
Final Initial Study/Mitigated Negative
Declaration

Alameda Main Street Ferry Terminal Refurbishment Project

SCH #2022110632

Prepared for:

**SAN FRANCISCO BAY AREA
WATER EMERGENCY TRANSPORTATION AUTHORITY**

Pier 9, Suite III, The Embarcadero
San Francisco, California 94111
Contact: Chad Mason

Prepared by:

DUDEK

1102 R Street
Sacramento, California 95811
Contact: Christine Fukasawa

FEBRUARY 2023

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1 Introduction

This Final Initial Study/Mitigated Negative Declaration (Final IS/MND) has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the proposed San Francisco Bay Area Water Emergency Transportation Authority's (WETA) Alameda Main Street Ferry Terminal Refurbishment Project (project).

1.1 California Environmental Quality Act

CEQA requires lead agencies to prepare and certify an environmental document that analyzes the potential effects of a proposed project before approving a project that may cause a significant environmental impact. An IS/MND was prepared by WETA in November 2022 and included the following elements, as required by CEQA and specified under CEQA Guidelines Section 15071:

- (a) A brief description of the project, including a commonly used name for the project, if any;
- (b) The location of the project, preferably shown on a map, and the name of the project proponent;
- (c) A proposed finding that the project will not have a significant effect on the environment;
- (d) An attached copy of the Initial Study documenting reasons to support the finding; and
- (e) Mitigation measures, if any, included in the project to avoid potentially significant effects.

This Final IS/MND was prepared to inform decisionmakers of the potential effects of the proposed project, as required by CEQA and in compliance with Appendix G of the CEQA Guidelines. As such, this document is intended to be used for local planning and decision-making processes and does not recommend approval or denial of the proposed project.

Under CEQA, the lead agency is the public agency with primary responsibility over approval of the project. WETA is the CEQA lead agency because it is responsible for discretionary approval of the proposed project. As the CEQA lead agency, WETA will consider whether to adopt the IS/MND and approve the proposed project.

1.2 Public Review of the Initial Study and Mitigated Negative Declaration

The purpose of this document is to present to decision-makers and the public information about the environmental consequences of implementing the project. A Notice of Intent (NOI) to adopt the IS/MND was published and the IS/MND document was available for public/agency review and comment for a 30-day public review period from November 30, 2022 to December 30, 2022. The NOI was mailed to interested parties and agencies as well as residences and property owners within a 525-foot radius of the project site. The IS/MND document was available for public review at WETA's offices and was also available for download and review at: <https://weta.sanfranciscobayferry.com/current-projects/main-street-alameda-refurbishment>.

Two (2) comment letters were received in response to the NOI and public review of the IS/MND. Responses to received comment letters are provided in Section 2, Responses to Comments, of this Final IS/MND.

1.3 Use of this Final IS/MND

The CEQA Guidelines do not require a lead agency to respond directly to comments received from persons who reviewed the Draft IS/MND; however, WETA has done so in this Final IS/MND to provide as much information to the public and decision makers as is possible. This Final IS/MND allows the public, decision makers, and WETA an opportunity to review the response to comments and revisions to the IS/MND prior to WETA's Board of Directors decision on the project. The Final IS/MND must be provided to agencies that commented on the Draft IS/MND at least 10 days in advance of the meeting at which certification of this document is considered. The Final IS/MND serves as the environmental document to support approval of the proposed project.

2 Responses to Comments

This section of the Final IS/MND contains the comment letters received during the public review period for the IS/MND, which concluded on December 30, 2022.

2.1 Comment Letters Received

Table 1, below, lists the comment letters received, and the alpha-numerical designation, author, and date of each letter. Comment letters are numbered in the order in which they were received by WETA. Individual comments are bracketed, numbered, and correspond to the comments and responses presented in this section. Comment letters in their original form are also included as Appendix A.

Table 1: Comment Letters Received During the IS/MND Public Review Period

No.	Committer/Organization	Date Received
Agencies		
A-1	East Bay Municipal Utility District David J. Rehnstrom, Manager of Water Distribution Planning	December 21, 2022
A-2	California Department of Fish and Wildlife Craig Shuman, Marine Regional Manager Arn Arreberg, Environmental Scientist	December 23, 2022

2.2 Agencies

The bracketed comment letters are as follows.

