SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
ARTHUR J. FRIEDMAN, Cal. Bar No. 160867
ALEXANDER L. MERRITT, Cal. Bar No. 277864
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
Telephone: 415.434.9100
Facsimile: 415.434.3947
Email: afriedman@sheppardmullin.com
amerritt@sheppardmullin.com

CITY OF SAUSALITO
MARY ANNE WAGNER, Cal. Bar No. 167214
City Attorney
City Hall
420 Litho Street
Sausalito, California 94965
Telephone: 415.289.4103
Email: mwagner@ci.sausalito.ca.us

Attorneys for Petitioner and Plaintiff
CITY OF SAUSALITO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

CITY OF SAUSALITO, Petitioner and Plaintiff, v. GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT, Respondent and Defendant.	Case No. MSN17-0098 **DECLARATION OF ARTHUR FRIEDMAN IN SUPPORT OF PETITIONER'S OPPOSITION TO SPECIAL MOTION TO STRIKE SLAPP SUIT** [CCP § 425.16] Judge: Hon. Barry P. Goode Dept: 17 Date: April 20, 2017 Time: 8:30 a.m. Action Filed: September 13, 2016 CEQA Case
GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT, Real Party in Interest.	

DECLARATION OF ARTHUR J. FRIEDMAN

I, Arthur J. Friedman, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for Petitioner and Plaintiff City of Sausalito ("City").

2. If called as a witness, I could and would competently testify to all facts within my personal knowledge except where stated upon information and belief.

3. This declaration is submitted in support of the City's Opposition to Special Motion to Strike SLAPP Suit.

4. Attached to this declaration as Exhibit A is a true and correct copy of the Golden Gate Sausalito Ferry Terminal Vessel Boarding Rehabilitation Project Initial Study/Mitigated Negative Declaration dated September 2012.

5. Attached to this declaration as Exhibit B is a true and correct copy of a letter dated December 15, 2014 from the District's counsel, Michael N. Conneran, to Erik Buehmann with the San Francisco Bay Conservation and Development Commission ("BCDC").

6. Attached to this declaration as Exhibit C is a true and correct copy of a letter dated December 17, 2014 from John Bowers, staff counsel with BCDC, to Mary Wagner, the City's City Attorney.

7. Attached to this declaration as Exhibit D is a true and correct copy of a letter dated January 4, 2015 from City Attorney, Mary Wagner, to John Bowers with BCDC.

8. Attached to this declaration as Exhibit E is a true and correct copy of a letter from me to John Bowers with BCDC dated September 14, 2016.

9. Attached to this declaration as Exhibit F is a true and correct copy of the City's Notice of this lawsuit (without attachment) submitted to the Attorney General pursuant to Public Resources Code section 21167.6 and Code of Civil Procedure section 388. To date, the Attorney General's office has not responded to this notice, nor indicated any willingness to prosecute the claims against the District that the City seeks vindicated in this action.

10. Attached to this declaration as Exhibit G is a true and correct copy of the District's Request for Judicial Notice in Support of the District's demurrer to the City's complaint, filed in this action on February 27, 2017.

11. I am the billing partner responsible for this matter. My associate, Alex Merritt, and I prepared the City's Opposition to the District's anti-SLAPP motion. I have reviewed my firm's "pre-bill" for March 2017, which reports all time recorded by timekeepers on this matter during this period. The pre-bill includes descriptions of each time entry, allowing me to identify time incurred exclusively to oppose the District's anti-SLAPP motion. I therefore excluded from this analysis the time Alex and I spent responding to the District's demurrer to the Complaint. Based on my review of the pre-bill, I determined that I spent a total of 22.5 hours opposing the District's anti-SLAPP motion through the filing of the City's opposition briefing. My discounted billing rate in this matter is $525 per hour. Alex Merritt spent 15 hours responding to this motion. Alex's discounted hourly billing rate on this matter is $440 per hour. Collectively, our invoice to the City for March 2017 will request payment in the amount of **$18,412** for time incurred in opposing the District's anti-SLAPP motion. This reflects work incurred through the filing of the City's Opposition to this motion. We will supplement this request to include additional fees and costs incurred through the hearing date on April 20, 2017.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 5th day of April, 2017, at San Francisco, California.

Arthur J. Friedman

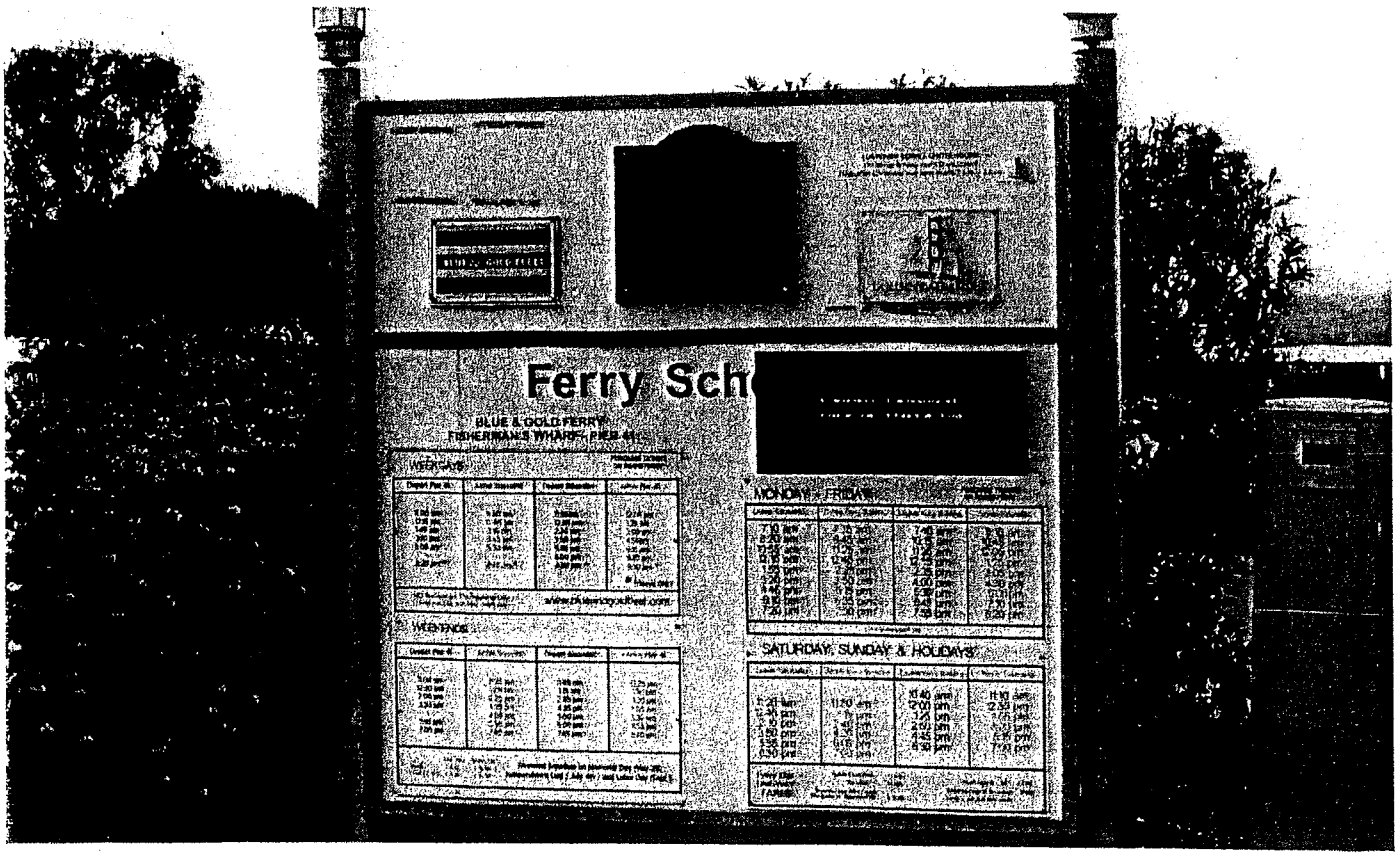
Exhibit A

GOLDEN GATE BRIDGE
HIGHWAY & TRANSPORTATION DISTRICT

GOLDEN GATE SAUSALITO FERRY TERMINAL VESSEL BOARDING REHABILITATION PROJECT

Initial Study / Mitigated Negative Declaration

September 2012



GOLDEN GATE BRIDGE
HIGHWAY & TRANSPORTATION DISTRICT

GOLDEN GATE SAUSALITO FERRY TERMINAL VESSEL BOARDING REHABILITATION PROJECT

Initial Study / Mitigated Negative Declaration

Prepared for
Golden Gate Bridge, Highway,
and Transportation District

Under contract to
Moffatt & Nichol

September 2012

moffatt & nichol

ESA

225 Bush Street
Suite 1700
San Francisco, CA 94104
415.896.5900
www.esassoc.com

Los Angeles

Oakland

Olympia

Palm Springs

Petaluma

Portland

Sacramento

San Diego

Seattle

Tampa

Woodland Hills

209308

TABLE OF CONTENTS

Sausalito Ferry Terminal Vessel Boarding Rehabilitation Initial Study / Mitigated Negative Declaration

Page

List of Figures

List of Tables

LIST OF ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act
APE	Area of Potential Effects
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BCDC	San Francisco Bay Conservation and Development Commission
BMPs	Best Management Practices
C&D	construction and demolition
CAP	Clean Air Plan
CDFG	California Department of Fish and Game
CDMG	California Division of Mines and Geology
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CGS	California Geological Survey
CMP	congestion management plan
CRHR	California Register of Historic Resources
CSLC	California State Lands Commission
dBA	decibels adjusted
DMMO	Dredged Material Management Office
FMP	Fish Management Plan
FTA	Federal Transit Administration
GHG	greenhouse gas
Leq	steady-state energy level
LOS	level of service
LTMS	Long Term Management Strategy
MCSTOPPP	Marin County Stormwater Pollution Prevention Program
MLLW	Mean Lower Low Water
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOI	notice of intent
NOx	nitrogen oxides
NRHP	National Register of Historic Places

PM	particulate matter
PPV	peak particle velocity
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SAP	sediment analysis plan
SHPO	State Historic Preservation Office
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
TACs	toxic air contaminants
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
Vdb	vibration decibel
VMT	vehicle miles traveled
WETA	Water Emergency Transportation Authority

CHAPTER 1
Project Description

1.1 Introduction

The Golden Gate Bridge, Highway, and Transportation District (District) proposes to modify the passenger boarding systems at the Larkspur, San Francisco, and Sausalito ferry terminals to replace aging facilities, extend the life of the facility, and to improve vessel loading for disabled riders by standardizing boarding operations at the three ferry terminals (see **Figure 1**). This document pertains to the modifications at the District's Sausalito ferry terminal.

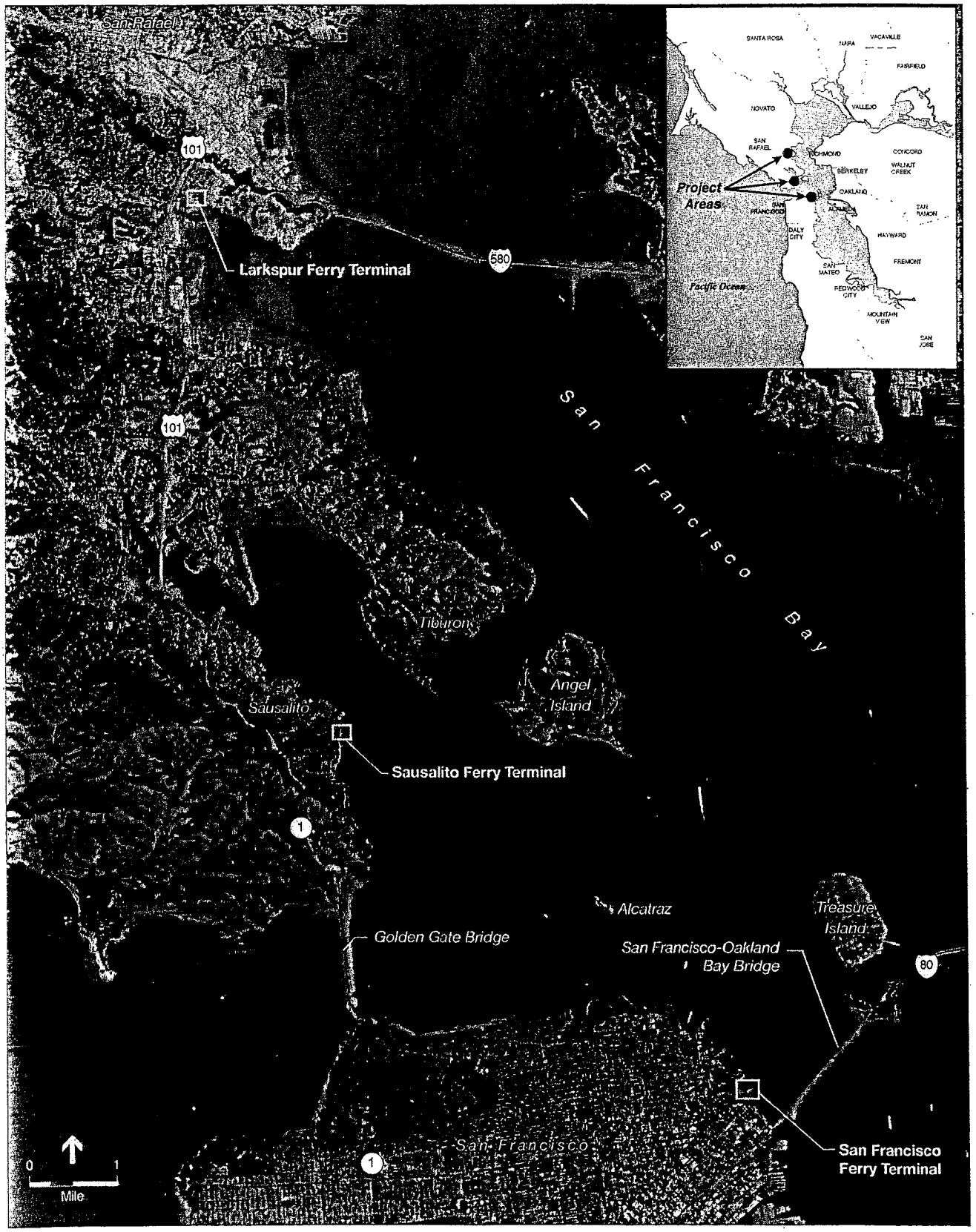
The District provides public services under authority of the State of California law and provides bus and ferry services. Golden Gate Transit provides regional fixed-route bus service in San Francisco, and in Marin and Sonoma counties. Bus service is also available between San Rafael in Central Marin and the El Cerrito del Norte and Richmond Bay Area Rapid Transit (BART) stations in western Contra Costa County. Local bus service is provided within Marin County under contract with Marin Transit.

Golden Gate Ferry operates ferry service between San Francisco and Larkspur in Central Marin County, and between San Francisco and Sausalito in Southern Marin County. Special service is also offered from Larkspur to AT&T Park for Giants home games and other sporting and music events.

1.2 Current Ferry Operations

The District operates two commute passenger ferry routes across the San Francisco Bay that connect Marin County and the City and County of San Francisco: the San Francisco/Larkspur route to central Marin County, and San Francisco/Sausalito route to southern Marin County. Golden Gate Ferry provides weekday service with reduced service on weekends and specific holidays. The ferry currently does not operate on New Year's Day, Thanksgiving, and Christmas. Special service is provided for San Francisco Giants home games, various concerts and events, and the annual Bay to Breakers Race. For the Fiscal Year 2010, the total (Larkspur and Sausalito) annual ridership was 1,922,095 with an average weekday ridership of 6,057. The total annual average weekend/holiday ridership was 3,552 (Golden Gate Ferry, 2011).

The Deputy General Manager for the Golden Gate Ferry Division of the District is responsible for the operation of the ferry fleet. The Ferry Division headquarters are located in Larkspur.



SOURCE: Google Maps; ESA

Golden Gate Ferry Terminals Vessel Boarding Rehabilitation . 209308

Figure 1
Project Location

1.2.1 Fleet

The District has seven ferry vessels in service. The three Spaulding Class Vessels (*M.S. Marin, M.S. Sonoma,* and *M.S. San Francisco*) can each accommodate 715 passengers and up to 200 bicycles on three decks. The four other vessels are high speed and include the *M.V. Del Norte*, which can accommodate 400 passengers and 15 bicycles on two decks. The *M.V. Napa* can accommodate 450 passengers and 15 bicycles on two decks. The *M.V. Golden Gate* can accommodate 450 passengers and 15 bicycles on two decks. The *M.V. Mendocino* can accommodate 450 passengers and 15 bicycles on three decks.

TABLE 1-1
GOLDEN GATE FERRY DIVISION FLEET CHARACTERISTICS

	Spaulding Class Vessels	High Speed Class Vessels			
	M.S. Marin M.S. Sonoma M.S. San Francisco	M.V. Del Norte	M.V. Mendocino	M.V. Napa	M.V. Golden Gate
No. of decks	3	2	3	2	2
Passenger Capacity	715	400	450	450	450
Bicycle Capacity	200	15	15	15	15
Service Speed	20.5	36	36	36	36
Overall length	169'-1"	135'-4"	141'-1"	143'-3"	143'-3"

SOURCE: Golden Gate Bridge, Highway, & Transportation District, 2011

1.2.2 Accessibility

Passengers are allowed to board all vessels with wheelchairs and the vessels have accessible restrooms. However, boarding ramps can become steep, especially during certain tides. Between Larkspur and San Francisco, loading and unloading takes place on the upper deck. Between Sausalito and San Francisco, wheelchair users are required to move between decks by means of a wheelchair lift because the Sausalito terminal loads and unloads on the main (lower) deck of the ferry vessel, and the San Francisco terminal loads and unloads from the upper deck of the ferry vessel. The transfer between decks complicates access by mobility impaired passengers and creates difficulties for bicyclists due to the need to transfer bicycles up and down the inner stairways of the vessel. As shown above, all the District's ferry vessels have bicycle capacity, and bicyclists have access to all ferries within the limitations of the vessel's capacity.

1.3 Project Objective/Purpose and Need

1.3.1 Improve Accessibility

The District, as a public entity, is subject to Title II of the Americans with Disabilities Act (ADA), which requires that its programs, terminals and other landside facilities meet federal regulations. Although no applicable standards for off-shore facilities have been adopted under ADA, the District is considering modifying its off-shore facilities involved with passenger boarding to improve overall accessibility.

This project focuses primarily on passenger boarding of the vessel, a subject for which no final ADA regulations have been issued. Ferry loading is currently not standardized at the three ferry terminals due to different boarding systems at each location. At the Sausalito ferry terminal passengers board and disembark on the main (lower) deck of the ferry vessel, and at the San Francisco and Larkspur terminals passengers board and disembark on the upper deck of the ferry vessel. Because these two terminals board and disembark passengers on different decks, mobility-impaired passengers and wheelchair users are challenged by stairs to move between decks on the ferry vessel to disembark. All of the vessels are too small to equip with elevators and the high speed class vessels could not absorb the added weight of an elevator. As an interim measure, the District equipped the Spaulding Class vessels with a wheelchair lift. However, use of the wheelchair lift does not meet the needs of all mobility impaired passengers and they are not rated for the heavier powered wheelchairs. The lifts present an obstruction to the use of the vessel's stairway – creating a potential concern should an emergency evacuation of the vessel be required at port. Another problem is that the wheelchair lift equipment was designed by the manufacturer for use in a stationary building, and not a vessel that is constantly in a state of rolling motion. The lifts are not fully enclosed and create concerns when used as the vessel rolls in a seaway. The lifts must be operated by the vessel's crew. Standardizing and upgrading the passenger boarding system is desirable because the wheelchair lifts do not solve all accessibility issues, the lifts present their own set of potential problems, and are difficult to keep operational at all times given the circumstances of the marine environmental and a constantly moving vessel.

The existing gangway leading to the boarding float at Sausalito is 5 feet 7 inches wide. The comparative narrowness of the gangway can be discomforting for wheelchair users and people with limited mobility, especially during peak boarding and disembarking times.

To overcome these challenges and provide a comfortable riding experience to all passengers, the District proposes to modify the terminal facilities to accommodate standardized main deck loading at all three terminals, to maintain accessible gangways and boarding ramps during all tides, and to ensure that boarding and disembarking are safe and comfortable for all riders. These modifications would eliminate these conditions for those riders with limited mobility or who are wheelchair users.

1.3.2 Other Benefits

Emergency Preparedness

The proposed updates to terminals and passenger boarding system not only improve access for persons with disabilities, but also benefit all passengers by providing smoother, quicker offloading and loading of the vessel. Speedier loading allows the vessel to make more trips during the day and carry more passengers – especially important during times of emergency, when the ferries may be one of few transportation options for Bay Area residents. Standardized loading operations at the three ferry terminals would also allow for other Bay Area ferry operators such as the Water Emergency Transportation Authority to use the ferry slips in cases of emergency such as occurred during the Loma Prieta earthquake in 1989, when the only direct access between San Francisco and the North and East Bay was via ferries. In order for the ferry terminal facilities to be used by other ferry operators in San Francisco Bay in the event of an emergency, the District would design the boarding floats to be used by a wide variety of ferry vessels.

Sustainability Goals

Improving the transportation capabilities for bicyclists by standardizing main deck loading and eliminating the need to transfer decks within the vessels removes a critical obstacle and encourages nonmotorized transportation options.

