre- and post-construction eelgrass surveys and monitoring would be conducted in the footprint (and buffer) of the project. A reference site used as a control shall also be included in the monitoring plan. Quantitative surveys, monitoring and mitigation would be performed in accordance with the 2014 California Eelgrass Mitigation Policy and Implementation Guidelines. Survey and monitoring plans would be provided to NOAA Fisheries 45 days prior to construction for review and approval.
- If monitoring indicates that a loss of eelgrass has occurred as a result of the project, a USACE-approved mitigation plan will be developed and implemented in consultation with NOAA Fisheries. The monitoring and mitigation plan would compensate for negative impacts to eelgrass resulting from the project.

  Effectiveness: This measure would avoid and/or mitigate any impacts to nearby sensitive eelgrass beds to less than significant levels.

  Implementation: In the event eelgrass is observed in the project footprint and immediate vicinity (10-meter buffer), pre- and post-construction eelgrass surveys shall be conducted.

  Timing: One qualitive survey shall be conducted in April-October prior to project initiation (dock demolition). Pre- and post-construction eelgrass surveys may be required, dependent on results of qualitative survey.

  Monitoring: Survey and monitoring plans will be provided to NOAA Fisheries 45 days prior to project initiation for review and approval. NOAA Fisheries shall be consulted if a mitigation plan is required to be developed and implemented to compensate for any negative impacts to eelgrass resulting from the project.

Implementation of Mitigation Measure BIO-2 will reduce this impact to less than significant.

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The proposed dock replacement project will occur entirely within an existing dock system and will be an in-kind replacement within the waters of the San Francisco Bay. The proposed project will therefore not remove, fill, interrupt the hydrology, or otherwise adversely affect any state or federally protected wetlands.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites).

Less than Significant with Mitigation Incorporated. The fish and marine mammal species described under question a) have potential to be similarly impacted during migration through the project site and/or utilization of the project site as a nursery site. However, Mitigation Measures BIO-1a and BIO-1b would reduce any potential impacts to less than significant for resident and migrating species. In addition, the project proponent is required by CDFW to restrict work to the June 1 through November 30 work window that avoids salmonid migration and Pacific herring spawning (Hossfeld 2020; CDFW 2019), which will avoid impacts to any juvenile fish or fish nurseries within vicinity of the project site. With the implementation of Mitigation Measures BIO-1a and BIO1-b, impacts to native resident, migratory, wildlife corridors, and nursery sites will be reduced to less than significant.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The proposed project does not conflict with any known local policies and ordinances protecting biological resources (see Section 3.4.2).

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The proposed project is not part of any known Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan and therefore does not conflict with any such plan.

3.4.4 References:

Buehler, D. Oestman, R., Reyff, Pommerenck, K., and Mitchell, B. 2015. Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish. Prepared for California Department of Transportation, 1120 N Street, Sacramento, CA 95814. November 2015.

California Department of Fish and Wildlife (CDFW). 2019. California Pacific Herring Fishery Management Plan. Accessed January 2021 at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184122&inline.

_____. 2020. California Natural Diversity Database search of San Rafael, San Quentin, Richmond, Point Bonita, San Francisco North, Oakland West, San Francisco South, and Hunters Point USGS 7.5' quadrangles. Accessed November 2020 at https://apps.wildlife.ca.gov/myaccount/login?ReturnUrl=%2frarefind%2fview%2fRareFind.aspx.

Hossfeld, Daniel. 2020. From BCDC via email, August 3, 2020.

National Oceanic and Atmospheric Administration (NOAA). 2020. Entrance to San Francisco Bay. Accessed December 2020 at https://charts.noaa.gov/PDFs/18649.pdf.

National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries). 2014. Final Environmental Assessment and Regulatory Impact Review: Pacific Coast Salmon Plan Amendment 18: Incorporating Revisions to Pacific Salmon Essential Fish Habitat. Accessed December 2020 at https://www.pcouncil.org/documents/2014/09/final-environmental-assessment-and-regulatory-impact-review-pacific-coast-salmon-plan-amendment-18.pdf/.

_____. 2015. Endangered Species and Essential Fish Habitat Biological Assessment: Port of San Francisco Regional General Permit for Shoreline Maintenance Repair, Rehabilitation,

and Replacement Activities. Accessed December 2020 at https://sfport.com/sites/default/files/Business/Docs/Endangered%20Species%20and%20Essential%20Fish%20Habitat%20Biological%20Assessment%2C%20April%202015.pdf.

San Francisco Bay Subtidal Habitat Goals Project. 2020. Shellfish Bed Habitat Distribution & Stressors. Accessed December 2020 at http://sfbaysubtidal.org/map_portal/shellfish.html.

San Francisco Planning Department. 2017. Preliminary Mitigated Negative Declaration for the Alcatraz Ferry Embarkation Project. Accessed December 2020 at https://www.sausalito.gov/home/showdocument?id=25058.

United States Department of the Interior Bureau of Ocean Energy Management. 2020. Magnuson-Stevens Fishery Conservation And Management Act. Accessed December 2020 at https://www.boem.gov/environment/environmental-assessment/magnuson-stevens-fishery-conservation-and-management-act.

URS Corporation. 2013. Biological Assessment of Downtown San Francisco Ferry Terminal Expansion Project. Accessed December 2020 at http://sanfranciscobayferry.com/sites/default/files/weta/currentprojects/DFTX/files/DFTXFinalEISEIR/Appendix%20D%20Agency%20Coordination.pdf.

3.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

3.5.1 Environmental Setting

Prehistoric

The Miwok Native Americans inhabited northern California in five territorially discrete groups. The Sierra Miwok territory extended from the foothills and mountains of the Mokelumne and Calaveras river drainages to the north along the westward foothills of the Sierra Nevada Mountains. The Plains Miwok occupied lands extending from what is now Ione to the western banks of the Sacramento River. The Bay Miwok inhabited the lands surrounding Mt. Diablo (Callaghan 1987). The Lake Miwok inhabited the Clear Lake basin in what is now Lake County. The Coast Miwok inhabited a region north of the San Francisco Bay that encompasses what is now Marin County, southern Sonoma County, and a small portion of Napa County. The Coast Miwok of the north San Francisco Bay region can be further subdivided into two dialectic areas, the first of which is the Southern Coast or Marin dialectic area, and the second of which is the Western Coast or Bodega dialectic area, which encompassed a small area on the shores of the Bodega Bay (Barrett 1907).

At the time of initial contact with European explorers, the City of Sausalito, including the surrounding lands in southern Marin County from the coast to Richardson Bay were occupied by the Huimen community, a tribal group of the Coast Miwok (Miliken 2009). The Huimen community controlled the southern portion of the Marin Peninsula, including the land surrounding Richardson Bay and extensive lands now known as the Golden Gate National Recreation Area (GGNRA). Additional Coast Miwok communities occupied the San Francisco Bay Estuaries, including the Omiomi and Alaguali communities and the Tamals that occupied the Novato, Tolay Creek, and San Rafael areas, respectively.

The Coast Miwok occupied areas near bays, lagoons, and streams. As hunter-gatherers, they hunted game, fished, and gathered and processed acorns and other nuts and plants. The Coast Miwok lived in domed and conical-shaped homes made of redwood, bundled grass or tule, and animal hide. The Coast Miwok also constructed grass-covered granaries to store acorns, and sweathouses and roundhouses that were partially dug into the ground, finished with a grass roof and walls, and used for ceremonies and rituals (San Francisco State University 2020).

The village of Liwanelowa was a Coast Miwok village located within the modern-day borders of Sausalito which was recorded in the early 20th Century long after the Coast Miwok had been processed into the mission system and their way of life changed from their previous way of life.

Historic

The first Europeans to reach the San Francisco area were Spanish explorers in 1769 as part of the Portolá expedition. In 1774, the de Anza expedition had set out to convert the Native American tribes to Christianity, resulting in the establishment of (among others) Mission San Francisco de Asis (Mission Dolores) (founded in 1776), Mission San José (founded in 1779), and Mission San Rafael Arcángel (founded in 1817). In this historic period, the Coast Miwok people were subjugated and absorbed into the mission system for compulsory baptism and conversion to Christianity that resulted in the loss of their freedom of movement, their culture, and customs (Milliken 2009). The current Coast Miwoks are part of the federally recognized Federated Indians of Graton Rancheria, a community that includes the Coast Miwok and Southern Pomo groups (Federated Indians of Graton Rancheria 2020).

In 1838, William Richardson received a 19,571-acre land grant in present-day southern and western Marin County and established a hacienda (Sausalito Historical Society 2015). In 1848, the California gold rush prompted Richardson to sell off portions of the Rancho del Sausalito, and in 1868, most of the hacienda land was acquired by the Sausalito Land and Ferry Company. Soon after, the Sausalito Land and Ferry Company established streets and subdivided the waterfront and hills. In 1871, the North Pacific Coast Railroad extended its tracks into Sausalito, linking Sausalito to the northern California coast by rail and creating a transportation hub. Thereafter, Sausalito grew in population, attracting workers, merchants, and wealthy San Franciscans.

In 1893, Sausalito became an incorporated city. In the early 20th century, Sausalito became the main port of entry for Marin County commuters. The completion of the Golden Gate Bridge in 1937 increased development in Marin County and ended train and ferry service in Sausalito.

During World War II, due to a shortage of merchant ships and shipyards, the Bechtel Company constructed a major shipyard on the City's northern waterfront, thereafter named "Marinship." Sausalito's population then grew to 30,000, and over 70,000 workers constructed merchant ships and tankers on the City's waterfront, overwhelming the local housing supply. The shipyard closed following the end of World War II in 1945.

While the rest of the San Francisco Bay Area experienced a building boom in the 1950s, Sausalito experienced a minor influx of tourism and tourist shops and became home to numerous small businesses hosting artists and craftsmen. In 1970, Sausalito began to accept passenger ferries, making the City the popular regional travel destination, particularly for its harbors and marinas, it is today.

Modern

Sausalito is a small residential community and a regional destination for marine-oriented recreation and tourism. The City is approximately 2.26 square miles and had an estimated population of 7,100 in 2018 (City of Sausalito 2020b).

Project Site History

Early United States Geologic Survey maps of the Clipper Yacht Harbor and adjacent area show the area was completely underwater in the late 19th century, which did not change until the early 1940s, when the Bechtel Company shipyard construction resulted in the placement of substantial fill to create flat land at the edge of Richardson Bay. However, this construction did not add the spits of land alongside the current piers until the late 1950s. It was not until the 1960's that the project site would be recognizable as it is today.

Project Site at the Present Time

The project site consists of two parcels totaling approximately 24.58 acres and containing a portion of Clipper Yacht Harbor Basin 2, most of Clipper Yacht Harbor Basin 3, all of Clipper Yacht

Harbor Basin 4, paved parking lot area, open space, a boat yard, storage containers, and industrial yards. The project site is a combination of waterfront marina facilities and overwater dock infrastructure near the shoreline of the Richardson Bay. The project site is surrounded by open waters to the north and east; houseboats, industrial yards and buildings, and commercial buildings to the west; and commercial buildings, office space, and industrial buildings and yards to the south.

Records Search Results

A record search conducted by the Northwest Information Center (NWIC) on September 17, 2020 indicated there are no known cultural resources within the project site. One historic resource was located within a 0.25-mile study area of the project site which is discussed below. Nineteen cultural resource reports were located within the project area.

Cultural Resource Reports

1. *A Summary of Knowledge of the Central and Northern California Coastal Zone and Offshore Areas, Vol. III, Socioeconomic Conditions, Chapter 7: Historical & Archaeological Resources*, published by The Anthropology Laboratory, Sonoma State College; Winzler & Kelly Consulting Engineers in 1976 (S-000848).
2. *Overview of Prehistoric Archaeology for the Northwest Region, California Archaeological Sites Survey: Del Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, Marin, Contra Costa, Alameda*, published by the Anthropological Studies Center, Sonoma State University in 1981 (S-002458).
    - *Prehistoric Archaeology Overview Northwest Region; California Archaeological Inventory, Volume I: Humboldt and Del Norte Counties*, published by the Anthropological Studies Center, Sonoma State University in 1982 (S-002458, a).
    - *Archaeological Overview of Mendocino and Lake Counties*, published by the Anthropological Studies Center, Sonoma State University in 1982 (S-002458, b).
    - *Prehistoric Archaeology Overview Northwest Region; California Archaeological Inventory, Volume 3: Napa and Sonoma Counties*, published by the Anthropological Studies Center, Sonoma State University in 1982 (S-002458, c).
    - *Archaeological Overview of Alameda, Contra Costa, and Marin Counties*, published by the Anthropological Studies Center, Sonoma State University in 1982 (S-002458, d).
    - *Environmental Overview of the Northwest Region*, published by the Anthropological Studies Center, Sonoma State University in 1982 (S-002458, e).
3. *Early Cultures of the North Coast Ranges, California*, published by the University of California, Davis in 1973 (S-007888).
4. *Status of Archeological Resources in the Northern Region, California Department of Parks and Recreation*, published by the California Department of Parks and Recreation in 1986 (S-008226).
5. *Identification and Recording of Prehistoric Petroglyphs in Marin and Related Bay Area Counties*, published by San Francisco State University in 1977 (S-009462).
6. *Late Prehistoric Obsidian Exchange in Central California*, published by Stanford University in 1986 (S-009795).
7. *California, Oregon, and Washington: Archaeological Resource Study*, published by Espey, Huston & Associates, Inc. and Dames & Moore in 1993 (S-015529).
8. *Botanical Reflections of the Encuentro and the Contact Period in Southern Marin County*, California, published by the Department of Anthropology, University of Arizona in 1992 (S-016138).
9. *A Model for the Study of Coast Miwok Ethnogeography*, published by the University of California, Davis in 1982.

10. *Historical and Technological Significance of the San Francisco District, Corps of Engineers' Sausalito Base Yard Facility*, Marin County, California, published in 1981 (S-017470).
11. *Biological Distance of Prehistoric Central California Populations Derived from Non-Metric Traits of the Cranium*, published by the University of California, Riverside in 1975 (S-017835).
12. *Cultural Resource Evaluations for the Caltrans District 04 Phase 2 Seismic Retrofit Program, Status Report*, published by the California Department of Transportation (Caltrans) in 1996 (S-018217).
13. *PCNs of the Coast Ranges of California: Religious Expression or the Result of Quarrying?*, published by the California State University, Hayward in 1998 (S-020395).
14. *A Contextual Analysis of PCN Petroglyphs in Marin and Southern Sonoma Counties*, published by San Francisco State University in 2004 (S-029655).
15. *The Distribution and Antiquity of the California Pecked Curvilinear Nucleated (PCN) Rock Art Tradition*, published by the University of California, Berkeley in2003 (S-030204).
16. *The Maien: A Women's Secret Society on San Francisco Bay*, published by the California State Parks, Diablo Vista District in 2006 (S-032454).
17. *The Central California Ethnographic Community Distribution Model, Version 2.0, with Special Attention to the San Francisco Bay Area, Cultural Resources Inventory of Caltrans District 4 Rural Conventional Highways*, published by Consulting in the Past and the Far Western Anthropological Research Group, Inc. in 2006 (S-032596).
18. *Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4*, published by Far Western Anthropological Research Group, Inc. in 2007 (S-033600).
19. *San Francisco Bay-Delta Regional Context and Research Design for Native American Archaeological Resources, Caltrans District 4*, published by the Caltrans, District 4 (S-049780).
    - *FHWA_2016_0615_001, Caltrans District 4 Archaeological Context*, published by the California Office of Historic Preservation in 2016 (S-049780, a).

Five additional cultural resource reports were on file within the 0.25-mile study area.

A Sacred Lands Inventory records search was conducted by the Native American Heritage Commission (NAHC) on September 15, 2020. The results were positive for Tribal Cultural Resources. Two Tribes were identified by the NAHC as having potential to know of cultural resources in the project area. All tribes were contacted by letter on October 19, 2020. As of the writing of this Initial Study, one of the tribes contacted, the Federated Indians of Graton Rancheria, responded to the Sacred Lands Inventory outreach on November 24, 2020. The Federated Indians of Graton Rancheria is aware that there are Tribal Cultural Resources (TCRs) in the project area and requested the City contact the tribe to discuss the project. The potential presence of Tribal Cultural Resources on site due to a positive Sacred Lands Inventory records search result has been taken into account for the discussion provided in Section 3.5.3.

Cultural Resources

The one historic resource within the 0.25-mile study area is a shipway and pier that are remnants of the Marinship shipyard built during WWII. The historic resource is located south of the project site within 0.25 miles. The resource shares partial visibility to and from the project site, though intervening buildings and structures limit visibility.

Historic Research

In addition to the records searches, MIG cultural staff conducted background research of the general project vicinity to gain additional insight of the potential for archaeological discovery. MIG searched historic documents, historic maps, archived newspaper articles, aerial photography, and online sources to help ascertain understand the prehistoric and historic context of the area that is now the city of Sausalito and its surroundings.

Ethnographic Results

Additional research shows that a 1909 study mapped multiple shell mounds within downtown Sausalito (Nelson, 1909), as well as multiple additional shell mounds along the northern Sausalito coastline. Additionally, although historic maps show the project site as having been underwater (Historic Aerials 2021), it is known that sea level change has occurred throughout the prehistoric of Native American occupation, and that at some points in history the project site may have been above water, or tidal marsh, similar to the modern day nearby Bothin Marsh. Mid-19th century maps indicate that much more of the coastline of Richardson Bay was coastal marsh than today (U.S. Coast Survey, 1851), although, the project site did not appear to be tidal marsh at that time.

Historic Results

In addition to historic construction of the Bechtel Company shipyard, and infill of the project site, discussed in detail earlier in this chapter, which would have had significant underwater disturbance, Richardson Bay has been subject to historic dredging to maintain navigation channels as well as to allow boat access to marinas (San Francisco Bay Conservation and Development Commission (SFBCDC), 1984), and has since been dredged repeatedly. Advice given by the SFBCDC including dredging to depths of 8 feet below the mean lowest tide. Photographic evidence of dredging Clipper Yacht Harbor from 2010 shows that dredging between the births, in the direct project area, has taken place (James 2010).

3.5.2 Regulatory Setting

California Environmental Quality Act

Pursuant to CEQA, a historical resource is a resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR). In addition, resources included in a local register of historic resources or identified as significant in a local survey conducted in accordance with state guidelines are also considered historic resources under CEQA, unless a preponderance of the facts demonstrates otherwise. Per CEQA, the fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude a Lead Agency, as defined by CEQA, from determining that the resource may be a historic resource as defined in California Public Resources Code (PRC) Section 5024.1. CEQA applies to archaeological resources when (1) the archaeological resource satisfies the definition of a historical resource or (2) the archaeological resource satisfies the definition of a "unique archaeological resource." A unique archaeological resource is an archaeological artifact, object, or site that has a high probability of meeting any of the following criteria:

1. The archaeological resource contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.

2. The archaeological resource has a special and particular quality such as being the oldest of its type or the best available example of its type.

3. The archaeological resource is directly associated with a scientifically recognized important prehistoric or historic event or person.

Health and Safety Code, Sections 7050 and 7052

Health and Safety Code Section 7050.5 declares that, in the event of the discovery of human remains outside a dedicated cemetery, all ground disturbances must cease, and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

Penal Code Section 622.5

Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying objects of historic or archaeological interest located on public or private lands but specifically excludes the landowner.

Government Code Section 6254(r)

Government Code explicitly authorizes public agencies to withhold information from the public relating to Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

Government Code Section 6250 et. seq.

Records housed in the Information Centers of the California Historical Resources Information System (CHRIS) are exempt from the California Public Records Act.

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the Final Draft General Plan was released to the public on October 20, 2020. The following relevant policies are from the General Plan Update's Community Design, Historic, and Cultural Preservation Element and Environmental Quality Element, and Health, Safety, and Community Resilience Element:

> **Policy CD-1.2 Construction Near Historic District or Landmarks.** Enhance the historic quality of established districts and landmark structures by encouraging any new development in the general vicinity to demonstrate compatibility with them.
>
> **Policy CD-6.1 Historic Character.** Continue the city's effort to retain and enhance its historical legacy in the review of proposed projects in historic districts and of individual structures and sites with historic significance as shown on Figure 4-1.
>
> **Policy CD-6.2 Historic Preservation Committee.** Clarify the responsibilities and authority of the Historic Preservation Committee in design and construction activities that impact historic properties and sites.
>
> **Policy CD-6.3 Public Education.** Educate and advocate for historic preservation among residents of and visitors to Sausalito.
>
> **Policy CD-6.6 Tribal Consultation with Federated Indians of Graton Rancheria.** Consult with the Federated Indians of Graton Rancheria on issues of mutual concern such as the continued preservation of Native American cultural resources, as well as when amending the General Plan, adopting or amending a Specific Plan, designating open space, significant development projects, review of historical tributes through public names and monuments, and at any other time as required by state law. Proactively seek to maintain communication and information exchange to foster effective government-to-government relations.
>
> **Policy EQ-1.6 Archeological Factors and History.** Respect and be sensitive to the native and early history of the Southern Marin area.
>
> **Policy HS-5.4 Native Representation.** The city's mission is to provide for a just, diverse, and equitable future for all citizens, in our community and county. The Federated Indians of Graton Rancheria is traditionally and culturally affiliated with all of Marin County, and therefore the City of Sausalito. As indicated in Governor Gavin Newson's Executive Order, N-15-19, recognized the historical and ongoing violence, exploitation, and discrimination against Native Americans. Executive Order N-15-19 is a formal apology for these, and other wrongs committed by the state and reaffirms Executive Order B-10-11 requiring government-to-government consultation with tribes and the state. The city embraces both these Executive Orders and supports the Federated Indians of Graton Rancheria in the

protection and preservation of historic and cultural resources and improve the lives of its Tribal Citizens. The City of Sausalito strives for racial justice and social equity and will engage and consult with the Federated Indians of Graton Rancheria to achieve a more just, diverse and equitable future.