East Bay Municipal Utility District (A1)



December 21, 2022

Chad Mason, Project Manager/Senior Planner
San Francisco Bay Area Water Emergency Transportation Authority
Pier 9, Suite III, The Embarcadero
San Francisco, California 94112

Re: Notice of Public Review and Intent to Adopt a Proposed Initial Study/Mitigated Negative Declaration for Alameda Main Street Ferry Terminal Refurbishment Project, Alameda

Dear Mr. Mason:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Alameda Main Street Ferry Terminal Refurbishment Project located at 2990 Main Street in the City of Alameda (City). EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation range between 0 and 100 feet, will serve the proposed development. Separate parcels require separate water meters. A water main extension, at the project sponsor's expense, may be required to serve the property depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. A minimum 20-foot-wide right-of-way is required for installation of new water mains. Please see the attached EBMUD documents for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains. The project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

A1-1

EBMUD's Standard Site Assessment Report and the project's IS/MND indicate the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and

A1-2

375 ELEVENTH STREET • OAKLAND • CA 94607-4240 • TOLL FREE 1-866-40-EBMUD

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groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

A1-2

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A1-3

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to

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perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

A1-3

WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the lead agency include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

A1-4

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:EZ:djr
sb22_363Alameda Main Street Ferry Terminal Refurbishment Project.doc

Attachment



Applicant Pipeline Design Criteria

EBMUD values applicant pipeline projects and is committed to providing a thorough and efficient design. To ensure an efficient design process and to avoid significant delays the design criteria below should be adhered to when submitting improvement plans.

Design Criteria

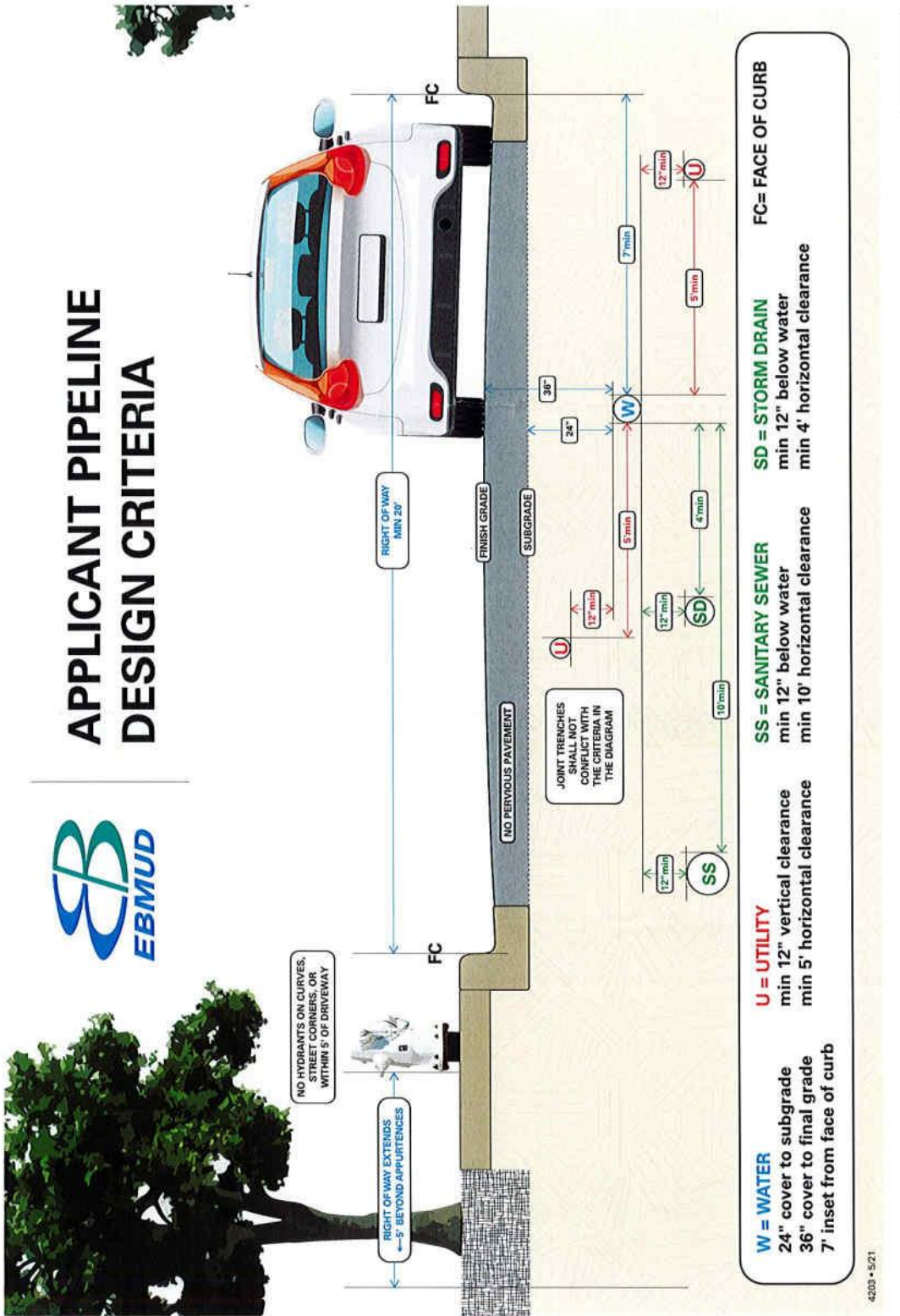
- Water mains shall be seven (7) feet from face of curb.
- Water mains shall maintain a minimum one (1) foot vertical and five (5) foot horizontal clearance from other utilities.
- Gas mains shall meet the one (1) foot vertical separation requirement by installing the gas main below the water main only.
- Water mains shall maintain a minimum ten (10) foot horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any sewer main. Title 22 CCR
- Water mains shall maintain a minimum four (4) feet horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any storm drain. Title 22 CCR
- Water mains shall have a 36-inch cover to final grade and 24-inch cover to pavement subgrade.
- Joint trenches that are in conflict with the criteria above may delay the project. Submit to EBMUD final joint trench plans (no intent plans) which include the size of the joint trench and the utilities located inside.
- Water mains shall not be installed under pervious pavement.
- Water mains installed under decorative pavement, pavers, or stamped concrete will require an additional paving agreement.
- Hydrants shall not be located on curved sections of street, street corners, or within five feet of a driveway.
- Right of ways for 6-inch and 8-inch water mains shall be a minimum of 20 feet wide and extend five (5) feet past the water main centerline.
- Right of ways for 12-inch to 24-inch water mains shall be a minimum of 20 feet wide and extend eight (8) feet past the water main centerline.

