



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Marine Region  
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Santa Barbara, CA 93109  
[wildlife.ca.gov](http://wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



October 28, 2024

Ron Downing, Director of Planning  
Golden Gate Bridge, Highway and Transportation District  
1011 Anderson Drive  
San Rafael, CA 94901  
[LFEP@goldengate.org](mailto:LFEP@goldengate.org)

Dear Mr. Downing:

The Larkspur Ferry Service and Parking Expansion Project (Project) Notice of Preparation (NOP) SCH # 2024091190.

The California Department of Fish and Wildlife (Department) received a NOP from the Golden Gate Bridge, Highway and Transportation District (District) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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.

## **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, § 711.7, subd. (a) & 1802; Pub. Resources Code, §21070; CEQA Guidelines §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.*, § 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.

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<sup>1</sup> 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.

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. A Lake and Streambed Alteration Notification is required, pursuant to Fish and Game Code section 1600 et. seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements.

Likewise, to the extent 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.), related authorization as provided by the Fish and Game Code may be necessary.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Golden Gate Bridge, Highway and Transportation District

**Objective:** The purpose of the Project is to meet forecasted ferry demand by creating parking improvements around the Larkspur Ferry Terminal, increase ferry capacity by adding additional high speed ferries to existing and planned future ferry terminals in San Francisco Bay, and improve connections between the ferry terminal and the Sonoma-Marín Area Rail Transit Larkspur station.

**Location:** The Project is located within the city of Larkspur at the existing Larkspur Ferry terminal, 101 East Sir Francis Drake Blvd., in the County of Marin.

## **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.

## **SPECIAL STATUS SPECIES AND HABITATS**

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

- Longfin smelt (*Spirinchus thaleichthys*), state-threatened, federally endangered

- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Central Valley Spring-run), state and federally endangered (Sacramento River Winter-run), state species of special concern (Central Valley Late Fall Run, Central Valley Fall Run)
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast evolutionary significant units)
- Green sturgeon (*Acipenser medirostris*), federal threatened (Southern Distinct Population Segment)
- White sturgeon (*Acipenser transmontanus*), state candidate threatened
- Pacific lamprey (*Endosphenus tridentatus*), state species of special concern
- California Ridgway's rail (*Rallus obsoletus abeoletus*), state and federally endangered, state fully protected
- California black rail (*Laterallus jamaicensis coturniculus*), state threatened, state fully protected
- Salt marsh harvest mouse (*Reithrodontomys raviventris*), state and federally endangered, state fully protected
- Point Reyes salty bird's beak (*Chloropyron maritimum*), CRPR 1B.2
- Salt Marsh, California Sensitive Natural Community

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an incidental take permit for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code § 2081.15). Project proponents should consult with the Department early in the project planning process. The Project has the potential to impact California Ridgway's rail, California black rail, and salt marsh harvest mouse, as described above.

Several species with important commercial/recreational fisheries value and habitat value for spawning and rearing could potentially be present near Project activities. These include:

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

## COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the District 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

#### Corte Madera Marsh State Marine Park and Ecological Reserve

**Comment:** The proposed Project may be in conflict with the regulations set forth in California Code of Regulations Title 14 section 632, Marine Protected Areas, Marine Managed Areas, and Special Closures. The Corte Madera Marsh is protected as a State Marine Park (SMP) and an Ecological Reserve, both under the jurisdiction of the Department. Title 14 section 632(1)(a)(1)(B) states that within a SMP it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial purposes.

Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the California Fish and Game Commission as specified in subsection 632(b), areas and special regulations for use. Title 14 section 632(b)(58) further defines the Corte Madera Marsh SMP. Permitted uses include:

- Recreational hook and line take of species other than marine aquatic plants from shore.
- Only lightweight, hand-carried boats may be launched or operated within the park.

Prohibited uses include:

- Swimming, wading, and diving within the park.

The proposed increase in ferry vessel trips to the Larkspur ferry terminal may have impacts to the marine and terrestrial environments of the SMP and Ecological Reserve. Increased vessel wakes may exacerbate shoreline erosion and compromise protected species habitat within the SMP and Ecological Reserve. Specifically, habitat for state listed and fully protected rail species and the salt marsh harvest mouse could be reduced over time due to vessel wakes eroding the marsh interface with San Francisco Bay. Additionally, it is not clear if vessel operations transit through the SMP boundaries and whether current and proposed future daily vessel trips through the SMP would be consistent with SMP regulations.

Additional information on the SMP can be found at <https://wildlife.ca.gov/Conservation/Marine/MPAs/San-Francisco-Bay>. Additional information on the Ecological Reserve can be found at <https://wildlife.ca.gov/Lands/Places-to-Visit/Corte-Madera-Marsh-ER>.

**Recommendation:** The Department recommends that the draft Environmental Impact Report (DEIR) includes analysis of the potential effects of increased vessel traffic and how vessel wakes may impact protected habitats and species adjacent to the Larkspur ferry terminal and how potential impacts could be avoided, minimized, and/or mitigated. Analysis should also examine how potential vessel wake impacts could be compounded in combination with projected sea level rise in San Francisco Bay.

**Recommendation:** The Department recommends the DEIR include analysis of whether proposed Project is consistent with Department regulations specific to the SMP and Ecological Reserve.

**Recommendation:** The Department recommends the District consult with the Department regarding any identified conflicts with SMP and the Ecological Reserve regulations.

### **Parking Lot Expansion**

**Comment:** It is unclear if the parking lot expansion would be in the footprint of the existing parking existing lot(s), or if the lot(s) will be expanding out of the footprint. The construction of the parking lot expansion could result in auditory and potential visual disturbances to nesting California Ridgway's rail and California black rail, if the project is within 700 feet of them. The Project is adjacent to salt marsh, a California Sensitive Natural Community, which is documented by the California Natural Diversity Database (CNDDDB) to support salt marsh harvest mouse. California Ridgway's rail, California black rail, and Point Reyes salty bird's beak may also occur in the adjacent salt marsh habitat and these species are documented to occur within 700 feet of the Project, therefore the Project could result in impacts to them.

**Recommendation:** The Department recommends that the EIR include an analysis of potential impacts to the above species and sensitive natural community, and mitigation measures to ensure impacts are reduced to less than significant. Fully protected species may not be taken or possessed at any time, except as described above.

### **16<sup>th</sup> Street Ferry Terminal**

**Comment:** The NOP describes potentially adding an additional ferry route to 16<sup>th</sup> Street in San Francisco. Currently there is no ferry terminal at the terminus of 16<sup>th</sup>

Street and it is not clear if the DEIR will include analysis of the construction of a new terminal or just the addition of a new future ferry route.

**Recommendation:** The Department recommends that the DEIR clarify whether construction, as part of the 16<sup>th</sup> Street ferry terminal installation, will be part of the Project.

## ENVIRONMENTAL DATA

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

## 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.)

## CONCLUSION

The Department appreciates the opportunity to comment on the NOP to assist the District in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed Arn Aarreberg, Environmental Scientist, at (707) 791-4195 or [R7CEQA@wildlife.ca.gov](mailto:R7CEQA@wildlife.ca.gov).

Sincerely,



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Marine Regional Manager

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October 28, 2024  
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