3.5.3 Discussion

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

No Impact. There is a historic resource located within 0.25 miles south of the project site consisting of a shipyard and pier that are remnants of a WWII-era shipyard built in the 1940s. The demolition and construction activities associated with the proposed project would be restricted to the confines of the Clipper Yacht Harbor Basins 3 and 4 and the immediate surrounding parking area. The project would not impact off-site areas. The project does not directly impact a historic resource as no known resources are within the project impact area.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant with Mitigation Incorporated. A Sacred Lands Inventory records search was conducted by the Native American Heritage Commission (NAHC) on September 15, 2020. The results were positive for Tribal Cultural Resources. Two Tribes were identified by the NAHC as having potential to know of cultural resources in the project area. All tribes were contacted by letter on October 19, 2020. One of the tribes contacted, the Federated Indians of Graton Rancheria, responded to the Sacred Lands Inventory outreach on November 24, 2020. The Federated Indians of Graton Rancheria is aware that there are Tribal Cultural Resources (TCRs) in the project area and requested the City contact the tribe to discuss the project. The City met with the Federated Indians of Graton Rancheria who request that cultural resource monitoring be conducted during the removal of the existing dock piers so any sediment or Bay mud adhering to the pier could be examined for cultural/tribal resources.

The CHRIS search did not reveal any known archaeological cultural resources within 0.25 miles of the project area. However, historic research revealed the presence of known Native American Shell Mounds along the Sausalito coast of Richardson Bay, as well as a known tribal village that used to be located within the modern-day boundary of the City.

As it is known that the area occupied by the Clipper Yacht Harbor land facilities was created by the placement of artificial fill, there is a minimal chance of prehistoric materials being located within the fill. The chance is not considered to be zero, as some fill may have been created from dredged material from Richardson Bay. Any pre-historic archaeological materials would be not be in situ, or would be severely damaged or disturbed. Historic archaeological material associated with the Shipyard or land creation activities could be present, although would be very likely to be isolated artifacts, and historic trash scatters, which is unlikely to be considered a historic resource or unique archaeological resource under CEQA. The project does not propose land based ground-disturbing activities. The project would use an unvegetated, level marina area for temporary demolition and construction staging area and would not disturb soils in that area. There would be no impact to land based archaeological resources.

While land based discovery of archaeological resources is considered to be of low potential (have no impact), there is the possibility that archaeological resources may exist underwater, buried or settled atop Richardson Bay sediments within the project impact area.

Project waterside activities include removing existing concrete and wooden piles from the Bay floor and driving new concrete piles into the Bay substrate, which would disturb sediments around the pile footings. Pile driving involves jetting the pile into the mud line of the Bay and hammering

the pile a final five (5) feet into the substrate. The pile installation process has the potential to displace marine sediments and potential unveil archaeological resources buried in those sediments in the project impact area. However, historic dredging is known to have taken place in the project area and throughout Richardson Bay. It is also likely that dredging has occurred prior to the installation of the existing piles as part of the nearby shipyard construction, and as part of land creation. It is unlikely, therefore, that prehistoric material would be found in the bay mud to depths that have previously been dredged.

A significant impact would occur if subsurface-disturbing activities associated with project construction disturb, damage, or destroy previously unknown, buried prehistoric features and deposits that could be considered significant resources.

As historic dredging depths are not known, and the existing piers have prevented modern dredging beneath them, there could be buried prehistoric resources under the bay mud, which could be disturbed by project activity. Therefore, the proposed project has the potential to adversely impact previously undiscovered archeological resources. Implementation of Mitigation Measure CUL-1 would reduce potential impacts to undiscovered archeological resources to less than significant.

Impact CUL-1: Pile removal (old piles) and pile driving (new piles) into the marine sediments of the Richardson Bay may unearth or disturb previously unidentified buried archaeological resources during project demolition and construction.

Mitigation Measure CUL-1: Conduct Archaeological Monitoring. The applicant shall retain a qualified professional archaeologist or archaeological firm to conduct archaeological monitoring during pile removement. The archaeologist shall be on the barge, or where piles and construction debris are first placed on removal from the water, in order to be allowed to examine the piles and other removed material for evidence of archaeological resources. If archaeological resources are suspected to have been discovered, then ground disturbing and pile removal work will cease in order to allow the archaeological monitor time to examine the potential resource.

All Native American artifacts (tribal finds) shall be considered as a significant Tribal Cultural Resource, pursuant to PRC 21074 until the lead agency has enough evidence to make a determination of significance.

If any tribal find is discovered, work on pile removal will cease and the Federated Indians of Graton Rancheria shall be contacted and consulted. The City shall coordinate with a qualified archaeologist and the Federated Indians of Graton Rancheria to develop an appropriate treatment plan for the resources. The plan may include, tribal monitoring, implementation of underwater archaeological data recovery, and subsequent laboratory processing and analysis.

In the event that a historic period archaeological resource which is likely to be significant under CEQA is discovered, work shall cease, and a qualified archaeologist shall develop an appropriate treatment plan for the resources.

A monitoring report will be written detailing all archaeological finds and submitted to the City and the NWIC.

Effectiveness: This measure would minimize and/or avoid impacts on undetected archaeological resources to less than significant levels.

Implementation: The Applicant and/or its contractor(s) shall implement this measure during pile removal and sediment disturbing activity.

Timing: During all sediment disturbing phases of Project construction.

Monitoring: This mitigation measure shall be placed on all construction bid and specification document. An archaeological report, if appropriate, will be

written detailing all archaeological finds and submitted to the City and the Northwest Information Center.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

There are no dedicated cemeteries within the City, and the potential for encountering human remains is considered low, as the project site has been previously developed and the project would not conduct ground-disturbing activities landside. However, the potential to uncover previously unknown burials exists. Although not anticipated, burials may be discovered during pile removal and driving activities through the recovery of miscellaneous nonbuoyant debris from demolition and construction activities, which would result in a significant impact to human remains. Implementation of Mitigation Measure CUL-2 would reduce impacts to human remains to less than significant.

Impact CUL-2: Pile removal and pile driving into the marine sediments of the Richardson Bay may disturb human remains during project demolition and construction.

Mitigation Measure CUL-2: Unanticipated Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the MLD from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

Effectiveness: This measure would reduce impacts on previously unknown human remains to less than significant levels.

Implementation: The Applicant and/or its contractor(s) shall implement this measure in the event human remains are discovered.

Timing: During all sediment disturbing phases of Project construction.

Monitoring: The County Coroner will detail the findings in a coroner's report.

Implementation of Mitigation Measure CUL-2 would reduce potential impacts as a result of inadvertent discovery of human remains.

3.5.4 References

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3.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

3.6.1 Environmental Setting

Energy consumption is closely tied to the issues of air quality and greenhouse gas (GHG) emissions, as the burning of fossil fuels and natural gas for energy has a negative impact on both, and petroleum and natural gas currently supply most of the energy consumed in California.

In general, California's per capita energy consumption is relatively low, in part due to mild weather that reduces energy demand for heating and cooling, and in part due to the government's proactive energy-efficiency programs and standards. According to the California Energy Commission's (CEC) 2015 Integrated Energy Policy Report, Californians consumed about 280,500 gigawatt hours (GWh) of electricity in 2014 and 13,240 million British thermal units (BTU) of natural gas in 2013. The CEC estimates that by 2025, California's electricity consumption will reach between 297,618 GWh and 322,266 GWh, an annual average growth rate of 0.54 to 1.27 percent (CEC 2015), and natural gas consumption is expected to reach between 12,673 million and 13,731 million BTU by 2024, an average annual growth rate of -0.4 to 0.33 percent (CEC 2015).

In 2019, total electricity use in Marin County was approximately 1,355 million kilowatt hours (kWh), including approximately 670 million kWh of consumption for residential land uses and approximately 686 million kWh of consumption for non-residential land uses (CEC, 2020a). Natural gas consumption was 70 million therms in 2019, including 51 million therms from residential uses and 19 million thems for non-residential uses (CEC, 2020b).

Energy conservation refers to efforts made to reduce energy consumption to preserve resources for the future and reduce pollution. It may involve diversifying energy sources to include renewable energy, such as solar power, wind power, wave power, geothermal power, and tidal power, as well as the adoption of technologies that improve energy efficiency and adoption of green building practices. Energy conservation can be achieved through increases in efficiency in conjunction with decreased energy consumption and/or reduced consumption from conventional energy sources.

3.6.2 Regulatory Setting

Since increased energy efficiency is so closely tied to the State's efforts to reduce GHG emissions and address global climate change, the regulations, policies, and action plans aimed at reducing GHG emissions also promote increased energy efficiency and the transition to renewable energy sources. The U.S. EPA and the State address climate change through numerous pieces of legislation, regulations, planning, policymaking, education, and implementation programs aimed at reducing energy consumption and the production of GHG.

CARB Low Carbon Fuel Standard Regulation

CARB initially approved the Low Carbon Fuel Standard (LCFS) regulation in 2009, identifying it as one of the nine discrete early action measures in its original 2008 Scoping Plan to reduce California's GHG emissions. Originally, the LCFS regulation required at least a 10% percent reduction in the carbon intensity of California's transportation fuels by 2020 (compared to a 2010 baseline). On September 27, 2018, CARB approved changes to the LCFS regulation that require a 20% reduction in carbon intensity by 2030. These regulatory changes exceed the assumption in CARB's 2017 Climate Change Scoping Plan, which targeted an 18% reduction in transportation fuel carbon intensity by 2030 as one of the primary measures for achieving the state's GHG 2030 target.

Renewable Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2017. The *2003 Integrated Energy Policy Report* recommended accelerating that goal to 20 percent by 2010, and the *2004 Energy Report Update* further recommended increasing the target to 33 percent by 2020. The state's *Energy Action Plan* also supported this goal. In 2006 under Senate Bill 107, California's 20 percent by 2010 RPS goal was codified. The legislation required retail sellers of electricity to increase renewable energy purchases by at least one percent each year with a target of 20 percent renewables by 2010. Publicly owned utilities set their own RPS goals, recognizing the intent of the legislature to attain the 20 percent by 2010 target.

On November 17, 2008, Governor Schwarzenegger signed Executive Order S-14-08 requiring "[a]ll retail sellers of electricity shall serve 33 percent of their load with renewable energy by 2020." The following year, Executive Order S-21-09 directed the California Air Resources Board, under its AB 32 authority, to enact regulations to achieve the goal of 33 percent renewables by 2020.

In October 2015, Governor Brown signed Senate Bill 350 to codify ambitious climate and clean energy goals. One key provision of SB 350 is for retail sellers and publicly owned utilities to procure "half of the state's electricity from renewable sources by 2030."

The State's RPS program was further strengthened by the passage of SB 100 in 2018. SB 100 revised the State's RPS Program to require retail sellers of electricity to serve 50% and 60% of the total kilowatt-hours sold to retail end-use customers be served by renewable energy sources by 2026 and 2030, respectively, and requires 100% of all electricity supplied come from renewable sources by 2045.

3.6.3 Discussion

Would the project:

- **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Less than Significant Impact. Construction activities associated with the proposed project would require the use of heavy-duty, off-road equipment and construction-related vehicle trips that would combust fuel, primarily diesel and gasoline. Heavy-duty construction equipment would be required to comply with CARB's airborne toxic control measures, which restrict heavy-duty diesel vehicle idling to five minutes. Since petroleum use during construction would be temporary and needed to conduct development activities, it would not be wasteful or inefficient.

Once operational, the project site would continue to function as two docks. The new dock infrastructure (e.g., lighting) may be slightly more efficient than the existing infrastructure, but overall, no long-term change in energy demand is anticipated as a result of the proposed

project. Any electricity necessitated by boats utilizing the docks would benefit from actions taken at the state level to make electricity cleaner (i.e., generated from renewable sources). As such, the proposed project's energy consumption would not be wasteful, inefficient, or unnecessary. This impact would be less than significant.

d) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The proposed project would not conflict with nor obstruct a state or local plan adopted for the purposes of increasing the amount of renewable energy or energy efficiency. As discussed under response a), the proposed project consists of dock replacement in two basins. The City of Sausalito has both a General Plan and Climate Action Plan that address energy conservation in the City (Sausalito, 2015 and 2020). However, these polices apply broadly to City-actions and brick-and-mortar construction projects, and are not directly relevant to the activities proposed by the project (i.e., dock replacement). The proposed project would not conflict with these plans. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No impact would occur.

3.6.4 References

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3.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? *Note: Refer to Division of Mines and Geology Special Publication 42.*	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

3.7.1 Environmental Setting

Geology and Soils

The City is located at the base of the foothills of Mount Tamalpais within the Coast Range Geomorphic Province of California, a region characterized by northwest oriented valleys and mountain ranges. Bedrock in the area is mainly Franciscan Assemblage, and in southern Marin County, Franciscan bedrock is overlain by alluvium, colluvium, and bay mud deposits. The flat lands along the Richardson Bay shoreline in the City are underlain by bay mud and, in some areas, man-made fill material (City of Sausalito 2020a). Landside, the project site is likely underlain by man-made fill, consistent with Marinship area lands along the shoreline. The project

area is predominantly waterside, with only temporary demolition and construction staging proposed to take place on the marina parking lot area closest to the existing dock system.

Faulting and Seismicity

The San Francisco Bay Area contains numerous active faults and is considered seismically active. Numerous small earthquakes occur every year in the San Francisco Bay Region, and larger earthquakes have been recorded and can be expected to occur in the future.

No known active faults cross the project site, and the property is not located within an Alquist-Priolo Earthquake Fault Zone; however, several large earthquakes have historically occurred in the San Francisco Bay Region. The nearest principal active earthquake fault is the San Andreas Fault, located approximately 6.5 miles southwest of the City at its nearest point, and the only fault known to be active in Marin County. Other major active faults in the San Francisco Bay Region include the Hayward fault, located 13 miles east of the City, and the Rodgers Creek fault, located 22 miles northeast of the City. An earthquake on any of the three nearest active faults could produce intense ground shaking in the City and at the project site (City of Sausalito 2020a).

Liquefaction Susceptibility

Liquefaction occurs when loose, saturated sandy soils lose strength and flow like a liquid during earthquake shaking. Ground settlement often accompanies liquefaction. Soils most susceptible to liquefaction are saturated, loose, silty sands, and uniformly graded sands.

Within the City, the areas along the Richardson Bay shoreline and flat valley bottoms are most at risk of liquefaction. Liquefaction risk is very high in the landside areas of the project site (City of Sausalito 2020a, City of Sausalito 2020b). Marine sediments, such as those that compose the mudline of the Richardson Bay, may experience liquefaction when pore pressure (the pressure of the fluid in the pore space of rock and sediment) increases due to wave activity and/or seismic activity resulting from an earthquake (Werner and Hung 1982).

Expansive Soils

Expansive soils can change significantly in volume due to wetting or drying over time. The shrink-swell potential of expansive soils can damage structures, particularly improperly designed structures or structures built on soils lacking appropriate treatment. It is unknown if expansive soils exist at the project site. Expansive soils occur and present low to moderate risk of damage throughout most of the City; risk of damage from expansive soils is moderate to high in parts of the City along the Richardson Bay (City of Sausalito 2020b). The project area is predominantly waterside and would include landside activities only in that a temporary demolition and construction staging areas would be located on a level, unvegetated marina area closest to the existing dock system.

Lateral Spreading

Lateral spreading involves lateral ground movements caused by seismic shaking. These lateral ground movements are often associated with a weakening or failure of an embankment or soil mass overlying a continuous layer of liquefied sand or weak soils. Seismic shaking can cause liquefaction-induced lateral spreading of marine sediments (Werner and Hung 1982).

The risk of lateral spreading in the City is moderate to low in the low-lying coastal areas (City of Sausalito 2020b). The project area is mostly waterside except for the temporary demolition and construction staging area to be located on the nearest portion of the marina parking lot. While the potential for lateral spreading of the terrestrial portions of the project site are low, lateral spreading can occur underwater along the Bay shoreline following intense seismic activity.

3.7.2 Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. There are no Alquist-Priolo earthquake fault zones on the project site (CGS 2000).

Seismic Hazard Mapping Act

The Seismic Hazard Mapping Act was passed in 1990 following the Loma Prieta earthquake to reduce threats to public health and safety and to minimize property damage caused by earthquakes. The act directs the U.S. Department of Conservation to identify and map areas prone to the earthquake hazards of liquefaction, earthquake-induced landslides, and amplified ground shaking. The act requires site-specific geotechnical investigations to identify potential seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy within the Zones of Required Investigation.

California Building Code

The 2019 California Building Codes (CBC) covers grading and other geotechnical issues, building specifications, and non-building structures.

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the Final Draft General Plan was released to the public on October 20, 2020. The following relevant policies are from the General Plan Update's Health, Safety, and Community Resilience Element:

> **Policy HS-1.2 Other Geological Hazards.** Require that all geologic hazards are adequately addressed and mitigated.
>
> **Policy HS-1.9 Subsidence.** Identify, monitor and manage subsidence issues on at-risk parcels.
>
> **Policy HS-1.11 Infrastructure.** Design and maintain infrastructure that is resilient in the context of sea level rise, subsidence, liquefaction, and other hazards.

3.7.3 Discussion

Consistent with the California Supreme Court decision in *California Building Industry Association v. Bay Area Air Quality Management District* (62 Cal. 4th 369; 2015), the impact discussion presented below focuses on the Project's effect on geology and soils rather than the effect of geologic hazards and site conditions upon the proposed project. The project is evaluated to determine whether it would create or exacerbate soil or geologic conditions identified in each of the above significance threshold criteria.

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other significant evidence of a known fault?

No Impact. Available mapping indicates there are no known active faults that traverse the project site and the site is not within an Alquist-Priolo zone (California Department of Conservation 2020, CGS 2000).

ii) Strong seismic ground shaking?

Less Than Significant Impact. The project site is located in the San Francisco Bay Region, which is considered one of the most seismically active regions in the United States. Significant earthquakes have occurred in this area and strong ground-shaking in the project area can be

expected as a result of a major earthquake on one of the faults in the region. Strong ground-shaking due to seismic activity may potentially damage or cause the failure of the concrete piles the project would install into Bay substrates. While no habitable structures would be constructed as part of the project, project improvements, including the concrete dock piles, could be impacted by strong seismic ground shaking. All new dock system components, including new concrete piles, shall be designed and constructed in accordance with the 2019 California Building Code, where applicable, and per the recommendations of the American Concrete Institute (ACI).

The project would not create potential for or exacerbate existing conditions related to seismic ground shaking. Therefore, the impact is considered less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Liquefaction occurs when loose, saturated sandy soils lose strength and flow like a liquid during earthquake shaking. Ground settlement often accompanies liquefaction. Soils most susceptible to liquefaction are saturated, loose, silty sands, and uniformly graded sands. Liquefaction can occur underwater along shorelines where loose, saturated soils are encountered at shallow depths.

There is very high liquefaction risk on the terrestrial portions of the project site; however, the project would not construct improvements landside. While the level of risk of marine sediment liquefaction at the Project site is unknown, there is potential for liquefaction of underwater sediments resulting from seismic activity. While no habitable structures would be constructed as part of the project, project improvements, including concrete dock piles, could be impacted by seismic-related ground failure, including liquefaction. The project would adhere to relevant recommendations contained in the California Building Code, such as earthquake resistance standards, and ACI design code; therefore, the impact is considered less than significant.

iv) Landslides?

Less than Significant Impact. The project does not create new cut slopes that would be susceptible to landslide. All project improvements would take place waterside. The proposed project would not create or exacerbate landslide conditions on or adjacent to the site. The impact is considered less than significant.

b) Result in significant soil erosion or the loss of topsoil?

No Impact. Project improvements would be located entirely waterside. The project would create a temporary demolition and construction staging area on the marina parking lot onsite. The proposed project would not result in land disturbance through grading or earthmoving activities. No permanent structures would be constructed on land. Therefore, the project would not result in significant soil erosion or the loss of topsoil. No impact would occur.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. Subsidence is the sinking of the Earth's surface in response to geologic or man-induced causes. Lateral spreading involves the lateral movement of a liquefied soil layer (and overlying layers) toward a free face and caused by seismic shaking. These lateral ground movements are often associated with a weakening or failure of an embankment or soil mass overlying a continuous layer of liquefied sand or weak soils.

The project would construct a replacement dock system that would be located overwater with concrete piles driven into the Bay substrates. The project would not create or exacerbate landslide conditions on or adjacent to the project site.

Although there is potential for seabed liquefaction induced by seismic activity and subsequent liquefaction-induced lateral spreading, the project would adhere to all relevant recommendations

in the California Building Code and the American Concrete Institute (ACI). By following these recommendations and design codes, there is a low potential for liquefaction and lateral spreading of marine sediments underlying the project area.

Through compliance with the California Building Code and ACI design guidelines, the project would not exacerbate existing site conditions related to unstable geologic conditions. Therefore, the project would have a less than significant impact on landslide potential, lateral spreading, subsidence, liquefaction, or collapse.

d) Be located on expansive soil, as noted in the 2010 California Building Code, creating substantial direct or indirect risks to life or property?