Please contact the New Business Office representative assigned to your project if there are any questions regarding the requirements listed above. Meeting this criteria will enable the most efficient design possible.

March 2021

A1-5

APPLICANT PIPELINE DESIGN CRITERIA



4233 • 5/21

A1-5

Response A1-1

The comment is introductory in nature and includes language related to East Bay Municipal Utility District's (EBMUD) service requirements for water mains. The comment requests that WETA coordinate with EBMUD on provision of water service to the project. WETA appreciates EBMUD's comment and will coordinate with EBMUD regarding water service requirements and logistics for the project. The comment does not address the analysis or the findings presented in the IS/MND and therefore, no further response is necessary.

Response A1-2

The comment indicates that the project site has potential for contaminated soils or groundwater and as a result, EBMUD will not install piping or provide services to the project site until WETA provides copies of known soil and groundwater quality information within or adjacent to the project boundary in addition to a legally sufficient, complete, and specific written remediation plan to remove, treat, and dispose of contaminated soil and groundwater. The comment states that if no soil or groundwater quality data exists, or the information supplied by the project responder is insufficient, sampling and subsequent analysis may be required. WETA appreciates EBMUD's comment and will ensure that if any adverse soil and/or groundwater quality conditions exist within the project site, they will be appropriately remediated and coordinated with EBMUD prior to any piping services required for the project.

Response A1-3

The comment provides information related to EBMUD's Main Wastewater Treatment Plan (MWWTP) and interceptor system as well as capacity to handle peak wet weather flows and the operation of EBMUD's Wet Weather Facilities (WWFs). The comment states that EBMUD's MWWTP has adequate dry weather capacity to accommodate proposed wastewater flows; however, wet weather flows are a concern. The comment also includes a summary of EBMUD's requirement to eliminate WWF discharges by 2036.