Increased Operational Efficiency

Standardized boarding procedures and equipment would increase efficiency by reducing staff training time, and would give the District the ability to move staff between the three terminals seamlessly as needed.

The redesigned, double-sided ferry boarding system would still provide alternatives for vessel access during inclement weather. The existing float at Sausalito is double-sided, as is the proposed. A double-sided boarding float allows the vessel Captain alternate landing options appropriate for varying wind and current conditions.

Future Flexibility

The project does not facilitate nor support the establishment of any new ferry routes or expansion of service. However, because the proposed new passenger boarding system and boarding floats would be designed to work with a wide variety of ferry vessels, they would give the District flexibility in choosing replacement vessels in the future.

1.4 Project Location

1.4.1 Sausalito Ferry Terminal

The proposed project would be located in Sausalito. The project site lies at the ferry terminal east of the intersection of Bridgeway and Anchor Street. The project would be located in the Downtown Historic District adjacent to the area zoned as Public Parks (City of Sausalito, 2008). The site is accessible from Bridgeway with connections through Anchor Street, Tracy Way, and Humboldt Avenue (see **Figure 2**).

The District owns and operates the ferry terminal on property leased from the city. The existing ferry terminal passenger boarding system consists of a steel float and gangway for main deck vessel loading. The terminal is supported by 25 piles. The gangway has a passenger control point that is demarked by a locked gate which is opened by crew members when a vessel arrives at the ferry terminal. The proposed project site is the area around the ferry terminal (see **Figure 3**).

1.4.2 Proposed Project

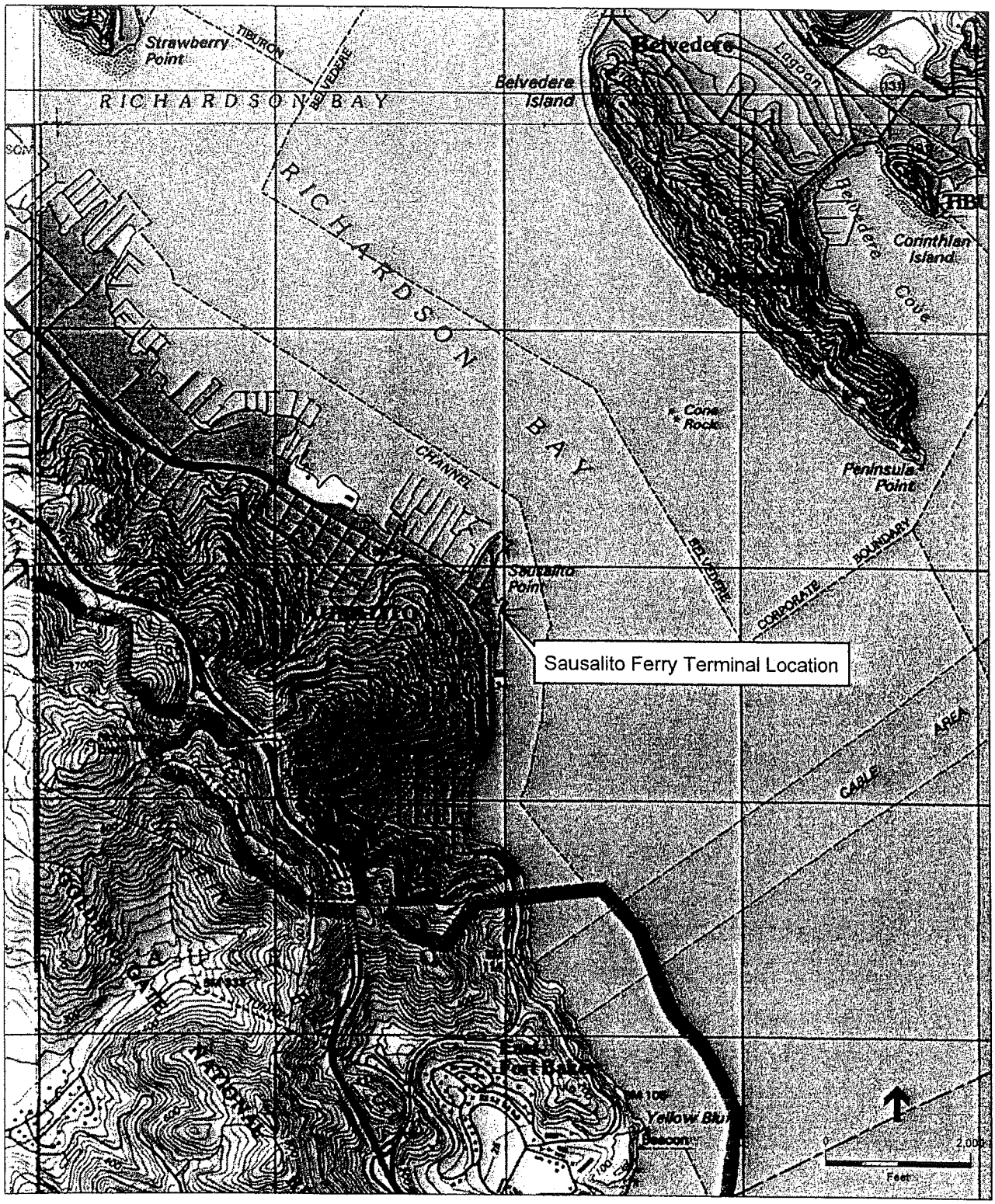
The District proposes to replace the existing passenger boarding system with a new boarding system. The existing aging boarding system consists of a 110 feet long × 42 feet wide steel float, a 75 feet long × 5 feet wide steel gangway, and an 8-foot and 9-foot-wide pile-supported timber and concrete pier (**Figure 2**). The new boarding system will be located in approximately the same location as the existing facilities and will include a new 150 feet long × 53 feet wide concrete float, a 90 feet long × 19 feet wide steel gangway and a new 25-foot-wide pile-supported concrete pier (**Figure 3**). The new boarding system will improve operations by providing a wider modern facility with improved slopes on the gangway and float platforms for easier boarding and unloading of all passengers, including bicyclists and disabled users, during all tide conditions. The capacity of the Golden Gate Sausalito Ferry Terminal would be unaffected. No new ferry service or routes are included in the project.

In addition, an emergency generator for lighting and shore power would be installed. New walkway lighting would be installed on the new floats and gangways. Navigation lighting may be installed on the floats and dolphins if required for safe navigation. The proposed new components may require upgraded power and lighting as indicated in **Table 1-2** below:

TABLE 1-2
SAUSALITO FERRY TERMINAL EXISTING AND PROPOSED ELECTRICAL UTILITIES

Electrical Utility	Existing Electrical Utilities at Dock	Potential and New Electrical Utilities
Power	120/240V Service Pedestal	480V, Electrical Service
Lighting	Metal halide or HPS lamps Flood lighting	New Metal halide or LEDs for new ramps.
Emergency Power	None	Emergency Generator for lighting and operation of the boarding ramps.
Shore Power Receptacles	240V receptacles	480V and 240V (if required) and provide backfeeding capability to operate the boarding ramps.

SOURCE: Moffatt & Nichol

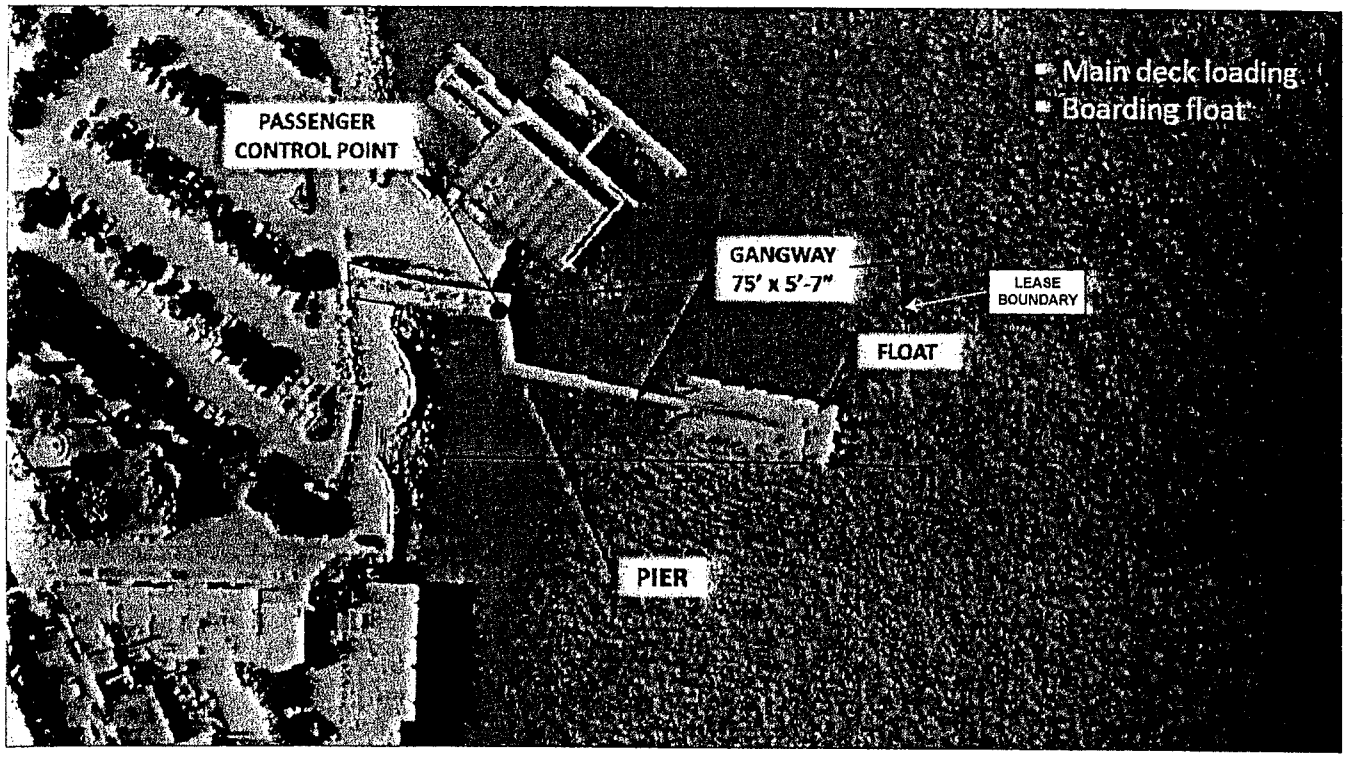


SOURCE: ESRI, 2011

Golden Gate Ferry Terminals Vessel Boarding Rehabilitation . 209308

Figure 2

Sausalito Ferry Terminal Location



SOURCE: Moffatt & Nichol

Golden Gate Ferry Terminals Vessel Boarding Rehabilitation . 209308

Figure 3
Existing Layout Sausalito

Construction of the improvements at the Golden Gate Sausalito Ferry Terminal may require the use of a temporary terminal in order to maintain ferry service across the Bay. This temporary terminal would be located immediately adjacent to and south of the existing terminal. The gangway and float of the existing terminal will be used for the temporary terminal. Access to the gangway will be provided by a temporary eight-foot wide access pier. Passengers will have access to this temporary pier from the existing pier landward of the proposed demolition work needed for the new terminal. The temporary terminal would use the same utilities currently available at the terminal. It is expected that the temporary terminal would be in place for approximately six months (see **Figure 4**).

Figure 4 shows the proposed structures and the temporary terminal extending outside the lease boundary. The District would seek a lease amendment to include all proposed structures. The construction area would include the entire area within the lease boundary on the Bayside, a roughly 75,000 square-foot area, in addition to a roughly 6,500 square foot area for the temporary terminal, and one or more separate construction and staging areas (for a total of about 5,000 to 8,000 square feet) that have not yet been identified. On-site construction is tentatively anticipated to begin in early 2014.

Demolition Activities

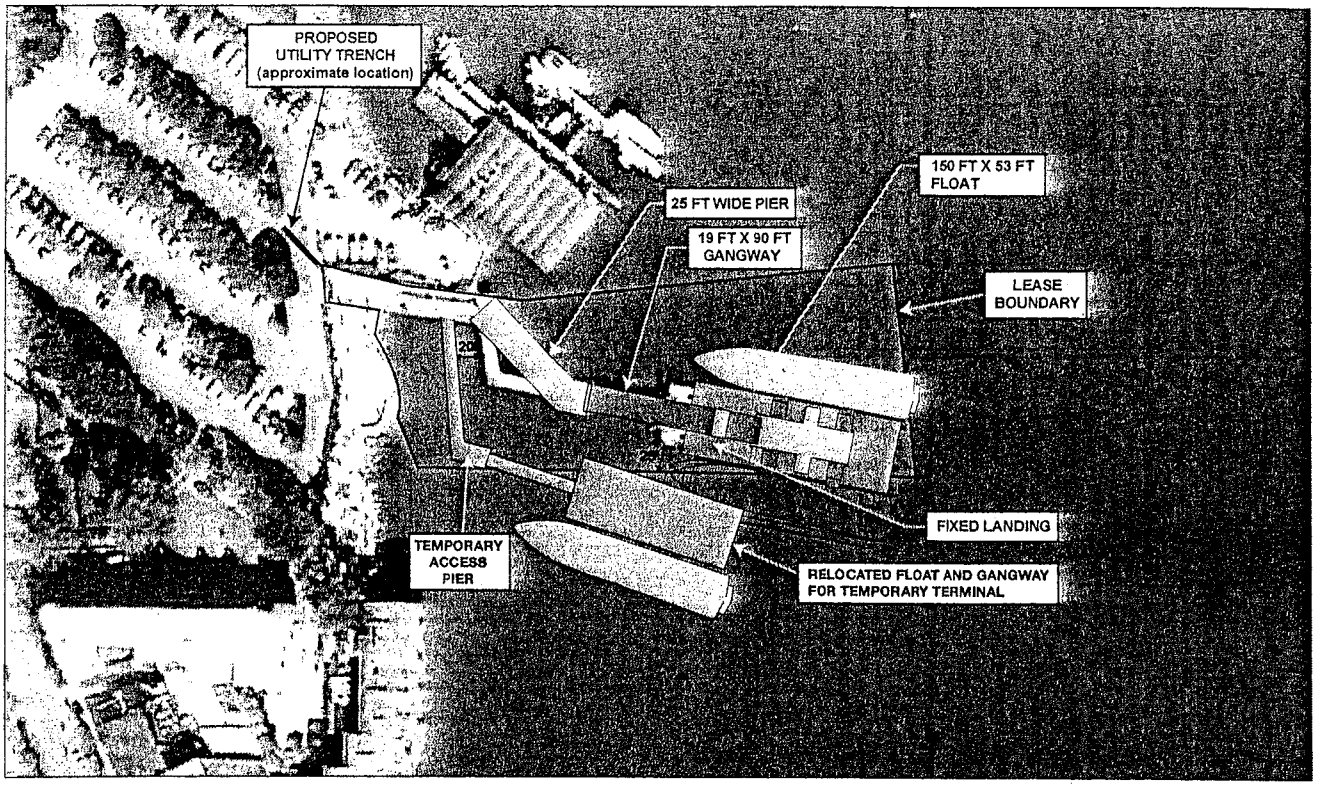
The proposed project would include demolishing the existing system including the demolition of utilities, float removal and deconstruction (including guidepile frames), gangway removal, guardrail demolition, and pier demolition (including the 25 existing piles). Existing piles would be removed using vibratory hammers. All demolition debris would be barged off-site for disposal at one or more locations yet to be decided. Where possible, materials would be recycled. The District will evaluate refurbishment of the existing float for repurposing at their maintenance facility at Larkspur.

New Construction

New construction activities would include pile driving for a pier extension and float guidepiles, in-water construction of one concrete pier, in-water installation of concrete float with passenger loading ramps, in-water installation of a passenger access gangway, and extending utilities from existing concrete deck to the floats.

The new concrete floats, loading ramps, and gangways would be constructed off site and barged down to the project site. Construction activities at the site are limited to the in-water construction and installation of project components landside.

Construction is estimated to require six months. Construction activities would take place for 8 to 10 hours per day, five days a week. The maximum number of construction workers at the project site would be about 36, although that number would often be less, depending upon the construction activities taking place at any one time.



Note: Lease boundary is approximate.

0 120
Feet

SOURCE: Moffatt & Nichol; ESA

Golden Gate Ferry Terminals Vessel Boarding Rehabilitation . 209308

Figure 4
Sausalito Ferry Terminal Improvements - Concept Plan

Pile Driving

Pile driving activities would include completely removing all 25 existing piles, and installing 15 prestressed concrete or steel piles and eight steel pipe piles. Additional piles would be installed for the temporary terminal and those piles would be removed when the temporary terminal is deconstructed. Existing piles would be removed using vibratory hammers, and new piles would be installed with a combination of an impact hammer and vibratory hammers. Pile driving activities are expected to occur for roughly eight weeks during the construction period.

Use of impact hammers have the following restrictions to avoid significant adverse affects to sensitive aquatic wildlife: wood piles may be installed year-round, concrete or steel piles under 18 inches in diameter may be installed year-round, and steel piles under 12 inches in diameter and using impact hammers less than 3,000 pounds and employing a wood cushion block may occur year-round. However, the proposed project may involve use of impact hammer pile installation techniques for piles greater than 18 inches in diameter and up to 24 inches in diameter and such installation would be restricted to the period between June 1 and November 30.

Cut and Fill

No dredging activity is anticipated in support of construction at this site. In the event it is determined that existing electrical power would need to be upgraded, approximately 50 feet of trenching may be required as shown in Figure 4. Less than 150 cubic yards of total cut and fill quantities would be required for the utility trench. The excess excavated material would be disposed of at a location yet to be determined.

Construction Equipment

Construction equipment would include at various times one or more of the following:

- Pile driving hammer
- For prestress concrete or steel piles: diesel impact hammer
- For steel piles: vibratory hammer + power unit
- Flat deck barge for pile delivery + tug boat
- Derrick barge for pile removal/demolition and construction
- Excavator barge for demolition
- Work boat + work skiff
- Concrete trucks
- Concrete pump
- Material delivery trucks + telehandler forklift + rough terrain crane
- Air compressor
- Generator
- Backhoe
- Dump truck(s)

Construction Traffic

In water:

- 1 barge for pile delivery (flat deck barge)
- 1 barge for demolition/pile driving/construction (derrick barge)
- 1 barge for gangway, platforms, and fenders delivery (flat deck barge)
- 1 barge and 1 tug boat for delivering the float
- 1 barge for demolition (excavator barge)
- 1 barge for removal of demolition debris (flat deck barge)

On land:

- Assuming each worker drives separately: average 10 cars
- 2 trucks for plywood and rebar delivery
- 2 trucks for miscellaneous conduits, wiring, lights, etc.
- 21 trucks of concrete
- 2 Dump trucks for removal of trenching spoils

Over Water Coverage

The current over-water coverage of the existing ferry terminal is 8,000 square feet. The proposed new ferry terminal would increase coverage to 13,650 square feet, resulting in a net increase in over-water coverage of 71 percent. The temporary terminal will have an over water coverage of approximately 6,500 square feet.

TABLE 1-3
PERMANENT SAUSALITO FERRY TERMINAL OVER WATER COVERAGE

	Existing	Existing to Remain	Proposed	Proposed Plus Existing to Remain	Net Fill Increase (%)
Sausalito	8,000	1,900	11,750	13,650	71%

Project Operation

Operations of the ferry terminal would continue similar to existing conditions. No new trips would be added as a result of the project and the frequency of ferry trips would remain the same.

1.4.3 Permits

- Amendment to the existing Bay Conservation and Development Commission (BCDC) permit No. M94-70, which covers mostly repairs to the existing floating dock
- Rivers and Harbors Act Section 10 Permit (U.S. Army Corps of Engineers [USACE])
- Clean Water Act Section 401 Water Quality Certification (Regional Water Quality Control Board [RWQCB])
- Compliance with Section 7 of the Endangered Species Act (U.S. Fish and Wildlife Service [USFWS]/National Marine Fisheries Service [NMFS])

- Compliance with Section 2080.1/2081 of California Endangered Species Act (California Department of Fish and Game [CDFG])
- Compliance with Section 106 of National Historic Preservation Act (State Historic Preservation Office [SHPO])

1.5 References

Golden Gate Ferry. Golden Gate Ferry Statistics, http://goldengateferry.org/researchlibrary/statistics.php, accessed March 17, 2011.

This page intentionally left blank

CHAPTER 2
Environmental Checklist

1. **Project Title:** Sausalito Ferry Terminal Vessel Boarding Rehabilitation

2. **Lead Agency Name and Address:** Golden Gate Bridge Highway & Transportation District
P.O. Box 9000
Presidio Station
San Francisco, CA 94129

3. **Contact Person and Phone Number:** Laura Pate, Senior Civil Engineer
(415) 923-2024
lpate@goldengate.org

4. **Project Location:** Sausalito Ferry Terminal
Anchor Street and Tracy Way
Sausalito, CA 94966

5. **Project Sponsor's Name and Address:** Golden Gate Bridge Highway & Transportation District
P.O. Box 9000
Presidio Station
San Francisco, CA 94129

6. **General Plan Designation(s):** Open Space, Open Area

7. **Zoning Designation(s):** Open Area, Public Institutional

8. **Description of Project:** The proposed project would involve modifying the ferry terminal to improve vessel loading for disabled riders. The project would replace an aging facility, provide improved access for bicyclists and disabled persons, improve operational efficiency, and enhance emergency response capability. Improvements would include a concrete float in roughly the same location as the existing berth, an extension to the existing pier, a gangway from the new pier to a platform on the float, and two eight-foot wide boarding ramps for each slip. The capacity of the Sausalito Ferry Terminal would be unaffected. No new ferry service or routes are included in the project.