Less than Significant Impact. The project would replace an existing dock system, and improvements would take place entirely waterside. The Bay substrate in which the new dock system's concrete piles would be driven does not experience the shrink-swell phenomenon that occurs in expansive soils. Project improvements would not be located on expansive soils and, as a result, would not potentially create substantial risks to life or property from expansive soils. The impact would be considered less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. No septic tanks or other alternative wastewater facilities requiring the use of soils would be included as part of the proposed project. The project would either tie into existing City sanitary sewer collection infrastructure or ensure all vessels using the new dock system are equipped with approved storage tanks.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant with Mitigation Incorporated. Marine sediments, including sand and mud, can preserve plant and animal remains through sediment deposition and settling over time. Fossils found on the ocean floor are typically discovered in deep waters, as wave action in shallow waters can grind remains into sand-size fragments. Most marine fossils are those of ancient ocean-dwelling invertebrates, though fossils of ancient land-dwelling organisms may be found in marine environments if the remains were carried to the marine environment, potentially by river sediments. The project would not involve excavation or earth moving activities that may potentially unearth paleontological resources or unique geologic features located landside. However, the project includes pile removal and pile driving activities which would disturb marine sediments. Marine paleontological resources may potentially be buried in the Bay sediments found in the project impact area, though shallow marine environments such as those located near shore, as is the project area, are not likely to contain fossilized materials. Due to disturbance of marine sediments from pile removal and pile driving activities, the proposed project has the potential to encounter previously undisturbed paleontological resources. Mitigation Measure GEO-1 would ensure that if discovered, paleontological resources would be protected. Implementation of Mitigation Measure GEO-1 would reduce potentially significant impacts to a less than significant level.

Impact GEO-1: Project demolition and construction could unearth paleontological resources, including fossils.

Mitigation Measure GEO-1: Unanticipated Discovery of Paleontological Resources. If paleontological resources are discovered during construction, sediment-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery. Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which sediment-disturbing activity within the area of the find would

be temporarily halted until the resource has been recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards.

The City will ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.

Effectiveness: This measure would reduce impacts to paleontological resources to less than significant.

Implementation: The Applicant and/or its contractor(s) shall implement this measure in the event any paleontological resources are discovered.

Timing: During all sediment-disturbing phases of project demolition and construction.

Monitoring: If paleontological resources are uncovered, a report shall be prepared by the qualified paleontologist describing the find and its deposition.

3.7.4 References

California Geological Survey (CGS). 2000. *Earthquake Zones of Required Investigation San Francisco North Quadrangle*. Accessed October 7, 2020 at https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps

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Werner, S.D. and Hung, S.J. 1982. *Seismic Response of Port and Harbor Facilities*. Agbabian Associates, El Segundo California. Available at: https://nehrpsearch.nist.gov/static/files/NSF/PB83145490.pdf

3.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

3.8.1 Environmental Setting

Gases that trap heat in the atmosphere and affect regulation of the Earth's temperature are known as greenhouse gases (GHGs). Many chemical compounds found in the earth's atmosphere exhibit the GHG property. GHGs allow sunlight to enter the atmosphere freely. When sunlight strikes the earth's surface, it is either absorbed or reflected back toward space. Earth that has absorbed sunlight warms up and emits infrared radiation toward space. GHGs absorb this infrared radiation and "trap" the energy in the earth's atmosphere. Entrapment of too much infrared radiation produces an effect commonly referred to as "Global Warming", although the term "Global Climate Change" is preferred because effects are not just limited to higher global temperatures.

GHGs that contribute to climate regulation are a different type of pollutant than criteria or hazardous air pollutants because climate regulation is global in scale, both in terms of causes and effects. Some GHGs are emitted to the atmosphere naturally by biological and geological processes such as evaporation (water vapor), aerobic respiration (carbon dioxide), and off-gassing from low oxygen environments such as swamps or exposed permafrost (methane); however, GHG emissions from human activities such as fuel combustion (e.g., carbon dioxide) and refrigerants use (e.g., hydrofluorocarbons) significantly contribute to overall GHG concentrations in the atmosphere, climate regulation, and global climate change.

Human production of GHG has increased steadily since pre-industrial times (approximately pre-1880) and atmospheric carbon dioxide concentrations have increased from a pre-industrial value of 280 parts per million (ppm) in the early 1800's to 411 ppm in October 2020 (NOAA, 2020). The effects of increased GHG concentrations in the atmosphere include climate change (increasing temperature and shifts in precipitation patterns and amounts), reduced ice and snow cover, sea level rise, and acidification of oceans. These effects in turn will impact food and water supplies, infrastructure, ecosystems, and overall public health and welfare.

The 1997 United Nations' Kyoto Protocol international treaty set targets for reductions in emissions of four specific GHGs – carbon dioxide, methane, nitrous oxide, and sulfur hexafluoride – and two groups of gases – hydrofluorocarbons and perfluorocarbons. These GHGs are the primary GHGs emitted into the atmosphere by human activities. The six common GHGs are described below.

Carbon Dioxide (CO_2). CO_2 is released to the atmosphere when fossil fuels (oil, gasoline, diesel, natural gas, and coal), solid waste, and wood or wood products are burned.

Methane (CH_4). CH_4 is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from the decomposition of organic waste in municipal solid waste landfills and the raising of livestock.

Nitrous oxide (N_2O). N_2O is emitted during agricultural and industrial activities, as well as during combustion of solid waste and fossil fuels.

Sulfur hexafluoride (SF_6). SF_6 is commonly used as an electrical insulator in high voltage electrical transmission and distribution equipment such as circuit breakers, substations, and transmission switchgear. Releases of SF_6 occur during maintenance and servicing as well as from leaks of electrical equipment.

Hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs). HFCs and PFCs are generated in a variety of industrial processes.

GHG emissions from human activities contribute to overall GHG concentrations in the atmosphere and the corresponding effects of global climate change (e.g., rising temperatures, increased severe weather events such as drought and flooding). GHGs can remain in the atmosphere long after they are emitted. The potential for a GHG to absorb and trap heat in the atmosphere is considered its global warming potential (GWP). The reference gas for measuring GWP is CO_2, which has a GWP of one. By comparison, CH_4 has a GWP of 25, which means that one molecule of CH_4 has 25 times the effect on global warming as one molecule of CO_2. Multiplying the estimated emissions for non-CO_2 GHGs by their GWP determines their carbon dioxide equivalent (CO_2e), which enables a project's combined global warming potential to be expressed in terms of mass CO_2 emissions.

3.8.2 Regulatory Setting

California Global Warming Solutions Act (AB32) and Related Legislation

CARB is the lead agency for implementing Assembly Bill (AB) 32, the California Global Warming Solutions Act adopted by the Legislature in 2006. AB 32 requires the CARB to prepare a Scoping Plan containing the main strategies that will be used to achieve reductions in GHG emissions in California.

In 2007, CARB approved a statewide 1990 emissions level and corresponding 2020 GHG emissions limit of 427 million metric tons of carbon dioxide equivalents ($MTCO_2e$) (CARB, 2007). In 2008, CARB adopted its *Climate Change Scoping Plan*, which projects, absent regulation or under a "business as usual" (BAU) scenario, 2020 statewide GHG emissions levels of 596 million $MTCO_2e$ and identifies the numerous measures (i.e., mandatory rules and regulations and voluntary measures) that will achieve at least 174 million $MTCO_2e$ of reductions and reduce statewide GHG emissions to 1990 levels by 2020 (CARB, 2009). In 2011, CARB released a supplement to the 2008 *Scoping Plan Functional Equivalent Document* (FED) that included an updated 2020 BAU statewide GHG emissions level projection of 507 million $MTCO_2e$ (CARB, 2011), and in 2014 CARB adopted its First Update to the Climate Change Scoping Plan (CARB, 2014).

Executive Order B-30-15, 2030 Carbon Target and Adaptation, issued by Governor Brown in April 2015, sets a target of reducing GHG emissions by 40 percent below 1990 levels in 2030. By directing state agencies to take measures consistent with their existing authority to reduce GHG emissions, this order establishes coherence between the 2020 and 2050 GHG reduction goals set by AB 32 and seeks to align California with the scientifically established GHG emissions levels needed to limit global warming below two degrees Celsius.

To reinforce the goals established through Executive Order B-30-15, Governor Brown went on to sign SB-32 and AB-197 on September 8, 2016. SB-32 made the GHG reduction target to reduce GHG emissions by 40 percent below 1990 levels by 2030 a requirement as opposed to a goal. AB-197 gives the Legislature additional authority over CARB to ensure the most successful strategies for lowering emissions are implemented, and requires CARB to, "protect the state's most impacted and disadvantaged communities …[and] consider the social costs of the emissions of greenhouse gases."

On December 14, 2017 CARB adopted the second update to the Scoping Plan, the *2017 Climate Change Scoping Plan Update* (*2017 Scoping Plan Update*; CARB 2017). The primary objective of the *2017 Scoping Plan Update* is to identify the measures needed to achieve the mid-term GHG reduction target for 2030 (i.e., reduce emissions by 40 percent below 1990 levels by 2030), as established under Executive Order B-30-15 and SB 32. The *2017 Scoping Plan Update* identifies an increasing need for coordination among state, regional, and local governments to achieve the GHG emissions reductions that can be gained from local land use planning and decisions. It notes emission reduction targets set by more than one hundred local jurisdictions in the state could result in emissions reductions of up to 45 $MMTCO_2E$ and 83 $MMTCO_2E$ by 2020 and 2050, respectively. To achieve these goals, the *2017 Scoping Plan Update* includes a recommended plan-level efficiency threshold of six metric tons or less per capita by 2030 and no more than two metric tons by 2050.

The major elements of the *2017 Scoping Plan Update* framework include:

- Implementing and/or increasing the standards of the Mobile Source Strategy, which include increasing zero emission vehicle (ZEV) buses and trucks;
- LCFS, with an increased stringency (18 percent by 2030);
- Implementation of SB 350, which expands the RPS to 50 percent and doubles energy efficiency savings by 2030;
- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks;
- Implementing the proposed Short-Lived Climate Pollutant Strategy, which focuses on reducing CH_4 and hydrocarbon emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030;
- Continued implementation of SB 375;
- Post-2020 Cap-and-Trade Program that includes declining caps;
- 20 percent reduction in GHG emissions from refineries by 2030; and
- Development of a Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Plan Bay Area 2040

The Sustainable Communities and Climate Protection Act of 2008 (SB 375) was adopted to connect the GHG emissions reductions targets established in the Scoping Plan for the transportation sector to local land use decisions that affect travel behavior. Its intent is to reduce GHG emissions from light-duty trucks and automobiles (excludes emissions associated with goods movement) by aligning regional long-range transportation plans, investments, and housing allocations to local land use planning to reduce vehicle miles travelled (VMT) and vehicle trips. Specifically, SB 375 required CARB to establish GHG emissions reduction targets for each of the 18 regions in California managed by a metropolitan planning organization (MPO). On July 18, 2013, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2013. The Plan includes two main elements; the Sustainable Communities Strategy (SCS) and the Regional Transportation Plan (RTP).

An update to the plan, Plan Bay Area 2040, was jointly approved by the ABAG Executive Board and by MTC on July 26, 2017. As an update to the region's long-range RTP and SCS, Plan Bay Area 2040 projects household and employment growth in the Bay Area over the next 24 years, provides a roadmap for accommodating expected growth, and connects it all to a transportation

investment strategy focused on moving the Bay Area toward key regional goals for the environment (e.g., state GHG reduction goals), economy, and social equity (ABAG/MTC 2017).

BAAQMD 2017 Clean Air Plan

As discussed in Section 3.3, Air Quality, the BAAQMD's *2017 Clean Air Plan* is a multi-pollutant plan focused on protecting public health and the climate (BAAQMD 2017a). The *2017 Clean Air Plan* lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, consistent with GHG reduction targets adopted by the state of California. As opposed to focusing solely on the nearer 2030 GHG reduction target, the *2017 Clean Air Plan* makes a concerted effort to imagine and plan for a successful and sustainable Bay Area in the year 2050. In 2050, the Bay Area is envisioned as a region where:

- Energy efficient buildings are heated, cooled, and powered by renewable energy;
- The transportation network has been redeveloped with an emphasis on non-vehicular modes of transportation and mass-transit;
- The electricity grid is powered by 100 percent renewable energy; and
- Bay Area residents have adopted lower-carbon intensive lifestyles (e.g., purchasing low-carbon goods in addition to recycling and putting organic waste to productive use).

The *2017 Clean Air Plan* includes a comprehensive, multipollutant control strategy that is broken up into 85 distinct measures and categorized based on the same economic sector framework used by CARB for the AB 32 Scoping Plan Update.[9] The accumulation of all 85 control measures being implemented support the three overarching goals of the plan. These goals are:

- Attain all state and national air quality standards;
- Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Reduce Bay Area GHG Emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

The City of Sausalito Climate Action Plan

On June 16, 2015, the City of Sausalito adopted the *City of Sausalito Climate Action Plan* (CAP; Sausalito, 2015). The CAP incorporates the City's 2005 and 2010 Greenhouse Gas Emission Inventories, which identified sources of greenhouse gas emissions generated by the community and the local government; estimates how these emissions may change over time under a business-as-usual forecast and provides energy use, transportation, land use, waste, water, wastewater, and natural system strategies to minimize Sausalito's impacts on climate change and meet the City's adopted greenhouse gas emissions reduction target of 15 percent below 2005 levels by 2020.

3.8.3 Discussion

Global climate change is the result of GHG emissions worldwide; individual projects do not generate enough GHG emissions to influence global climate change. Thus, the analysis of GHG

[9] The sectors included in the AB 32 Scoping Plan Update are: stationary (industrial) sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants.

emissions is by nature a cumulative analysis focused on whether an individual project's contribution to global climate change is cumulatively considerable.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The proposed project would generate GHG emissions from short-term construction activities associated with dock replacement activities, but is not anticipated to generate any net change in long-term operational emissions. As described in Section 3.3, the proposed project's construction-related GHG emissions were estimated using project-specific information and CARB-developed emissions inventory databases. For a full description of construction phasing, and trip and equipment operating assumptions, please see Appendix A Criteria Air Pollutant and GHG Emissions Calculations.

The proposed construction activities would cease to emit GHG upon completion (in contrast to operational GHG emissions sources that occur continuously year after year). The BAAQMD has not adopted a threshold of significance for construction-related GHG emissions. The BAAQMD's CEQA Air Quality Guidelines do, however, encourage lead agencies to quantify and disclose construction-related GHG emissions, determine the significance of these emissions, and incorporate BMPs to reduce construction-related GHG emissions. Accordingly, the proposed project's construction-related GHG emissions are amortized over the lifetime of the proposed project (presumed to be a minimum of 30 years). This normalizes construction emissions so that they can be evaluated as a long-term emissions source and compared to appropriate thresholds, plans, etc. for the purposes of evaluating significance.

The proposed project's total construction-related GHG emissions are shown below in Table 8 and compared against the BAAQMD's 1,100 $MTCO_2e$ operational GHG threshold for non-stationary sources and project-specific goal of 660$MTCO_2e$ (BAAQMD 2017b).[10]

As shown in Table 8, the proposed project's GHG emissions would not exceed the BAAQMD's recommended threshold of 1,100 $MTCO_2e$ per year or the project-specific goal of 660 $MTCO_2e$ per year. Therefore, the proposed project's construction GHG emissions would be less than significant.

[10] The 660 $MTCO_2e$/yr goal was developed by taking the 1,100 $MTCO_2e$/yr threshold, which was the threshold to reduce emissions back to 1990 level and reducing it by 40 percent (1,100 $MTCO_2e$/yr * (1 - 0.4) = 660 $MTCO_2e$/yr). This demonstrates the progress required under SB 32. This linear reduction approach oversimplifies the threshold development process. The City is not adopting nor proposing to use 660 $MTCO_2e$ as a CEQA GHG threshold for general use; rather, it is only intended for context and informational purposes for this project.

Table 8. Project Greenhouse Gas Emissions

Source	GHG Emissions (MT/YR)			
	CO_2	CH_4	N_2O	CO_2e
Year 2022				
On-Road Mobile Sources	6.9	<0.0(A)	<0.0(A)	7.2
Land-Based Off-road Equipment	9.9	<0.0(A)	<0.0(A)	10.0
Water-Based Off-road Equipment	78.5	0.4	0.8	322.3
Year 2022 Sub-Total(B)	95.2	0.4	0.8	339.5
Year 2023				
On-Road Mobile Sources	6.2	<0.0(A)	<0.0(A)	6.5
Land-Based Off-road Equipment	8.1	<0.0(A)	<0.0(A)	8.2
Water-Based Off-road Equipment	67.7	0.4	0.8	311.4
Year 2023 Sub-Total(B)	82.0	0.4	0.8	326.1
Total Construction Emissions				665.6
Amortized Construction Emissions (30 Years)				22.2
BAAQMD 2020 Threshold				*1,100*
Derived 2030 Emissions Goal				660
Exceeds Goal / Threshold				*No*

Source: BAAQMD 2017b, MIG 2020 (See Appendix A)

Note:

(A) <0.0 does not mean emissions are zero; rather, it means emissions are greater than 0.00, but less than 0.05.

(B) Slight variations may occur due to rounding.

b) Conflict with an applicable, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The proposed project would not conflict with CARB's Scoping Plan, Plan Bay Area 2040, the BAAQMD 2017 Clean Air Plan, or the City of Sausalito's CAP. The project's consistency with these plans is described in more detail below.

2017 Scoping Plan

Nearly all of the specific measures identified in the 2017 Climate Change Scoping Plan would be implemented at the state level, with CARB and/or another state or regional agency having the primary responsibility for achieving required GHG reductions. The proposed project, therefore, would not directly conflict with any of the specific measures identified in the 2017 Climate Change Scoping Plan.

Plan Bay Area 2040

The overarching goal of Plan Bay Area 2040 is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, vehicle miles traveled, and associated GHG emissions reductions. The proposed project consists of dock replacement activities and would not result in intensified growth nor changes to operational mobile source emissions. Therefore, the proposed project would not conflict with Plan Bay Area 2040.

2017 Clean Air Plan

The project would not conflict with or obstruct implementation of the BAAQMD's 2017 Clean Air Plan. The 2017 Clean Air Plan includes GHG emissions from construction and operational GHG emissions sources in its emissions inventories and plans for achieving Clean Air Plan goals. As discussed in Section 3.3.3, control measures in the 2017 Clean Air Plan do not apply to the proposed project. In addition, as described under response a), above, the proposed project would not exceed the BAAQMD's established 1,100 $MTCO_2e$ threshold nor the project-specific goal 660 $MTCO_2e$, used to demonstrate progress toward the State's 2030 GHG emission reduction goal. Accordingly, the proposed project would not conflict with the 2017 Clean Air Plan.

City of Sausalito Climate Action Plan

The City of Sausalito CAP contains 32 measures to reduce GHG emissions in the City. These measures generally focus around improving energy efficiency in new and existing development, reducing mobile source emissions from vehicle miles traveled, increasing waste diversion, and increasing the efficiency of water use. The proposed project consists of replacing two docks within the City. None of the measures identified in the City's CAP are directly applicable to the proposed project; however, the lighting installed as part of the docks would likely be more efficient than those at the existing docks (thereby reducing GHG emissions) and as described under response a), the project's GHG emissions would not exceed the applied BAAQMD threshold or project specific goal. Therefore, while the measures are not directly applicable to the proposed project, the project still supports the overarching goals of the CAP, which are to reduce GHG emissions and construct projects that align the City's emissions with state-wide goals.

The proposed project would not conflict with or obstruct implementation of a plan, policy, or regulation adopted for the purposes of reducing GHG emissions. No impact would occur.

3.8.4 References

Bay Area Air Quality Management District (BAAQMD). 2017a. 2017 Clean Air Plan: Spare the Air, Cool the Climate. BAAQMD, Planning, Rules, and Research Division. April 19, 2017.

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3.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be 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, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

3.9.1 Environmental Setting

The project site is currently occupied by a recreational marina, including docks, parking lot area, and marine-oriented commercial and industrial buildings. No hazardous materials, including fuels, solvents, paints, or adhesives, are currently stored on the marina docks; however, routine maintenance of the dock system may require periodic use of these materials depending on the maintenance activity being performed. Clipper Yacht Harbor and/or its contractors use these materials consistent with product label requirements and City, County, and State regulations for the use and handling of these materials to ensure they do not enter the water or come in contact with storm water runoff that may enter Richardson Bay. The marina facility keeps diesel fuel onsite at its fuel dock, which provides Clipper Yacht Harbor tenants fuel for vessels, south of Basin 2. Chemicals, including solvents, paints, and adhesives, involved in facility and marine vessel maintenance and repair may be stored in marine industrial and boat yard buildings and storage containers associated with Clipper Yacht Harbor.

3.9.2 Regulatory Setting

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (U.S. EPA) regulates the disposal of hazardous wastes under the Resource Conservation and Recovery Act (RCRA). The U.S. EPA maintains lists of federally regulated hazardous wastes which are generally characterized as ignitable, corrosive liquid, reactive, and toxic.

Under Section 311(j)(1)(C) of the Clean Water Act, 33 U.S.C. 1251, the U.S. EPA has the authority to regulate non-transportation-related onshore facilities to prevent the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines (U.S. EPA 2020).