The comment indicates that the project should conform to the EBMUD's Regional Private Sewer Lateral Ordinance. It also suggests that the project include the following mitigation measures: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

As described in Section 3.19, Utilities, of the IS/MND, the project does not currently generate substantial wastewater and project implementation, which includes refurbishment of the existing AMF Ferry Terminal structures, does not involve construction of new or expanded wastewater infrastructure such that existing infrastructure would need to be replaced or rehabilitated. Once construction activities are completed, the project would operate similarly to existing conditions. Further, no changes in operational demand are anticipated such that increased wastewater would be generated as a result of project implementation. As a result, no modifications are planned, and mitigation measures are not necessary, with regard to wastewater infrastructure. Infrastructure would be subject to regular maintenance, ensuring that such infrastructure is free from defects and complies with the requirements of the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency

ordinances. This comment does not address the analysis or the findings presented in the IS/MND and, therefore, no further response is necessary.

Response A1-4

The comment contains a request that WETA include compliance with Assembly Bill 325 (AB 325), “Model Water Efficient Landscape Ordinance” as a condition of project approval. The comment also states that EBMUD’s Water Service Regulations require that new or expanded water service shall not be furnished unless all applicable water-efficiency measures are installed by the project sponsor. The project would not result in demand for new or expanded water services, nor does it include any changes to landscaping. Once construction activities are completed, the project would operate similarly to existing conditions. WETA appreciates EBMUD’s comment, will add compliance with AB 325 as a condition of approval, and will ensure that implementation of the project would comply with local requirements related to the provision of EBMUD water service and infrastructure. The comment does not address the analysis or the findings presented in the IS/MND and therefore, no further response is necessary.

Response A1-5

The comment letter included an attachment of EBMUD’s Applicant Pipeline Design Criteria. Project improvements would be required to comply with these design criteria as it relates to water infrastructure. The comment does not address the analysis or the findings presented in the IS/MND and therefore, no further response is necessary.

California Department of Fish and Wildlife (A2)



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 23, 2022

Chad Mason
San Francisco Bay Area Water Emergency Transportation Authority
Pier 9, Suite III, The Embarcadero
San Francisco, CA 94112
cmason@watertransit.org

Dear Mr. Mason:

**Alameda Main Street Ferry Terminal Refurbishment Project (Project)
Initial Study/Mitigated Negative Declaration (ISMND)
SCH# 2022110632**

The California Department of Fish and Wildlife (Department) received an ISMND from the San Francisco Bay Area Water Emergency Transportation Authority (WETA) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

A2-1

DEPARTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, Section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

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

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The Department is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, implementation of the Project may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

A2-1

Proponent: Water Emergence Transportation Authority (WETA)

Objective: The objective of the Project is to address aging and deterioration of the Alameda Main Street ferry terminal and to meet current seismic safety standards.

Location: The Project is located in the Oakland-Alameda Estuary at 2990 Main Street within the City of Alameda, in Alameda County.

Timeframe: Project construction is expected to take approximately 4-6 weeks in the summer/fall of 2023.

MARINE BIOLOGICAL SIGNIFICANCE

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries.

STATE AND FEDERALLY LISTED, COMMERCIAL/RECREATIONAL IMPORTANT, AND RARE SPECIES

Protected species under the State and Federal Endangered Species Acts that could potentially be present near Project activities include:

- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Spring-run), state and federally endangered (Winter-run)
- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast and Central Valley ESUs)
- Green sturgeon (*Acipenser medirostris*), federally threatened (southern DPS)
- White sturgeon (*A. transmontanus*), state species of special concern
- Brown pelican (*Pelecanus occidentalis californicus*), state fully protected

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- California least tern (*Sternula antillarum browni*), state and federally endangered and state fully protected
- American peregrine falcon (*Falco peregrines anatum*), state fully protected

Several species with important commercial/recreational fisheries value and habitat value for spawning and rearing could potentially be present near Program activities; these include:

- Dungeness crab (*Cancer magister*)
- Pacific herring (*Clupea pallasii*)
- Surfperches (*Embiotocidae*)
- California halibut (*Paralichthys californicus*)
- Eelgrass (*Zostera marina*)

A2-1

COMMENTS AND RECOMMENDATIONS

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

I. Project Level Impacts and Other Considerations

Pile Driving

Comment: The ISMND describes the installation of 11 steel pipe piles, ranging from 24" to 72" as part of the refurbishment of the existing ferry terminal. The piles are proposed to be primarily driven with a vibratory hammer and an impact hammer as necessary. As WETA and the Department have previously discussed through early consultation meetings, the use of an impact hammer has the potential to exceed hydroacoustic thresholds in which injury and/or mortality to fish may occur. This concern is consistent with the hydroacoustic analysis presented in the ISMND. As outlined in the ISMND, for the Department to authorize take to occur, a 2081(b) permit would be necessary.