   The new layout would include a 25-foot wide concrete pier, 19-foot wide by 90-foot long steel gangway, and a 53-foot wide by 150-foot long concrete float (58-feet wide including the fenders for vessel berthing) (see **Figure 4**).

   The Sausalito Ferry Terminal would require the use of a temporary terminal in order to maintain ferry service across the Bay. This temporary terminal would be located immediately adjacent to and south of the existing terminal. The gangway and float of the existing terminal would be used for the temporary terminal. Access to the gangway would be provided by a

temporary eight-foot wide access pier. Passengers would have access to this temporary pier from the existing pier landward of the proposed demolition work needed for the new terminal. The temporary terminal would have the same utilities currently available at the terminal. It is expected that the temporary terminal would be in place for approximately six months.

9. **Surrounding Land Uses and Setting:** The proposed project would be located in Sausalito. The project site lies at the ferry terminal east of the intersection of Bridgeway and Anchor Street. The project would be located in the Downtown Historic District. The site is accessible from Bridgeway Avenue with connections through Anchor Street, Tracy Way, and Humboldt Avenue.

10. **Other public agencies whose approval is required:** Permits or approvals may be required from the following agencies: San Francisco Bay Conservation and Development Commission, U.S Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Game, and California State Historic Preservation Office. See Chapter 1, Project Description, for details.

2.1 Environmental Factors Potentially Affected

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

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

DETERMINATION: (To be completed by Lead Agency)
On the basis of this initial study:

☐ 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, no further environmental documentation is required.

John R. Eberle
Signature

9/17/2012
Date

John R. Eberle
Printed Name Deputy District Engineer

Golden Gate Bridge, Highway and
For Transportation District

2.2 Environmental Checklist

Aesthetics

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
1. **AESTHETICS — 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) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

Discussion

a, b, c) **Less than Significant Impact.** Scenic vistas are defined as distant views encompassing valued natural or built landscape features such as ridgelines, water bodies, or landmark structures. Land use policies and development in the project area are guided by several plans including the *Sausalito General Plan* and the San Francisco Bay Conservation and Development Commission's (BCDC's) *Richardson Bay Special Area Plan* (1984). Although no scenic vistas or scenic resources are designated in the vicinity of the project site, one of the purposes of the *Richardson Bay Special Area Plan* is to protect existing views and create new views and vistas of San Francisco Bay from the shoreline and water. Given the maritime character of the Sausalito Ferry Terminal and since the purpose of this terminal is to provide regional ferry service for the general public, the visual quality of the site is considered moderate. However, since views of the Bay and the terminal are fairly unobstructed and due to the project site's proximity to Gabrielson Park and Sausalito Town Square, both of which provide scenic viewing opportunities of the Bay, the visual sensitivity is considered high. Key public viewpoints of the project site include the entrance to the terminal from the parking lot, the entrance to the Sausalito Yacht club, and the seating areas along the promenade.

Construction-related activities associated with the project would include demolition work; pile driving for the pier extension and float guidepiles; construction of a concrete pier; in-water installation of a concrete float with passenger loading ramps; in-water installation of a passenger access gangway; and potentially, trenching for utilities if it is required. Construction activities would be noticeable from bordering streets including Humboldt and Bridgeway Avenues, the parking lot, and the promenade along the waterfront adjacent to the terminal throughout the approximately six-month construction period. However, since construction would be short-term and because there are ample

nearby publicly accessible areas that provide views of the Bay and its shoreline, construction activities would not substantially degrade views of the Sausalito shoreline.

As described in Chapter 1, Project Description, once project construction is complete, the area of the new ferry terminal structures would increase by approximately 71 percent. Simulations showing the proposed ferry terminal improvements are presented in **Figures 5A** and **5B**. The extended and expanded boarding platform, new gangway, piles, and handrails would be visible from nearby streets, parking lot, and promenade. However, the nature of the proposed modifications would be similar to the existing ferry terminal and would not substantially degrade the character of the project site. In addition, since there are numerous other public access areas providing scenic views of the Bay, the proposed modifications would not degrade existing views of the Bay. For these reasons, implementation of the proposed project would not result in adverse effects on scenic resources or substantially degrade the visual character of the ferry terminal and its surroundings. The project impact would be less than significant.

d) **Less than Significant Impact.** As needed, nighttime lighting would be utilized during construction of the proposed project. Lights would be shielded and directed downward at the project site so that light diffusion would be minimized. The lights used during the construction period would not be a source of substantial light or glare and would not cause an adverse effect on daytime or nighttime views in the area.

New walkway lighting would be installed on the new floats and gangways. It would be controlled to illuminate only the walkway and float structures. Navigation lighting may be installed on the floats or dolphins if required for safe navigation. The impact would be less than significant.

References

San Francisco Bay Conservation and Development Commission (BCDC), *Richardson Bay Special Area Plan,* adopted 1984.

South-facing view of project site

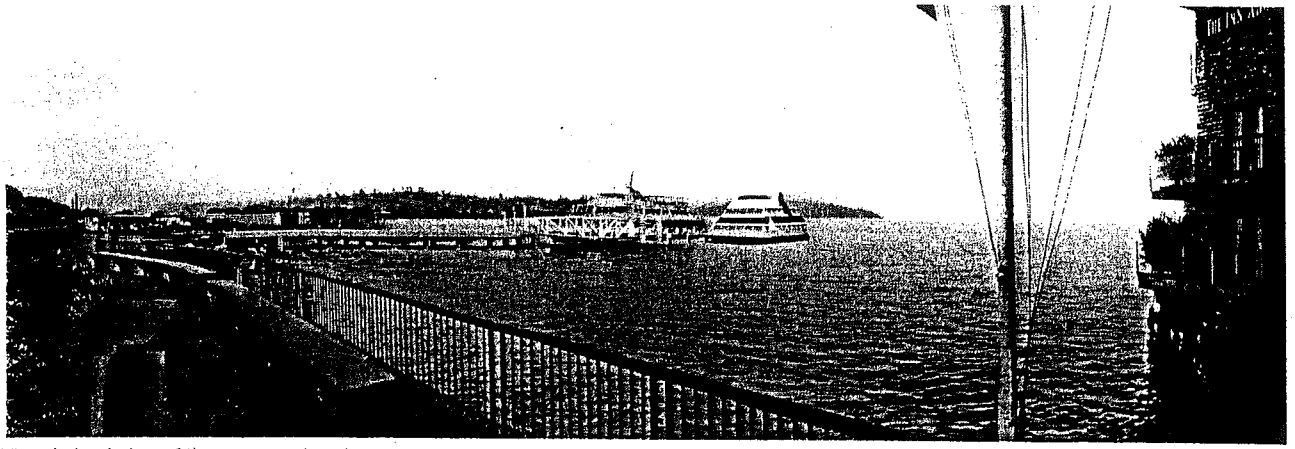
Visual simulation of the proposed project (depicted with a second ferry from another operator at berth)

Golden Gate Ferry Terminals Vessel Boarding Rehabilitation . 209308

SOURCE: Kwan-Henmi

Figure 5A
Existing and Simulated Views of the Project Site

Northeast-facing view of project site



Visual simulation of the proposed project

SOURCE: Kwan-Henmi

Golden Gate Ferry Terminals Vessel Boarding Rehabilitation . 209308

Figure 5B
Existing and Simulated Views of the Project Site

Agricultural and Forest Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
2. AGRICULTURAL AND FOREST RESOURCES — 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 Department 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. **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?	☐	☐	☐	☒

Discussion

a, b) **No Impact.** The project area is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and does not contain agricultural uses. Consequently, the land is not eligible to be part of a Williamson Act contract. Therefore, the proposed project would have no impact on agricultural resources.

c, d) **No Impact.** The project area is not located on forestland or an area zoned for forestland, timberland, or timberland production. As a result, the project would not conflict with existing zoning or convert forest land to non-forest uses. Therefore, the proposed project would have no impact on forestry resources.

e) **No Impact.** The proposed project is in an urbanized area with no adjacent agriculture or forest land uses. Consequently, changes to the existing environment that result from project implementation would not convert these resources. Therefore, the proposed project would have no impact.

Air Quality

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
3. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** The project site is located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the nine counties that surround the San Francisco Bay, including Marin County. Pursuant to the federal Clean Air Act, the BAAQMD is required to reduce emissions of criteria pollutants for which the San Francisco Bay Air Area Basin is in non-attainment. The Basin is currently designated as a nonattainment area for state and national ozone standards and as a nonattainment area for the state particulate matter (PM10 and PM2.5) standards. The BAAQMD's *Bay Area Clean Air Plan* (CAP) contains district-wide control measures to reduce air pollutants.

In accordance with BAAQMD recommended guidance, determination of consistency is based on an evaluation of projected increases in population and vehicle miles traveled (VMT) attributable to the proposed project, as well as consistency with the control measures identified in the CAP. When a project is proposed in a city with a general plan that is consistent with the most recently adopted CAP and if the project is consistent with the land use designation of the general plan, then the project is considered consistent with applicable air quality plans and policies.

As the project is an improvement project to an existing use, the project would be consistent with the general plan land use designations and zoning for the project site. In addition, the City of Sausalito's General Plan is consistent with the CAP because data and projections from the General Plan are incorporated into the CAP. Development of the

project would not interfere with population and VMT projections used to develop the *2010 Clean Air Plan* planning projections as it would neither increase the population of the area nor VMT traveled. Therefore, the proposed project would result in a less-than-significant impact as it would not substantially conflict with the region's air quality management plan.

b) **Less than Significant with Mitigation.** Based on the following analysis, construction and operation of the proposed project would not result in significant impacts associated with violation of an air quality standard or contribute significantly to an existing or projected air quality violation.

Construction

Construction would involve use of equipment and materials that would emit ozone precursor emissions (i.e., reactive organic gases or ROG, and nitrogen oxides [NOx]). Construction activities would also result in the emission of other criteria pollutants from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Emission levels for construction activities would vary depending on the number and type of equipment, duration of use, operation schedules, and the number of construction workers. Criteria pollutant emissions of ROG and NOx from these emission sources would incrementally add to the regional atmospheric loading of ozone precursors during project construction.

The updated BAAQMD *CEQA Guidelines* adopted on June 2, 2010 establish significance thresholds for criteria construction emissions. These thresholds are 54 pounds per day of ROG, NOx and PM2.5; and 82 pounds per day for PM10 (construction equipment emissions only, exclusive of fugitive dust).

Criteria pollutant emissions were estimated using the URBEMIS2007 model assuming a project-specific mix of construction equipment which includes tug boats for the movement of barges and scows, a workboat, pile driver, crane (derrick), excavator, air compressor, generator, and backhoe[1]. These annual average emissions are presented in **Table 2-1** along with the currently adopted significance thresholds. As shown in Table 2-1, annual average daily emissions of ROG, NOx, PM2.5 and PM10 would be less than BAAQMD significance thresholds and would therefore be considered less than significant.

> **Mitigation Measure AIR-1:** Though less than significant, during construction activities, the District shall require the construction contractor(s) to implement the following relevant measures from the BAAQMD's list of *Basic Construction Mitigation Measures Recommended for All Proposed Projects.*[2] Because this

[1] Moffat and Nichol, April 25, 2011.

[2] Bay Area Air Quality Management District (BAAQMD), *CEQA Air Quality Guidelines*, May, 2010b, Available at http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Draft_BAAQMD_CEQA_Guidelines_May_2010_Final.ashx.

TABLE 2-1
CONSTRUCTION GENERATED DAILY CRITERIA POLLUTANT EMISSIONS
OF THE PROPOSED PROJECT

Emission Source	Emissions (annual average pounds per day)			
	ROG	NO_x	PM_{10}	Total $PM_{2.5}$
Demolition	0.45	4.78	0.15	0.15
Pile Driving	0.60	6.57	0.30	0.15
General Construction	1.34	12.39	0.45	0.45
Total	**2.39**	**23.73**	**0.90**	**0.75**
BAAQMD Threshold	54	54	82	54
Exceeds Threshold?	No	No	No	No

SOURCE: ESA, 2012; Columns may not add exactly due to rounding and averaging

project is a Bayside project with minimal landside activities and excavation, only the following measures listed below would be potentially relevant or appropriate:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a verified mechanic and determined to be running in proper condition prior to operation.

Operations

The project would not result in an increase in roadway transportation volumes or ferry operations. Therefore, the proposed project would not substantially contribute to regional emissions in the Basin. The project's operational impact is therefore anticipated to be less than significant.

c) **Less than Significant Impact.** The BAAQMD *CEQA Guidelines* have set forth methodology to evaluate cumulative impacts (BAAQMD, 2010). For any project that does not individually have significant air quality impacts, the determination of a significant cumulative impact should be based on an evaluation of the consistency of the project with the local general plan and of the general plan with the regional air quality plan. As demonstrated above, the proposed project would be consistent with adopted CAPs and would not result in a significant construction, or operational air quality impact. As such, the proposed project would not result in a cumulative impact.

d) **Less than Significant Impact.** The proposed project would not emit toxic air contaminants (TACs) in substantial concentrations that would affect off-site sensitive receptors. Risks and hazards from construction-related emissions were assessed using the BAAQMD guidance document *Screening Tables for Toxics Evaluation During*

Construction (BAAQMD, 2010c). Project construction activities would occur on an approximately 75,000-square-foot area (or 1.7 acres). Using this assumed area of construction, BAAQMD identifies an offset distance of 100 meters (328 feet) as sufficient for ensuring a sensitive receptor would have a less than significant impact from combined cancer risks from diesel particulate matter and acrolien. This distance assumes the receptor is present for the duration of the construction period. Consequently, this setback distance would apply to residences or other receptors that would be reasonably expected to be consistently present over a several month construction period. The nearest mainland sensitive receptor to the ferry terminal would be second story residential apartments across Bridgeway, approximately 500 feet to the southwest. At this offset distance, cancer risk and hazard impacts at the nearest sensitive receptor would be less than significant.

PM2.5 concentration impacts were also assessed using BAAQMD screening tables. Using the assumed construction area of 1.7 acres, BAAQMD identifies an offset distance of 95 meters (312 feet) as sufficient for ensuring a sensitive receptor would have an annual average PM2.5 concentration below 0.3 micrograms per cubic meter. The nearest mainland sensitive receptor to the ferry terminal would be second story residential apartments across Bridgeway, approximately 500 feet to the southwest. At this offset distance, PM2.5 exposure impacts at the nearest sensitive receptor would be less than significant.

e) **Less than Significant Impact.** As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations. No such uses would occupy the project site. Therefore the project would not create objectionable odors that would affect a substantial number of people.

References

Bay Area Air Quality Management District (BAAQMD), *Bay Area 2010 Clean Air Plan,* 2010a.

Bay Area Air Quality Management District (BAAQMD), *CEQA Air Quality Guidelines*, adopted June 2, 2010b.

Bay Area Air Quality Management District (BAAQMD), *Screening Tables for Air Toxics Evaluation During Construction, Version 1.0*, May 2010c.

Biological Resources

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES — 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 Game 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 Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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?	☐	☐	☒	☐

Discussion

a, d) **Less than Significant with Mitigation.** The ferry terminal improvements are proposed within Richardson Bay, which is part of Central San Francisco Bay (Central Bay), which in turn connects to the Pacific Ocean through the Golden Gate. The permanent facility is proposed over the footprint of the existing facility. The project site is entirely within, above, or adjacent to Central Bay waters. The developed terrestrial project areas adjacent to the waterfront do not support natural habitat for special-status plant and wildlife species and the project site does not contain lands designated as critical habitat for any threatened or endangered terrestrial species. The project area is located primarily within the aquatic habitat of Central Bay. The following assessment focuses on aquatic habitats in the immediate project area within the vicinity of the developed waterfront. **Table 2-2** summarizes the special-status species and habitat occurring in the project vicinity as well as an assessment of potential species occurrence in the project area for the proposed project.

Due to the proximity to the Golden Gate and open ocean waters, Central Bay biota most closely resemble open coast plant, invertebrate, and vertebrate marine communities. The marine biological biota found in the Central Bay area includes invertebrate infauna and

TABLE 2-2
SPECIAL-STATUS SPECIES, CRITICAL HABITAT AND ESSENTIAL FISH HABITAT OCCURRING IN THE PROJECT AREA

Scientific Name Common Name	Listing Status Federal/State	General Habitat	Potential for Species Occurrence in the Project Area	Rationale
FEDERAL OR STATE LISTED, OR PROPOSED LISTED SPECIES				
Fish				
Green sturgeon, southern DPS *Acipenser medirostris*	FT/–	Adults spawn in freshwater and then return to estuarine or marine environments. Preferred spawning habitat occurs in the lower reaches of large rivers with swift currents and large cobble	Seasonally present	Habitat is present and species is seasonally expected in the project area
Delta smelt *Hypomesus transpacificus*	FT/CE	Found in large, main channels and open areas of the Bay.	Seasonally present	Habitat is present and species is documented in Central Bay
Steelhead, Central California Coast ESU *Oncorhynchus mykiss*	FT/CSC	Drainages of San Francisco and San Pablo bays, central Calif. Coastal rivers	Seasonally present	Species is species is expected to seasonally migrate in the general vicinity of the project area
Steelhead, Central Valley ESU *Oncorhynchus mykiss*	FT/CSC	Drainages of San Francisco, Central Valley and San Pablo bays	Seasonally present	Species is species is expected to seasonally migrate in the general vicinity of the project area
Chinook Salmon, Winter-run Sacramento ESU *Oncorhynchus tshawytscha*	FE/CE	Spawns in the Sacramento and San Joaquin Rivers and their tributaries; migrates through Bay waters	Seasonally present	Species is species is expected to seasonally migrate in the general vicinity of the project area
Chinook salmon, Fall and late Fall -run ESU *Oncorhynchus tshawytscha*	--/CSC	Spawns in the Sacramento and San Joaquin Rivers and their tributaries; migrates through Bay waters	Seasonally present	Species is species is expected to seasonally migrate in the general vicinity of the project area
Chinook salmon, Central Valley spring-run ESU *Oncorhynchus tshawytscha*	FT/CT	Bay waters, Central and northern California coastal rivers and streams	Seasonally present	Species is species is expected to seasonally migrate in the general vicinity of the project area
Longfin smelt *Spirinchus thaleichthys*	--/CT	California populations of the species occur in estuaries and near-coastal waters from Monterey Bay to the Smith River	Moderate potential	Habitat is present and species is documented in Central Bay, though the species' principal habitat is further upstream toward the Delta
Birds				
California least tern *Sternula antillarum*	FE/CE	Nests in large trees, often near water, open grasslands, or agricultural lands	Low potential (foraging)	Nesting habitat does not occur in the project area; this species may infrequently forge within the project area
Mammals				
Southern sea otter *Enhydra lutris nereis*	FT/CFP	Coastal areas of central California, generally between Half Moon Bay and Pt. Conception	Low potential	Infrequent visitor to the project region, though the project area is generally outside this species' normal range
Humpback whale *Megaptera novaeangliae*	FE/–	Coastal waters are within this species' migration route; occasionally enter San Francisco Bay	Low potential	Occasional visitor to the project region

TABLE 2-2 (Continued)
SPECIAL-STATUS SPECIES, CRITICAL HABITAT AND ESSENTIAL FISH HABITAT OCCURRING IN THE PROJECT AREA

Scientific Name Common Name	Listing Status USFWS/ CDFG/CNPS	General Habitat	Potential for Species Occurrence in the Project Area	Rationale
		SPECIES OF SPECIAL CONCERN		
Fish				
Pacific herring *Clupea harengeus*	MSFCMA	Shallow intertidal waters of bays, estuaries, and coastlines; including rocks, jetties, sandy beach, and pilings	Present	Habitat is present and species is seasonally expected in the project area
Birds				
California brown pelican *Pelecanus occidentalis*	FD/CD	Forages in open water, breeds in colonies on islands without mammal predators	Present	Occasional pelican foraging and roosting is expected in the project area
Double-breasted cormorant *Phalacrocorax auritus*	--/CSC	Nests along coast on sequestered islets, usually on sloping ground or in tall trees along lake margins	Present	Foraging habitat is present in the project area; nesting habitat is absent
Mammals				
Pacific harbor seal *Phoca vitulina*	MMPA	Littoral in nature, colonies found on protected tidal rocks, reefs, and breakwaters	Occasional visitor to the Project Area	Species is known from Central Bay, may infrequently forage within the project area
Harbor porpoise *Phocoena phocoena*	MMPA	Common in bays, estuaries and harbors, including Central Bay	Occasional visitor to the Project Area	Species is known from Central Bay, though does not permanently reside within the project area
California sea lion *Zalophus californianus*	MMPA	Littoral in nature, colonies found on protected tidal rocks, reefs, and breakwaters	Occasional visitor to the Project Area	Species is known from Central Bay, may infrequently forage within the project area
Habitat				
Eelgrass *Zostera marina*	CDFG sensitive habitat; Essential Fish Habitat	Sheltered coves in San Francisco Bay	Present in the vicinity but not at the project site	Eelgrass beds are present approximately 150 feet (44m) north of the project area and immediately north of floating docks at the Sausalito Yacht Club

STATUS CODES:

Federal (U.S. Fish and Wildlife Service/National Marine Fisheries Service):
FE = Listed as Endangered by the federal Government
FT = Listed as Threatened by the federal Government
FD = De-Listed by the federal Government
MMPA = Marine Mammal Protection Act
MSFMCA = Magnuson-Stevens Fishery Conservation and Management Act

State (California Department of Fish and Game):
CE = Listed as Endangered by the State of California
CT = Listed as Threatened by the State of California
R = Rare
CSC = California species of special concern
CFP = California fully protected species
CD = De-Listed by the State of California

California Native Plant Society:
List 1A = Plants believed extinct
List 1B = Plants rare, threatened, or endangered in California and elsewhere

SOURCES: CDFG, 2011; USFWS and NMFS, 2010; ESA, 2012.

mobile epifauna that inhabit Bay sediments, sessile and encrusting invertebrates and aquatic vegetation on natural and man-made hard substrates, and planktonic organisms, fish, marine mammals, and marine birds that inhabit or use the open waters of the Bay-Delta estuary. Marine habitats and associated marine communities present in the project area include natural (rock) and artificial (concrete, rock riprap, wood and concrete pilings) hard intertidal area, soft substrate subtidal habitat, and open water. Nearby eelgrass beds are characterized as a sensitive subtidal vegetation community by the California Department of Fish and Game (CDFG) and NOAA Fisheries, but are not present within the project site itself. Oyster beds, also characterized as a sensitive community by NOAA Fisheries, are not present within the project site or in the project vicinity.