U.S. Department of Transportation (U.S. DOT)

Under Section 311(j)(1)(C) of the Clean Water Act, 33 U.S.C. 1251, the U.S. DOT has the authority to regulate transportation-related onshore facilities to prevent the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines (U.S. EPA 2020).

California Department of Toxic Substance Control

The California Department of Toxic Substance Control (DTSC) regulates the disposal of non-RCRA hazardous wastes in California (22 CCR §66261 et. al). California has adopted hazardous waste listings similar to the RCRA hazardous waste lists.

Waste classified as hazardous is managed for safe and protective handling for storage, transportation, treatment, and disposal.

Marin County Certified Unified Programs Agency (CUPA)

California Senate Bill 1082 of 1993 established the unified hazardous waste and hazardous materials management regulatory program (Unified Program) for the State of California. The Marin County Department of Public Works, Waste Management Division administers the Marin County Certified Unified Programs Agency (CUPA). The CUPA consolidates the administration, permits, inspections, and enforcement activities of hazardous materials and hazardous waste programs, including but not limited to those of the United States Environment Protection Agency (U.S. EPA), the California Environmental Protection Agency (CalEPA), the California Office of Emergency Services (Cal OES), the DTSC, and the State Water Resources Control Board (SWRCB) (County of Marin 2020). Aboveground storage of petroleum products is regulated by the Marin County CUPA per Chapter 7.84 – Certified Unified Program Agency (CUPA) Aboveground Storage of Petroleum Products of the Marin County Municipal Code.

Southern Marin Fire Protection District (SMFD)

The Southern Marin Fire Protection District 2019 Fire Code, adopting and modifying the 2019 California Fire Code, establishes geographic limits in which storage of Class I, Class II, and Class III liquids in outside aboveground storage tanks is prohibited within the District (SMFD 2019 Code, Section 5). Outside storage of Class I, Class II, and Class III liquids is prohibited in all residential areas, in all heavily populated or congested commercial areas, and agricultural land of less than two acres as established by the County of Marin, City of Sausalito, and the Town of Tiburon. Diesel fuel is classified as a Class II liquid according to the National Fire Protection Association (NFPA) hazard classifications for flammable and combustible liquids (NFPA 2018).

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the Final Draft General Plan was released to the public on October 20, 2020. The following relevant policies are from the General Plan Update's Health, Safety, and Community Resilience Element:

> **Policy HS-1.4 Hazardous Materials.** Minimize the risk of property damage and personal injury resulting from the production, use, storage, disposal and transporting of hazardous materials and waste by continuing to work within the Marin County Hazardous and Solid Waste Management – Joint Powers Authority.

Policy HS-2.1 Disaster Plan. Publish a disaster plan that promotes disaster mitigation and potential evacuation.

Policy HS-2.2 Emergency Preparedness. Ensure that the city, its citizens, businesses, and services are prepared for an effective response and recovery in the event of emergencies or disasters.

3.9.3 Discussion

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. Hazardous materials include substances that are flammable, corrosive, explosive, radioactive, infectious, thermally unstable, and poisonous. Hazardous materials include but are not limited to fuels, solvents, paints, and adhesives.

Operation of the existing dock system does not involve routine transport, use, storage, and/or disposal of hazardous materials, including fuels, solvents, paints, and adhesives. Project construction would also require the use of paints and other chemicals. Additionally, the proposed project would involve the temporary storage and use of diesel fuel for the barge and construction equipment during dock system demolition and construction. In order to utilized the landside area for demolition preparation for transport the contractor will need to utilized equipment that is diesel powered. In general the fuel is stored within each vehicle however there may be a need to store diesel to support the equipment. Diesel fuel would be stored in U.S. Department of Transportation (DOT)-approved fuel transfer tanks equipped with automatic shut-off pump handles. The fuel transfer tanks would be placed in plastic bins as secondary sources of containment to prevent spills into the adjacent waters of the U.S. Fuel spill wattles would line the interiors of the plastic bins to further prevent the escape of fuel from the fuel transfer tanks into the surrounding environment. Following the construction of the new dock system, diesel fuels would be removed from the construction and demolition staging area.

The project's temporary transport, storage, and use of diesel fuels for dock replacement could expose construction workers, the public, and the environment to hazardous materials in the event diesel fuel escapes the fuel transfer tanks, the project's proposed primary method of diesel fuel containment. The potential for the escape of diesel fuels would be reduced by the secondary containment method, the plastic bins, and the installation of fuel spill wattles in the plastic bins. Further, the transport, use, and storage of diesel fuel is subject to existing federal, State, and local regulations, including those enforced by the U.S. EPA, U.S. DOT, CalEPA, the Marin County CUPA, and the SMFD.

Overall, compliance with existing regulations regarding the storage, use, handling, and removal of hazardous materials would ensure that associated impacts from the demolition and construction of the proposed project would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. As discussed above in question a), the project would not involve the routine transport, use, storage, and/or disposal of fuels (i.e., gasoline, diesel, oil, etc.), petroleum products, adhesives, paints, and solvents. However, the proposed project includes the temporary transport, storage, and use of diesel fuel, a hazardous material, for the demolition and construction of the dock system. Diesel fuel would be used to power the barge and other construction equipment used in construction and demolition activities. Diesel fuel would be stored in U.S. Department of Transportation (DOT)-approved fuel transfer tanks equipped with automatic shut-off pump handles. The fuel transfer tanks would be placed in plastic bins as secondary

sources of containment to prevent spills into the adjacent waters of the U.S. Fuel spill wattles would line the interiors of the plastic bins. The fuel transfer tanks would be located in the temporary demolition and construction staging area located adjacent to the Richardson Bay.

As a result, the project would temporarily increase the potential for accidental release of hazardous materials into the environment, including the adjacent waters of the U.S. in Richardson Bay.

However, as described above, the project's temporary transport, storage, and use of diesel fuel would be subject to existing federal, State, and local regulations. Therefore, compliance with those regulations would ensure the temporary transport, use, and storage of hazardous materials results in a less than significant impact.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or hazardous waste within one-quarter mile of an existing or proposed school?

No Impact. The proposed project is located in a waterfront commercial district, at the site of an existing recreational marina. There are no schools within a 0.25 miles radius of the project site.

d) Be 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, would it create a significant hazard to the public or the environment?

Less Than Significant Impact. The Hazardous Waste and Substances Site List, also known as the Cortese List, is a planning document used by the State of California and its various local agencies including the Department of Toxic Substances Control (DTSC), to comply with CEQA requirements in providing information about the location of hazardous materials release sites.

The California Department of Toxic Substances Control's (DTSC) EnviroStor database tracks DTSC's cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. A review of the Cortese List sites in the EnviroStor database on October 9, 2020 did not show any known or suspected contamination sites within the Clipper Yacht Harbor property or in the City of Sausalito (DTSC 2020).

The California State Water Resources Control Board's (State Water Board) GeoTracker database tracks and archives compliance data from authorized or unauthorized discharges or waste to land, or unauthorized releases of hazardous substances from underground storage tanks. A review of the Cortese List sites in the GeoTracker database conducted on October 9, 2020 resulted in one site, the Clipper Yacht Marina site (T0604100305) located at 310 Harbor Drive at the project site. The Clipper Yacht Marina site involved a Leaking Underground Storage Tank (LUST) that leaked diesel fuel into the surrounding soils. The leak was reported on September 12, 1997, and the LUST was subsequently removed. Due to the proximity of the site to Richardson Bay, the potential for polluted groundwater to enter the Richardson Bay was a concern. Following LUST removal, the property owner conducted an excavation of the petroleum hydrocarbon impacted soil onsite. Subsequently, three monitoring wells were installed onsite pursuant to conditions required by the San Francisco Bay Regional Water Quality Control Board (RWQCB) in 1998. Quarterly groundwater sampling was then conducted from August 1998 to monitor groundwater contaminant concentrations onsite. On September 1, 1999, the San Francisco Bay RWQCB issued a uniform underground storage tank (UST) closure letter and site summary for the Clipper Yacht Marina site, confirming the completion of the site investigation and remedial action for the UST formerly located onsite. As such, the current cleanup status of the site is "Completed – Case Closed as of 9/1/1999." The Clipper Yacht Marina site does not currently create a significant hazard to the public or the environment. Project improvements would not impact the current cleanup status of the Clipper Yacht Marina site.

A review of the California Environmental Protection Agency's (CalEPA) list of solid waste sites identified by the State Water Board with waste constituents above waste levels outside the waste

management unit conducted on October 9, 2020 did not result in any sites located on the project site or in the City of Sausalito (CalEPA 2020).

A review of CalEPA's list of "active" State Water Board CDO (Cease and Desist Orders) and CAO (Cleanup and Abatement Orders), conducted on October 9, 2020 did not result in any sites located on or near the project site (CalEPA 2020).

The project 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 would not create a significant hazard to the public or the environment. This impact is less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. There are no airports within Sausalito, and no airports are located within two miles of the project site. As such, there would be no impact.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The City of Sausalito adopted the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MHMP) as its Local Hazard Plan in 2019. In addition, the City has also developed a Sausalito Disaster Preparedness/Emergency Operations Program to prepare the City for disasters and distribute disaster preparedness information. Project demolition and construction activities would be confined to the two marina basins and adjacent landside area for demolition and construction staging. The project would not block access to vehicles, including emergency vehicles, and would not significantly impair or physically interfere with an adopted emergency evacuation plan

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. The project site is not within or near a state responsible area (SRA) and is approximately 0.6 miles east of the nearest high fire hazard zone (VHFHZ) (CalEOS 2019), which is located in Unincorporated Marin County near Oakwood Valley in the Golden Gate National Recreation Area. The project would involve the replacement of a dock system and would not affect wildfire hazards in the area; therefore, there is no impact.

3.9.4 References

California Department of Toxic Substances Control (DTSC). 2020. "EnviroStor Hazardous Waste and Substances Site List (Cortese)." Accessed October 9, 2020 at https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29

California Environmental Protection Agency (CalEPA). 2020. "Cortese List Data Resources." Accessed October 9, 2020 at https://calepa.ca.gov/sitecleanup/corteselist/.

California Governor's Office of Emergency Services (Cal OES). 2019. MyHazards Webmapping Tool. Accessed October 5, 2020 at: http://myhazards.caloes.ca.gov/.

California State Water Resources Control Board (SWRCB). 2020. "GeoTracker." Accessed October 9, 2020 at https://geotracker.waterboards.ca.gov/search?CMD=search&case_number=&business_name=&main_street_name=&city=&zip=&county=&SITE_TYPE=LUFT&oilfield=&STATU

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City of Sausalito. 2020. Final Draft General Plan. October 20, 2020. Accessed November 18, 2020 at https://www.sausalitogeneralplan.org/.

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Southern Marin Fire Protection District (SMFD). 2019. *2019 SMFD Ordinance 2019*. Accessed November 18, 2020 at https://www.southernmarinfire.org/prevention/ordinances-standards/Ordinances?limit=100.

U.S. Environmental Protection Agency (U.S. EPA). 2020. "Spill Prevention, Control, and Countermeasure (SPCC) Reference Materials." Accessed November 18, 2020 at https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spill-prevention-control-and-countermeasure-10.

3.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water supply?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: . Result in substantial erosion or siltation on- or off-site . Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site . Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

3.10.1 Setting

Hydrologic Setting

The Clipper Yacht Harbor is located on the southwest side of Richardson Bay, an arm of San Francisco Bay located just northeast of the Golden Gate in southern Marin County. Richardson Bay is rimmed by the aboriginal lands of the Coast Miwok, currently the cities of Sausalito, Mill Valley, Tiburon, and Belvedere, as well as an unincorporated portion of Marin County. The north end is protected in the Richardson Bay Audubon Sanctuary which includes 900 acres of marine habitat between Belvedere and Tiburon that is seasonally closed to watersports for protection of migratory waterfowl. Richardson Bay is widely used for recreational activities including boating,

kayaking, rowing, and swimming. Historically, Richardson Bay also supported shellfish such as oysters, mussels, and clams.

Richardson Bay is considered one of the most "pristine estuaries on the Pacific Coast in spite of its urbanized periphery" (Richardson Bay Audubon 2008). Because it is shallow and enclosed, with little tidal action or freshwater inflow from local creeks, Richardson Bay has only a limited ability to disperse or dilute pollution. The Bay is recognized as an Important Bird Area (IBA) and is located on the Pacific Flyway, an important migratory bird corridor. During the winter months, the Bay supports hundreds of thousands of waterbirds, including shorebirds and waterfowl.

Pickleweed Inlet is a small bay with extensive wetlands that discharges to the northwest side of Richardson Bay (Mapcarta 2020). Richardson Bay is also fed by the Arroyo Corte Madera del Presidio and Coyote Creek (Google Maps 2020). Arroyo Corte Madera del Presidio and Coyote Creek are intermittent in flow (Marin Watershed Program 2020). Richardson Bay ranges in depth from one foot at the north end to eight feet at the line of intersection with the wider San Francisco Bay (NOAA 2020). At this line of intersection, the depth immediately increases to 100 feet. This portion of San Francisco Bay, also known as Raccoon Strait, is highly turbulent. Boating in Richardson Bay is limited to small sailing craft and kayaks due to the limited draft available.

As described by the Marin Watershed Program, "Historically, the myriad of habitats in this watershed were connected to one another via the streams cascading down from Mt Tamalpais. Creeks overflowed onto floodplain marshes and these wetlands transitioned into extensive native forests and grasslands. Today, the upper slopes and ridges of the watershed remain largely protected from development, and redwood and Douglas fir forest, chaparral, and oak woodlands still dominate the hills. The diverse vegetation is a reflection of the soils, availability of water and micro-climates in the watershed" (2020).

Richardson Bay is listed by U.S. EPA as impaired by pathogens. The listing was made in response to observations of elevated bacteria levels in the Bay, which indicate the presence of fecal contamination and health risks from water-borne pathogens to shellfish harvesters and recreational users of the Bay. The Richardson Bay Total Maximum Daily Loads (TMDL) examines these water quality issues, identifies sources of pathogen contamination, and specifies actions to restore the health of the Bay.

The project is located in the marine waters of the San Francisco Bay Hydrologic Region. The harbor project is not within a Groundwater Basin as defined by any local water agency (California Water Boards 2020).

3.10.2 Regulatory Setting

Federal

Clean Water Act Section 404. The United States Clean Water Act (CWA) is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, aquifers, and coastal areas. The CWA focuses on the protection of surface water, but certain sections also apply to groundwater. Under the CWA, the United States Environmental Protection Agency (U.S. EPA) sets national standards and effluent limitations, and delegates many regulatory responsibilities to the California State Water Resources Control Board (SWRCB).

The CWA authorizes the U.S. EPA to regulate water quality in California by controlling the discharge of pollutants to water bodies from point and non-point sources through the National Pollution Discharge Elimination System (NPDES). In Marin County, as with the rest of the Bay Area, NPDES permits are administered by the San Francisco Bay Regional Water Quality Control Board (RWQCB Region 2), a division of the State Water Resources Control Board (SWRCB). The San Francisco Bay Basin Water Quality Control Plan (RWQCB Region 2 Basin Plan adopted November 5, 2019) is the master policy document that drives the management of water quality and NPDES permits.

NPDES permits are adopted to address the water quality and flow-related impacts of stormwater runoff. It is a comprehensive permit, which regulates activities related to construction sites, industrial sites, illegal discharges and illicit connections, new development, and municipal operations. It also requires a public education program, implementing targeted pollutant reduction strategies, and a monitoring program to help characterize local water quality conditions and to begin evaluating the overall effectiveness of the permit's implementation.

Stormwater Water Discharge for Construction Sites

Dischargers whose projects disturb one (1) or more acres of soil are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ.

Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling or excavation but does not include regular maintenance activities. The Construction General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP), identifying potential sources of pollution and specifying runoff controls during construction for the purpose of minimizing the discharge of pollutants in stormwater from the construction area. The SWPPP must list best management practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Construction-related BMPs are a set of specific guidelines for reducing pollutants (including sedimentation and turbidity) in stormwater discharges and runoff both during construction and post-construction.

Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

The permit also includes post-construction standards with the requirement for all construction sites to match pre-project hydrology to ensure that the physical and biological integrity of aquatic ecosystems is maintained. This "runoff reduction" approach is analogous in principle to Low Impact Development (LID) and serves to protect related watersheds and water bodies from both hydrologic-based and pollution impacts associated with the post-construction landscape.

Section 404 of the CWA requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities). The project has already been issued a provisional letter of permission from USACE, pursuant to Section 404 of the CWA. Once the project receives a Coastal Zone Management consistency concurrence from the San Francisco Bay Conservation and Development Commission (BCDC), the project will be fully authorized under Section 404 of the CWA.

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Section 10 of the Rivers and Harbors Act of 1899 states, "That the creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or enclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same" (U.S. EPA 2020).

State

California Porter-Cologne Water Quality Control Act. The Porter-Cologne Act is the principal State law governing water quality regulation in California, and applies to surface waters, wetlands, and ground water, as well as regulation of both point and nonpoint sources of pollution. The Porter-Cologne Act implements provisions of the CWA, such as the NPDES permitting program, through the nine Regional Water Quality Control Boards, which issue permits for point source discharges.

State Water Resources Control Board. The SWRCB and the nine regional boards protect water quality and allocate surface water rights in California. The City of Sausalito is under jurisdiction of the San Francisco Bay Region RWQCB (Region 2).

State Department of Water Resources. The Department of Water Resources (DWR) is responsible for the management and regulation of water usage, including the delivery of water to two-thirds of California's population, through the nation's largest state-built water development and conveyance system, the State Water Project. Working with other agencies and the public, DWR develops strategic goals, and near-term and long-term actions, to conserve, manage, develop, and sustain California's watersheds, water resources, and management systems. DWR also works to prevent and respond to floods, droughts, and catastrophic events that would threaten public safety, water resources and management systems, the environment, and property.

San Francisco Bay Conservation and Development Commission (BCDC) Richardson Bay Special Plan. BCDC's authority derives from two statutes, the McAteer-Petris Act and the Suisun Marsh Preservation Act. The McAteer-Petris Act is found at Government Code Sections 66600 to 66684. The Suisun Marsh Preservation Act is found at California Public Resources Code Sections 29000 to 29612. The purpose of the Richardson Bay Special Area Plan is to provide uniform policies and standards to be used by Belvedere, Mill Valley, Sausalito, Tiburon, Marin County, and the BCDC, to manage the future use and protection of this valuable natural resource.

The following policy referencing hydrology and water quality within the Richardson Bay Special Plan applies to the project:

- The San Francisco Bay Conservation and Development Commission should include erosion and sediment control conditions in its Richardson Bay permits involving shoreline work consistent with applicable provisions of the Association of Bay Area Governments' Manual of Standards of Erosion and Sediment Control Measures and: (a) prohibit grading in the Richardson Bay shoreline band during the rainy season (October 15 - April 15) except when the Commission determines that at no stage of the work will there be any substantial risk of increased sediment discharge from the site; and (b) require installation of all erosion and sediment control measures by the first of October. The Commission should make an exception to the requirements of (a) and (b) above when grading is required in emergency situations.

The San Francisco Bay Plan. The San Francisco Bay Plan was originally completed and adopted by the BCDC in 1968 and was transmitted to the California Legislature and the Governor in 1969. In those actions the Commission completed the original charge given to it in the provisions of the McAteer-Petris Act of 1965. That Act created the Commission and mandated its study of the Bay and the preparation and submittal of a final report to the California Legislature in 1969. Protection of the Bay and enhancement of its shoreline are inseparable parts of the Bay Plan. Therefore, in the public interest, the Commission is authorized to control both: (1) Bay filling and dredging, and (2) Bay related shoreline development.

Policies that relate to the project are as follows:

- Uses of the Shoreline. All desirable, high-priority uses of the Bay and shoreline can be fully accommodated without substantial Bay filling, and without loss of large natural

resource areas. But shoreline areas suitable for priority uses-ports, water-related industry, airports, wildlife refuges, and water-related recreation-exist only in limited amount, and should be reserved for these purposes.

- Water Quality. San Francisco Bay receives wastes from many municipal, industrial, and agricultural sources. Because of the regulatory authority of the State Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, the U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers, the Bay Plan does not deal extensively with the problems and means of pollution control. Nevertheless, the entire Bay Plan is founded on the belief that water quality in San Francisco Bay can and will be maintained at levels sufficiently high to protect the beneficial uses of the Bay.

Local

San Francisco Bay Regional Water Quality Control Board (Region 2). The San Francisco Bay RWQCB regulates stormwater quality under authorities of the CWA and California's Porter-Cologne Act. The RWQCB issues NPDES permits to dischargers of municipal and industrial stormwater runoff and operators of large construction sites. In coordination with permittees of the Marin County Stormwater Pollution Prevention Program (see below) including Sausalito, RWQCB staff performs an annual performance review and evaluation of the County's stormwater management program and NPDES compliance activities. The RWQCB also protects groundwater through its regulatory and planning programs.

The San Francisco Bay RWQCB has prepared the San Francisco Bay Basin Plan (Basin Plan) as the master water quality control planning document for San Francisco Bay. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan has been adopted and approved by the SWRCB, U.S. EPA, and the Office of Administrative Law where required. The project is in the San Francisco Bay Central Hydrologic Planning area and the Central Basin in the Basin Plan (RWQCB 2017).