A2-2

Recommendation: The Department recommends that WETA continue consultation with the Department regarding a 2081(b) incidental take permit.

Eelgrass

Comment: California Public Resources Code (PRC Section 35630) outlines the importance of eelgrass protection and restoration in California and other West Coast states. Eelgrass has numerous benefits, as outlined within PRC 35630, such as

A2-3

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habitat for listed and commercially valuable species, water quality, carbon sequestration, and shoreline protection.

The Oakland-Alameda Estuary contains small beds and patches of eelgrass along the western shoreline as it meets the main part of central San Francisco Bay. Previous bay wide eelgrass surveys show eelgrass within 200 meters of the Project just offshore of the Main Street Dog Park. CDFW is unaware of any recent eelgrass surveys that may have occurred within the vicinity of the Project and there is some uncertainty on whether eelgrass may be impacted by Project activities. Given the amount of time since the last known survey of the area, it is reasonable to expect eelgrass may have expanded further toward the ferry terminal since it was previously mapped. The ISMND does not describe potential impacts to eelgrass from Project activities such as elevated turbidity or direct impact from pile installation within eelgrass habitat. The California Eelgrass Mitigation Policy (attachment 1) contains recommendations for avoidance and minimization measures, and recommendations for surveying eelgrass within, and adjacent to, the Project footprint.

A2-3

Recommendation: The Department recommends that the ISMND include discussion on the potential impacts from Project activities to eelgrass within and adjacent to the Project footprint.

Recommendation: The Department recommends that an additional mitigation measure be included for eelgrass and include the following:

Eelgrass surveys, pre- and post-construction, will be conducted in accordance with the conditions and recommendations contained with the California Eelgrass Mitigation Policy. If it is determined, from the results of the pre-construction eelgrass survey, that potential impacts to eelgrass will occur from Project activities, an eelgrass monitoring and mitigation plan will be prepared. All surveys and plans will be provided to CDFW and National Marine Fisheries Service (NMFS), along with the other authorizing agencies, prior to and following the start of construction.

II. Editorial Comments and/or Suggestions

Comment: The ISMND discusses the creation of hydroacoustic injury criteria developed by NMFS for fish and marine mammals. Although it is correct that the NMFS created criteria for marine mammals, this statement is incorrect for fish. The Hydroacoustic working group, comprised of numerous state and federal agencies, including the Department, developed the *Agreement in Principle for Interim Criteria for Injury to fish from Pile Driving Activities* in 2008 (attachment 2). This section should be edited to credit the fish injury criteria to the Fisheries Hydroacoustic Working Group as described within the attached document.

A2-4

Location in Document: p. 29, Underwater Noise Impacts, second paragraph.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

A2-5

FILING FEES

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

A2-6

CONCLUSION

The Department appreciates the opportunity to comment on the DEIR to assist WETA in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Arn Aarreberg, Environmental Scientist, at (707) 791-4195 or Arn.Aarreberg@wildlife.ca.gov.

Sincerely,



Craig Shuman, D. Env
Marine Regional Manager

Attachment 1 – California Eelgrass Mitigation Policy

Attachment 2 – Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities

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cc: Becky Ota, Program Manager
Department of Fish and Wildlife
Becky.Ota@wildlife.ca.gov

Eric Wilkins, Senior Environmental Scientist
Department of Fish and Wildlife
Eric.Wilkins@wildlife.ca.gov

Arn Aarreberg, Environmental Scientist
Department of Fish and Wildlife
Arn.Aarreberg@wildlife.ca.gov

Anniken Lydon
San Francisco Bay Conservation and Development Commission
Anniken.Lydon@bccdc.ca.gov

Xavier Fernandez
Regional Water Quality Control Board
Xavier.Fernandez@waterboards.ca.gov

State Clearinghouse (SCH No. 2022110632)
State.clearinghouse@opr.ca.gov

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Response A2-1

The comment is introductory in nature and includes language related to California Department of Fish and Wildlife's (CDFW) role for fish and wildlife resources within the state as well as a Responsible Agency under CEQA for the project. The comment also includes an overview of the project, describes the biological significance of the San Francisco Bay-Delta, and lists protected species under the State and Federal Endangered Species Acts that could potentially be present near project activities as well as species with important commercial/recreational fisheries value and habitat value for spawning and rearing near project activities. The comment does not address the analysis or the findings presented in the IS/MND and, therefore, no further response is necessary.