Project construction of the permanent structure would involve installing a new floating dock in approximately the same location as the existing float and installing new pre-fabricated gangways and boarding platforms. Project construction would require work above and adjacent to the Bay, including demolishing existing gangways. Additionally, the proposed project would require in-water construction work, including pile removal and pile installation. Pile installation would involve the use of both vibratory and if necessary, impact hammers. Project construction of the temporary ferry terminal would involve installing a new pier immediately south of the existing structure and floating over the existing terminal's gangway and float. In-water construction work would be required to install piles to secure the temporary structure.

In-water construction activities for the proposed project would adhere to seasonal work windows defined in the U.S. Army Corps of Engineers' (USACE) Long Term Management Strategy (LTMS), summarized in **Table 2-3** (LTMS, 2001). The LTMS for maintenance dredging in San Francisco Bay represents a cooperative program among the U.S. EPA, USACE, Regional Water Quality Control Board (RWQCB), BCDC, and regional stakeholders, including National Oceanic and Atmospheric Administration (NOAA) Fisheries, CDFG, environmental organizations, and water-related industries. The LTMS environmental work windows establish seasonal periods for various locations within the Bay-Delta system when sensitive life-stages for listed or special status species are absent, such as migration or spawning stages for pacific herring and salmonids. The project would conform to all applicable water quality control measures required by RWQCB and BCDC permit conditions, LTMS environmental work-windows, and implement standard BMPs to minimize in-water construction related effects to special-status species and aquatic habitats of San Francisco Bay.

Biological resources that would be directly, indirectly, temporarily or permanently impacted by the proposed project are discussed below. The assessment of direct impacts on biological resources include consideration of the shoreline and in-water footprint of existing ferry terminal facilities to be removed, construction of new proposed terminal facilities, and the area proposed for pile installation. The assessment of indirect impacts includes project induced effects within a buffer area of 150 feet in each direction for

TABLE 2-3
ENVIRONMENTAL WORK WINDOWS FOR MAINTENANCE DREDGING ACTIVITIES ESTABLISHED IN THE LONG TERM MANAGEMENT STRATEGY FOR SAN FRANCISCO BAY

Species	Applicable Bay Region/Location	Authorized Work Windows
Steelhead Trout	Central San Francisco Bay, Bay Bridge to Sherman Island	June 1 to November 30
Chinook Salmon, juveniles	Bay Bridge to Sherman Island	June 1 to November 30
Coho Salmon	Waters of Marin County from the Golden Gate Bridge to Richmond-San Rafael Bridge	June 1 to October 31
Pacific Herring	Central San Francisco Bay, Richardson Bay, North and South Bay	March 1 to November 30
Dungeness Crab	North Bay, San Pablo Bay, and shallow berthing areas	July 1 to May 30

SOURCE: LTMS, 2004.

terrestrial and shoreline habitat, and 250 feet within aquatic habitat. Portions of the project area would be permanently impacted due to the installation of pilings and placement of the dock and gangways. Portions of the project area would be temporarily impacted by noise during pile-driving (both underwater and above water) and in-water construction-related increases in turbidity.

Impacts to Special Status Birds

The California brown pelican is a subspecies that is found on the Pacific coast from California to Mexico. The pelican was recently de-listed but remains a Fully Protected species under the California Fish and Game Code. It forages in coastal salt water, along beaches, bays, marshes, and in the open ocean. Breeding takes place between March and August along the southern California coast, from the Channel Islands to Baja California (ESA, 2012). They migrate north from June to November. Brown pelicans feed on fish in both shallow and deep waters, using structures such as breakwaters, pilings, and salt-pond dikes as roosts. They are common in Central Bay, and may forage and roost in the project area, though nesting habitat is absent.

Double-crested cormorants are a State species of special concern. They are year-long residents of California and are common in Central Bay. They rest and roost on offshore rocks, islands, steep cliffs, dead branches of trees, wharfs, jetties, transmission lines, bridges, or marine terminals. Double-crested cormorants are colonial breeders and have established large colonies on both the Bay and Richmond-San Rafael bridges. They are common in Central Bay, and may forage in the project area, though nesting habitat is absent.

The California least tern is a State and federally listed endangered species and Fully Protected species in California. The migratory least tern is known to breed at select locations on the fringe of San Francisco Bay between April and August. They nest on the ground in abandoned salt ponds and along estuarine shores. Least terns have been known

to nest on dredge-spoil islands as well as areas next to airport runways and industrial ports. Least terns could infrequently forage within the project area, though nesting habitat is absent.

Because special-status birds do not nest in the project area, impacts would not occur to nesting sites for special-status birds and avoidance and minimization measures are not warranted. Special-status birds may infrequently forage within the project area. The project would not reduce the amount or quality of foraging habitat available to these species. Foraging habitat for special-status bird species is locally plentiful and occurs along the entire local waterfront and elsewhere in San Francisco Bay. Construction activities would not reduce local waterbird foraging opportunities or reduce bird survivorship. Overall, the proposed project would have a negligible impact on marine birds; they would be temporarily discouraged from foraging within the localized project area during construction activities. Following project implementation, bird foraging habitat quality within the project area would be similar to pre-project conditions. Therefore, impacts relating to adverse affects to special-status bird species would be less than significant.

Impacts to Special Status Plants

Surveys of terrestrial and aquatic portions of the project area (ESA, 2012) established an absence of habitat capable of supporting special-status plants. The "upland" portion of the project area is entirely developed by wharves and docks, and does not support special-status plant species. No known eelgrass or extensive submerged aquatic vegetation beds occur within the aquatic portions of the project site However, eelgrass beds were observed approximately 150 feet (44m) beyond the project area; therefore, the project has the potential to result in short-term indirect impacts to eelgrass (primarily resulting from short-term increases in suspended sediment during pile removal and installation). Implementation of avoidance and minimization measures discussed in b) and Mitigation Measure BIO-2, below, would reduce short-term construction-related water quality impacts associated with pile driving, through monitoring and adaptive management measures consistent with the Programmatic Consultation for Essential Fish Habitat prepared for Maintenance Dredging Activities conducted pursuant to the LTMS. Therefore, impacts relating to adverse effects to special-status plant species, including eelgrass beds located outside of the project area, would be less than significant.

Impacts to Marine Mammals and Special-Status Fish

Pacific harbor seals and harbor porpoises are year-round residents in the vicinity of the project area, and California sea lions are present in the project area through most of the year. Pacific harbor seals and California sea lions may forage in the vicinity of the project area; however, haulout and pupping sites do not occur near the project site. All marine mammal species described above are protected by the Marine Mammal Protection Act. Fish species considered special-status and analyzed in this document (summarized in Table 2-2) that have a moderate or high potential to occur and to be exposed to project impacts are as follows:

State- or Federally-Listed

- Chinook salmon (Sacramento River spring- and winter-run, Central Valley spring- and fall-run)
- Green sturgeon
- Steelhead trout (Central Valley and Central California Coast)
- Delta smelt
- Longfin smelt

Other Special-Status Fish Species

- Magnuson-Stevens Act managed fish species: northern anchovy, Pacific sardine, English sole, sand sole, curlfin sole, Pacific sanddab, starry flounder, lingcod, brown rockfish, pacific whiting, kelp greenling, leopard shark, spiny dogfish shark, soupfin shark, skates, bocaccio, and cabezon
- Pacific herring

Proposed removal and installation of pilings and other in-water construction activities can be expected to result in the temporary loss of foraging habitat for marine mammals and special-status fish species, cause short-term and localized increases to water turbidity, and expose species to sediment-affiliated organic and inorganic contaminants from resuspended sediments. Installation of pilings could result in increased noise levels that can be harmful to marine mammals and special-status fish species. Increased turbidity and noise resulting from pile driving could impact special-species migration. Project implementation would result in increased over-water fill/shading. These impacts are addressed by type below.

Water Quality. Impacts to marine mammals and fish species from pile removal and installation, as well as other in-water construction activities, include exposure to re-suspended contaminated sediments and increased water turbidity. As described above, all project related pile installation and removal would be conducted within the LTMS authorized work windows to minimize impacts to sensitive aquatic species and life-stages. Different restrictions and requirements are enforced depending on the affected species and time of year. Table 2-3 summarizes work windows and restrictions relevant to the proposed Project. Additionally, all in-water construction activities would comply with BCDC and RWQCB regulations and provisions regarding water quality control in issued permits concerning the increased suspended sediment and turbidity from pile installation / removal operations.

Increases to suspended sediments and turbidity from pile installation / removal operations would be highly localized and temporary, occurring only during the in-water construction period. The wind, waves, and tidal currents present along waterfront piers can be expected to quickly dissipate any turbidity plumes generated from pile installation / removal operations. Strict adherence to the established environmental work windows outlined in the LTMS and adherence to the required permit conditions and standard BMPs for in-water construction activities would ensure that impacts from the re-suspension of organic or

inorganic contaminants from construction related increases in suspended sediments or turbidity to marine mammals and special status fish species would be less than significant.

Increased Water Shading. The proposed project includes construction of new gangways and boarding platforms that would result in an increase of over water coverage from 8,000 square feet to 13,650 square feet, subsequently increasing shadow-fill. Construction of the temporary ferry terminal would also increase shadow-fill by 6,500 square feet for approximately six months. Shade cast from docks, piers, and pilings has been shown to reduce the amount of ambient light within the marine environment, affect invertebrate and vertebrate community composition, and create behavioral barriers that can deflect or delay fish migration, reduce fish prey forage, and alter predator-prey relationships over normal open-water conditions (TRAC, 2001). However, Bay waters are subjected daily to high wave and tidal currents that maintain seafloor sediments and suspend sediments, resulting in naturally turbid waters that are naturally limiting to ambient light penetration.

The current ferry terminal is subject to regular and ongoing disturbance and frequent shading from current ferry operations. Additionally, the increase of shadow-fill relative to open water coverage of a similar depth and substrate is negligible relative to available open water within the Central Bay shoreline. Based on existing conditions and the small increase in over water coverage relative to available open Bay waters, the potential effect of project related shading on sensitive species and habitat is less than significant.

Noise. Piles would be installed using pile drivers and vibratory hammers and if needed, impact hammers, during the established LTMS environmental work windows when sensitive life stages for special-status fish species are absent. There are no established sea lion or harbor seal breeding or pupping areas in the project area or in the vicinity of the project area. The NMFS 2007 programmatic consultation for essential fish habitat pursuant to Magnuson-Stevens Act, Federal Endangered Species Act-listed species, and marine mammals covered by the Marine Mammal Protection Act established activity-specific criteria to avoid or minimize adverse effects as a result of specific routine permitted activities, such as pile installation (NMFS, 2007). Specific to pile installation, this programmatic consultation established that, for any size of steel, wood, or concrete pile, installation employing a vibratory hammer can occur year-round without significant adverse affects to marine mammals or special-status fish species due to the highly localized and temporary nature of the disturbance. Impact hammers may be used for pile installation, but have the following restrictions to avoid significant adverse affects to sensitive aquatic wildlife: wood piles may be installed year-round, concrete or steel pipe piles under 18 inches in diameter may be installed year-round, and steel piles under 12 inches in diameter and using impact hammers less than 3,000 pounds and employing a wood cushion block may occur year-round.

The NMFS programmatic consultation further established that, when marine mammals are present, work windows for pile installation are species-specific and may require onsite monitors and Incidental Harassment Permits and that projects would be required to:

- Maintain underwater sound pressure (root mean square) below levels that can injure (180 dB re 1 micropascal) or affect the behavior (160 dB re 1 micropascal) of marine mammals
- Maintain a 500-meter safety zone around sound sources in the event the sound level is unknown or cannot be adequately predicted
- Maintain sound levels below 90 dBA in air when pinnipeds (seals and sea lions) are present
- Halt work activities when a marine mammal enters the 500-meter safety zone
- Bring loud mechanical equipment online slowly to allow species an opportunity to vacate the area
- Adjust vessel speed when marine mammals are in the project area

Consistent with the NMFS 2007 programmatic consultation, using vibratory hammers for installation of piles would ensure impacts relating to adverse affects to marine mammals or special-status fish species from noise would be less than significant.

However, in addition to pile installation in accordance with the LTMS guidelines, the proposed project would use impact hammer pile installation for 15 concrete or steel piles greater than 18 inches in diameter (24 inches in diameter). Concrete and steel piles that are driven into or adjacent to water can produce high-intensity noise under the water surface, potentially resulting in disturbance of marine mammals and fish or damage to their soft tissues (such as eyes or gas bladders).

Marine mammals and protected and managed fish species (including salmon, steelhead, longfin smelt, Pacific herring, anchovies, mackerel, sardine, soles, sanddab, green sturgeon, and other bottom fish) potentially use the waters in the project area for foraging. The striking of a pile by an impact hammer creates a pulse of sound that propagates through the pile, radiating out through the water column, seafloor, and air. Pile-driving hammers driving concrete and steel piles in water typically generate sound waves ranging from 185 to 220 dB (peak) and 160 to 195 dB sound exposure level (SEL; Caltrans, 2009). Noise calculations for pile installation estimate that pile driving activities using 24-inch concrete or steel pipe pilings generate noise levels ranging from 170 to 210 dB (peak; URS, 2011). Scientific investigations on the potential effect of noise on fish indicate that sound levels below 187 dB do not appear to result in any acute physical damage or mortality in fish (Dalen and Knutsen, 1986).

Therefore, consistent with the NMFS 2007 programmatic consultation, pile-driving activities utilizing an impact hammer for installation of concrete or steel piles greater than 18 inches in diameter has the potential to result in significant impacts relating to harassment, injury, or disruption of normal behavior, such as foraging or swimming, to marine mammals and special-status fish species that are present in the Bay waters within the vicinity of pile-driving activities. Implementation of established BMPs for pile

driving, as detailed and required in **Mitigation Measure BIO-1**, would reduce these impacts to less than significant.

> **Mitigation Measure BIO-1: Pile Driving Noise Reduction.** Prior to the start of construction, the District shall develop a NMFS-approved sound attenuation monitoring plan. This plan shall provide detail on the methods used to monitor and verify sound levels during pile driving activities, and management practices to be taken to reduce pile driving sound in the marine environment to an intensity level of 180 dB at 500 meters (1,640 feet). The sound monitoring results shall be made available to the NMFS on request. The plan shall incorporate the following best management practices (BMPs):
>
> - When finalizing project design, reduce the number and size of piles, if feasible, and use wood or other solid piles to the extent practicable.
> - Vibratory drivers shall be used for the installation and removal of all pilings to the maximum extent feasible.
> - All piling installation using impact hammers shall be conducted during LTMS work windows (June 1 to November 30).
> - A "soft start" technique shall be employed in all pile driving to give fish and marine mammals an opportunity to vacate the area.
> - Cushion blocks shall be used between the hammer head and piles to reduce vibration.
> - A 500-meter safety zone shall be maintained around the sound source, for the protection of marine mammals.
> - Work activities shall be halted when a marine mammal enters the 500-meter safety zone and the mammal allowed to completely vacate the vicinity of the pile-driving activities before pile driving resumes.

Migration. The following special-status fish species utilize the Central Bay as migratory habitat: Chinook salmon, coho salmon, steelhead trout, green sturgeon, longfin smelt, and 20 Fish Management Plan (FMP) managed fish species (Pacific groundfish, coastal pelagic, and Pacific coast salmon FMPs) covered under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Dungeness crab also seasonally migrate from San Francisco Bay to the Pacific Ocean through the project area.

Increased turbidity and noise resulting from pile driving and pile removal could potentially affect special-status species migration due to behavioral avoidance, increased stress, or direct mortality. However, as discussed above, all in-water construction activities would be conducted within the environmental work windows (Table 2-3) outlined in the LTMS. Migratory lifestages for sensitive species are absent in Central Bay within the established LTMS environmental work windows. Therefore, impacts relating to the movement of any native resident or migratory special-status fish species are less than significant.

b) **Less than Significant with Mitigation.** The marine and shoreline habitats where the existing terminal berths would be removed and replaced with proposed upgraded facilities, and where the temporary ferry terminal would be constructed, consist of open water pelagic (midwater) habitat, nearshore subtidal (generally soft substrate) and armored intertidal habitats that are fortified with boulder riprap (ESA, 2012). The sensitive natural marine communities associated with eelgrass and native Olympia oyster beds are marine communities relevant to the proposed project site and are considered sensitive in local or regional plans, policies, or regulations.

Oysters are expected in rocky intertidal habitat associated with shoreline rip rap in the project area that would not be disturbed by the project; however, subtidal habitat is limited in the BSA (San Francisco Bay Subtidal Habitat Goals Report 2010). Individual oysters may be attached to piers that would be removed. The Proposed Action would not disturb any significant native oyster beds. Piers and other hard substrates that are removed by the project would be replaced in-kind by new pier and dock facilities. The total area and availability of artificial hard substrate (such as pilings) potentially utilized by Olympia oysters would increase as a result of the proposed project. Therefore, impacts relating to adverse effects Olympia oysters' natural habitat would be less than significant. Because impacts to native oyster beds are not anticipated and impacts to individual oysters would be nominal, no mitigation measures are proposed for this species.

No known eelgrass or extensive submerged aquatic vegetation beds occur within the project site but are known to be nearby (ESA, 2012). Therefore, the in-water construction (such as pile installation) associated with the proposed project would not directly affect eelgrass habitat. However, eelgrass beds have been surveyed approximately 150 feet (44 m) north of the project area and immediately north of floating docks at the Sausalito Yacht Club (ESA, 2012). While there is some potential for indirect impacts to these eelgrass beds during project construction activities (such as pile driving), these impacts would be temporary, highly localized, and minimal. Furthermore, potential impacts to these eelgrass beds would be minimized as a result of project compliance with water quality controls imposed by RWQCB and BCDC permits. Finally, implementation of **Mitigation Measure BIO-2** would reduce short-term construction-related water quality impacts associated with pile driving to less than significant, through monitoring and adaptive management measures consistent with the Programmatic Consultation for Essential Fish Habitat prepared for Maintenance Dredging Activities conducted pursuant to the LTMS. Therefore, indirect effects to eelgrass beds or other sensitive natural communities would be less than significant.

> **Mitigation Measure BIO-2: Pile Driving Suspended Sediment Reduction.** Prior to the start of all pile driving activities, the District shall conduct a single pre-construction survey, to confirm absence of eelgrass beds within the project area. If eelgrass beds are discovered within the area proposed for pile driving, the District shall develop, in coordination with NMFS, an appropriate plan to avoid and minimize potential direct impacts to eelgrass, prior to initiation of pile driving activities.

After completion of the pre-construction survey, and during pile driving activities, the District shall conduct light monitoring activities and utilize adaptive management strategies, in a manner consistent with the Programmatic Consultation for Essential Fish Habitat prepared for Operations and Maintenance Dredging Activities in the San Francisco Bay Area conducted pursuant to the LTMS (or pursuant to NMFS minimization recommendations provided during their consultation under the Magnuson-Stevens Act), to ensure that potential impacts to eelgrass beds are avoided or minimized to the extent practicable. Specifically, light monitoring should be conducted to ensure that the average daily period of irradiance-saturated photosynthesis (H_{sat}) does not fall below 3-5 hours (or levels observed at a nearby reference site that experiences comparable ambient water quality conditions) for durations of 30 days or longer, as established in the Revised Draft San Francisco Bay Light Monitoring Protocol. If the measured H_{sat} drops below levels identified as acceptable for the site, the District should cease bottom-disturbance activities during daylight hours, allow suspended sediments to settle, and/or modify operation methods, to reduce turbidity and increase daily H_{sat} levels above the target number of hours (this turbidity reduction typically occurs within a few tidal cycles).

The direction of prevailing currents relative to eelgrass bed location(s) should also be considered prior to and during disturbance activities.

c) **Less Than Significant Impact.** The project area is located within Central San Francisco Bay at the location of the existing Sausalito Ferry Terminal, over the footprint of the existing facility in addition to a small adjacent area (to the south) where the temporary ferry terminal would be constructed. The National Wetland Inventory characterizes one wetland type in the project area: Estuarine and Marine Deepwater (ESA, 2012). No other wetland habitat types occur in the project area.