San Francisco Bay/Sacramento-San Joaquin Delta Estuary Pollutant Policy Document. The Pollutant Policy Document (PPD) establishes state policy for water quality control under Water Code Sections 13140 -13147 to be used by the San Francisco Bay RWQCB and the Central Valley RWQCB (Region 5) in updating portions of their regional water quality control plans (Basin Plans). The PPD also identifies and characterizes pollutants with the greatest potential biological significance in the Bay -Delta Estuary. Pollutants addressed in this work were selected because of their widespread or repeated occurrence and their potential to cause adverse effects on beneficial uses in the Estuary. In order to address these problems, the State Board has outlined pollutant policies for projects within the jurisdiction of the Policy Document.

Marin County Stormwater Pollution Prevention Program. To maintain compliance with NPDES regulations, the City participates in the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), which maintains compliance with the NPDES Storm Water Discharge Permit. This program provides annual reports to the San Francisco Bay RWQCB, including information on illegal discharge detection and elimination, street and storm drain cleaning, municipal and creek maintenance, stormwater and creek protection controls for development projects, business inspections, and public health outreach and participation (County of Marin 2020).

The most recent MCSTOPPP Annual Report identified Richardson Bay as exceeding coliform bacteria water quality standards[2]. A numeric target for pathogens was established by the SWRCB when it created the Richardson Bay total maximum daily load in 2008. In addition, Richardson Bay is listed by the U.S. EPA as an impaired water body for the pesticides chlordane, DDT, and dieldrin, as well as coliform bacteria, dioxin-containing compounds, furan-containing compounds, invasive species, mercury, and polychlorinated biphenyls (PCBs). In 2009, the U.S. EPA approved a Basin Plan amendment incorporating total maximum daily loads for Richardson Bay

and including an implementation plan to control pollutant sources and achieve needed reductions (City of Sausalito 2017).

City of Sausalito Municipal Code

Section 11.17.050 of the Sausalito Municipal Code details the use of Construction-Phase Best Management Practices (BMPs) to enforce discharge regulations and requirements as follows:

a. Any person performing construction activities in the City shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering the storm drain system or watercourse.

b. The City has the authority to review designs and proposals for construction activities and new development and redevelopment sites to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization.

c. Construction-phase BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, tarping of materials stored on site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The agency will provide references to current guidance manuals and BMP information on request.

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the final draft General Plan was released on October 20, 2020. Within the Waterfront and Marinship and Environmental Quality Elements of the General Plan, the following policies are applicable in reference to hydrological and water quality on the project site that may be impacted by the proposed project:

Policy W-2.3 Water Circulation Patterns. Support the maintenance and enhancement of the existing circulation patterns on the water in Richardson's Bay.

Policy W-4.2 Bay Waters. Preserve and enhance the wetlands, open waters, and ecosystem of Richardson's Bay and San Francisco Bay and utilize these landscapes for sea level rise mitigation.

Policy W-4.6 Waterfront Protection. Develop a multifaceted strategy to protect Sausalito's waterfront from environmental damage and adapt to sea level rise.

Policy EQ-4.1 Regional Collaboration. Work together with regional, county, state, and federal actors on water quality and sea level rise issues of common concern**.**

Policy EQ-4.2 Stormwater Management. Manage flooding, mitigate hazardous runoff from stormwater, and mitigate landslides.

3.10.3 Discussion

In general, no water consumption-related activities (i.e., drinking water, household utilities, agricultural watering, etc.) would be affected by the project. Traditional methods of stormwater pollution prevention are not applicable since construction will occur in or above the water and pollutants would enter the bay directly. Flood impacts are negligible to non-existent as no on-land infrastructure will be impacted and the dock system has been engineered to float and can accommodate storm or flood conditions within the bay.

Would the project:

a. The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water supply?

Less Than Significant Impact. Potential sources of pollutants that may enter San Francisco Bay from the proposed project include incidental releases of oil, grease, and metals from construction equipment utilized in dismantling the existing dock and constructing the new dock. The new dock will not increase the existing footprint of the dock or the intensity of use.

The proposed project must comply with the requirements of the Section 404 of the CWA as described in the December 23, 2019 "Provisional Letter of Permission" from USACE. Section 404 compliance is required because the project proposes activities that may potentially discharge pollutants into waters of the United States. The project is also required to secure a 401 Water Quality Certification permit from the San Francisco Bay RWQCB, which regulates general waste discharge requirements and water quality certifications (including Section 404 of CWA) for construction and maintenance of overwater structures in the San Francisco Bay. The project would be required to adhere to stormwater control BMPs during demolition and construction activities. As part of MCSTOPPP the applicant will have to submit an Erosion and Sediment Control Plan before they can obtain their building/construction permit. This will document compliance with the current Marin County NPDES permit. Following the completion of project demolition and construction activities, normal marina operations would continue to be subject to the requirements of the MCSTOPPP under the County's NPDES Phase II MS4 Permit

The proposed project will also implement Project Demolition and Construction BMPs described in Table 2. With the implementation of required BMPs under Section 404 of the CWA, a 401 Water Quality Certification from the San Francisco Bay RWQCB, stormwater control BMPs during demolition and construction, and requirements of the MCSTOPPP under the NPDES Phase II MS4 Permit, the project would not violate any water quality standard, or waste discharge requirement. Project impacts to water quality would be less than significant.

The project replaces an existing use that does not impact or interrupt groundwater supply. Therefore, the proposed project will have no impact on any groundwater supply.

b. The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. The proposed project replaces an existing project in marine waters of the Richardson Bay and will therefore have no impact on groundwater and/or groundwater recharge.

c. The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site;

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv. Impede or redirect flows?

No Impact. The proposed project is the replacement of an existing dock system in Richardson Bay and would take place entirely over marine waters. The project would not involve any grading or earthwork and would have no impact on the existing drainage pattern of the site or area and

will not alter the course of a stream or river through the addition of impervious surfaces through any manner. There are no changes to adjacent land use included in the proposed project.

d. The proposed project is not at risk of a release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone?

Less Than Significant Impact. The project site is located in an area subject to coastal flooding hazards. Clipper Yacht Harbor's waterside marina facilities, including those within Basin 3 and Basin 4, are located in Zone VE with a base flood elevation of 9 feet according to the current Flood Insurance Rate Map (FIRM) provided by the Federal Emergency Management Agency (FEMA). VE zones are coastal high hazard areas that are subject to high velocity water and are defined by the 1% annual chance flood limits and wave effects three feet or greater.

Future sea level rise is anticipated to exacerbate the effects of coastal flooding events. The project applicant assessed the potential impacts of future sea level rise (SLR) on the project's proposed dock system components, including the gangways, floating docks and utilities, and concrete piles using the California Natural Resources Agency and California Oceanic Protection Council's "State of California Sea-Level Rise Guidance" document (2018) in conjunction with tide information obtained from the National Oceanic and Atmospheric Association (NOAA). The design high tide of the project site without sea level rise is approximately 7.5 feet at mean lower low water (MLLW) level. The design high tide of the project site with anticipated SLR incorporated ranges from 7.5 to 10 feet MLLW.

The project is designed to account for future sea level rise as described in Section 2.3.5 and would remain functional considering projected SLR scenarios.

The entire project site is located within a potential tsunami inundation area (California Department of Conservation 2019). However, the proposed project is an in-kind dock replacement that would be structurally engineered to sustain repeated inundation, including from stormwater flooding, tidal increase, and climate change-driven sea level rise from the Richardson Bay. All materials planned for use within the dock system would be pre-cured to prevent any leaching of construction materials and/or chemicals into the San Francisco Bay. In addition, project-related infrastructure (i.e., existing boat docking, fueling, etc.) is currently engineered to withstand changing conditions within Richardson Bay, including flooding or tsunami conditions that would cause rapid tidal change and turbulence within Richardson Bay. New project infrastructure would adhere to the same standards and would therefore not be prone to releasing pollutants due to the project site flooding or being subjected to tsunami conditions. The project site is not at risk of seiche.

e. The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. The proposed project includes BMPs to protect water quality and adherence to all applicable water quality control plans. The project will comply with permits required, as discussed above. In reference to hydrology and water quality, the project has already been issued a provisional letter of permission from USACE, pursuant to Section 404 of the CWA. Once the project receives a Coastal Zone Management consistency concurrence from the BCDC, the project will be fully authorized under Section 404 of the CWA. In addition, as a part of MCSTOPPP, the project proponent will be required to submit an Erosion and Sediment Control Plan to show compliance with the Marin County NPDES permit.

In summation, the project will adhere to all laws and policies outlined in within the regulatory portion of this section. The project will therefore not conflict with any applicable water quality control plan and has a less than significant impact on implementation of any applicable water quality control plan. The proposed project is in the marine waters of Richardson Bay and is not within a groundwater basin as defined by any local water agency. The project will not conflict with or obstruct implementation of a sustainable groundwater management plan, and will have no impact on any sustainable groundwater management plan.

3.10.4 References

California Department of Conservation. 2019. California Official Tsunami Inundation Maps: Proposed Clipper Yacht Harbor Project Site in Sausalito, California. Accessed December 2020 at https://www.conservation.ca.gov/cgs/tsunami/maps.

California Water Boards. 2020. Groundwater. Accessed December 2020 at https://www.waterboards.ca.gov/rwqcb2/water_issues/programs/groundwater_protection.html.

City of Sausalito. 2017. City of Sausalito General Plan Update. Accessed December 2020 at https://www.sausalitogeneralplan.org/general-plan-update.

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Marin Watershed Program. 2020. Richardson Bay Watershed History and Habitat. Accessed December 2020 at https://www.marinwatersheds.org/richardson-bay-watershed-history-and-habitat.

National Oceanic and Atmospheric Administration (NOAA). 2020. Entrance to San Francisco Bay. Accessed December 2020 at https://charts.noaa.gov/PDFs/18649.pdf.

San Francisco Bay Conservation and Development Commission (BCDC). 1984. Richardson Bay Special Area Plan. Accessed December 2020 at http://www.bcdc.ca.gov/rbsap/rbsap.pdf.

San Francisco Bay Regional Water Quality Control Board (RWQCB). 2020. San Francisco Bay Basin Plan. August 2020. Accessed December 2020 at https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html.

State Water Resources Control Board. 1990. Pollutant Policy Document: San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Accessed December 2020 at https://www.waterboards.ca.gov/plans_policies/docs/pollutant_policy/ppd.pdf.

United States Environmental Protection Agency (U.S. EPA). 2020. Section 10 of the Rivers and Harbors Appropriation Act of 1899. Accessed December 2020 at https://www.epa.gov/cwa-404/section-10-rivers-and-harbors-appropriation-act-1899.

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3.11 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

3.11.1 Environmental Setting

Both the General Plan designation and zoning for the Project site is Waterfront (W) with a Marinship Overlay (MO). The Project site is also part of the MarinShip Specific Plan adopted in 1988. It is located in Zone 3, Planning Area 8 with a designation of Waterfront (W).

The MarinShip Specific Plan covers the Richardson Bay waterfront and industrial area in Sausalito with the objective to preserve and enhance the maritime and industrial history of the plan area. The Clipper Yacht Harbors are the largest and among the oldest in the Marinship area. Overall, the Clipper Yacht harbors have the city's only fuel dock and includes a boat ramp and trailer parking facilities. The sandy peninsula between basins #2 and #3 have been used by the public as open space with significant views of the bay and San Francisco.

3.11.2 Regulatory Setting

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the final draft General Plan was released on October 20, 2020. The project site remains in the Waterfront designation. The Marinship is recognized by the updated General Plan as a key area of Sausalito. With a rich history and a diverse present, but at heightened risk due to sea level rise, the Marinship is a unique area not just for Sausalito but for the San Francisco Bay Area. The major objectives of the Waterfront designation are:

- Promote Public Access and Enjoyment of the Waterfront
- Encourage Safe Usage of Water for Transportation
- Promote Safe Residences and Private Enjoyment of Waterfront
- Maintain and Sustain Health of the Waterfront Ecosystem
- Respect the Character of Sausalito's Working Waterfront

Policies in the General Plan Update that relate to the Clipper Yacht project include:

Policy LU-3.4 Marinship Preservation. Preserve the heritage, history, and existing vibrant industrial community.

Policy LU-4.1 Marinship Waterfront Uses. Promote marine industrial oriented uses that require waterfront locations and strongly encourage the success of the existing general industrial uses found in the Marinship waterfront area.

Policy LU-4.3 Existing Recreational Marinas and New Marine Service Boatyards. Provide opportunities to build new marine service boatyards, encourage upgrading and allow expansion of existing marine service boatyards and maritime construction and repair facilities, and allow for minor expansion of existing recreational marinas in the Marinship.

Policy W-1.1 Sausalito Waterfront. Leverage Sausalito's greatest asset, its waterfront, with careful consideration of pedestrian engagement, floating homes, and maritime lifestyles.

Policy W-3.2 Vessel Pollution. Evaluate water-dependent developments with regard to pollution control and sea level rise.

Policy W-4.1 Ecological Functions. Require that no net loss of ecological functions occur as a result of uses, development, shoreline modifications, or expansion of existing uses.

Policy W-4.2 Bay Waters. Preserve and enhance the wetlands, open waters, and ecosystem of Richardson's Bay and San Francisco Bay and utilize these landscapes for sea level rise mitigation.

Policy W-4.5 Sea Level Rise. Research and adapt to sea level rise in Sausalito's waterfront.

Policy W-4.6 Waterfront Protection. Develop a multifaceted strategy to protect Sausalito's waterfront from environmental damage and adapt to sea level rise.

Policy W-5.1 Marinship Character. Preserve and enhance the maritime history and character of the Marinship, including giving preference to marine uses and maritime industries where feasible.

Marinship Specific Plan

The Marinship Specific Plan states the following goals that relate to the subject proposal:

- Preserve and enhance the maritime history and character of the Marinship. This shall include giving, to the extent determined reasonable, development preference to marine uses and maritime industries.
- It is the intent of the plan to preserve the Marinship as an area primarily oriented to the use and service of Sausalito residents, not tourists.
- Uses and development plans that permit and encourage public access and use of the water and waterfront shall have preference over those that do not.
- Waterfront parcels shall provide approved public access to and from the water, including (where determined possible) limited. amounts of temporary public small boat tie-up space.
- Development plans should give special attention to the establishment and enhancement of the pedestrian and bicycle pathways to and through the Marinship.
- It is the intent of the plan to improve the water quality of the Richardson Bay by restricting any potential pollution by Marinship developments. Development proposals will be evaluated with regard to their pollution control techniques, such as controlling runoff and restricting uses to non-polluting uses as provided in the Richardson Bay Special Area Plan.
- Any proposed Marinship development shall identify the nature and scope of any natural hazards, such as soils or geological conditions, and satisfactorily mitigate such hazards before construction. The City may determine that some uses or types of construction are considered not to be in the public's interest and safety to permit. Justification of any such use or development will be the responsibility of the applicant.

The development objective of Zone 3 Planning Area 8 is to maintain and enhance the marine service and public access use. Though there is a plan preference for marine service use of the water in lieu of additional pleasure boats, this site is likely to remain in pleasure boat use for many years. The boats contribute to the viability of the land-based marine service. Maritime Berths, including marine service and pleasure boats, are a permitted use. There are no development standards in the Marinship Specific Plan that relate to this proposal.

City of Sausalito Zoning Ordinance

The purpose of Marinship Overlay District is:

1. To identify the area which is the subject of the marinship specific plan;
2. To preserve and enhance the maritime history and character of the marinship area;
3. To preserve and enhance the industrial character and use of the marinship area;
4. To preserve the marinship area's primary orientation to the use and service of Sausalito residents, rather than tourists;
5. To discourage the development of non-industrial commercial businesses that would displace industrial and marine businesses, or that would disproportionately contribute to traffic generation;
6. To encourage public access and use of the water and waterfront; and
7. To maximize the amount of open water and open shoreline area.

The Marinship Overlay district states the following about existing marinas:

> 6. Existing Harbors and Marinas. Existing recreational marinas and harbors may be remodeled and realigned with the issuance of a design review permit, consistent with the provisions of Chapter 10.54 SMC (Design Review Procedures). Enlargement of existing recreational marinas and harbors may take place with the issuance of a conditional use permit consistent with Chapter 10.60 SMC (Conditional Use Permits). Enlargement shall not exceed 10 percent of existing berths at the time of application of the conditional use permit.

Applicable development standards include the following:

> 2. Public Access. All shoreline parcels shall provide for temporary tie-up of small boats, as required by the City. The number of such spaces shall be a minimum of one per parcel or two percent of the total number of berths in the harbor, whichever is greater, unless otherwise approved by the City.

3.11.3 Discussion

Would the project:

a) Physically divide an established community?

No Impact. The Project site is located in the waterfront area of Sausalito and is surrounded by existing marine-related development. It is a replacement of existing docks and is not an enlargement. Therefore, the Project would not result in a division of an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed Project is consistent with the existing and proposed General Plan, Marinship Specific Plan, and the Waterfront (W) and Marinship Overlay zoning districts. It

preserves and protects the maritime history and character of the area. Although new recreational marinas are not permitted, existing marinas are allowed to remodel and replace existing docks. The Project is subject to design review by the City's Planning Commission, along with a Nonconfromity Permit to recognize the existing marina. Existing liveaboards are recognized with the issuance of a conditional use permit.

The General Plan Update includes a number of goals and policies to address pollution and sea level rise. The Project's conformance with policies for other resource areas such as Biological Resources, Hydrology and Water Quality, Geological Resources are addressed in those respective sections of this document.

The General Plan Update, Marinship Specific Plan, and the Marinship Overlay District promote public access. There is currently no public pedestrian access to the marina, and public access will not be provided as the project is a replacement of the existing docks. Because it is a replacement and not an enlargement, the requirement for public access via temporary tie-ups for small boats is not applicable.

The project does not conflict with any land use plan, policy or regulation.

3.11.4 References

City of Sausalito.1989. Marinship Specific Plan. Adopted May 2, 1989. Accessed November 18, 2020 at http://www.sausalito.gov/home/showdocument?id=1454.

_____. 2020. General Plan Update. Final Draft October 20, 2020. Accessed November 18, 2020 at https://www.sausalitogeneralplan.org/general-plan-update.

_____. Zoning Ordinance, including Marinship Overlay District. Accessed November 18, 2020 at https://www.sausalito.gov/departments/community-development/zoning-ordinance.

3.12 MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local -general plan, specific plan or other land use plan?	☐	☐	☐	☒

3.12.1 Environmental Setting

The project is in the City of Sausalito on a site that is developed with a recreational marina, including dock systems, parking lots, and marine commercial and industrial buildings. The California Geological Survey (CGS) has not classified or designated any areas in Sausalito as containing regionally significant mineral resources (CGS 2013).

3.12.2 Discussion

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact (Responses a – b). The City of Sausalito is classified as MRZ-1 and MRZ-3 by the CGS. MRZ-1 is classified as an area where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence (California Department of Conservation 1999). MRZ-3 is classified as an area containing mineral occurrences of undetermined mineral resource significance (California Department of Conservation 1999).

The project site has no potential for use in resource recovery and, therefore, would have no impact on the availability of mineral resources.

3.12.3 References

California Department of Conservation. 1999. *Guidelines for Classification and Designation of Mineral Lands*. Accessed on October 5, 2020 at https://www.conservation.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf.

California Geological Survey (CGS). 2013. *Update of Mineral Land Classification: Aggregate materials in the North San Francisco Bay Production-Consumption Region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California. Plate 1a, 1b, and 1*c. Accessed on October 5, 2020 at https://maps.conservation.ca.gov/cgs/informationwarehouse/mlc/.

3.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.13.1 Environmental Setting

Noise may be defined as loud, unpleasant, or unwanted sound. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener, or receptor, and whether the receptor perceives the noise as objectionable, disturbing, or annoying.

The Decibel Scale (dB)

The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness of a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness.

Sound Characterization

There are several methods of characterizing sound. The most common method is the “A-weighted sound level,” or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale.

Human hearing matches the logarithmic A-weighted scale, so that a sound of 60 dBA is perceived as twice as loud as a sound of 50 dBA. In a quiet environment, an increase of 3 dB is usually perceptible, however, in a complex noise environment such as along a busy street, a noise increase of less than 3 dB is usually not perceptible, and an increase of 5 dB is usually perceptible. Normal human speech is in the range from 50 to 65 dBA. Generally, as environmental noise exceeds 50 dBA, it becomes intrusive and above 65 dBA noise becomes excessive. Nighttime activities, including sleep, are more sensitive to noise and are considered affected over a range of 40 to 55 dBA. Table 9 lists typical outdoor and indoor noise levels in terms of dBA.

Table 9. Typical Outdoor and Indoor Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	-110-	Rock Band
Jet flyover at 1,000 feet		
	-100-	
Gas lawn mower at 3 feet		
	-90-	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	-80-	Garbage disposal at 3 feet
Noise urban area, daytime		
Gas lawnmower, 100 feet	-70-	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	-60-	
		Large business office
Quiet urban daytime	-50	Dishwasher next room
Quite urban nighttime	-40-	Theater, large conference room (background)
Quiet suburban nighttime		
	-30-	Library
Quite rural nighttime		Bedroom at night
	-20-	
		Broadcast/recording studio
	-10-	
Lowest threshold of human hearing	-0-	Lowest threshold of human hearing

Source: Caltrans 2013

Sound levels are typically not steady and can vary over a short time period. The equivalent noise level (Leq) is used to represent the average character of the sound over a period of time. The Leq represents the level of steady noise that would have the same acoustical energy as the sum of the time-varying noise measured over a given time period. Leq is useful for evaluating shorter time periods over the course of a day. The most common Leq averaging period is hourly, but Leq can describe any series of noise events over a given time period.