Response A2-2

The comment indicates that because the project could use an impact hammer during construction activities, it has the potential to exceed hydroacoustic thresholds in which injury and/or mortality to fish may occur. As described in the IS/MND, for the CDFW to authorize take to occur, a 2081(b) incidental take permit (ITP) would be necessary. The comment includes the recommendation that WETA continue consultation with the Department (CDFW) regarding a 2081(b) permit. WETA appreciates CDFW's comment and will continue to engage in consultation regarding the 2081(b) ITP.

Response A2-3

The comment describes the importance of California eelgrass and its potential to occur in the project vicinity. It suggests that because eelgrass has historically been identified in the project area, including within a portion of the Oakland-Alameda Estuary that meets the San Francisco Bay, there is potential for project activities to affect California eelgrass within and adjacent to the project footprint that should be discussed in the IS/MND. Further, the comment recommends that a mitigation measure be included that would require pre- and post- construction eelgrass surveys to be conducted in accordance with the conditions and recommendations contained in the California Eelgrass Mitigation Policy. The comment states that, in the event that eelgrass is identified during pre-construction surveys, a monitoring and mitigation plan and surveys should be prepared and provided to CDFW and the National Marine Fisheries Service (NMFS), along with other authorizing agencies, prior to and following the start of construction.

As described on page 31 of the IS/MND and page 30 of the Biological Technical Report, no eelgrass beds occur within the biological study area (i.e., project area). The reconnaissance survey conducted for the project, which included visual surveys from the shore, ferry terminal walkway and platform, and from a boat, did not identify the presence of eelgrass within the biological study area. Surveys were conducted at mid-tide under fair conditions and water turbidity was low, allowing for good survey coverage of the substrate in suitable shallow water. The potential for eelgrass within the project site and surrounding area was also determined to be low based on limited suitable substrate between rip-rap in the shallow areas along the shoreline and gangway, and dredging/deep water near the ferry terminal float (Dudek 2022). Prior to the reconnaissance survey, the San Francisco Bay Eelgrass Impact Assessment Tool (BCDC 2022) was reviewed; no eelgrass was mapped within the biological study area and the biological study area is outside of the eelgrass growth buffer. Because California eelgrass is not present in the biological study area (project area), the project would have no adverse effect to California eelgrass. Therefore, no mitigation measures are necessary.

However, WETA shall coordinate with CDFW, NMFS, and other authorizing agencies and, as a condition of the 2081(b) ITP approval, shall perform a pre- and post-construction California eelgrass survey (in accordance with the conditions contained with the California Eelgrass Mitigation Policy). These pre- and post-construction California eelgrass surveys are not mitigation measures required under CEQA, but are instead ITP conditions that merely confirm the reconnaissance survey results in that the project construction would have no adverse effect on California eelgrass.

Response A2-4

The comment includes a suggested edit to the Underwater Noise Impact discussion on page 29 of the IS/MND. Specifically, the comment suggests that the *Agreement in Principle for Interim Criteria for Injury to fish from Pile Driving Activities in 2008*, included as an attachment, be referenced in describing hydroacoustic injury criteria. WETA appreciates CDFW's comment and has revised the text provided on page 29 the IS/MND to reflect this edit. Please refer to text changes provided in Section 3.1, Text Changes, below.

Response A2-5

The comment requests that any special status species and natural communities detected during project surveys be incorporated into the California Natural Diversity Database (CNDDDB) and provides a link and instructions regarding submittal of information. WETA appreciates CDFW's comment and will report project-specific survey findings to the CNDDDB. The comment does not address the analysis or the findings presented in the IS/MND and therefore, no further response is necessary.

Response A2-6

The comment states that CDFW filing fees are required upon filing the project Notice of Determination (NOD). WETA appreciates CDFW's comment and will adhere to the filing fee requirements upon filing the project NOD. The comment does not address the analysis presented in the IS/MND and therefore, no further response is necessary.

3 Revisions to the IS/MND

This section identifies changes made to the IS/MND to correct or clarify the information contained in the document. Additions to IS/MND text are shown in underline and deletions shown in ~~strikethrough~~. The reader is referred to the page number where the change has occurred. None of the corrections, additions, or deletions constitute significant new information or substantial project changes as defined by CEQA Guidelines Section 15088.5.