A Section 401 permit would be required for this project from the RWQCB. Also, because the project is within the Bay and Shoreline Band jurisdiction of the BCDC, a BCDC permit would be required. Because the District would be required to comply with all applicable laws and obtain necessary permits from the BCDC and other agencies, including consultation with the USFWS and NMFS under Section 7 of the Endangered Species Act, and with CDFG under Section 2080.1/2081, impacts related to federally protected wetlands would be less than significant.

e, f) **Less Than Significant Impact.** The San Francisco Bay Subtidal Habitat Goals Report provides a scientific foundation and approach for the conservation and enhancement of submerged areas of San Francisco Bay and was prepared with collaboration among BCDC, California Ocean Protection Council/California State Coastal Conservancy, NOAA, and the San Francisco Estuary Partnership (San Francisco Bay Subtidal Habitat Goals Project, 2010). As such, it contains recommended conservation goals for Bay subtidal habitats. The Subtidal Habitat Goals Report includes habitat conservation goals promoting no net loss or disturbance to soft bottom and rock habitats (subtidal and intertidal habitats), enhancing habitat function of artificial structures, minimizing placement of artificial structures detrimental to subtidal habitat function, protecting native shellfish habitat and existing eelgrass habitat, and protecting macroalgal beds.

As discussed in impact assessments above, there would be no net loss of Bay subtidal and intertidal sand, soft bottom substrate, and natural and artificial hard substrate habitats. The permanent facility is proposed entirely over the footprint of the existing facility, and the temporary ferry terminal would only be in place for about six months. Although some disturbance of Bay subtidal soft substrate would occur during pile removal and driving, this disturbance would be minimal, of short duration, and highly localized. Full recovery to pre-disturbance conditions is expected to occur. None of the proposed infrastructure improvements would result in the removal or loss of any habitat function or historical value of artificial structures; result in the net loss of any eelgrass or macroalgal beds; or result in a net loss of oyster beds or habitat.

Therefore, the potential for the project to conflict with applicable local policies or ordinances protecting marine or estuarine biological resources or conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan for marine or estuarine resources would be less than significant.

References

California Department of Transportation (Caltrans), 2009, Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish, Final Report, prepared for California Department of Transportation by ICF Jones & Stokes and Illingworth and Rodkin, Inc. Accessed online on April 29, 2011, at http://www.dot.ca.gov/hq/env/bio/files/Guidance_Manual_2_09.pdf.

California Department of Fish and Game (CDFG), 2011, California Natural Diversity Data Base, Rarefind 3 computer program, Sacramento, CA.

California State Coastal Conservancy and Ocean Protection Council. 2010. San Francisco Bay Subtidal Habitat Goals Report.

Dalen, J. and G.M. Knutsen, 1986, Scaring effects of fish and harmful effects on eggs, larvae and fry from offshore seismic explorations. ICA Associated Symposium on Underwater Acoustics, 16-18 July, Halifax, Canada, 1986.

Environmental Science Associates (ESA), 2012, *Golden Gate Sausalito Ferry Terminal Vessel Boarding Rehabilitation Project. Natural Environmental Study, Biological Resources Technical Report*, June 2012.

Long Term Management Strategy (LTMS), 2004, Environmental Work Windows, Informal Consultation Preparation Packet, prepared by the LTMS Environmental Windows Work Group, April 2004. Accessed online on April 29, 2011, at: http://www.bcdc.ca.gov/pdf/Dredging/Informal_Consult_Pckt.pdf.

Long Term Management Strategy (LTMS), 2001, LTMS Management Plan, accessed online April 29, 2011, at: http://www.spn.usace.army.mil/ltms2001/

National Marine Fisheries Service (NMFS), Programmatic Consultation Letter to Brigadier General John R. McMahon, U.S. Army Corps of Engineers, from Robert S. Hoffman, NMFS, dated December 21, 2007.

National Marine Fisheries Service (NMFS), Programmatic Essential Fish Habitat Consultation Prepared for Operations and Maintenance Dredging Conducted under the Long Term Management Strategy (LTMS) Program. July 13, 2010.

National Marine Fisheries Service (NMFS) Southwest Regional Habitat Conservation District, San Francisco Bay Light Monitoring Survey Protocol. Revised January 2010.San Francisco Bay Subtidal Habitat Goals Project, 2010. San Francisco Bay Subtidal Habitat Goals Report – Conservation Planning for the Submerged Areas of the Bay; 50-Year Conservation Plan, accessed online on April 29, 2011, at: http://www.sfbaysubtidal.org/report.html.

URS, 2011, Draft Environmental Impact Report for the Pier 36/Brannan Street Wharf Project. Case No. 2009.048E. State Clearinghouse No. 2009122058. Prepared for the San Francisco Planning Department. February 9, 2011.

U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), 2011, Species List for San Francisco Ferry Terminal Expansion. Document Number: 101207113831. December 7, 2010.

Washington State Transportation Commission (TRAC), 2001, Executive Summary Overwater Structures: Marine Issues. Research Project 1803, Task 35, Overwater Whitepaper by Barbara Nightingale and Charles A. Simenstad. University of Washington, Seattle, Washington, prepared for the Washington State Transportation Commission, June 2001. Accessed online on April 29, 2011, at http://www.wsdot.wa.gov/research/reports/fullreports/508.2.pdf

Cultural Resources

Issues (and Supporting Information Sources):		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
5.	**CULTURAL RESOURCES — Would the project:**				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

a) **No Impact.** No historical resources are located within the direct (75,000 square foot construction area) or indirect (visual) Area of Potential Effects (APE). Two historic buildings (P-21-001707: the Northwest Pacific Railroad Express Office, and P-21-002641: 201 Bridgeway Boulevard) and one historic structure (a pump station; P-21-002629) are located within the 0.5-mile study radius, at least 300 feet outside of the

indirect APE. None of these resources has been listed on or formally determined eligible for the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR).

The Sausalito Ferry Terminal and all associated facilities were constructed in 1970, and do not meet the minimum age threshold (50 years) for consideration for listing on the NRHP or CRHR. Furthermore, there is nothing to indicate that the ferry terminal would meet National Register Criterion G (exceptional significance for resources less than 50 years old).

Construction would occur either in a designated off-site location (for assembly of the concrete floats) or within the 75,000 square-foot construction area. Construction staging and parking areas totaling 5,000 to 8,000 square feet have not yet been identified, but would most likely occur on paved surfaces that are currently used for parking, delivery loading/unloading, and similar activities. Because no historical resources are located within the direct or indirect (visual) APE, and none are closer than 300 feet from the indirect APE, no impacts to historical resources would occur.

b) **Less than Significant with Mitigation.** Background research of the area was conducted through a records search at the Northwest Information Center of the California Historical Resources Information System, the shipwrecks database maintained by the California State Lands Commission (CSLC), and by contacting the Native American Heritage Commission (NAHC). No known archaeological resources have been identified within the direct APE. Two prehistoric archaeological resources (P-21-00002 and P-21-000563) have been recorded within the 0.5-mile records search study area, at least 1,000 feet from the direct APE. Neither of these resources are listed on, or determined eligible for, the NRHP or CRHR. No shipwrecks or traditional Native American cultural properties are known to exist in the project vicinity.

Neither prehistoric nor historic-era archaeological resources have been identified within the direct or indirect APE. The proposed undertaking would have no direct or indirect adverse effects on known archaeological resources qualifying as historic properties. Because the project would involve pile driving in reclaimed Bay floor sediments and/or artificial fill, the potential for undiscovered prehistoric archaeological resources is low. However, a potential could exist for historic-era archaeological resources, including previously unreported shipwrecks.

Therefore, the possibility still exists for the discovery of such resources as a result of proposed project activities. Potential features or artifacts indicative of historic-era archaeological remains could occur, especially features such as wooden wharf or pier remnants. No shipwrecks have been reported in the project vicinity. However, given the history of Sausalito as a community of boat owners and users, such remains could occur. Such remains, if they exist in the project APE, could qualify as significant archaeological resources. Damage or destruction of a potentially NRHP-eligible archaeological resource would cause a substantial adverse change in the significance of such a resource. The

following measure is provided in the event that an inadvertent discovery occurs during construction.

> **Mitigation Measure CUL-1: Cease Work if Subsurface Cultural Resources are Discovered During Ground-Disturbing Activities.** If cultural resources are encountered during ground-disturbing activities, all activity in the vicinity of the find shall cease until it can be evaluated by a professional archaeologist meeting the Secretary of the Interior's Standards for the appropriate specialty. If the archaeologist determines that the resources may be significant, the District and FTA Region 9 shall be notified and will develop an appropriate treatment plan for the resources.
>
> In considering any suggested measures proposed by the archaeologist in order to mitigate impacts to cultural resources, the District and FTA Region 9 will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the project location while treatment plans for cultural resources are being developed and implemented.
>
> Incorporation of Mitigation Measure CUL-1 would ensure that potential impacts to archaeological resources would remain at a less-than-significant level.

c) **No Impact.** Soils within the direct APE consist of artificial fill and/or dredged unconsolidated alluvial and marine sediments from the Bay floor (Bay Mud), deposited by freshwater sources flowing into the east side of the Bay, and by tidal action of the Pacific Ocean. There is no potential for unique paleontological or geologic features in this project setting.

d) **No Impact.** Given the setting of the APE and the known previous disturbances to supporting soils, there is no potential for the discovery of human remains during the project.

References

California Department of Parks and Recreation, *California Inventory of Historic Resources*, 1976.

California Department of Parks and Recreation, *California Historical Landmarks*, 1996.

Moratto, M.J., *California Archaeology*, Smithsonian Press, San Diego, CA, 1984.

Office of Historic Preservation. *California Points of Historical Interest*, 1992 and updates.

Office of Historic Preservation, *Directory of Properties in the Historic Property Data File for Marin County*, March 5, 2011.

U.S. Department of the Interior, 2011 National Register of Historic Places.

Geology, Soils, and Seismicity

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
6. GEOLOGY, SOILS, AND SEISMICITY — Would the project:				
a) Expose people or structures to 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? (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 risks to life or property?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

a.i) **Less than Significant Impact.** The project site is not located in an Alquist-Priolo Earthquake Fault Zone nor is it located on or immediately adjacent to an active or potentially active fault.[3] The Alquist-Priolo Earthquake Fault Zoning Act requires the delineation of zones by the California Department of Conservation, Geological Survey (CGS, formerly known as the California Division of Mines and Geology [CDMG]) along sufficiently active and well-defined faults. The purpose of the Act is to restrict construction of structures intended for human occupancy along traces of known active faults. Alquist-Priolo Zones are designated areas most likely to experience surface fault rupture, although fault rupture is not necessarily restricted to those specifically zoned areas. The active faults

[3] An active fault is defined by the State of California is a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A potentially active fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not, of course, mean that faults lacking evidence of surface displacement are necessarily inactive. Sufficiently active is also used to describe a fault if there is some evidence that Holocene displacement occurred on one or more of its segments or branches (Hart, 1997).

nearest to the project site are the San Andreas, located approximately seven miles southwest of the project site, and the Hayward, located approximately 12 miles northeast. As the project site is not located in an Alquist-Priolo Earthquake Fault Zone nor is it located on or immediately adjacent to an active fault, fault rupture hazards associated with the proposed project are considered less than significant.

a.ii, iii) **Less than Significant Impact.** The San Francisco Bay Area region contains both active and potentially active faults and is considered to be a region of high seismic activity. The Hayward and San Andreas faults are most likely to experience a major earthquake. According to the U.S. Geological Survey (USGS) Working Group on Earthquake Probabilities, the probability of one or more earthquakes of Richter magnitude 6.7 or higher occurring in the San Francisco Bay Area for the 30-year period from 2003 to 2032 is 63 percent (USGS, 2008). The probability of a large earthquake anywhere along the Hayward fault during this period is 27 percent; for the San Andreas fault the probability is 21 percent.

The project site could experience a range of ground shaking effects during an earthquake on one of the aforementioned Bay Area faults. The degree of ground shaking depends on a variety of parameters including distance to causative fault, duration of shaking, characteristics of underlying materials, and others. The site is located at the San Francisco Bay shoreline and the proposed piles would be underlain by Bay Mud which are estuarine deposits characterized as soft and compressible. The Bay Mud deposits are underlain by sandstone and chert bedrock.

Previous geotechnical investigations have been conducted at the site by Harding and Associates in 1960, Cooper Clark Associates in 1974, and Lawrence B Karp in 1990 (Harding, 1960, Cooper Clark, 1974, and Karp, 1990). The geotechnical investigations evaluated site conditions based on the results of subsurface data in the area and through some extrapolation determined approximate thickness of Bay Mud deposits and depths to bedrock. Sandstone and chert bedrock is estimated to lie between 25 and 65 feet below mean lower low water (MLLW) with the deeper depths occurring further offshore.

Ground shaking can trigger localized liquefaction[4]. Secondary ground failure caused by liquefaction can damage structures, placing people at risk of injury and property loss. In general, Bay Mud deposits can contain sand lenses that are liquefiable. However, the potential for liquefaction is generally diminished with depth. The potential for liquefaction and estimates of potential settlement caused by liquefaction can only be determined through site specific analysis of subsurface materials. The District would prepare an updated geotechnical investigation for the design and type of construction for the proposed new piles to support the proposed improvements. Thus, with implementation of building code requirements and industry standard practices, the potential for liquefaction to cause damage to the proposed improvements would be less than significant.

[4] Liquefaction is the process by which saturated, loose, fine-grained, granular soils, such as sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

The 2010 California Building Code (UBC) contains various seismic design criteria based on vast scientific research and therefore has the most stringent requirements for seismic evaluation and design. Geotechnical and seismic design criteria are required to conform to the seismic requirements of the California Building Code (Title 24) and thus, project-related impacts to seismic shaking would be considered less than significant.

a.iv) **Less than Significant Impact.** The proposed development area is located on relatively level topography although there is a slight gradient sloping toward the Bay. Proposed improvements would generally be founded on pile supported piers that are anchored at depth in underlying materials. Proposed dredging would remove surface sediments however it would not be extensive enough to create unstable slopes. Therefore, given the location and gradient of existing slopes, there is low potential for slope failure at or in vicinity of the proposed site. Therefore, impacts related to slope-stability and/or landslides would be less than significant.

b) **Less than Significant Impact.** Project construction would not include any substantive grading or earthmoving activities that could expose site soils to erosive forces of heavy winds, rainfall, or runoff. The majority of the construction would include in-water work including demolition of existing pier, installation of new piles and dredging activities. The District would be required to implement erosion control measures to protect water quality during construction as further discussed in the Hydrology and Water Quality Section of this Initial Study. Once constructed the proposed project would have very similar uses to that of the existing uses which would not result in any new erosion or loss of topsoil impacts. Potential soil erosion hazards associated with project construction and operation would therefore be considered less than significant.

c) **Less than Significant Impact.** As mentioned above, the project site is underlain by Bay Mud deposits over bedrock. The bedrock is encountered at depths ranging from approximately 25 to 65 feet below MLLW. Bay Mud deposits are known to be soft, compressible and generally not sufficient to support any substantive loading. However, the proposed project would include the installation of new pile supported piers that are driven into more competent deposits at depth. Updated site specific geotechnical analysis which would be performed prior to final project design, would be conducted to determine minimum depths of the proposed piles. Implementation of building code standards and standard industry practices would ensure that project design would provide sufficient foundation support to the proposed improvements and reduce potential adverse effects from unstable soils to less than significant levels.

d) **No Impact.** Expansive soils are generally clayey soils that swell when wetted and shrink when dried. Expansive soils located beneath structures can result in cracks in foundations, walls, and ceilings. The proposed improvements would be founded on piles that are driven into saturated soils and do not go through a drying cycle. Therefore, there would be no impact related to expansive soils.

e) **No Impact.** The project would not include the installation of septic tanks or alternative wastewater disposal systems. Thus, no impact would occur.

References

Hart, E.W., 1997, *Fault-Rupture Hazard Zones in California: Alquist-Priolo Earthquake Fault Zoning Act of 1972 with Index to Earthquake Fault Zones,* California Geological Survey (formerly California Division of Mines and Geology), Special Publication 42, 1990, revised and updated 1997.

Harding Associates, 1960, *Foundation Investigation, Proposed Parkway apartments (301 El Portal)*, November 10, 1960.

Cooper Clark and Associates, 1974, *Geologic, Seismic, Soil, and Hydrologic Aspects – Proposed Ferry Terminal, Sausalito, California.* June 11, 1974.

Karp, Lawrence B., 1990. *30 El Portal Sea Wall Soils Investigation.* July 1990.

United States Geological Survey (USGS) Working Group on California Earthquake Probabilities (WG02), Fact Sheet 2008-3027, *Forecasting California's Earthquakes – What Can We Expect in the Next 30 Years?,* http://pubs.usgs.gov/fs/2008/3027/fs2008-3027.pdf, 2008.

Greenhouse Gas Emissions

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
7. GREENHOUSE GAS EMISSIONS — 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 plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion

a, b) **Less than Significant Impact.** Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force of global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global climate change is a change in the average weather patterns on earth that can be measured by wind, storms, precipitation and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long term global temperature. Potential global

warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative greenhouse gas emission impacts from a climate change perspective.

Construction GHG emissions were estimated using URBEMIS 2007. During construction, emissions would be approximately 181 metric tons of CO2e emissions over the six month construction period. This is a conservative emissions estimate that does not account for any BMPs that may reduce GHG emissions. These one-time emissions are less than the 1,100 metric ton per year significance threshold of the BAAQMD.

The proposed project would not result in an increase in roadway transportation volumes or ferry operations. Therefore GHG impacts resulting from the proposed project would only be construction-related. The project would not generate sufficient emissions of GHGs to contribute considerably to the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB 32. Thus, this impact would be less than significant.

References

Bay Area Air Quality Management District (BAAQMD), *CEQA Air Quality Guidelines*, adopted June 2010.

California Air Pollution Control Officers Association (CAPCOA), *CEQA and Climate Change*, January 2008.

Hazards and Hazardous Materials

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
8. HAZARDS AND HAZARDOUS MATERIALS — 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?	☐	☐	☐	☒

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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 two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.**

Construction

In the short-term, construction activities would require the use of certain materials such as fuels, oils, solvents, and adhesives that in large quantities could pose a potential hazard to the public or environment if improperly used or inadvertently released. Inadvertent release of large quantities of these materials into the environment could adversely impact soil, surface waters, or groundwater quality. However, the on-site storage, or disposal of large quantities of potentially hazardous materials are not required for a construction project of the proposed size and type. The use of BMPs typically implemented as part of construction as well as those that would be required for the protection of water quality as discussed in the Hydrology and Water Quality section of this Initial Study would minimize the potential negative effects to groundwater and soils. These could include the following:

- Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- Properly contain and remove grease and oils during routine maintenance of construction equipment.
- Properly dispose of discarded containers of fuels and other chemicals.

Operations

Implementation of the proposed project would result in continuation of existing ferry services with no substantial changes in use, storage or transport of hazardous materials. No new fueling facilities would be included nor would there be changes to existing fueling or associated ferry boat maintenance procedures. Therefore, the potential impact related to the use, storage or transport of hazardous materials would be less than significant.

b) **Less than Significant Impact.**

Construction

As discussed above, construction activities would require the use of limited quantities of hazardous materials such as fuels, oils, solvents, and adhesives. Inadvertent release of hazardous materials during construction would be minimized through implementation of BMPs required for the protection of water quality as discussed in the Hydrology and Water Quality section of this Initial Study. Adherence to these BMPs, which have been proven effective in controlling inadvertent releases, would minimize the potential for accidental upset conditions to less than significant.

Operations

As indicated above, during operation of the proposed project there would be no substantial changes in the use, storage or transport of hazardous materials over existing conditions. No new fueling facilities would be included or changes to existing fueling or associated ferry boat maintenance procedures. Therefore, the potential impact related to accidental upset conditions during operation of the project would be less than significant.

c) **No Impact.** There are no schools within a quarter mile of the project site. The closest school to the site would be the Montessori Sparrow Creek School which is approximately a half mile from the project site. In addition, as discussed above, the proposed project would not substantially change the use, storage or transport of hazardous materials over existing conditions. Therefore, the construction and operation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school.

d) **Less than Significant Impact.** The project site is not listed among the various data resources maintained by the California Environmental Protection Agency that fall under the "Cortese List" as hazardous materials sites with known releases (CalEPA, 2011). However, in general, industrial activities carried out during and after the late nineteenth century have had a profound deleterious effect on much of the San Francisco Estuary. Although Bay sediments can be severely polluted, especially in areas of historically heavy industrial activities, more often Bay sediments are moderately contaminated (RWQCB, 1997). As a result, sediments at a given site in and along the Bay margin are often scrutinized for elevated concentrations of elements, compounds, or classes of compounds. Current factors controlling chemical contamination of surficial sediments are

point and non-point discharges, atmospheric deposition, and resuspension of sediments by wave and current action. There is no dredging proposed at the project site and the installation of new piles would only minimally disturb underlying sediments. Therefore, any potential contaminated sediments that may be present would not represent a significant potential threat to human health or the environment and the impact would be considered less than significant.

e, f) **No Impact.** The project site is not located within 2 miles of an airport or a private airstrip.

g) **Less than Significant Impact.** The project site is located at the San Francisco Bay shoreline and would not obstruct or interfere with any established emergency access and evacuation routes nor would it interfere with other adopted emergency response plans during project operations. However, ferry service would be interrupted during construction and would not be available for emergency use. During its operational phase, the proposed project would maintain ferry operations and continue as a strategic means of emergency transportation between Sausalito and San Francisco in the event of catastrophic failure of the Golden Gate Bridge. Therefore, the proposed project would have a less than significant impact related to existing evacuation or emergency plans.

h) **Less than Significant Impact.** The project site is located at the San Francisco Bay shoreline and lies outside of any wildland areas. No flammable liquids or other compounds would be stored or used at the project site during operation of the ferry terminal. Small amounts of flammable liquids or compounds may be present during the construction phase of the project. Neither structures nor people would be subject to significant risks of wildland fires and the potential impact is less than significant.