Variable noise levels are values that are exceeded for a portion of the measured time period. Thus, L01 is the level exceeded one percent of the time and L90 is the level exceeded 90 percent of the time. The L90 value usually corresponds to the background sound level at the measurement location.

Noise exposure over the course of an entire day is described by the day/night average sound level, or Ldn, and the community noise equivalent level, or CNEL. Both descriptors represent the 24-hour noise impact on a community. For Ldn, the 24-hour day is divided into a 15-hour daytime period (7 AM to 10 PM) and a nine-hour nighttime period (10 PM to 7 AM) and a 10 dB “penalty” is added to measure nighttime noise levels when calculating the 24-hour average noise level. For

example, a 45 dBA nighttime sound level would contribute as much to the overall day-night average as a 55 dBA daytime sound level. The CNEL descriptor is similar to Ldn, except that it includes an additional 5 dBA penalty beyond the 10 dBA for sound events that occur during the evening time period (7 PM to 10 PM). The artificial penalties imposed during Ldn and CNEL calculations are intended to account for a receptor's increased sensitivity to sound levels during quieter nighttime periods.

Sound Propagation

The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by 6 dB with each doubling of distance from a point source. Sound levels are also affected by certain environmental factors, such as ground cover (asphalt vs. grass or trees), atmospheric absorption, and attenuation by barriers. Outdoor noise is also attenuated by the building envelope so that sound levels inside a residence are from 10 to 20 dB less than outside, depending mainly on whether windows are open for ventilation or not.

When more than one point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a 3 dB increase in noise levels. For example, if one noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73 dB.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern 1-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In typical noisy environments, changes in noise of 1 to 2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5-dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness.

Sound in the underwater environment is similar to sound in air. However, water as a medium supports the propagation of sound even better than air as a medium. In water, the attenuation is less than in air. This means that sound propagates over longer distances underwater than in air. It also propagates much faster.

Noise Effects on Humans

Noise effects on human beings are generally categorized as:

- Subjective effects of annoyance, nuisance, and/or dissatisfaction
- Interference with activities such as speech, sleep, learning, or relaxing
- Physiological effects such as startling and hearing loss

Most environmental noise levels produce subjective or interference effects; physiological effects are usually limited to high noise environments such as industrial manufacturing facilities or airports.

Predicting the subjective and interference effects of noise is difficult due to the wide variation in individual thresholds of annoyance and past experiences with noise; however, an accepted method to determine a person's subjective reaction to a new noise source is to compare it to the existing environment without the noise source, or the "ambient" noise environment. In general, the more a new noise source exceeds the ambient noise level, the more likely it is to be considered annoying and to disturb normal activities.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear is able to discern 1-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In typical noisy environments, changes in noise of 1 to 2 dB are generally not perceptible. However, it is widely accepted that people are able to begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5 dB increase is generally perceived as a distinctly noticeable increase, and a 10 dB increase is generally perceived as a doubling of loudness that would almost certainly cause an adverse response from community noise receptors.

Noise Effects on Marine Life

Marine animals rely on sound to acoustically sense their surroundings, communicate, locate food, and protect themselves underwater. The various animal species that live underwater each have their own specific hearing sensitivity and frequency range. A number of factors affect the response of marine mammals to sounds in their environment: the sound level and other properties of the sound, including its novelty; physical and behavioral state of the animal; and prevailing acoustic characteristics and ecological features of the environment in which the animal encounters the sound.

Existing Noise Environment

The City's General Plan identifies traffic, boats and ferries, and aircraft as the primary sources of noise within the City (Sausalito, 2020a). Whereas automobile noise tends to be greatest along Highway 101 and Bridgeway, boat and ferry noise is generally greatest near the Sausalito Ferry Terminal. Given the project's location at and along the waterfront, it is anticipated the primary sources of noise at the project site are from watercraft operation and the occasional passing of a plane overhead. As depicted in Figure 7-7 of the City's General Plan Update, the project site is located within an area of the City with an existing ambient noise environment of less than 60 dBA Ldn (Sausalito, 2020a).

Human Sensitive Receptors

Human noise sensitive receptors are areas where unwanted sound or increases in sound may have an adverse effect on people or land uses. Residential areas, hospitals, schools, and parks are examples of human noise receptors that could be sensitive to changes in existing environmental noise levels. Sensitive receptors within 1,000 feet of the project site include houseboats adjacent to the project site (e.g., S 40 dock), which are located approximately 50 to 1,000 feet from where project construction activities would occur.

Marine Sensitive Receptors

As described in Section 3.4, Biological Resources, the following listed species (Evolutionary Significant Units (ESU) or Distinct Population Segment (DPS)) under the jurisdiction of the United States Department of commerce, National Oceanic and Atmosphere Administration, National Marine Fisheries Service (NMFS) may be affected by the proposed project:

- Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*)
- Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*)
- Central California Coast steelhead (*Oncorhynchus mykiss*)
- Central Valley steelhead (*Oncorhynchus mykiss*)
- North American Green Sturgeon southern DPS (*Acipenser medirostris*)

3.13.2 Regulatory Setting

California Harbors and Navigation Code

Section 654.05(a) of the California Harbors and Navigation Code establishes that no person shall operate a vessel in or upon the inland water, or in or upon ocean waters that are within one mile of the coastline of the state, in a manner that exceeds the following noise levels"

(1) For engines manufactured before January 1, 1993, a noise level of 90 dBA when subjected to the Society of Automotive Engineers (SAE) Recommended Practice SAE J2005 (Stationary Sound Level Measurement Procedure for Pleasure Motorboats).[11]

(2) For engines manufactured on or after January 1, 1993, a noise level of 88 dB(A) when subjected to the SAE Recommended Practice SAE J2005 (Stationary Sound Level Measurement Procedure for Pleasure Motorboats).

(3) A noise level of 75 dB(A) measured as specified in the SAE Recommended Practice SAE J1970 (Shoreline Sound Level Measurement Procedure). However, a measurement of noise level that is in compliance with this paragraph does not preclude the conducting of a test of noise levels under paragraph (1) or (2).

Section 654.06 further specifies that no person shall sell or offer for sale at retail any internal combustion engine for use on any motorized recreational vessel which, when operated, exceeds the following noise levels:

(a) For engines manufactured on or after January 1, 1974, and before January 1, 1976, a noise level of 86 dBA measured at a distance of 50 feet from the motorized recreational vessel.

(b) For engines manufactured on or after January 1, 1976, and before January 1, 1978, a noise level of 84 dBA measured at a distance of 50 feet from the motorized recreational vessel.

(c) For engines manufactured on or after January 1, 1978, a noise level of 82 dBA measured at a distance of 50 feet from the motorized recreational vessel.

City of Sausalito General Plan

The Health, Safety, and Community Resilience Element of the City's General Plan exists to reduce the potential for injury, property damage, and public expense due to natural and human-made hazards (Sausalito, 2020a). The Health, Safety, and Community Resilience Element contains two state mandated elements of the General Plan: Safety and Noise. To that end, the Health, Safety, and Community Resilience Element establishes objectives, programs, and policies strategies for controlling and/or reducing community-wide noise environments within the City. The following policies and programs contained in the Health, Safety, and Community Resilience Element may be applicable to the proposed project:

- **Policy HS-3.1: Noise Guidelines**. Maintain noise level guidelines to direct the siting, design, and insulation of new residential, commercial, and industrial development.
- **Policy HS-3.5: Construction Noise**. Strive to reduce noise levels associated with construction activities.

[11] Per this procedure, the microphone is place at a distance of 1.2 to 1.5 meters (4 to 5 feet) above the water and no closer than 1 meter (3.3 feet) from the vertical projection of any part of the boat in the area adjacent to the exhaust outlet(s).

  - **Program HS-3.5.1: Equipment Noise**. Require noise baffling devices to be installed on heavy equipment during site excavation, grading, or construction.
  - **Program HS-3.5.2: Construction Noise**. Continue to restrict construction activities to acceptable time periods.
  - **Program HS-3.5.3: Sound Walls**. Consider constructing sound walls surrounding construction site during construction.
  - **Program HS-3.5.4: Construction Hours**. Clearly delineate working hours for construction projects.
- **Policy HS-3.6: Vibrations**. Mitigate construction-related vibration impacts on historic structures.
  - **Program HS-3.6.1: Construction Vibration**. Prior to issuance of grading permits for any project that is located within 150 feet of a historic structure that is depicted in Figure 4-1 of the General Plan and, if construction activities will require either: (1) pile driving within 150 feet; or (2) utilization of mobile construction equipment within 50 feet of the historic structure, the property owner/developer shall retain an acoustical engineer to conduct a vibration analysis for potential impacts from construction-related vibration impacts onto the historic structure. The vibration analysis shall determine the vibration levels created by construction activities at the historic structure, and if necessary develop mitigation to reduce the vibration levels to within Caltrans threshold of 0.12 inches per second PPV for historic buildings.

The General Plan Health, Safety, and Community Resilience Element also provides land use compatibility and interior and exterior noise standards, which are based on standards prepared by the State Department of Health Services, Office of Noise Control. These land use standards are designed to ensure that proposed land uses are compatible with the predicted future noise environment. At different exterior noise levels, individual land uses are classified as “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” or “unacceptable.” A “conditionally acceptable” designation implies new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements for each land use is made and needed noise insulation features are incorporated in the design. By comparison, a “normally acceptable” designation indicates that standard construction can occur with no special noise reduction requirements. Outdoor sports and recreation, neighborhood parks, and playground land uses have a standard of 50 to 65 CNEL/Ldn for “normally acceptable” and 65 to 80 dBA CNEL/Ldn for “conditionally acceptable” (Sausalito, 2020a). Office buildings, business commercial, and professional land uses have a standard of 50 to 65 CNEL/Ldn for “normally acceptable” and 65 to 80 dBA CNEL/Ldn for “conditionally acceptable” (Sausalito, 2020a).

Sausalito Municipal Code

Chapter 12.16 of the Sausalito Municipal Code, Noise Control, establishes guidelines and exemptions for excessive noise. (Sausalito, 2020b) Section 12.16.140, Time Restrictions on

Operating Construction Devices in Residential Zones, sets the following standards related to construction noise that may be applicable to the proposed project:

A. The operation or construction, demolition, excavation, alteration or repair devices and equipment shall only take place during the following hours:

    1. Weekdays: Between 8:00 AM and 6:00 PM.
    2. Saturday: Between 9:00 AM and 5:00 PM.
    3. Sundays: Prohibited.
    4. Holidays officially recognized by the City of Sausalito not including Sundays: Between 9:00 AM and 7:00 PM.

3.13.3 Discussion

Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Less than Significant Impact. Construction of the proposed project would not result in a temporary increase in ambient noise levels in the vicinity of the project site that are in excess of standards established in the City's General Plan or Noise Ordinance, nor would it conflict with other applicable local, state, or federal standards. Furthermore, the proposed project would not result in a permanent increase in ambient noise levels in the vicinity of the project, since the project does not propose any changes to operational activities or hours of operation at the Clipper Yacht Harbor. This impact is considered to be less than significant.

Temporary Increase Noise Levels for Human Sensitive Receptors

As described in Section 2.3.7, construction of the proposed project would be split across two major phases, each of them lasting approximately five months each. Construction activities associated with dock replacement in Basin 3 are anticipated to commence in late July 2022 and last through November 2022. Construction activities associated with dock replacement in Basin 4 are anticipated to commence in late July 2023 and last through November 2023. During this time, various pieces of land- and water-based construction equipment would be required, including a land-based crane, a forklift / reach lift, workboat, two sea skiffs, and a barge with a crane mounted on it. The proposed project would also require the use of various hand tools to deconstruct the existing dock. These pieces of equipment, both large and small, would be required to deconstruct the existing docks, remove the components from the water for off-haul, and assemble and place the new dock structures. These activities could temporarily increase noise levels at adjacent properties, including the houseboats located at the S 40 dock northwest of the project site. Typical noise levels that could be generated by equipment at the site are presented below in Table 10.

Table 10. Typical Construction Equipment Noise Levels

Equipment	Noise Level at 50 feet (Lmax)(A)	Percent Usage Factor(B)	Predicted Equipment Noise Levels (Leq)(C)					
			50 Feet	100 Feet	150 Feet	200 Feet	250 Feet	300 Feet
Backhoe(D)	80	40	76	70	66	64	62	60
Crane	85	16	77	71	67	65	63	61
Pile Driver	95	20	88	82	78	76	74	72
Pneumatic tools	85	50	82	76	72	70	68	66
Delivery Truck	85	40	81	75	71	69	67	65
Watercraft(E)	70(F)	45	67	61	57	54	53	51

Sources: Caltrans, 2013; FHWA, 2010; HNC 2005

(A) L_{max} noise levels based on manufacturer's specifications, and HNC requirements for watercraft.

(B) Usage factor refers to the amount (percent) of time the equipment produces noise over the time period

(C) Estimate does not account for any atmospheric or ground attenuation factors. Calculated noise levels based on Caltrans, 2013: L_{eq} (hourly) = L_{max} at 50 feet – 20log (D/50) + 10log (UF), where: L_{max} = reference L_{max} from manufacturer or other source; D = distance of interest; UF = usage fraction or fraction of time period of interest equipment is in use.

(D) Noise levels associated with operation of a backhoe are considered representative of those that would be generated by operation of a forklift / reach lift.

(E) This includes potential noise generated by the workboat and sea skiffs.

(F) The reference Lmax noise level of 70 dBA at a distance of 50 feet for watercraft has been extrapolated based on a reference Lmax at a distance of five (5) feet per the requirements specified in Section 654.05(a) of the HNC.

As shown in Table 10, the worst case Leq and Lmax construction equipment noise levels associated with the project are predicted to be approximately 85 and 95 dBA, respectively, at 50 feet. Construction equipment associated with the proposed project would generally be limited to a couple pieces of land-based equipment and various water-based equipment.

The greatest potential for construction noise to impact adjacent receptor locations would be during pier installation, which would require the use of two sea skiffs, a barge-mounted crane, and a diesel impact hammer (i.e., pile driver). During dock replacement in Basin 3 (i.e., 2022) construction activities would generally take place at distances of 300 feet or more from sensitive receptor locations (i.e., houseboats southwest of Basin 4 off Varda Landing Road), and the concurrent operation of two sea skiffs, barge-mounted crane, and diesel impact hammer would provide a combined noise level of approximately 72 dBA Leq at this distance. This noise level would be predominantly driven by operation of the diesel impact hammer. During dock replacement in Basin 4, construction activities could, temporarily, take place as close as 50 feet from the nearest houseboats at the S 40 dock, though the vast majority of work would take place at distances of 250 feet or more from receptors at the S 40 dock. The combined noise levels associated with the concurrent operation of the sea skiffs and barge-mounted crane could approach approximately 88 dBA Leq when operating within 50 feet of sensitive receptor locations, but would typically produce noise levels closer to approximately 74 dBA (based on a distance of 250 feet).[12] These are considered to be worst-case noise levels, as the actual magnitude of the Project's temporary and periodic increase in ambient noise levels would depend on the nature of the construction activity (e.g., dock deconstruction, pile installation, etc.) and the distance between the construction activity and receptor areas.

Construction noise would be intermittent, occurring only when equipment is in operation. As described in Section 2.3.7, construction activities would be limited to between 8:00 AM and 6:00

[12] These noise level estimates may be conservative, as the silt / clay substrate they would be driven into is soft. A softer substrate means that less energy (relative to a hard substrate) would be required to drive the pile into the ground. Less cumulative energy transfer between the diesel impact hammer and the piles would also reduce the noise generated during the installation process.

PM, Monday through Friday, 9:00 AM and 5:00 PM, Saturday, and would avoid most noise-sensitive nighttime and weekend hours. The noise generated from project construction would be temporary (construction would last approximately ten months total split over two years) and would not produce the same sound levels every day. Given the short duration of project construction activities and compliance with the City's Municipal Code, the proposed project would not generate a significant temporary noise impact, nor would it conflict with an applicable standard.

Temporary Increase Noise Levels for Marine Receptors

The proposed project would include the use of a diesel impact hammer to install concrete piles. Pile driving may occur from six-to-eight hours per day during daylight hours over a period of approximately 120 days in 2022 and 100 days in 2023 days. The proposed project would implement the following best management practices to reduce waterborne noise and vibration:

- Aquatic Curtains (materials that hangs down from the surface and creates a curtain barrier) would be utilized to control turbidity and noise during pile removal and installation;
- All pile driving activities would commence with a "soft start"; and
- Floating booms would be maintained around the project site during all demolition and construction phases.

Available information indicates that fish may be injured or killed when exposed to high levels of underwater sound pressure waves generated from use of impact hammers. To assess the potential effects of pile driving with an impact hammer, the National Marine Fisheries Service (NMFS) uses a dual metric criterion of 206 dB re one micropascal peak sound pressure level for any single strike and an accumulated Sound Exposure Level (SEL) of 187 dB re one micropascal squared-second to correlate physical injury to fish from underwater sound. The size, shape, and material from which the piles are constructed all affect the underwater sound levels generated by pile driving (NMFS, 2019).

Based on hydroacoustic data collected previously from projects using similar sized concrete piles in San Francisco Bay (Buehler *et al.* 2015), sound pressure levels should not present a risk of physical injury to listed salmonids or sturgeon. For this project, NMFS anticipates the sound pressure levels during pile driving with an impact hammer would not exceed 190 dB (peak) and 160 dB (SEL). These sound levels are lower than the NMFS thresholds for the onset of physical injury to fish. Further, the diesel impact hammer would utilize a "soft start" and a cushion block atop the pile during pile driving activities. The soft start is intended to divert fish away from the pile driving site by starting with a lower sound level rather than starting right away with strongest pile strikes that generate the highest sound levels. If Endangered Species Act (ESA)-listed salmonids or southern DPS green sturgeon react behaviorally (i.e., startled and disperse) to the elevated underwater sound produced during the installation of these piles, Richardson Bay offers adequate areas to escape this disturbance during pile driving. Based on the above, the effects of exposure to elevated underwater sound levels during pile driving by this project are expected to be insignificant to ESA-listed salmonids and southern DPS green sturgeon (NMFS, 2019).

Long-term Operational Noise Levels

The proposed project consists of dock replacement activities in two basins of the Clipper Yacht Harbor; it does not propose any changes to operational activities. The proposed project, therefore, would not result in any long-term operational noise level changes.

Land Use Compatibility

The project site currently operates as a dock under existing conditions and would continue to do so once project construction is complete. The City's General Plan does not establish any specific land use compatibility standards for docks or the "Waterfront" land use / zoning designations; however, the General Plan identifies the project site's noise environment as being less than 60 dBA Ldn, which is "normally acceptable" for outdoor sports and recreation, neighborhood parks, and playground land uses, as well as office buildings, business commercial, and professional land uses (Sausalito, 2020). Therefore, the proposed project is considered to be compatible with the noise environment.

Conclusion

The proposed project would generate short-term construction noise levels for a cumulative period of approximately 10 months split approximately evenly across two years (i.e., approximately five months each year). Construction activities at the site would occur in accordance with the permissible daytime hours, specified in City Municipal Code Section 12.16.140. The proposed project's construction noise levels would not be in excess of City standards, nor would it significantly impact human or marine receptors. The proposed project also would not result in any changes to long-term operational noise levels and its current and proposed use is consistent with the land use compatibility standards contained in the City's General Plan. This impact would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. The proposed project consists of dock replacement activities. Groundborne vibration would be generated during the installation of piles; however, the nearest receptors in proximity of the project site are houseboats and any vibration transmitted to these receptors would be conveyed via water. As discussed under response a) above, the proposed project would not generate noise levels that impact any marine life and, therefore, any potential vibration impacts to humans associated with pier installation would be less than significant, too. The proposed project would install curtains, commence pile driving activities with a "soft start", and install floating booms around the project site to reduce waterborne vibration and noise levels. These best management practices would inhibit the transfer of energy (in the form of waves) from being transmitted to adjacent sensitive receptor locations (i.e., houseboats). Furthermore, construction activities would only take place in accordance with the daytimes specified in the City's Municipal Code, which would prevent any nighttime disturbance. The proposed project would not generate excessive groundborne vibration or groundborne noise levels. This impact would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project site is not within an airport land use plan, nor within two miles of a public or private use airport. No impact would occur.

3.13.4 References

California Department of Transportation (Caltrans). 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Prepared by Caltrans Division of Environmental Analysis Environmental Engineering Hazardous Waste, Air Noise, Paleontology Office. Sacramento, CA. September 2013.

City of Sausalito (Sausalito). 2020a. General Plan Update. October 20, 2020. https://m-group.app.box.com/s/cqc41xoqw3ghtmjufo3qdi1zk2krz5kq

_____2020b. Municipal Code. Web. Accessed November 23, 2020 at https://www.codepublishing.com/CA/Sausalito/#!/Sausalito12/Sausalito1216.html#12.16.140

Harbors and Navigation Code (HNC). 2005. Division 3, Chapter 5, Article 1. Accessed November 24, 2020 at https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HNC&division=3.&title=&part=&chapter=5.&article=1.

U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS). 2019. Re: Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Clipper Yacht Harbor Redevelopment Project (U.S. Corps of Engineers File 2013-00060N). From Gary Stern, NMFS, to James Mazza, Army Corps of Engineers. September 26, 2019.

U.S. Federal Highway Administration (FHWA). 2010. "Construction Noise Handbook, Chapter 9 Construction Equipment Noise Levels and Ranges." *U.S. Department of Transportation FHWA*. May 20, 2010. Web. January 5, 2011. http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm.