3.1 Text Changes

This section includes revisions to IS/MND text. All changes appear in order of their location in the Draft IS/MND.

IS/MND Cover

WETA hereby revises the listed address as follows:

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

Pier 9, Suite III, The Embarcadero
San Francisco, California 941121
Contact: Chad Mason

Revisions to Chapter 1, Section 4, Public Review Process, of the IS/MND

WETA hereby revises the address and email address provided on page 2 of the IS/MND as follows:

San Francisco Bay Area Water Emergency Transportation Authority
Pier 9, Suite III, The Embarcadero
San Francisco, California 941121
Contact: Chad Mason
Email: emason@watertransit.org

Revisions to Chapter 3, Section 4, Biological Resources, of the IS/MND

WETA hereby revises the text provided on page 29 of the IS/MND as follows:

Underwater Noise Impacts

No protected biological resources are located landside, and in light of existing industrial uses in the vicinity and distance of sensitive receptors to the project site, impacts related to excessive groundborne vibration or groundborne noise levels landside are considered less than significant

Installation of steel pipe piles can produce intense underwater noise that may lead to physical damage to swim bladders or other soft tissues, or cause alterations to swimming, sleeping, or foraging behaviors in fish and marine mammals. The installation of the new pipe piles for the float and bridge support are expected to use a vibratory hammer, with an impact hammer used only if needed. The NMFS has developed injury criteria for fish and for marine mammals; these injury criteria are typically reported as peak levels (peak), root-mean-square pressure (RMS), and sound exposure levels (SEL). While injury criteria have been established, lower sound levels that result in altered behavior would also be considered harassment to any ESA listed fish species. The Hydroacoustic working group, which consists of state and federal agencies, including CDFW, has developed injury criteria for fish. These criteria are provided in the *Agreement in Principle for Interim Criteria for Injury to fish from Pile Driving Activities*.

Revisions to Chapter 3, Section 21, Mandatory Findings of Significance, of the IS/MND

WETA hereby revises the text provided on page 87 of the IS/MND as follows:

- 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 Impact with Mitigation Incorporated. Implementation of Mitigation Measure 3.4-1, 3.4-2, ~~and 3.4-3~~, and 3.4-4 identified in Section 3.4, "Biological Resources," of this Initial Study would ensure that the project would not substantially affect fish or wildlife species during construction with regard to underwater noise, would not result in the spread of invasive marine species, and would not result in adverse effects on jurisdictional wetlands and/or water. Implementation of Mitigation Measure 3.5-1 and 3.18-1, identified in Sections 3.5, "Cultural Resources," and 3.18, "Tribal Cultural Resources," respectively, would prevent the project from significantly affecting previously undiscovered archaeological and/or tribal cultural resources.

Therefore, with implementation of Mitigation Measures 3.4-1 through 3.4-4, 3.5-1, and 3.18-1, the project's 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, would be less than significant.

- b) ***Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)***

Less-than-Significant Impact with Mitigation Incorporated. As presented throughout this environmental checklist, the project would result in less-than-significant impacts or impacts that are mitigated to less-than-significant levels. Potential impacts related to construction air quality emissions would be avoided through implementation of Mitigation Measure 3.3-1. The potential affect fish and wildlife species, sensitive communities, and jurisdictional wetlands shall be avoided through Mitigation Measures 3.4-1, 3.4-2, ~~and 3.4-3~~, and 3.4-4. The potential for unknown archaeological materials or tribal cultural resources to be disturbed is addressed through implementation of Mitigation Measures 3.5-1 and 3.18-1. Finally, underwater noise impacts, would be appropriately addressed through implementation of Mitigation Measure 3.4-1. Therefore, the project would not result in significant construction or operational environmental impacts, and the project would not contribute to significant cumulative impacts. Impacts would be less than significant.

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4 References and Preparers

4.1 References Cited

Dudek. 2022 (November). *Biological Technical Report Alameda Main Street Ferry Terminal Refurbishment Project*.

4.2 List of Preparers

San Francisco Water Emergency Transportation Authority

Chad Mason, Senior Planner/Project Manager
Gabriel Chan, Planner

Dudek (CEQA Compliance)

Christine Fukasawa, CEQA Project Manager
Kirsten Burrowes, CEQA Deputy Project Manager
David Wickens, Permitting Specialist
Andrew Hatch, Biologist

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