References

California Environmental Protection Agency (CalEPA) *Cortese List Data Resources*, http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm, accessed May 11, 2011.

San Francisco Regional Water Quality Control Board (RWQCB), *Ambient Concentrations of Toxic Chemicals in San Francisco Bay Sediments,* also available at http://legacy.sfei.org/rmp/1997/c0405.htm, 1997.

Hydrology and Water Quality

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
9. **HYDROLOGY AND WATER QUALITY — Would the project:**				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒
e) 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?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

a, f) **Less than Significant Impact.** The project site is located on the eastern waterfront of Sausalito in Richardson Bay (part of the Central San Francisco Bay system), which receives water pollutants through several routes such as runoff in rivers and creeks; atmospheric deposition; municipal and industrial wastewater effluent discharge; municipal stormwater; spills and leaks; and, remobilization of contaminants from surface sediment to the overlying water column (BCDC, 2009). The project site is predominantly developed and includes building structures for ferry terminal operations, passenger access, and parking.

Stormwater onsite flows through the City storm drains into Richardson Bay and would be subject to the local City stormwater requirements. The City is part of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), which is a joint program of the local Cities and Marin County under the Phase II National Pollutant Discharge Elimination System (NPDES) stormwater permit issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB). The proposed project would be subject to the Stormwater Management Plan prepared by MCSTOPPP and implemented by the City in the project area.

Construction

Project construction would involve land-based activities such as demolition of the existing pier and guard rail, site preparation, and grading and in-water construction activities such as pile driving. Project construction would involve increasing the width of the gangplank. Bay water quality could be affected by construction materials or debris entering the Bay as a result of demolition or construction of new structures on the piers that are directly over the Bay, particularly if construction activities occur on windy days. Construction would also involve use of fuel and other chemicals that if not managed properly, could get washed off into the stormwater. Practices such as proper handling and storage of the chemicals and having spill prevention and control protocol in place would avoid any spills and minimize any potential water quality effects from the unlikely event of a spill. In addition, as part of compliance with Title 11 of the Sausalito Municipal Code, the District would be required to provide a drainage and erosion control plan for City approval and implement erosion and sedimentation control measures in accordance with the Association of Bay Area Governments (ABAG) *Standards for Erosion and Sedimentation Control* and the *Erosion and Sedimentation Control Handbook.*

Although project construction activities would span an area of slightly greater than one acre, the majority of project construction activities would occur in water. Therefore the project would not be required to comply with the Construction General Permit under the NPDES permit program of the federal Clean Water Act. The District would implement standard construction specifications incorporating the capture and containment of any debris generated during demolition and construction work. In the event that debris does reach the Bay, personnel in workboats within the work area would be required to immediately retrieve the debris for proper handling and disposal. These measures would be incorporated into the stormwater management plan or waste discharge requirements as a BMP for the protection of water quality. BMPs would also include practices for proper handling of chemicals such as avoiding fueling at the construction site and overtopping during fueling and installing containment pans. Additionally, project construction would be required to comply with a permit under the Clean Water Act Section 401 Water Quality Certification from the San Francisco Bay RWQCB. Due to the project site location within the Bay shoreline, the District would be required to comply with the BCDC requirements (see the Biological Resources section) that would require water quality control measures in place.

Project construction would involve in-water activities for the concrete pier and installation of a passenger access gangway and a concrete float with passenger boarding ramps. In-water project construction would include pile driving and extending the existing docks. The construction of the new pier would require the installation of up to 23 new concrete or steel piles. The concrete pier would be extended and fifteen, 24-inch float guide piles would be installed along with eight 42-inch steel pipe piles. The pier elevation is at 11.8 feet above MLLW. Bay bottom elevations range between -5 and -33 feet MLLW. Any cut and fill activities would result in approximately 10 cubic yards of fill that would be hauled offsite. Such activities could disturb mud or require removal and disposal of sediment that could result in turbidity and resuspension of sediment, which could adversely affect the water quality.

The District would submit completed applications and any additional documentation necessary for obtaining the required regulatory permits. With implementation of the water quality control measures required under the Construction General Stormwater Permit; the MCSTOPPP permit; additional permitting requirements of the RWQCB, and BCDC (see the Biological Resources section); and standard construction specifications incorporated as part of the project and in compliance with the City's stormwater control requirements, the potential water quality impacts associated with project construction activities would be less than significant.

Operations

In the long-term the modifications under the proposed project would result in an increase in the over-water coverage at the site by 71 percent. The current over-water coverage of 8,000 square feet would increase to 13,650 square feet. Operation of the proposed new boarding system could result in a release of pollutants into the Bay. Control of such water pollutants would occur as part of the project site design that would be subject to the City's stormwater and discharge control requirements under the NPDES permit. The District would implement best management practices, as feasible to minimize any impervious surfaces and other controls to reduce the volume and treat the runoff. The proposed project would therefore comply with the stormwater control and water quality regulations and would have a less-than-significant water quality impact. Operation of the facility would continue as under current conditions and would result in minimal change. The impact would be less than significant.

b) **No Impact.** The project site is not located near the watershed of a public drinking water supply. The proposed project would not require long-term withdrawal of groundwater and would not introduce any impervious surfaces that might affect groundwater recharge. The proposed project would have no permanent, adverse impacts to groundwater supplies or aquifers.

c, d) **No Impact.** The proposed project would not significantly alter the drainage patterns on the existing project site. Following construction, the project site would be restored to the existing conditions. The proposed new float would be located at essentially the same location as that of the existing ferry berthing facilities. As noted in a,f) above, the shoreline

portion of the site drains into the City's stormwater system and any changes to shoreline facilities therefore would be required to comply with the City's stormwater control requirements. The District may be required to prepare and implement a drainage and erosion control plan along with a stormwater management plan in the long term under the MCSTOPPP 2010 Stormwater Management Plan and specifying BMPs for control and treatment of stormwater discharges. With the implementation of stormwater control measures in compliance with the Stormwater Management Plan, impacts related to additional sources of stormwater pollutants would be less than significant. The changes in the over-water coverage of the site would not constitute a substantive change in drainage patterns that would result in erosion or other degradation of surface water quality or siltation offsite. The impact would be less than significant.

e) **Less than Significant Impact.** See c,d) above. Stormwater at the project site would continue to flow to the existing drainages, which discharge eventually to San Francisco Bay. The proposed project would not result in a significant change from the existing conditions. The project would not contribute substantially to increased runoff as discussed above or result in flooding offsite. The impact would be less than significant.

g, h, i) **No Impact.** Based on the most Federal Emergency Management Agency (FEMA) floodplain map, the project site does not lie within a 100-year floodplain (FEMA, 2009). The project would involve improvements of the existing facilities to improve vessel boarding and would not impede or redirect flows or expose people or structures to significant risk of flooding. Therefore the project would result in no impact.

j) **No Impact.** The proposed project would involve improvements to current ferry terminal facilities and would not change the existing conditions substantially to expose people or structures to a significant risk of loss, injury or death involving inundation from tsunami, seiche, or mudflows. The project would have no impact.

References

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map #06041C0526D. Panel 526 of 531, Sausalito, Marin County, California, 2009.

Marin County Stormwater Pollution Prevention Program (MCSTOPPP), Stormwater Management Plan. Action Plan 2010. Fiscal Years 2005-2006 through 2009-2010, 2005.

San Francisco Bay Conservation and Development Commission (BCDC), The Exploratorium Relocation Project Final EIR, 2009.

Land Use and Land Use Planning

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
10. LAND USE AND LAND USE PLANNING — Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐

Discussion

a) **No Impact.** The proposed project site lies in the Downtown Waterfront Subarea, as designated by the *Sausalito General Plan*, which is located on the shoreline of central Sausalito. Proposed improvements to the Sausalito Ferry Terminal would occur roughly in the same locations as the existing berth and would occur entirely in the lease boundary on the Bayside. Proposed improvements would replace the existing passenger boarding system with new wider system components to accommodate safer boarding for disabled users and faster boarding for riders with bicycles. The ferry terminal would be operational during most of the construction period but could require some service disruptions. However, these disruptions would primarily affect commuters and visitors and would not result in a division of the established community. Therefore, there would be no impact.

b) **Less than Significant Impact.** The project site is located within Sausalito's Downtown Waterfront Subarea and is subject to provisions included within the *Sausalito General Plan* (City of Sausalito, 1999). The project site is zoned for public institutional and open area uses and the land uses are designated as open space and open area. Provisions provided under the General Plan land use designation of public institutional lands are applicable to the proposed project. According to the General Plan and Zoning Ordinance, minor development on public institutional lands is acceptable as well as continued use of over water structures is acceptable. Additionally, the Zoning Ordinance requires improved public access to waterfront resources (City of Sausalito, 1999).

The project site is also subject to the BCDC's *Richardson Bay Special Area Plan* which was approved in April 1984 and was created to protect Richardson Bay's natural resources; protect use of the water for water-oriented purposes; restoration and enhance of degraded tidal wetlands; and provide of public access to and along its shoreline. The project site is located within the Special Area Plan's Southern Sausalito area which extends northward from the northern side of the Golden Gate Bridge to central Sausalito.

The proposed project would involve improvements to the ferry terminal to improve vessel boarding. Proposed improvements include construction of a new gangway and boarding platform on a concrete float. Proposed work in the Bay, including demolition, the construction of a new gangway, a new concrete float, and pile-driving, would be located in BCDC's Bay jurisdiction and would require approval by BCDC, pursuant to its laws and policies. As described in Chapter 1, Project Description, an amendment to the BCDC permit No. M94-70, may be required. However, because these proposed improvements would have minimal interfere with current operations at the ferry terminal and because, upon completion, the proposed project would increase operational efficiency for both wheelchair users and bicyclists, the proposed project would be consistent with the City's General Plan and Zoning designations for the project site.

c) **Less than Significant Impact.** The proposed project site is not located within an adopted habitat conservation plan or natural community conservation plan. However, as described in the Biological Resources Section, the San Francisco Bay Subtidal Habitat Goals Report (2010), prepared by BCDC in collaboration with various other local agencies, provides a scientific foundation and approach for the conservation and enhancement of submerged areas of San Francisco Bay. As described in the Biological Resources Section, this report consists of numerous conservation goals for Bay subtidal habitats but since the proposed project would not result in a net loss of Bay subtidal habitats, the potential for the project to conflict with applicable policies or goals contained in the aforementioned report would be less than significant.

References

City of Sausalito, *Sausalito General Plan,* 1999.

Mineral Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
11. MINERAL RESOURCES — 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?	☐	☐	☐	☒

Discussion

a, b) **No Impact.** The North San Francisco Bay Production-Consumption Region includes Sonoma, Marin and Napa Counties. The Region is dependant upon both crushed stone and alluvial deposits for construction, in particular asphaltic concrete, aggregate, road

base or subbase materials and Portland Cement Concrete. Eight sites in Marin County have been "designated" by the California State Department of Conservation Division of Mines and Geology as having significant mineral resources for the North Bay region. None of these eight sites are located in Sausalito.

References

Marin Countywide General Plan, 2005. *Geology, Mineral Resources and Hazardous Materials Technical Background Report*, updated November 2005.

Noise

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
12. NOISE — Would the project:				
a) Result in Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Result in Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) Result in A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) Result in A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

a) **Less than Significant with Mitigation.** Applicable noise regulations, existing setting, and impacts associated with the construction and operation of the proposed project are provided below.

Sausalito General Plan

The Health and Safety Element of the *Sausalito General Plan* contains Land Use Compatibility Standards for Community Noise (City of Sausalito, 1992). These guidelines indicate maximum acceptable exterior noise levels for various newly developed land uses.

The proposed project would not develop a new land use, residential or otherwise, and as such the Land Use Compatibility Guidelines are not salient to the proposed modifications to an existing marine terminal. Policy HS-3.5 of the General Plan addresses construction noise. This policy contains the following three programs:

> ***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 temporary sound walls surrounding construction sites during the course of construction.

Sausalito Noise Ordinance

In Sausalito, regulation of noise is stipulated in 12.16 of the Municipal Code (Noise Control), which states that the City's policy is to prohibit unnecessary, excessive, and annoying noises from all sources subject to police power. Article III (Section 12.16.140) regulates construction noise. Principally, this regulation restricts the hours of construction operations and only applies to construction activities conducted within 500 feet of residential zones. These hour restrictions allow construction activities to occur weekdays between 8 a.m. and 7:00 p.m., Saturdays between 9:00 a.m. and 5:00 p.m., and holidays between 9:00 a.m. and 7:00 p.m. Construction activities are prohibited on Sundays. Exceptions to these restrictions consist of homeowners working on their own property, activities for which an emergency work permit has been issued, and activities further than 500 feet from a residential zone.

Federal Transit Administration

Construction noise impact criteria is suggested in the Federal Transit Administration (FTA) Guidance which identifies a 1-hour Leq of 90 dBA for daytime and 80 dB for nighttime construction noise exposure at residential uses. Commercial and industrial land use exposure to construction noise of 100 dBA is suggested as assessment criteria. Additionally, the City of San Francisco noise ordinance prohibits the operation of any powered construction equipment emitting noise at a level in excess of 80 dBA at 100 feet, or an equivalent sound level at some other distance. This limit does not apply to impact tools and equipment, such as pile drivers, pavement breakers, and jackhammers, provided such equipment is fitted with approved noise control features.

Sensitive Receptors

Sensitive noise receptors are generally considered to include hospitals, nursing homes, senior citizen centers, schools, churches, libraries, and residences. The nearest residential sensitive receptor to the Ferry terminal would be second story residential apartments across Bridgeway, approximately 500 feet to the southwest. Other potential receptors include The Inn Above Tide, approximately 200 feet to the southwest.

Vibrations may affect not only sensitive receptors in the area but also, if they are substantial and proximate, they could cause damage to nearby historic or sensitive buildings. The nearest structure to the ferry terminal is the Sausalito Yacht Club Building, approximately 40 feet from the proposed pier expansion.

Existing Noise Sources and Levels

Primary noise sources in the project site vicinity include vehicle traffic on Bridgeway and intermittent ferry engine operations during maneuvering and idle at the terminal dock, and intermittent ejection of cooling water from idled ferry hulls. Less frequent noise sources observed include occasional, aircraft and helicopter overflights.

Three short-term (15-minute) noise measurements were collected to characterize the ambient noise conditions in the project vicinity. The first two noise measurement locations are along the promenade in front of the ferry pier and capture noise levels along the promenade with and without a ferry at dock. The third location was at the nearest residential receptor, at the second story residential apartments across Bridgeway, approximately 500 feet to the southwest of the proposed construction area. The results of these noise measurements are presented in **Table 2-4**. A Metrosonics Model db308 sound level meter was used to measure current ambient noise levels. The meter was calibrated before the measurements were taken to ensure their accuracy.

TABLE 2-4
EXISTING NOISE ENVIRONMENTS AT PROJECT LOCATION

Location	Time Period	Leq (dBA)	Noise Sources
Short-term Measurement 1: Promenade along ferry terminal without ferry activity.	01/24/11 11:18 – 11:33 AM	15-minute Leq 56 dBA Lmax: 70 dBA	Roadway traffic on Bridgeway; pedestrian voices
Short-term Measurement 2: Promenade along ferry terminal with ferry approach, idle, and departure.	01/24/11 11:34 – 11:49 AM	15-minute Leq 56 dBA Lmax: 66 dBA	Ferry engine idle and cooling water discharge; helicopter overflight; traffic on Bridgeway
Short-term Measurement 3: Second Story residential unit on Bridgeway.	01/24/11 11:55 – 12:10 PM	15-minute Leq 61 dBA Lmax: 73 dBA	Roadway traffic on Bridgeway.

SOURCE: ESA, 2012.

Construction

The proposed project would require the use of various pieces of construction equipment (presented in **Table 2-5**) that would be in operations during different phases of construction.

FTA guidance regarding a quantitative assessment of noise impacts from construction activities state that the following assumptions are adequate for a general assessment of each phase of construction:

- Full power operation for a time period of one hour;
- Free-field conditions are assumed and ground effects are ignored;
- Emission Noise levels calculated at a distance of 50 feet from source;
- All pieces of equipment are assumed to operate at the center of the project; and
- The predictions include only the two noisiest pieces of equipment expected to be used in each construction phase.

TABLE 2-5
MEASURED NOISE LEVELS FROM CONSTRUCTION EQUIPMENT

Construction Equipment	Noise Level (dBA, Lmax at 50 feet)
Pile Driver - Impact	101
Pile Driver - Vibratory	96
Tug Boat	90
Backhoe	78
Air Compressor	78
Crane	81
Dump Truck	76
Excavator	81
Flat Bed Truck	74
Generator	81

SOURCE: Federal Highway Administration, *Roadway Construction Noise Model Handbook*, Chapter 9, August 2006 except for pile driving noise is from Federal Transit Administration, Noise and Vibration Impact Assessment, May 2006 and tug boat and dredge noise is from U.S. Army Corp of Engineers, Missouri River Commercial Dredging EIS, July 2010.

Because levels vary, as seen in Table 2-5, the two noisiest pieces of equipment would depend on the activity occurring at a given time. Pile driving activity would involve operations of a pile driver as well as a crane on a derrick barge. Noise from pile driving would predominate over noise from crane operations. Crane operations would not appreciably increase noise levels at a distance of 50 feet for either an impact or vibratory pile driver. For construction activities not involving pile driving or dredging, the two noisiest pieces of equipment would be a crane and an excavator which when combined would generate a noise level of 84 dBA at 50 feet. Resultant noise levels for simultaneous operation of the two noisiest pieces of equipment are presented in **Table 2-6** for nearby sensitive receptors in the project area.

The data presented in Table 2-5 shows that construction activities would not exceed FTA daytime impact criteria at any commercial or residential receptor. Noise generated during pile driving activities (Table 2-6) would exceed the FTA criterion for commercial land uses at the Sausalito Yacht Club.

Piles for the temporary terminal would be located closer to the Inn Above Tide (at a distance of 125 feet) and further from the Yacht Club (at a distance of 70 feet).At these distances noise levels at these two structures could be as high as 93 dBA and 98 dBA.

TABLE 2-6
PREDICTED COMPOSITE CONSTRUCTION NOISE LEVELS AT NEARBY RECEPTORS

Receptor	Sausalito Yacht Club	The Inn Above Tide and Commercial uses	Gabrielson Park	Nearest Residential Uses (Bridgeway Apartments)
Distance from project center	40 feet	200 feet/125 feet	300 feet	500 feet
Pile Driving (Impact Hammer)				
Predicted composite noise level (dB, Leq)	102.9	89.0/93.0	85.4	81.0
Applicable FTA Construction Noise Criterion (daytime) dB, Leq	100	100	100	90
Exceeds Assessment Criteria?	Yes	No	No	No
General Construction				
Predicted composite noise level (dB, Leq)	85.9	72.0/76.0	68.4	64.0
Applicable FTA Construction Noise Criterion (daytime) dB, Leq	100	100	100	90
Exceeds Assessment Criteria?	No	No	No	No

SOURCE: ESA, 2012.

respectively, both of which would be below FTA criteria for commercial receptors. In addition to FTA construction noise criteria, the City of Sausalito noise ordinance restricts the hours of operation for construction sites to between 8:00 a.m. to 6:00 pm on weekdays, and 9:00 a.m. to 5:00 p.m. on Saturdays, prohibits construction on Sundays, and limits construction to between 9:00 a.m. to 7:00 p.m. for Holidays officially recognized by the City of Sausalito not including Sundays (Sausalito, 2009). Project construction and demolition activities are proposed to occur 8 to 10 hours per day, 5 days a week and would comply with ordinance restrictions.

While noise from pile driving activities at the nearest residential areas would be less than the 90 dBA significance criterion of the FTA for residential receptors, the criterion for Commercial uses would be exceeded without mitigation. Noise would be temporary and intermittent. The mitigation measures would allow construction noise levels to comply with the local noise ordinance and FTA standards. **Mitigation Measures NOI-1, NOI-2 and NOI-3** are identified to reduce this to a less than significant noise impact.

Mitigation Measure NOI-1: Noise Controls during Construction. The following practices shall be incorporated into the construction contract agreement documents to be implemented by the construction contractor:

- Provide enclosures and mufflers for stationary equipment, shroud or shield impact tools, and install barriers around particularly noisy activities at the construction sites so that the line of sight between the construction activities and nearby sensitive receptor locations is blocked;

- Use construction equipment with lower noise emission ratings whenever possible, particularly for air compressors;
- Provide sound-control devices on equipment no less effective than those provided by the manufacturer;
- Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptor locations;
- Prohibit unnecessary idling of internal combustion engines; and
- Require applicable construction-related vehicles and equipment to use designated truck routes to access the project sites.