U.S. Federal Transit Administration (FTA). 2006. *Transit Noise and Vibration Assessment*. FTA-VA-90-1003-06. Washington, DC. May 2006.

3.14 POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce a substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.14.1 Environmental Setting

The City of Sausalito's estimated population was 7,068 in 2019 (US Census Bureau 2020).

3.14.2 Discussion

Would the project:

a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. (Responses a – b). The project does not directly or indirectly induce substantial population growth as it involves the replacement of an existing dock system. The project is not expected increase the number of tenants using the Clipper Yacht Harbor marina facility, as the new dock system would be smaller and contain one less boat slip compared to the existing dock system. The proposed project would not displace any people and necessitate the construction of replacement housing elsewhere because existing liveaboards in the two marina basins would be temporarily moved to available slips in the marina and remain habitable during dock demolition and construction activities. A less than significant impact would occur.

3.14.3 References

U.S. Census Bureau. 2020. "Quickfacts: Sausalito city, California." Accessed October 29, 2020 at https://www.census.gov/quickfacts/sausalitocitycalifornia.

3.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☐	☒
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☒	☐

3.15.1 Environmental Setting

Police protection in the City of Sausalito is provided by the Sausalito Police Department, located at 29 Caledonia Street, approximately 1.10 miles southeast of the project site (City of Sausalito 2020a). Fire protection in addition to emergency medical services are provided by the Southern Marin Fire Protection District (SMFD), with the closest fire station, Station #1: Sausalito, located at 333 Johnson Street approximately 1.10 mile southeast of the project site (Google Maps 2020). In addition to Sausalito, the Southern Marin Fire Protection District also serves Strawberry, the community Tamalpais-Homestead Valley, the Alto area of Mill Valley, and part of the Golden Gate National Recreation Area (SMFD 2020).

Sausalito is located within the boundaries of the Sausalito Marin City School District. Students in Sausalito would attend the following elementary and middle schools in the Sausalito Marin City School District: Bayside Martin Luther King, Jr. Academy, located at 200 Phillips Drive, Marin City, approximately 0.74 miles west of the project site, and Willow Creek Academy, located at 636 Nevada Street, Sausalito, approximately 0.38 miles southwest of the project site. In addition, one private elementary school, Lycée François, located at 100 Ebbtide Avenue, Sausalito approximately 0.37 miles southwest of the project site, and one private K-12 school, The New Village School, located at 100 Ebbtide Avenue, Suite 144, Sausalito, approximately 0.35 miles west of the project site accept students from Sausalito. In addition, though Sausalito is not located in the Tamalpais Union High School District, students in Sausalito would attend Tamalpais High School at 700 Miller Avenue, Mill Valley, located approximately 1.92 miles northeast of the project site (City of Sausalito 2020, Google Maps 2020b).

The nearest parks to the project site include: Remington Dog Park, approximately 0.27 miles to the west of the project site and MLK Park, approximately 0.26 miles to the southwest of the project site (City of Sausalito 2020c, Google Maps 2020). The Golden Gate National Recreation Area lies adjacent to Sausalito approximately 0.59 miles southwest of the project site.

There are six private harbors and marinas in the City of Sausalito, including Clipper Yacht Harbor, none of which allow public use. Sausalito contains only one public dock at the Turney Street Boat Ramp located at the foot of Turney Street approximately 0.93 miles southeast of the project site.

3.15.2 Discussion

Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

ii) Police?

iii) Schools?

iv) Parks?

v) Other public facilities?

No Impact (i-iv). The proposed project consists of the replacement of an existing dock system in a marina in the same location. The project would not cause population growth in the project area. Therefore, the project would not increase demand for fire protection or police protection, increase enrollment at local schools, or increase the use of park facilities. Therefore, the project would not impact these public services.

Less than Significant Impact (v). The project proposes the replacement of an existing dock system in two basins of Clipper Yacht Harbor in the same location. The only public dock facility in the City of Sausalito is a small dinghy dock adjacent to the Turney Street Boat Ramp. During the phased demolition and replacement of the dock system in the various sections of the two marina basins, vessels would be temporarily moved to available boat slips in the marina facility, allowing for the continuation of tenants' recreational use of the marina facility docks during project activities. There is a slight chance the project may temporarily increase the use of the public dock at Turney Street Boat Ramp, but temporary increased use of the dock would not necessitate the construction of a new or altered City dock facilities. A less than significant impact would occur.

3.15.3 References

Southern Marin Fire Protection District [SMFD]. 2020. "District Overview." Accessed October 6, 2020, at https://www.southernmarinfire.org/about/district-overview.

Google Maps. 2020. Accessed October 6, 2020 at https://www.google.com/maps.

City of Sausalito. 2020a. "Police Department." Accessed October 6, 2020 at https://www.sausalito.gov/departments/police-department

_____. 2020b. "Schools." Accessed October 6, 2020 at https://www.sausalito.gov/our-city/about-the-city-of-sausalito/schools.

_____. 2020c. "Parks and Facilities." Accessed October 6, 2020 at https://www.sausalito.gov/departments/parks-and-recreation/parks-and-facilities.

3.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☒	☐	☐

3.16.1 Environmental Setting

The Sausalito General Plan includes two land use designations for recreational use: Open Space (OS) and Public Parks (PP) (City of Sausalito 2020a). The Open Space land use designation allows for local open space lands, national recreation areas, and public utility facilities. The Public Parks land use designation allows for community centers, libraries, museums, parks and playgrounds, specialized education and training facilities, temporary events, piers and docks, and harbor and marina facilities. Recreational land use (i.e., park and beach facilities) consists of 34.95 acres, or 2.9 percent of the City's total land area (City of Sausalito 2020b, City of Sausalito 2015). Public recreational facilities in Sausalito include:

- Schoonmaker Beach (1.1 acres)
- Swede's Beach (0.12 acre)
- Tiffany Beach (N/A)
- Cloud View Park (0.52 acres)
- Cazneau Park (0.04 acres)
- Dunphy Park (9.72 acres)
- Gabrielson Park (0.75 acres)
- Golden Gate National Recreation Area (partial)
- Langendorf Playground (0.33 acres)
- Marinship Park (2.78 acres)
- Mary Ann Sears Park (0.13 acres)
- MLK Park (15.5 acres)
- Remington Dog Park
- Robin Sweeny Park (0.8 acres)
- Southview Park (0.61 acres)
- Tiffany Park (0.26 acres)
- Turney Street Boat Ramp and Dock
- Viña Del Mar Plaza (0.32 acres)
- Yee Tock Chee Park (0.07 acres)
- 420 Litho Street (Meeting Room, Exercise Area, Game Room) (0.93 acres)
- Turney Street Boat Ramp

In addition, Sausalito contains private harbor and marina facilities, including Blue Water Yacht Harbor, Clipper Yacht Harbor, Pelican Harbor, Richardson Bay Marina, Sausalito Shipyard and Marina, and Schoonmaker Point Marina, that support marine recreational activities, including boating and sailing (City of Sausalito 2020c).

3.16.2 Discussion

Would the project:

a) Increase the use of existing neighborhood or regional parks or other recreational facilities such that significant physical deterioration of the facility would occur or be accelerated?

No Impact. The project is the replacement of an existing dock system at the Clipper Yacht Harbor. The project would not increase the use of existing parks or recreational facilities such that significant physical deterioration of the facility would occur. The project would have no impact on accelerated deterioration of park facilities.

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less than Significant with Mitigation Incorporated. (Responses a – b). The project proposes the replacement of a dock system in two basins of the Clipper Yacht Harbor marina. Project demolition and construction activities would occur sequentially in seven phases in the various sections of the two basins (see Figure 5). Project construction activities are expected to occur over a period of approximately eight (8) months (i.e., four (4) months for Basin 3 and four (4) months for Basin 4). During each phase, vessels using slips in the sections to be replaced would be temporarily moved to and moored at available slips in the marina facility, allowing for tenants continued use of vessels during the demolition and construction period. Following completion of project activities in each section of the basins, vessels would be relocated to the boat slips of the new dock system. As a result, the project would likely not increase demand for boat slips elsewhere in the City, as existing marina tenants using the boat slips in Basin 3 and Basin 4 would be able to continue recreational use of the marina facility from other boat slips in the same facility. In addition, because the project would replace the existing dock system and result in only one less available boat slips compared to exiting conditions, the new dock system would support near equivalent recreational use and not require the construction or expansion of other recreational marina facilities in the City.

The Sausalito General Plan identifies the Clipper Yacht Harbor as a facility that supports marine recreational activities. Therefore, the construction activities identified by the proposed project are considered to be construction activities occurring on a recreational facility. Replacement of the existing dock system would include demolition and construction activities that may potentially have an adverse physical effect on the environment. Potential impacts of project demolition and construction activities on Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources are addressed in the respective sections of this Initial Study. With implementation of these mitigation measures, the project would have a less than significant impact from construction of recreational facilities.

3.16.3 References

City of Sausalito. 2015. *City of Sausalito 2015-2023 Housing Element*. Accessed October 7, 2020 at https://www.sausalito.gov/departments/community-development/1995-general-plan.

_____. 2020a. *Final Draft General Plan*. October 20, 2020. Accessed November 18, 2020 at https://www.sausalitogeneralplan.org/.

_____. 2020b. *General Plan Update Draft Comprehensive Existing Conditions Report*. Accessed October 7, 2020 at https://www.sausalitogeneralplan.org/general-plan-update.

_____. 2020c. "Harbors and Marinas." Accessed October 6, 2020 at https://www.sausalito.gov/our-city/transportation/harbors-and-marinas.

3.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

3.17.1 Environmental Setting

The project area consists of an overwater dock system in two basins of a recreational marina and adjacent parking lot area in which a temporary demolition and construction staging area would be located. Harbor Drive, which runs northeast-southwest from the intersection of Harbor Drive and Bridgeway to the southwest of the project site to the Clipper Yacht Harbor entrance gate at the southern corner of the project site, would provide the sole means of ingress and egress of demolition and construction vehicles to the project area within the project site. Project vehicles would enter the project site via Harbor Drive and use the marina driveway to access the marina basins and parking lot area. Regional access to the project site would be provided by Highway 101, an eight-lane freeway, which provides regional access to the City from the north and connects to Bridgeway via Donahue Street/North Bridge Boulevard to the west of the project site. Bridgeway is classified as both a Primary Arterial and Secondary Arterial street; it is a two-lane street with a center mountable median lane for most of its length and a four-lane divided street for the remainder of its length. Donahue/North Bridge Street and Harbor Drive are classified as local streets. The intersection of Bridgeway and Harbor Drive is all-way and stop light controlled.

Sausalito contains navigation channels in its waters along the northern and eastern boundaries of the City. The navigation channels in Sausalito public waters include the Sausalito Channel, the United States Army Corps of Engineers (USACE) Turning Basin, and the Marinship Launching Basin (City of Sausalito 2020c).

3.17.2 Regulatory Setting

Marin County Congestion Management Program

The Transportation Authority of Marin (TAM), as the Congestion Management Agency for Marin County, is required by State law to prepare and adopt a Congestion Management Program (CMP) on a biennial basis. The purpose of the CMP is to identify strategies to respond to future transportation needs, develop procedures to alleviate and control congestion, and promote countywide solutions.

Sausalito Municipal Code

Relevant parts of the Sausalito Municipal Code include:

15.28.050 Trip reduction requirements.

A. This chapter shall apply to all employers within the City of Sausalito with 100 or more employees at an individual work site. Where such an employer has multiple work sites, only those sites which have 100 or more employees are subject to this chapter.

B. Each employer subject to this chapter shall disseminate trip reduction information regarding transportation alternatives including carpools, vanpools, transit and bicycling and other methods of reducing trips such as telecommuting, compressed work week, and flexible work hours annually to each employee and to all new employees as they are hired.

C. Each employer subject to this chapter shall annually conduct an employee trip survey using a uniform survey form prepared by the Marin County CMA. A summary of the trip results shall be submitted annually to the City of Sausalito. Any survey and procedures prepared for submission to and accepted by the BAAQMD shall serve as a valid survey for this chapter upon submission to the City of Sausalito.

D. Each employer subject to this chapter shall designate an employee transportation coordinator to be responsible for administering the employer requirements of the Trip Reduction Ordinance. [Ord. 1086 § 1, 1993.]

3.36.050 Construction traffic road fees.

A. Construction Traffic Road Fees – Required. A developer shall pay a construction traffic road fee upon application for a building permit for any project in the City. The City Council shall establish and may periodically revise by resolution the amount of the construction traffic road fee.

B. Time of Payment. Construction traffic road fees shall be due and payable prior to the developer receiving a building permit.

C. Notice of Fee. At the time of approval of a project or at the time of imposition of the fees, the City shall provide the developer a statement of the amount of the fee and notice that the 90-day approval period in which the developer may protest pursuant to California Government Code Section 66020 has begun.

D. Creation of Special Fund. The City shall deposit fees collected under this chapter in a special fund, the construction traffic road fee fund.

E. Use of Fees. The construction traffic road fees revenues and all interest earned on deposited fee revenues shall only be used by the City for road repairs needed as a result of projects in the City. [Ord. 1166 § 1, 2003.]

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the Final Draft General Plan was released to the public on October 20, 2020. The following relevant policies are from the General Plan Update's Circulation and Parking Element and Health, Safety, and Community Resilience Element:

> **Policy CP-6.1 Development Requirements.** Require developers of new and redevelopment projects to contribute to the cost of needed traffic and transit improvement.
>
> **Policy HS-2.4 Access for Emergency Vehicles.** Provide and maintain adequate access for emergency vehicles and equipment, particularly fire-fighting equipment. Proactive measures may be necessary to encourage efficient measures, including ensuring adequate width of roadways, and not siting critical egress and ingress within flood zones to the extent possible.

Richardson Bay's Regional Agency (RBRA)

Richardson Bay's Regional Agency (RBRA) is a joint powers agency formed by the cities of Belvedere, Mill Valley, Sausalito, and Tiburon, Marin County, and the San Francisco Bay Conservation and Development Commission (BCDC), all of which contain portions of the Richardson Bay's shoreline and waters within their respective jurisdictional boundaries. RBRA completed the Richardson Bay Special Area Plan in 1984 to recommend uniform policies and regulations to the five local governments and BCDC to adopt as each agency's specific policy for the Richardson Bay. The Special Area Plan contains policies and regulations intended to protect aquatic resources and ensure continued public access to shoreline areas by recommending regulations on residential vessels, floating structures, dredging and soils disposal, and navigation channels and marinas. The RBRA Code contains provisions related to anchoring, mooring, and beaching vessels; vessel traffic; overboard discharges; and nuisance abatement. The RBRA's Harbor Master has full authority in the enforcement of all ordinances and regulations affection Richardson Bay, including the power to issue infraction citations.

Emergency Operations Plan and Evacuation Routes

The City of Sausalito adopted the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MHMP) as its Local Hazard Plan in 2019 (City of Sausalito 2020a). As described in the MHMP, the City of Sausalito Police Department carries out community emergency preparedness activities for the City. The Southern Marin Fire Protection District (SMFD), which annexed the City of Sausalito Fire Department in 2012, has responsibility for fire suppression and emergency response in commercial, residential, wildland/urban interface, and parts of the San Francisco Bay. Per the Health, Safety, and Community Resilience Element of the Sausalito General Plan, the City Police Department, SMFD, and city committees such as the Community Safety/Disaster Preparedness Committee jointly manage emergency response operations (City of Sausalito 2020c).

The City has also developed a Sausalito Disaster Preparedness/Emergency Operations Program to prepare the City for disasters and distribute disaster preparedness information. The program is managed by the City' Director of Emergency Services and Emergency Services Manager. The City also has an Emergency Operations Center (EOC) that is activated during extraordinary emergencies and disasters and an Incident Command System used in planning and coordinating all response and recovery operations (City of Sausalito 2020b).

The City's circulation system plays a key role in emergency operations, providing access to properties and individuals as well as functioning evacuation infrastructure and routes during emergencies. Major roads, as shown on the Circulation and Parking Element of the General Plan, would act as the primary emergency evacuation routes. The nearest routes to the Project site include Bridgeway to the west and Highway 101 to the northwest.

Scenic Roadways

Scenic roads are an important resource. The State of California has identified Highway 101 from opposite San Francisco (beginning from the location at which the Golden Gate Bridge transitions from overwater to overland in Marin County) to Route 1 in Marin City as an Eligible State Scenic Highway – not officially designated (Caltrans 2019).

3.17.3 Discussion

Would the project:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less Than Significant Impact. The project includes the replacement of existing overwater dock infrastructure with a new, slightly smaller dock system in the same location. Operation of the new

dock system would result in similar, if not the same, number of trips generated per day by tenants and employees traveling to and from the project site. The project does not propose new or increased land uses. The project would not alter any aspect of the City's circulation system, including landside transit, roadway, bicycle, and pedestrian facilities, nor waterside navigation channels.

The Sausalito General Plan contains policies and programs to regulate traffic congestion on City streets, including congestion from construction vehicles and other large equipment. Project demolition and construction activities have the potential to impact traffic conditions in the marina parking lot, along Harbor Drive, and at the intersection of Harbor Drive and Bridgeway. The import and export of major construction equipment and the import and export of dock materials would temporarily increase the amount of traffic Sausalito's local streets and the marina facility's driveway and parking lot handle on a daily basis. Three (3) to five (5) trucks would be located onsite to deliver new dock floats and for loading old dock floats removed from the water. Trucks would be located onsite several hours every morning during the demolition and construction period. Trucks would remain on standby each morning in the parking lot nearest the proposed staging area until needed. Flagmen would direct traffic in the event of a detour onsite or on the surrounding Marinship streets. Traffic impacts from Project demolition and construction are expected to be temporary and intermittent over the demolition and construction periods.

A significant impact could occur if the project conflicts with an existing plan. Compliance with City road encroachment permit requirements and the Construction Traffic Control Plan requirements listed in Table 5, which would be imposed on the project as conditions of approval, would ensure consistency with the Sausalito General Plan and TAM Congestion Management Program, thereby ensuring construction traffic congestion and safety issues constitute a less than significant impact.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

Less Than Significant Impact. According to the California Office of Planning and Research's (OPR) Technical Advisory on Evaluating Transportation Impacts (December 2018), land use projects that generate or attract fewer than 100 trips per day generally may be assumed to cause a less-than-significant transportation impact. The existing dock system generates vehicle trips from employees traveling to and from the site and from boat slip tenants traveling to and from the site. The proposed project includes the replacement of a dock system of two marina basins. No change in land use nor increases in land use density are proposed. As a result, the project would not increase vehicle miles traveled (VMT) compared to existing conditions. The project would temporarily generate VMT during the demolition and construction period for the import and export of dock materials; however, temporary construction traffic is not considered in a VMT analysis.

It is therefore reasonable to conclude that the project will have a less-than-significant VMT impact associated with employee travel.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The project would not affect existing roadways. The project would not alter the existing turns into the marina facility. In addition, the project would not alter existing navigation channels from the dock system to the waters of the Richardson Bay and vice versa. Impacts would be less than significant.

d) Result in inadequate emergency access?

Less than Significant Impact. Emergency access to the project site is and would continue to be provided by one existing full-access driveway that extends from the northeast terminus of Harbor Drive. Entrance to the project site is managed by control gates and an attendant kiosk. The existing driveway currently provides sufficient space to allow emergency response vehicles to

enter and exit the marina safely. The project does not propose to alter existing land- or water-based emergency access conditions to the project site. Impacts would be less than significant.

3.17.4 References

California Department of Transportation (Caltrans). 2019. "List of eligible and officially designated State Scenic Highways." Accessed October 14, 2020 at https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

City of Sausalito. 1995. *Sausalito General Plan – Health and Safety Element*. Accessed October 28, 2020 at https://www.sausalito.gov/departments/community-development/1995-general-plan.

_____. 2020a. Sausalito General Plan Update Comprehensive Existing Conditions Report. Accessed October 28, 2020 at https://www.sausalitogeneralplan.org/general-plan-update.

_____. 2020b. "Disaster Preparedness." Accessed October 28, 2020 at https://www.sausalito.gov/services/public-safety/disaster-preparedness.

_____. 2020c. *Final Draft General Plan*. October 20, 2020. Accessed November 18, 2020 at https://www.sausalitogeneralplan.org/.

Richardson's Bay Regional Agency. "About RBRA." Accessed November 6, 2020 at http://rbra.ca.gov/.

Transportation Authority of Marin (TAM). 2019. *2019 CMP Update*. Accessed October 28, 2020 at https://www.tam.ca.gov/congestion-management-program/

3.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	☐	☒	☐	☐

3.18.1 Environmental Setting

The Coast Miwok inhabited the project area prior to invasion of the central coast of California by the Spanish in 1769. The Coast Miwok occupied the northern San Francisco Bay in what is now Marin County, southern Sonoma County, and a small portion of Napa County, and lived in village communities of 75 to several hundred people (Barrett 1907, NPS 2019).

The Coast Miwok gathered tule for skirts, baskets, houses, boats, and mats. They gathered a variety of nuts, including acorns (stored in granaries), buckeye, hazel, and bay, and plants such as lettuce and clover. The Coast Miwok hunted quail, acorn woodpeckers, rabbits, and deer using traps and bow and arrow. Small game was consumed, and the fur used for clothing. Deer provided antler tips used for making arrowheads, sinew for fastening arrow shafts, and leg bones for basketmaking needles. The Coast Miwok relied on the ocean to provide kelp, to be stored or eaten fresh; crabs, clams, mussels, and other seafood; and shells, including those of the abalone (for ornaments) and those of the Washington clam for use as flat disk beads, an importance trade item (NPS 2019).

The arrival of the Spanish led to the rapid demise of native California populations. At the time of Spanish contact, approximately 5,000 Coast Miwoks are thought to have occupied the Novato region. The Coast Miwoks were forcibly moved to and baptized at Franciscan missions between 1783 and 1832 (Milliken 2009). Diseases introduced by the Spanish and the effects of the mission system led to the dwindling of Coast Miwok populations. The closure of the northern California missions began in 1833 with the secularization of the Franciscan missions ordered by the Mexican government (Milliken 2009). Following the closure of the missions, the remaining Coast Miwok

worked in servitude on ranchos established by Mexican land grants (Federated Indians of Graton Rancheria 2020).

3.18.2 Regulatory Setting

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

Native American Heritage Commission, Public Resources Code Sections 5097.9 – 5097.991

Section 5097.91 of the Public Resources Code (PRC) established the Native American Heritage Commission (NAHC), whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.9 of the PRC, a state policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the PRC specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

California Native American Graves Protection and Repatriation Act of 2001

Codified in the California Health and Safety Code Sections 8010–8030, the California Native American Graves Protection Act (NAGPRA) is consistent with the federal NAGPRA. Intended to "provide a seamless and consistent state policy to ensure that all California Indian human remains and cultural items be treated with dignity and respect," the California NAGPRA also encourages and provides a mechanism for the return of remains and cultural items to lineal descendants. Section 8025 established a Repatriation Oversight Commission to oversee this process. The act also provides a process for non–federally recognized tribes to file claims with agencies and museums for repatriation of human remains and cultural items.

Assembly Bill 52

Assembly Bill (AB) 52 specifies that a project that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requests in writing to the lead agency, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

No Native American tribes contacted the City under AB52, and therefore AB52 consultation was not required as part of the project.

City of Sausalito General Plan

The City of Sausalito General Plan is being updated and the Final Draft General Plan was released to the public on October 20, 2020. The following policies relevant to tribal resources are

from the General Plan Update's Community Design, Historic, and Cultural Preservation Element and Environmental Quality Element, and Health, Safety, and Community Resilience Element. These policies have not been adopted but are included here for reference.

> **Policy CD-6.6 Tribal Consultation with Federated Indians of Graton Rancheria.** Consult with the Federated Indians of Graton Rancheria on issues of mutual concern such as the continued preservation of Native American cultural resources, as well as when amending the General Plan, adopting or amending a Specific Plan, designating open space, significant development projects, review of historical tributes through public names and monuments, and at any other time as required by state law. Proactively seek to maintain communication and information exchange to foster effective government-to-government relations.
>
> **Policy EQ-1.6 Archeological Factors and History.** Respect and be sensitive to the native and early history of the Southern Marin area.
>
> **Policy HS-5.4 Native Representation.** The city's mission is to provide for a just, diverse, and equitable future for all citizens, in our community and county. The Federated Indians of Graton Rancheria is traditionally and culturally affiliated with all of Marin County, and therefore the City of Sausalito. As indicated in Governor Gavin Newson's Executive Order, N-15-19, recognized the historical and ongoing violence, exploitation, and discrimination against Native Americans. Executive Order N-15-19 is a formal apology for these, and other wrongs committed by the state and reaffirms Executive Order B-10-11 requiring government-to-government consultation with tribes and the state. The city embraces both these Executive Orders and supports the Federated Indians of Graton Rancheria in the protection and preservation of historic and cultural resources and improve the lives of its Tribal Citizens. The City of Sausalito strives for racial justice and social equity and will engage and consult with the Federated Indians of Graton Rancheria to achieve a more just, diverse and equitable future.

3.18.3 Discussion

Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

Less Than Significant with Mitigation Incorporated. A Sacred Lands Inventory records search was conducted by the Native American Heritage Commission (NAHC) on September 15, 2020. Two Tribes were identified by the NAHC as having potential to know of cultural resources in the project area. These tribes were contacted by letter on October 19, 2020. As of the writing of this Initial Study, one of the tribes contacted, the Federated Indians of Graton Rancheria, responded to the Sacred Lands Inventory outreach on November 24, 2020. The Federated Indians of Graton

Rancheria is aware that there are Tribal Cultural Resources (TCRs) in the project area and requested the City contact the tribe to discuss the project. The potential presence of Tribal Cultural Resources on site due to a positive Sacred Lands Inventory records search result has been taken into account for the discussion provided in Section 3.5.3. The City met with the Federated Indians of Graton Rancheria who request that cultural resource monitoring be conducted during the removal of the existing dock piles so any sediment or Bay mud adhering to the pile could be examined for cultural/tribal resources.

There are no known Tribal Cultural Resources (TCRs) on the project site. As discussed in Section 3.5.3, there is a very minimal chance of Native American archaeological resources, considered here to be TCRs, occurring on the artificially constructed land within the project area, and as no ground disturbing activities would occur above the water, there would be no impacts to land based TCRs.

However, there is the potential for TCRs to be present within bay muds beneath the water in the project area. As discussed in Section 3.5.3, the removal of the piles and debris beneath the water could disturb previously unknown TCRs within the project impact area. Disturbance of TCRs would constitute a significant impact.

Some Native American artifacts may not be considered unique archaeological resources under the CEQA guidelines (i.e., if there is not a demonstrable public interest in that information, it does not possess a special and particular quality such as being the oldest of its type or the best available example of its type, and it is not directly associated with a scientifically recognized important prehistoric event or person). However, it is possible for a lead agency to determine that an artifact is considered significant to a local tribe, and therefore be considered a significant resource under CEQA. Mitigation measures included in Section 3.5, Cultural Resources, of this document include language that all Native American artifacts are to be considered significant until the lead agency has enough evidence to determine an artifact not significant. This ensures that the default assumption is that all Native American artifacts are significant resources under CEQA.

Implementation of Mitigation Measure CUL-1 (see Section 3.5, Cultural Resources) would reduce impacts to TCRs to less than significant.

3.18.4 References

Barrett, S.A. 1907. “The Geography and Dialects of the Miwok Indians.” Berkeley, California. University of California Publications in American Archeology and Ethnology, Vol. 6, No. 3.

Federated Indians of Graton Rancheria. 2020. “History.” Accessed October 28, 2020 at https://gratonrancheria.com/culture/history/.

Milliken, Randall. 2009. “Ethnohistory and Ethnogeography of the Coast Miwok and Their Neighbors.” Archaeological/Historical Consultants.

Native American Heritage Commission (NAHC). 2020. Unpublished letter containing search results from Sacred Lands File search. Kept on file at NAHC and with MIG. Inc.

National Park Service (NPS). 2019. “Coast Miwok at Point Reyes.” Accessed October 28, 2020 at https://www.nps.gov/pore/learn/historyculture/people_coastmiwok.htm.

San Francisco State University (SFSU). 2020. “Culture: Coast Miwok Indians.” Accessed October 28, 2020 at http://online.sfsu.edu/bholzman/ptreyes/introclt.htm.

3.19 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

3.19.1 Environmental Setting

Sanitary Sewer: The City has approximately 20.9 miles of gravity-fed sanitary sewer pipelines, four lift stations, three force mains, one open-ended force main totaling 1773 linear feet, 650 manholes and access points, and 635 main sewer lines. The City owns most of the sewer collection system, except for lower laterals, but does not have its own wastewater treatment plant. The City is responsible for the collection system's gravity sewer mains, while the Sausalito-Marin City Sanitary District (SMCSD) controls the operation and maintenance of the City-owned lift stations and force mains. The City contracts with the SMCSD to handle the conveyance of wastewater from the City's collection system and the treatment and disposal of wastewater into the San Francisco Bay (City of Sausalito 2019). The SMCSD Wastewater Treatment Plant provides wastewater treatment for Marin City, the City of Sausalito, a portion of the Tamalpais Community Services District, and the Golden Gate National Recreation Area (SMCSD 2019). The plant has a daily dry weather flow treatment capacity of approximately 1.8 million gallons per day (MGD), an average daily secondary treatment capacity of approximately 6.0 MGD, and a maximum hydraulic capacity of 13.0 MGD (SMCSD 2019).

Solid Waste: Garbage, compost, and recycling pick-up service is provided by Bay Cities Refuse and serviced by Redwood Sanitary Landfill (City of Sausalito 2020a).

Water: The Marin Municipal Water District (MMWD) provides water service to the City of Sausalito. The MMWD serves the cities of San Rafael, Mill Valley, Fairfax, San Anselmo, Ross,

Larkspur, Corte Madera, Tiburon, Belvedere, and Sausalito. The MMWD 2015 Urban Water Management Plan (UWMP) states the 2015 daily per capita water use in the district was 110 gallons. MMWD's primary water supply is local surface water. MMWD purchases additional water for customers from the Sonoma County Water Agency (SCWA). The MMWD potable water system includes 886 miles of water mains, 94 pump stations, three potable water treatment plants, and 127 treated water storage tanks with a total storage capacity of 81.9 million gallons (MMWD 2016).

Electricity and Gas: Pacific Gas and Electric Company (PG&E) furnishes natural gas and electricity to the City of Sausalito.

3.19.2 Regulatory Setting

Waste Reduction and Recycling

The California Integrated Waste Management Act requires jurisdictions to divert 50 percent of their waste in the year 2000. Jurisdictions select and implement the combination of waste prevention, reuse, recycling, and composting programs that best meet the needs of their community while achieving the diversion requirements of the Act. SB 1016, Wiggins, Chapter 343, Statutes of 2008 passed in 2008, introduced a per capita disposal measurement system that measures the 50 percent diversion requirement using a disposal measurement equivalent.

County of Marin Environmental Health Services

The Environmental Health Services Division of the County of Marin Community Development Agency is the State-certified Local Enforcement Agency (LEA) for solid waste in Marin County. The LEA regulates all facilities and operations for the collection, handling, transportation, storage, and disposal of solid waste, including construction and demolition debris, in the County.

City of Sausalito Sewer System Management Plan (SSMP)

The 2019 SSMP was prepared by the City of Sausalito in compliance with requirements of the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to section 13267 of the California Water Code. The SSMP is intended to meet the requirements of both the RWQCB and the Statewide General Waste Discharge Requirements (GWDR).

3.19.3 Discussion

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact. The project is the redevelopment of an existing dock system and would result in a new dock system with a smaller footprint. No change in land use is proposed. The project would include the installation of new utility lines that would be affixed to the dock system and tied into existing utilities facilities, but the project would not result in the relocation or construction of new or expanded water, wastewater treatment, storm drainage, electric power, natural gas, or telecommunications facilities.

The project is subject to compliance with the requirements of Section 401 of the Clean Water Act as it proposes activities that may potentially discharge pollutants into waters of the United States. The Project is required to secure a 401 Water Quality Certification permit from the San Francisco Bay RWQCB, which regulates general waste discharge requirements and water quality certifications for construction and maintenance of overwater structures in the San Francisco Bay. The Project would be required to adhere to stormwater control BMPs during demolition and construction activities. Following the completion of Project demolition and construction activities,

normal marina operations would continue to be subject to the requirements of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) under the County's National Pollutant Discharge Elimination System (NPDES) Phase II MS4 Permit.

The project would have a less-than-significant impact on utilities and service systems.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. Normal marina operations consume potable water to serve vessels moored to the new dock system and for general cleaning and bathroom use. The proposed project would result in the consumption of potable water for domestic use by construction crews and for cleaning purposes. The MMWD 2015 Urban Water Master Plan (UWMP) documents MMWD's ability to serve its customers during both normal and dry years.

MMWD receives its potable water supply from a combination of local surface water and water purchased from the Sonoma County Water Agency (SCWA). MMWD operates seven local, rain-fed reservoirs with a total storage capacity of 79,566 acre-feet per year (AFY) (25.9 billion gallons), and an operational yield of approximately 20,000 AFY. MMWD's contract with SCWA allows for MMWD to take deliveries of up to 14,300 AFY. Local surface water sources are expected to continue to compose the majority of the District's water supply.

The 2015 Urban Water Management Plan demonstrates the MMWD has and will continue to have sufficient water supplies during normal and dry water years. The MMWD has implemented measures to increase water storage and supply from the SCWA and implements conservation measures and a Dry Year Water Use Reduction Program (MMWD 2016). The MMWD intends to evaluate additional water supply options in the future to further ensure reliable water supplies during normal and dry water years. However, during water shortage events, including on-year or multi-year droughts, the MMWD may need to implement measures to counter reductions in supply.

Reductions in supply during dry years would need to be met through a combination of customer demand reductions from implementation of the Water Shortage Contingency Plan, increased water conservation, and the development of alternative water supplies. MMWD implements a three-stage approach to drought response that corresponds to specific levels of water in the District's reservoirs. At each higher stage MMWD requires more aggressive water use reductions from its customers. The Alert Stage requires voluntary water rationing of up to 10 percent when total reservoir storage is less than 50,000 AF on April 1st, the Mandatory Rationing Stage requires rationing of 25 percent when total reservoir storage is less than 40,000 AF on April 1st, and the Water Shortage Emergency Stage requires 50 percent mandatory rationing when total reservoir storage on December 1st is predicted to be 30,000 AF or less. Further, the Water Shortage Contingency Plan incorporates restrictions and prohibitions on end users, including restrictions on landscape irrigation, halting water service at restaurants, requiring covers for pools and spas, and other measures.

The project proposes the replacement of the existing dock system in Basin 3 and Basin 4 of the marina with a new dock system of smaller size and containing one less boat slip. Currently, the dock system uses potable water for the water hose hook-ups provided for every boat slip, the potable water hook-ups provided for a maximum of 27 liveaboards (distributed across all three marina basins), and for firefighting purposes. The new potable water system would be required to comply with MMWD standards to utilize flexible connections that move with the dock system.

While the 2015 UWMP indicated water supply deficiencies during single- and multiple dry years, the water conservation measures under the 2015 UWMP as described above would ensure adequate supply of water. The project does propose to increase land uses at the project site. The project is not expected to substantially increase water use nor increase water use to the extent

that it could not be served by existing entitlements. Therefore, a less than significant impact would occur with regard to water supply.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. Currently, marina tenants use the stand-alone restroom facilities located on the project site west of the docks in Basin 3 and Basin 4 and/or toilets located aboard vessels. All vessels using the marina facility are required to be equipped with an approved sewage holding tank. Wastewater would continue to be generated from use of existing stand-alone restroom facilities, which also serve Basin 2 of the marina facility, and use of onboard toilets. A self-contained dock-mounted sewage pump out machine, which includes a pump and suction hose, would be installed at each boat slip 30 feet or greater in size. Tenants would pump sewage from vessel holding tanks into the pump out machines. Discharge plumbing installed in the dock system would transfer sewage from the slip pump out machines to a centrally located dock pump and then to existing landside sanitary sewer connections owned and maintained by the City of Sausalito Department of Public Works. Sanitary sewage would then be conveyed to and treated by the SMCSD wastewater treatment plant.

KECO, Inc. prepared a sewer demands analysis, titled "Clipper Yacht Harbor, CA. Sewage PumpOut System Analysis," and dated 2020. According to the sewer demands analysis, it is most appropriate to base the sewage flow demand for marina facilities on total pumping (pumps) systems rather than individual vessels or individual connection points, as sewage generate onboard a vessel varies greatly by vessel size and type, onboard fixture county, geographical location and climate, proximity to landside restrooms, and local boating culture. In general, the average flush of a maria toilet require significantly less water than that of a modern residential toilet (16-64 ounces of water per flush compared to 164-205 ounces (1.28-1.6 gallons) of water per flush). In addition, the sewage volume pumped by the dock pump out system is limited by the fixed capacity of each pump out machine rather than the capacity of a vessel's holding tank. The sewer demands analysis determined the new dock system would produce approximately 1,380.3 gallons of wastewater per day at a low value estimate, 1,610.9 gallons per day at an average value estimate, and 1,841.0 gallons per days at a high value estimate. Theoretically, all vessels using the marina facility are currently using existing pump out systems or mobile pump out services due to Clipper Yacht Harbor's location in a Federal No Discharge Zone. The sewer demands analysis concluded the new dock system would see a nominal increase in sewage demand due to improvement in access to/convenience of the boat slip pump out machines.

The project is expected to produce a nominal increase in wastewater compared to wastewater quantities produced by the existing marina facility. This nominal increase in wastewater generation would be considered a less then significant impact. Further, according to the City of Sausalito Department of Public Works, Clipper Yacht Harbor currently holds a 20-year sanitary sewer certificate, effective 2015, for its landside sewer system, and a landside investigation of the marina sewer system is not required for the project (City of Sausalito 2021). The proposed project would not adversely impact the wastewater treatment provider's (SMCSD) ability to serve the project or the provider's existing commitments.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact (Responses d - e). Chapter 12.24 of the Municipal Code regulates the collection and disposal of solid waste within the City. For example, Section 12.24.040 establishes mandatory garbage and recycling requirements for both commercial and

residential customers. Other sections relate to the general collection, handling, and proper disposal of solid waste. Municipal Code Chapter 8.54 directs construction and demolition waste recovery, including proper debris recycling procedures. Code Section 8.54.040 requires all project applicants to complete and submit a recycling management plan (RMP) that includes the estimated volume or weight of debris, by materials type, to be generated; the vendor and/or facility that the applicant proposes to use to receive the materials; and the estimated volume or weight of materials that will be landfilled. RMPs must be submitted to and approved by the City Community Development Department prior to issuance of a final inspection or final occupancy for a project.

The project would recycle all recyclable dock materials, including copper piping, concrete piles, and recyclable plastics and metals. Most dock float material would be disposed of rather than recycled, as the floats are composed of treated wood and foam that cannot be recycled. The project would be subject to the requirements of Municipal Code Chapter 12.24 and would manage the waste generated on site consistent with regulations for the disposal, handling, and transport of solid waste in the City to ensure compliance with State regulations. Project demolition and construction debris would be managed according to Municipal Code Chapter 8.54, including Section 8.54.040, which requires the completion and approval of an RMP. Overall, the project is expected to comply with federal, State, and local regulations regarding solid waste and a less than significant impact would occur.

3.19.4 References

City of Sausalito. 2019. Sewer System Management Plan. Accessed October 14, 2020 at https://www.sausalito.gov/departments/public-works/sewer-division.

City of Sausalito. 2020a. Final Draft General Plan. October 20, 2020. Accessed November 18, 2020 at https://www.sausalitogeneralplan.org/.

_____. 2020b. Sausalito Municipal Code. Accessed October 14, 2020 at https://www.codepublishing.com/CA/Sausalito/#!/Sausalito08/Sausalito0854.html#8.54.040.

City of Sausalito. 2021. Email correspondence with Kevin McGowan, City of Sausalito Public Works Director. March 12, 2021.

KECO, Inc. 2020. Clipper Yacht Harbor, CA. Sewage PumpOut System Analysis.

Marin Municipal Water District (MMWD). 2016. Urban Water Management Plan 2015 Update. Accessed October 14, 2020 at https://www.marinwater.org/217/Water-Supply-Planning.

Sausalito-Marin City Sanitary District (SMCSD). 2019. Sewer System Management Plan. Accessed October 14, 2020 at http://sausalitomarincitysanitarydistrict.com/news-and-documents/documents/.

3.20 WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Is the project located near state responsibility areas or lands classified as very high fire hazard severity zones?	☐ Yes		☒ No	
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

3.20.1 Environmental Setting

The Project site is situated within the City of Sausalito in southern Marin County. Sausalito is a small city located along the western shore of Richardson Bay. The City is predominantly developed but contains wildland areas along its western limits and is immediately adjacent to wildland areas in the Golden Gate National Recreation Area.

3.20.2 Discussion

Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact (a-d). The project site is a recreational marina located partially in an urban area on the Richardson Bay. The project site not within or near a state responsible area (SRA) and is approximately 0.6 miles east of the nearest high fire hazard zone (VHFHZ) (CalEOS 2019), which is located in Unincorporated Marin County near Oakwood Valley in the Golden Gate National Recreation Area. The project would involve the replacement of a marina dock system and would not affect wildfire hazards in the area; therefore, there is no impact.

3.20.3 References

California Governor's Office of Emergency Services (CalEOS). 2019. MyHazards Webmapping Tool. Accessed October 5, 2020 at: http://myhazards.caloes.ca.gov/

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the efforts of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

3.21.1 Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant with Mitigation Incorporated. The proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Mitigation Measures BIO-1a, BIO-1b, BIO-2, CUL-1, and CUL-2 would reduce potentially significant impacts to biological resources, cultural resources, and tribal cultural resources to less than significant.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the efforts of past projects, the effects of other current projects, and the effects of probable future projects)?

Less Than Significant Impact. The proposed project would consist of the replacement of an existing dock system in Basins 3 & 4 at the Clipper Yacht Harbor. The new dock system would

be the same size as the existing system (it would have one less boat slip) and would not increase boat usage at the marina. The project's impacts are all short-term construction impacts. Active construction is estimated to last approximately 8 months total between the dock replacement activities at the two Basins. The project would not contribute to cumulative impacts of other current or probable future projects.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant with Mitigation Incorporated. Project construction could result in adverse short-term construction impacts. The project would have potentially significant impacts on biological resources, cultural resources, geology and soils, and tribal cultural resources. Mitigation measures have been identified and included in the project to reduce these impacts to less than significant. The project would have a less than significant impact on all other resource areas.

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