Mitigation Measure NO-2: Pile Driving Noise-Reducing Techniques and Muffling Devices. The District shall require the construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration. These techniques shall include installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible.

Noise from impact hammer pile driving would also be required to use cushion blocks. Noise reductions from cushion blocks range from 5 dBA to 11 dBA and would reduce construction noise to below the FTA criterion.

Construction contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices. In addition, at least 48 hours prior to pile-driving activities, the project applicant shall notify building owners and occupants within 500 feet of the project site of the dates, hours, and expected duration of such activities.

Mitigation Measure M-NO-3: Pile Driving hours. Pile driving activities shall be limited to the following: 8:00 a.m. to 6:00 p.m. on weekdays, 9:00 a.m. to 5:00 p.m. on Saturdays, prohibited on Sundays, and between 9:00 a.m. to 7:00 p.m. for holidays officially recognized by the City of Sausalito not including Sundays.

b) **Less than Significant with Mitigation.** Mitigation Measures NO-2 and NO-4 would decrease the vibration and human annoyance impacts associated with impact construction activities.

Vibration

Both Caltrans and the Federal Transit Administration have published guidance relative to vibration impacts. These criteria, summarized in **Table 2-7** for structural damage impacts and **Table 2-8** for human annoyance impacts, are presented in terms of peak particle velocity (PPV). According to Caltrans, fragile buildings can be exposed to ground-borne vibration PPV levels of 0.10 inch per second without experiencing structural damage. Caltrans does recommend that extreme care be taken when sustained pile driving occurs within 25 feet of any building, or within 50 to 100 feet of a historic building or a building in poor condition (Caltrans, 2004). Criteria published by the FTA identify a standard of

TABLE 2-7
GROUNDBORNE VIBRATION IMPACT CRITERIA – STRUCTURAL DAMAGE POTENTIAL

Land Use Category	Groundborne Vibration Impact Levels in PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely Fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile Buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

SOURCE: Caltrans, *Transportation- and Construction-induced vibration Guidance Manual*, June 2004.

TABLE 2-8
GROUNDBORNE VIBRATION IMPACT CRITERIA – ANNOYANCE POTENTIAL

Land Use Category	Groundborne Vibration Impact Levels in PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.10
Severe	2.0	0.4

SOURCE: Caltrans, *Transportation- and Construction-induced vibration Guidance Manual*, June 2004.

0.12 inches per second for the protection of fragile buildings (defined as "buildings extremely susceptible to vibration damage"). Ground-borne vibration from construction activities that involve "impact activities" (especially pile driving) could produce detectable vibration at nearby sensitive buildings and sensitive receptors unless proper mitigation is followed.

Building Damage

Pile driving activities are proposed to occur intermittently during a two week period for the temporary terminal and two month period for the new terminal. The magnitude of vibration caused from pile driving is a function of distance from the receptor or structure of concern, the type and size of pile driving equipment, the nature of surrounding soils, and the density of underlying bedrock into which the pile is being driven. Pile driving in Bay waters would be restricted through implementation of Mitigation Measure BIO-1 (Pile Driving Noise Reduction Plan) which is necessary to protect marine life. As described in the Biological Resources section, above, Mitigation Measure BIO-1 would require the use of vibratory

drivers and cushion blocks between hammer and pile. If the impact hammer method were to become necessary, pile driving would be restricted to a five-month period from June 1 to November 30.

Ground-borne vibration from activities that involve "impact tools," especially pile driving, could produce significant vibration. Pile driving using impact hammers can result in PPV of up to 1.5 inches per second at a distance of 25 feet. Construction vibration damage criteria published by FTA range from 0.5 inch per second for reinforced structures to 0.12 inch per second for the protection of "extremely fragile" buildings. Concrete or steel pipe piles are proposed for both pier extensions which would be as close as 40 feet from the Sausalito Yacht Club building and 200 feet from the Inn Above Tide. At these distances vibration levels at these two structures could be as high as 0.74 inches per second and 0.07 inches per second, respectively.

Applicable vibration damage criterion would of 0.5 inches per second, which would not be exceeded at the Inn Above Tide. However, predicted vibration levels at the Sausalito Yacht Club building could exceed 0.5 inches per second for the nearest piles for either impact hammer or vibratory drivers and mitigation measures may be necessary.

Piles for the temporary terminal would be located closer to the Inn Above Tide (at a distance of 125 feet) and further from the Yacht Club (at a distance of 70 feet). At these distances vibration levels at these two structures would be 0.06 inches per second and 0.14 inches per second, respectively, and below the structural damage criterion.

Human Annoyance

Vibration levels can also result in interference or annoyance impacts at residences or other land uses where people sleep, such as hotels and hospitals. Vibration impact criteria published by FTA relative to these land uses are established in terms of vibration decibels ("VdB"). For frequent events such as rapid transit rail activities, a criterion of 72 VdB has been established, while for infrequent events a criterion of 80 VdB has been established. Pile driving activity, which is temporary in nature and would be restricted to daytime hours when most people are not sleeping, is generally assessed by applying the 80 VdB criterion.

Pile driving can result in typical vibrations of 104 VdB at a distance of 25 feet, although upper range vibrations of up to 112 VdB have been reported, depending on soil conditions. **Table 2-9** presents vibration levels that may be experienced from various construction equipment and activities. Pile driving vibrations would exceed the 80 VdB criterion for residential receptors at distances of 300 feet or closer. These vibrations would be reduced by the use of cushion blocks. The nearest residential receptor to the pile driving locations are located 500 feet away and would not experience increases in vibration levels over 80 VdB. This would represent a less than significant vibration disturbance impact based on the criteria of the FTA.

TABLE 2-9
VIBRATION LEVELS GENERATED BY CONSTRUCTION EQUIPMENT AND ACTIVITY

Equipment	Estimated VdB				
	25 Feet	50 Feet	100 Feet	200 Feet	300 feet
Jackhammer	79	70	61	52	47
Large Bulldozer	87	78	69	60	55
Loaded Truck	86	80	68	59	54
Pile Driving (Impact Hammer)	112	103	94	85	80
Vibratory Pile Driving	105	96	87	78	47

SOURCE: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, 2006.

Mitigation Measure NO-2, above, and **Mitigation Measure NO-4**, below, would decrease the vibration impacts associated with impact construction activities through implementation of such techniques as pre-drilling for piles and the development of a comprehensive monitoring program to detect ground settlement or lateral movement of structures. With these measures, and incorporation of mitigation techniques, damage impacts to existing and proposed buildings could be avoided. Human annoyance vibration impacts would be less than significant due to the distance from residential receptors.

> **Mitigation Measure NO-4: Pre-Construction Assessment to Minimize Structural Pile Driving Vibration Impacts to Adjacent Buildings.** The District shall engage a qualified geotechnical engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby buildings subject to pile driving activity before a building permit is issued. If recommended by the geotechnical engineer, for structures or facilities within 60 feet of pile driving activities, the District shall require ground-borne vibration monitoring of nearby structures. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected structures and underpinning of foundations of potentially affected structures, as necessary.

c) **Less than Significant Impact.** The proposed project would not result in an increase in ferry service at the terminal. Therefore, there would be no new noise generating sources resulting from implementation of the project inclusive of ferry operations, motor vehicle trip generation to the surrounding roadway network or stationary sources. Thus the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project and the impact would be less than significant.

d) **Less than Significant.** The proposed project would cause temporary noise increases during construction activities at the project site. As noted in a), above, construction activity would result in a less than significant impact. As mentioned in Section 16, Traffic and Transportation, transportation-related construction impacts would be less than significant,

and no mitigation measures would be required. However, improvement measures could be implemented to lessen the construction impacts.

e, f) **No Impact.** There are no airports or private airstrips within a ten mile radius of the project site. Consequently, there would be no operational noise impacts associated with the proposed project and no analysis of long-term noise impacts is necessary or presented herein.

References

California Department of Transportation (Caltrans), Transportation- and Construction-induced vibration Guidance Manual, June 2004

Federal Highway Administration, Roadway Construction Noise Model Handbook, Chapter 9, August 2006.

Federal Transit Administration (FTA), Transit Noise and Vibration Impact Assessment, 2006.

City of Sausalito, 1998. Sausalito General Plan, adopted 1998. http://www.ci.sausalito.ca.us/index.aspx?page=278, accessed on March 2, 2011.

Sausalito, 2009. Ordinance No. 1199, Amending Section 12.16.140 of the Sausalito Municipal Code Regarding Time Restrictions on Operating Construction Devices in Residential Zones, October 20, 2009.

U.S. Army Corp of Engineers (USACE), Missouri River Commercial Dredging EIS, July 2010.

Population and Housing

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
13. POPULATION AND HOUSING — Would the project:				
a) Induce substantial 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 housing units, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a) **No Impact.** The proposed project would involve improvements to the Sausalito Ferry Terminal including construction of new gangways, boarding platforms, installation of utilities as well as minor modifications to the ingress and egress routes to accommodate these Bayside improvements. Since operation of the ferry terminal would be similar to

existing conditions and the number of ferry trips would be the same as existing conditions, the proposed project would not induce substantial population growth in the area.

b, c) **No Impact.** No housing units currently exist at the project site and thus, construction and operation of the proposed project would not result in the displacement of existing housing units or people.

Public Services

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
14. PUBLIC SERVICES — Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the 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 following public services:				
i) Fire protection?	☐	☐	☐	☒
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

Discussion

a.i, a.ii) **No Impact.** The proposed project would involve improvements to the Sausalito Ferry Terminal to improve vessel loading for disabled riders. Further, since operation of the ferry terminal would continue similar to existing conditions and would not result in the addition of new trips, the proposed improvements would not increase demand for fire protection services or police protection significantly above existing levels at the project site. The proposed project would result in a terminal meeting all U.S. Coast Guard mandated security requirements.

a.iii) **No Impact.** The closest school to the project site is the Sausalito Nursery School located at 625 Main St, Sausalito, CA, which is approximately 0.5 miles from the project site. Because the proposed project would only result in a temporary and small increase of construction worker employees traveling to and from the project site (a maximum of 10 workers landside), there would be no substantial adverse impacts to schools nor would the project increase the need for new schools.

a.iv) **Less than Significant Impact.** Although there are no public parks in the vicinity of the ferry terminal, there are open space areas adjacent to the Sausalito Ferry Terminal

including Gabrielson Park, Sausalito Town Square and several seating and shoreline viewing areas. The proposed project would be limited to improvements at the Sausalito Ferry Terminal. Landside construction staging and parking would occur adjacent to the ferry terminal, in the terminal parking lot. Therefore, there would be no substantial adverse impacts to nearby open spaces. This impact would be less than significant.

a.v) **Less than Significant Impact.** The proposed project would not involve new permanent employees and therefore is not expected to increase the use of other public facilities such as libraries or hospitals. This impact would be less than significant.

Recreation

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
15. RECREATION — Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** As described in the Public Services section, above, the proposed project would not result in adverse effects on any nearby parks or open spaces. However, in-water construction activities would require use of several barges and the short-term increase in vessel traffic could temporarily degrade the recreational experience for recreationists such as boaters and kayakers in the Bay. Since project construction would be short-term (limited to six months) and given the expansiveness of the Bay that is available for in-water recreational uses, this impact related to the increased use of recreational facilities and/or/uses would not be substantial and would be less than significant.

b) **No Impact.** Construction and operations of the proposed project would be limited to the Sausalito Ferry Terminal. All public areas around the terminal would remain open and available to the public. Therefore, since the proposed project would not include recreational facilities or require the construction or expansion of recreational facilities, no impact is expected.

Transportation and Traffic

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
16. TRANSPORTATION AND TRAFFIC — Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Project construction is expected to require six months. Project construction activities would generate off-site traffic that would include the initial delivery of construction vehicles and equipment to the project site, the daily arrival and departure of construction workers, and the delivery of materials throughout the construction period and removal of construction debris.

Construction-related activities would typically occur Monday through Friday, with truck movements occurring between 9:00 a.m. and 3:30 p.m. (or other hours if approved by the Sausalito Public Works Department). It is anticipated that construction-related trucks would travel on Bridgeway to and from the proposed project site via the Sausalito / Marin City U.S. 101 interchange. Haul routes using city streets would be subject to the City's approval.

Construction staging for the proposed project would occur within the project site and on barges in the water adjacent to the project site. Pedestrian circulation along Bridgeway and other local streets would be maintained throughout the construction duration.

It is estimated that there would be two trucks for plywood and rebar deliveries, two dump trucks for removal of trenching spoils, 21 trucks delivering concrete, and two trucks for miscellaneous deliveries. Construction-generated traffic would be temporary, and therefore, would not result in any long-term degradation in operating conditions on roadways in the project locale. The impact of construction-related traffic would be a temporary and intermittent lessening of the capacities of streets in the project site vicinity because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. However, given the proximity of the project site to U.S. 101, construction trucks would have relatively direct routes. Most construction traffic would be dispersed throughout the day. Thus, the temporary increase would not significantly disrupt daily traffic flow on roadways in the project site vicinity. Truck traffic from 7:00 a.m. to 9:00 a.m. or from 4:00 p.m. to 6:00 p.m. would coincide with peak-hour traffic, and could worsen service levels. As noted above, the District would restrict project-related truck traffic to the hours of 9:00 a.m. to 3:30 p.m., or other hours if approved by the City's Public Works Department, which would avoid such peak-period effects.

Although the impact would be temporary, truck movements could have an adverse effect on traffic flow in the project site vicinity. The District and construction contractor would be required to meet with Golden Gate Transit, Public Works Department, the Fire Department, and other responsible city agencies to determine feasible traffic management measures to reduce traffic congestion during construction of this project.

In light of the above discussion, transportation-related construction impacts would be less than significant, and no mitigation measures would be required.

b) **No Impact.** The level of service (LOS) standards established by the Transportation Authority of Marin (the congestion management agency) and documented congestion management plans (CMPs) are intended to regulate long-term traffic impacts due to future development and do not apply to temporary construction projects. The short-term traffic increases generated by the project would end when construction activities are completed. Because the projects would not result in long-term impacts on the roadways used to access the project site, consideration of conflicts with LOS standards for CMP roadways or local roadways is not applicable. No impact would occur.

c) **No Impact.** The proposed project components would not have the potential to change air traffic patterns at any airport in the vicinity of the planned work areas, and the project components would not involve the installation of structures that could interfere with air space. No impact would occur.

d) **Less than Significant Impact.** The proposed project would not directly or indirectly change to roadway network in the project area, and while the project would increase the number of trucks on primarily auto-serving roads, the increase would be temporary, not substantial, and dispersed throughout the day. Therefore, the project's impact on traffic safety hazards would be less than significant.

e) **Less than Significant Impact.** The proposed construction activities would not block access to adjacent land uses. While project-generated vehicle trips would temporarily and intermittently add traffic volumes to area roads, there would be no effect on emergency access to adjacent roadways and land uses because, as described above in Item "a", there are no traffic lane closures expected, the project-generated traffic increase would be temporary, not substantial, and dispersed throughout the day. Therefore, the project's impact on emergency access would be less than significant.

f) **No Impact.** The proposed project would not permanently change the existing or planned transportation (including water transportation) network in the City of Sausalito and therefore would not conflict with policies, plans, or programs related to transit, bicycle, or pedestrian travel. When project construction is completed, operations and maintenance activities would be similar to existing conditions and would not result in long-term increases in transit demand.

References

Environmental Science Associates. 2012. *Golden Gate Sausalito Ferry Terminal Vessel Boarding Rehabilitation Project, Sausalito, Marin County, California, Traffic Study*, June 2012.

Utilities and Service Systems

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
17. UTILITIES AND SERVICE SYSTEMS — Would the project:				
a) Conflict with wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion

a, b, c, d) **No Impact.** The proposed project would entail various improvements to the Sausalito Ferry Terminal to improve vessel loading for disabled riders. The proposed project would not require or result in the construction of new water or wastewater facilities or new stormwater drainage facilities nor would the project result in the expansion of such facilities. In addition, the proposed project would not require water supplies or wastewater treatment capacities to serve the project. Therefore, no impact would occur.

e) **No Impact.** The proposed project would not require construction or expansion of current wastewater facilities, as the project does not involve increase in wastewater volumes. No impact is expected.

f, g) **Less than Significant Impact.** Solid waste generation would be limited to the materials generated from demolition, piling, and trenching for utilities installation. Of the approximately 150 cubic yards of material that would be excavated during trenching of utilities, some portion of excavated material would be disposed. Two trucks would be used to haul away demolition debris. The Marin County Construction and Demolition Ordinance (Ordinance No. 3389) requires that at least 50 percent of construction and demolition materials are diverted from a landfill. Compliance with this ordinance would ensure that all project wastes do not reduce the County of Marin's ability to comply with AB 939, which requires that all jurisdictions divert at least 50 percent of their solid waste from landfills.

Debris that cannot be reused or recycled would be disposed at the nearest landfill. Excavated materials, particularly those generated during demolition and trenching, could be contaminated. Should contaminated materials be encountered, they should be tested and disposed according to hazardous materials regulations (see Hazards and Hazardous Materials above). The overall volume of waste requiring disposal would be minimal in comparison to the available capacities of local landfills (most of which are 2 million cubic yards or greater). Additionally, no long-term solid waste generation would be associated with the proposed project. Therefore, for the reasons described above, impacts related to compliance with federal, state, and local solid waste statutes and regulations would be less than significant.

Mandatory Findings of Significance

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE — Would the project:				
a) Have the potential to 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, 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) 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)?	☐	☐	☒	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact with Mitigation.** Impacts of the proposed project on the biological environment would not result in the substantial reduction to fish or wildlife species habitat or cause fish species to drop below self-sustaining levels. Additionally, the proposed project activities would not eliminate habitat for plant or animal species or restrict the range of special status species. As described in the Biological Resources section, temporary in-water construction activities for the proposed project would adhere to seasonal work windows defined in the USACE's LTMS for dredging in the Bay and implementation of Mitigation Measures BIO-1 (Pile Driving Noise Reduction) and BIO-2 (Pile Driving Suspended Sediment Reduction) would minimize noise impacts on marine mammals and fish species and indirect water quality impacts on eelgrass beds, respectively.

As described in the sections above, impacts resulting from the proposed project would not degrade the quality of the environment during construction and operation. Potential short-term impacts associated with air quality; water quality including suspended sediments; biological resources such as sensitive habitat and special status species; cultural resources; and noise would be reduced to less than significant levels with incorporation of proposed mitigation measures, as summarized in Chapter 3 of this document.

b, c) **Less than Significant Impact.** Implementation of the proposed project would increase public access to public transportation via Ferry as discussed in Chapter 1, Project Description. A review of the projects proposed in the past, present, and in the reasonably foreseeable future in the project vicinity (e.g., in and around Sausalito, the Golden Gate National Recreation Area and nearby unincorporated Marin County) indicates that construction of harbor and

industrial facilities as well as trails and infrastructure projects would occur within nearby open space areas (City of Sausalito, 2011; GGNRA, 2011). Project impacts associated with construction activities such as impacts to traffic, noise and air quality would be short-term, temporary, and less than significant as described above in Sections 16, Traffic and Transportation, 3, Air Quality, and 12, Noise. As discussed in the sections above, the proposed project would not permanently degrade the quality of the environment. There would be no substantial adverse effects on human beings. The impact would be less than significant.

Long-term impacts associated with the project would be mostly related to aesthetics and biology. However, as discussed in the sections above, these impacts would be less than significant or minimized through implementation of mitigation measures. In combination with past, present, and foreseeably future projects within the region, the project contribution would not be cumulatively considerable. Therefore, the impact would be less than significant. The project would not have environmental effects that would cause substantial adverse effect to the environment or humans.

References

City of Sausalito, Current Planning Projects, available online at http://www.ci.sausalito.ca.us/Index.aspx?page=578, accessed on May 27, 2011.

Long Term Management Strategy (LTMS), 2004, Environmental Work Windows, Informal Consultation Preparation Packet, prepared by the LTMS Environmental Windows Work Group, April 2004. Accessed online on April 29, 2011, at: http://www.bcdc.ca.gov/pdf/Dredging/Informal_Consult_Pckt.pdf.

Long Term Management Strategy (LTMS), 2001, LTMS Management Plan, accessed online April 29, 2011, at: http://www.spn.usace.army.mil/ltms2001/

National Park Service, Golden Gate National Recreation Area (GGNRA), Current Plans and Projects, available online at http://www.nps.gov/goga/parkmgmt/current_plans.htm, accessed on May 27, 2011.

Exhibit B

MICHAEL N. CONNERAN
PARTNER
DIRECT DIAL (415) 995-5042
DIRECT FAX (415) 995-3412
E-MAIL mconneran@hansonbridgett.com

HansonBridgett

December 15, 2014

Mr. Erik Buehmann
San Francisco Bay Conservation and
Development Commission
450 Golden Gate Avenue
Suite 10600
San Francisco, CA 94102

Re: Application by Golden Gate Bridge, Highway and Transportation District for the Sausalito Ferry Terminal Vessel Boarding Rehabilitation Project, BCDC Permit Application 2014.001.00

Dear Mr. Buehmann:

Following the public hearing on this matter before the Commission on December 4, 2014, you asked the District to provide the Commission with more information regarding the status of its lease with the City of Sausalito due to concerns raised by certain members of the public at the hearing. We have since received a copy of a letter from Mr. Chris Skelton, an attorney representing some of the project opponents. This letter also responds to some of the points raised in that letter that are relevant to the District's lease.

Initially, however I think it would be helpful to address a legal issue that may be the genesis of the concerns noted by one or more Commissioners at the hearing, namely the requirement that a matter coming before the Commission have first obtained any required "discretionary" approvals from any local agency with jurisdiction over a project. This requirement is found in Section 66632(b) of the McAteer-Petris Act, which was cited in Mr. Skelton's letter as well. This provision requires the Commission to "include measures to assure that the city or county which has jurisdiction over a project may consider and act on all matters regarding the project that involve a discretionary approval before the commission acts on an application."

Normally, this would mean that before the Commission acts on a development proposal, that proposal would have obtained any required land use approvals from the relevant local agency. In this instance, if the City of Sausalito had discretionary jurisdiction over this project (which it does not), Section 66632(b) would require that the District obtain any required approvals before seeking a permit from the Commission. However, it is very clear (and is not contested by the City) that Sausalito has no regulatory jurisdiction over a regional transportation agency such as the District. Local agency land use authority over regional agencies is governed by Government Code Section 53090 et seq. Section 53090(a) specifically exempts the District from such local land use controls. Therefore, there is no action that the City of Sausalito can or should take in order for this matter to be properly before the Commission under Section 66632(b). In fact, under state law, the District is the jurisdiction with discretion to make decisions of this type.

The question raised by certain commenters at the public hearing involves the terms of the December 1, 1995 lease between the District and the City. In raising this issue before the Commission, certain citizens and individual members of the City Council (who were not appearing in their official capacities) are confusing the powers of the city, acting in its proprietary capacity as a property owner, with its powers as a governmental body. Any potential questions regarding the terms of the lease and compliance with those terms are uniquely between the City of Sausalito and the District and, in any case, are not relevant to the requirements of Government Code Section 66632(b).

The Commission should not entertain the opponents' suggestion that it get involved in landlord/tenant issues involving the City and the District, particularly where neither of the parties to the lease has raised such issues. However, since the terms of the lease have been raised by the opponents, I wish to state the District's position, which is that the project is a "replacement" that does not require any approval by the city under the terms of the lease. Any contention by third parties that an approval is required attempts to create a dispute between the City and the District where none currently exists. Nevertheless, through numerous communications and appearances before the Sausalito City Council, the District has sought and obtained the approval of the City for the proposed project. On May 3, 2011, District staff appeared before the Sausalito City Council and presented the details and scope of the project. The Council, with four members present (including Councilmember Pfeiffer) unanimously provided their conceptual approval of the project. A copy of that presentation is attached. A video of the session is available on the City's website at the web link below:
http://sausalito.granicus.com/MediaPlayer.php?view_id=2&clip_id=24

Several months after the 2011 presentation, the City of Sausalito provided its comments on the Initial Study/Mitigated Negative Declaration for the project. At that time, it indicated that it was "generally supportive" of the project, mentioning only concerns regarding construction phase impacts and impacts to eel grass, which have since been addressed. Thus, until the very recent political issues in Sausalito regarding tourist bicycles, the community has been a steady supporter of the project. In fact, at no time has the City taken any official action to oppose the project. The issues brought before the Commission were raised by a minority of the Council, speaking as individual citizens who have not been authorized to speak for the City, and a number of citizens.

I hope this information clarifies the situation. If you have any questions, please don't hesitate to call. The District will respond to the other issues raised in Mr. Skelton's letter separately.

Very truly yours,

Michael N. Conneran

cc: Bob Batha, Brad McCrae, Denis Mulligan, Jim Swindler, Ewa Bauer, John Eberle, Norma Jellison, Mary Wagner, Chris Skelton

MNC:MNC

Exhibit C

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

December 17, 2014

Ms. Mary Wagner
City Attorney
City of Sausalito
420 Litho St.
Sausalito, CA 94965

SUBJECT: Bridge District Lease Compliance

Dear Ms. Wagner,

I am writing you on behalf of the San Francisco Bay Conservation and Development Commission ("Commission" or "BCDC") regarding BCDC permit application 2014.001.00 for the Sausalito Ferry Terminal Project currently pending before the Commission.

Over the past few days BCDC staff received two letters regarding this application, and specifically the issue of whether the permit applicant, the Golden Gate Bridge, Highway and Transportation District (District) is acting in compliance with their lease with the City of Sausalito by pursuing the project before the Commission without "prior written consent" from the City. The resolution of this question turns on whether the project is considered a "major alteration" or a "replacement" under section 5.4 of the lease. We note that you were CC'd on both letters.

In his letter of December 12, 2014, Chris Skelton argues on behalf of opponents of the project that under section 5.4 of the lease between the City and the District, the project before the Commission is a "major alteration" requiring written consent of the City as Lessor.

In a responsive letter dated December 15, 2014, District Counsel Michael Conneran responds by explaining the District's position that the project before the Commission is a "replacement" not requiring written consent by the City as Lessor under section 5.4.

To get full clarity regarding this issue, we would appreciate your legal opinion as representative of the City as Lessor as to whether in its pursuit of this project the District is in compliance with all relevant provisions of its lease with the City, including but not limited to section 5.4 thereof which requires the City's "prior written consent" for any "major alterations" to the Sausalito Ferry Terminal, but exempts from this requirement "replacement" facilities.

Pursuant to McAteer-Petris Act § 66605(g), which requires proof of an adequate property interest in order for the Commission to issue a permit, your prompt opinion on this matter will facilitate the Commission's consideration of the District's pending application.

Sincerely,

JOHN BOWERS
Staff Counsel
San Francisco Bay Conservation
and Development Commission

cc: Michael Conneran, Chris Skelton

Exhibit D

CITY OF SAUSALITO

420 Litho Street · Sausalito, CA 94965
Telephone: (415) 289-4100
www.ci.sausalito.ca.us

February 4, 2015

Mr. John Bowers, Staff Counsel
San Francisco Bay Conservation
and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, California 94102

Subject: ***Lease of Public Tides and Submerged Lands by and between the City and the District dated December 1, 1995 (the "Lease")***

Dear Mr. Bowers:

Thank you for your letter dated December 17, 2014 asking the City of Sausalito (City) to provide input regarding the Lease as it relates to the Golden Gate Bridge, Highway and Transportation District's (District) pending application before the San Francisco Bay Conservation and Development Commission (BCDC) - BCDC Permit Application No. 2014.001.00.

The City does not believe that the District's proposed improvements to the Sausalito Ferry Landing constitute a "repair" or "replacement" as those terms are utilized in Section 5.4 of the Lease. They City believes that the proposed project is a "Major Alteration" under Section 5.4 of the Lease which requires the City's, as Lessor's, prior written consent which has not yet been given.

The City and District are currently engaged in discussions to determine the appropriate review process, including public participation, for the parties to engage in prior to the City's action under the requirements of the Lease.

Please let me know if you would like to discuss this matter further and/or if I can be of additional assistance.

Sincerely,
City of Sausalito

Mary A. Wagner

Mary Anne Wagner, City Attorney

cc: Adam Politzer, City Manager
Michael Conneran, Esq.
Christopher Skelton, Esq.

Exhibit E

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111-4109
415.434.9100 main phone
415.434.3947 main fax
www.sheppardmullin.com

415.774.2985 direct
afriedman@sheppardmullin.com

File Number: 39WB-211005

September 14, 2016

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

John Bowers
Staff Counsel
San Francisco Bay Conservation and
Development Commission
455 Golden Gate Avenue
Suite 10600
San Francisco, CA 94102

Re: Sausalito Ferry Terminal Project

Dear Mr. Bowers:

This firm represents the City of Sausalito ("City") in connection with a dispute between the City and the Golden Gate Bridge, Highway and Transportation District ("District") arising from the District's proposed major alterations, additions and improvements to the Sausalito Ferry Terminal (the "Project") on lands owned by the City pursuant to the public trust.

As you may recall, the City informed you by letter dated February 4, 2015 that the District first must obtain consent from the City pursuant to the parties' lease agreement before it may proceed with the Project. Because the District requires this and other discretionary approvals from the City, the City also is a responsible agency for the Project under California's Environmental Quality ("CEQA"), imposing a duty on the City to consider whether Project changes, changed circumstances or new information since the District's adoption of a Mitigated Negative Declaration ("MND") for the Project in 2012 trigger CEQA's requirements for supplemental environmental review.

The City was performing its legal duties under CEQA, and was prepared to hold a public hearing before the City Council during October to determine whether to grant consent for the Project pursuant to the parties' lease, when on September 2, the District suddenly withdrew its request for the City's consent, and declared that the City has no legal authority under the lease or otherwise to limit or control the size of the Project, located in the heart of the City's historic waterfront on land entrusted to the City for protection of the public trust.

The District's position compelled the City to file a lawsuit against the District in the Marin County Superior Court, a copy of which is enclosed with this letter.

We provide notice of this lawsuit because, pursuant to Government Code section 66632 and 14 CCR § 10310, as interpreted by Attorney General Opinion 85 Ops. Cal. Atty. Gen. 11 (Cal. A.G. 2002) (2002 WL 57369), the San Francisco Bay Conservation and Development District ("BCDC") lacks jurisdiction to consider any permit application from the District relating to the Project until such time as the City has granted all discretionary approvals.

We thank BCDC for its attention and anticipated cooperation in this important matter.

Very truly yours,

Arthur J. Friedman
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:479239945.1
Enclosure

cc: Mary Wagner, Esq
Michael Conneran, Esq.

EXHIBIT F

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
ARTHUR J. FRIEDMAN, Cal. Bar No. 160867
ALEXANDER L. MERRITT, Cal. Bar No. 277864
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
Telephone: 415.434.9100
Facsimile: 415.434.3947
Email: afriedman@sheppardmullin.com
amerritt@sheppardmullin.com

FILED

SEP 13 2016

JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: R. Smith, Deputy

CITY OF SAUSALITO
MARY ANNE WAGNER, Cal. Bar No. 167214
City Attorney
City Hall
420 Litho Street
Sausalito, California 94965
Telephone: 415-289-4103
Email: mwagner@ci.sausalito.ca.us

Attorneys for Petitioner and Plaintiff
City Of Sausalito

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MARIN

CITY OF SAUSALITO,

Petitioner and Plaintiff

v.

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT,

Respondent and Defendant

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT,

Real Party In Interest

Case No. CIV1603319

NOTICE TO ATTORNEY GENERAL

[Public Resources Code § 21167.7; Code of Civil Procedure § 388]

TO THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA:

Pursuant to Public Resources Code § 21167.7 and Code of Civil Procedure § 388, Petitioner and Plaintiff City of Sausalito hereby gives notice that on September 13, 2016, it filed a Verified Petition for Writ of Mandate and Complaint for Declaratory Relief ("Petition") against Respondent and Defendant Golden Gate Bridge, Highway and Transportation District ("District") in Marin County Superior Court, and hereby furnish a copy of the Petition as Exhibit A.

The Petition alleges, among other things, that the District is violating the California Environmental Quality Act in approving and carrying out its proposed Sausalito Ferry Terminal Improvements Project.

Dated: September 13, 2016

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By: _____ FOR

Arthur J. Friedman
Attorneys for Petitioner and Plaintiff
THE CITY OF SAUSALITO

Exhibit A

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
ARTHUR J. FRIEDMAN, Cal. Bar No. 160867
ALEXANDER L. MERRITT, Cal. Bar No. 277864
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
Telephone: 415.434.9100
Facsimile: 415.434.3947
Email: afriedman@sheppardmullin.com
amerritt@sheppardmullin.com

CITY OF SAUSALITO
MARY ANNE WAGNER, Cal. Bar No. 167214
City Attorney
City Hall
420 Litho Street
Sausalito, California 94965
Telephone: 415-289-4103
Email: mwagner@ci.sausalito.ca.us

Attorneys for Petitioner and Plaintiff
City Of Sausalito

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MARIN

CITY OF SAUSALITO, Petitioner and Plaintiff v. GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT, Respondent and Defendant	Case No. **VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF** **[Code of Civil Procedure §§ 1060, 1085; 1094.5; Civil Code § 670; California Environmental Quality Act (Public Resources Code § 21001.1, 21002.1 (b), (d), 21069. 21168.5, 21168.9; CEQA Guidelines §§ 15096 (a), (e), (f), 15162, 15381).]**
GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT, Real Party In Interest	

EXHIBIT G

[Exempt From Filing Fee
Government Code § 6103]

HANSON BRIDGETT LLP
KIMON MANOLIUS, SBN 154971
kmanolius@hansonbridgett.com
MICHAEL N. CONNERAN, SBN 135978
mconneran@hansonbridgett.com
CHRISTOPHER D. JENSEN, SBN 235108
cjensen@hansonbridgett.com
CANDICE P. SHIH, SBN 294251
cshih@hansonbridgett.com
425 Market Street, 26th Floor
San Francisco, California 94105
Telephone: (415) 777-3200
Facsimile: (415) 541-9366

Attorneys for GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

39WB-211005
City of Sausalito v. Golden Gate

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

CITY OF SAUSALITO,

Petitioner and Plaintiff,

v.

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT,

Respondent and Defendant.

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT,

Real Party in Interest.

Case No. CIV MSN17-0098

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT'S DEMURRER

Judge: Hon. Barry P. Goode
Dept.: 17
Date:
Time:

Action Filed: September 13, 2016

Defendant Golden Gate Highway, Bridge and Transportation District (the "District") hereby requests that the Court take judicial notice, pursuant to California Evidence Code §§ 452(c) and 453, of a letter sent by District General Manager Denis J. Mulligan on behalf of the District to Adam Politzer, City Manager for Plaintiff City of Sausalito, on September 2, 2016 (the "District's Letter" or "Letter"). A true and correct copy of the Letter is attached as **Exhibit A** to this Request and as **Exhibit 6** to the Declaration of Denis J. Mulligan in Support of Defendant Golden Gate Bridge, Highway and Transportation District's Special Motion To Strike SLAPP Suit, filed concurrently herewith.

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Evidence Code § 452, a court may take judicial notice of "[o]fficial acts of the legislative, executive, and judicial departments of the United States and of any state of the United States. (Evid. Code § 452(c).) The District's Letter withdraws the District's request for the City's consent to the construction of a replacement for the existing Sausalito Ferry landing under the lease agreement for the ferry landing property. Accordingly, the Letter is an official act of the District, a special district organized pursuant to Section 27000 *et seq.* and Section 27500 *et seq.* of the California Streets and Highways Code, and can be judicially noticed under Evidence Code § 452. (*See, e.g., In re Social Services Payment Cases* (2008) 166 Cal.App.4th 1249, 1271-72 [taking judicial notice of letters issued by the California Department of Social Services]; *In re Christian H.* (2015) 238 Cal.App.4th 1085, 1091, fn. 4 [taking judicial notice of a letter from a branch of the federal Department of Health and Human Services]; *Gananian v. Wagstaffe* (2011) 199 Cal.App.4th 1532, 1539, fn. 8 [taking judicial notice of a letter sent by a resident to the district attorney requesting prosecution].)

DATED: February 27, 2017

HANSON BRIDGETT LLP

By: _____
CHRISTOPHER D. JENSEN

Attorneys for GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

EXHIBIT A

VIA ELECTRONIC MAIL

GOLDEN GATE BRIDGE
HIGHWAY & TRANSPORTATION DISTRICT

September 2, 2016

Mr. Adam Politzer
City Manager
City of Sausalito
429 Litho Street
Sausalito, CA 94965

Re: Golden Gate Ferry: Sausalito Terminal Vessel Boarding Rehabilitation Project

Dear Mr. Politzer:

Thank you for the letter of August 22, 2016 from your City Attorney, acknowledging receipt of the Golden Gate Bridge, Highway and Transportation District's (District) letter of August 18, 2016. Our letter resubmitted plans for replacement of the Sausalito Ferry Landing. Yours requested additional time to allow the City's newly-engaged environmental consultant to review and complete a report. In response to your letter the District is hereby withdrawing its submittal and our request for the City's review within a 45-day period pursuant to Section 5.4 of the Lease. As such, the District requests that the City not take any action regarding the District's Project to replace the Sausalito Ferry Landing (Project).

The City's letter reviewed some of the history of this Project. Allow me to provide our historic perspective of the City's involvement with this Project.

District presentations to the City Council, beginning in 2008, informed the City of plans to replace the Sausalito Ferry Landing due to its serious disrepair. Further, staff advised Council that the renewed facility would need to comply with the requirements of the Americans with Disabilities Act.

The Council approved the proposed design at its meeting of May 3, 2011. The District then prepared and circulated a Mitigated Negative Declaration, upon which the City commented in a letter dated October 18, 2012. The District adopted the Mitigated Negative Declaration (MND) in December, 2012.

The District proceeded to design the facility in accordance with the Project cleared in the MND and was seeking final regulatory approval from the San Francisco Bay Conservation and Development Commission (BCDC) in October, 2014. Members of the Sausalito community, at that juncture, sought to block the approval, claiming that the District needed to seek the City's approval of the Project under the terms of the 1995 Lease. BCDC declined to act on the Project until the Lease issue was resolved.

The District and City agreed to engage in a process to allow the City to review the Project, and following a series of preliminary meetings, engaged in a public process within the 45-day

timeline provided for in the Lease for the City, as landlord, to provide or deny consent to the District's desired improvements. That process resulted in the May 5, 2015 City Council denial of consent to the Project.

Subsequently, a series of "stakeholder" meetings were held wherein representatives of the community and the District sought to reach agreement on the size and configuration of the terminal. Iterative changes to the Project, including design elements responsive to comments and requests by community members, were an integral part of that stakeholder process. Following this extensive process, the District resubmitted its plans on August 18, 2016. Those plans reflected cumulative changes discussed in the stakeholder process.

In response to our submittal, the City's August 22nd letter contains a lengthy discussion of the terms of the California Environmental Quality Act (CEQA) as they apply to "responsible agencies." That letter incorrectly asserts that the District submitted "new information." The City further requests a delay of consideration of the District's request in its letter, to allow a consultant to review this "new information" to help the City decide if it should reopen the CEQA process, should that review determine there are new environmental impacts that need to be addressed.

The information below is provided in response to the assertions in your letter regarding "new information" and "changed circumstances."

Justifications for Size of Float and Gangway

In the second full paragraph of Page 3 of your letter, you state that the District has asserted that the justification for the size of the float and gangway were "dictated by requirements under the Americans with Disabilities Act ("ADA") and current passenger use and therefore could not be reduced . . . .", yet you contend that the District reduced both the length of the float and the width of the gangway.[1] As you will see below, the District has consistently stated that the size of the float and the length of the gangway are substantially mandated by ADA requirements to meet the required 1:12 slopes on the gangplanks from the vessels and the gangway to access the pier (although it has offered to reduce some minor clearances intended for maintenance access). At the same time, the District has consistently explained that its desire for a gangway with a 16 foot width is based on operational reasons, i.e. the smooth flow of passengers on and off the vessels, using the two eight-foot doorways. In the footnote below, I point you to multiple locations where these statements have been made to the City.[2]

---

[1] You later stated that this resulted in "unanswered questions and seemingly inconsistent information" which required the City to retain an engineering firm to peer review the District's information. [To date, we have not been provided with a copy of any report by COWI.]

[2] Among the statements regarding the operational benefit of the wider gangway, see the District's presentation at the March 11, 2015 joint meeting of the Planning Commission/Historic Landmarks Board, Slides 4, 20, 28-37; April 1, 2015 joint meeting of the Planning Commission/Historic Landmarks Board, Slides 4, 10, 14, 18-22, 26-27; and responses to question 51 from the March 11th meeting, and questions 2 and 5 from the April 1st meeting ("The replacement gangway . . . must have a clear width of 16 feet in order to optimize ferry operations and accommodate the projected number of passengers who will use the facility over its 30 to 40 year lifespan." In addition, in the District's formal submittal of March 24, 2015, on the third page, under "Project Purpose" the third topic is "Improve Operational Efficiencies."

It is concerning that, after the many meetings, presentations, illustrations and design submittals, there can still be such basic confusion on the part of the City as to these details.

Failure to Disclose Underlying Growth Projections

Later, that same paragraph states that the District did not "fully disclose its underlying passenger growth projections nor any engineering calculations demonstrating how the District's growth projections necessitate the size of the proposed float and gangway in the March 2016 plans . . . ." You later claim that District (purportedly for the first time) explained that the float includes a 16-foot walkway that is not mandated by ADA, but by the District's operational desire to match the width of the 8-foot vessel doors. In the next paragraph, you state that "[t]he District also first disclosed that the size of the proposed float and gangway is dictated by the District's desire to have the operational ability in the future to unload and load a total of 920 passengers." [Emphasis added.] You further state that these passenger counts represent 85% of the District's assumed maximum passenger use in the year 2029, based on an annual growth rate of 4%, commencing in 2014. You go on to state that this purported reliance on 2014 numbers as a baseline "obviously is information that was not known, and could not have been known at the time the District adopted the MND in 2012."

There are multiple failures of both fact and logic in the analysis and statements in your letter. First, the District has consistently stated that the justification for the size of the replacement facilities is both accessibility and operational requirements. The governing requirements for the length and width of the float, and the length of the gangway, are to meet the ADA requirement of 1:12 slopes. (In addition, there were some minor clearances to allow for crew access to work areas around the ADA-mandated facilities, which the District reduced in a good faith effort to minimize, to the extent possible, these dimensions.)

Second, as made clear on numerous occasions, the width of the gangway is needed for operational purposes. This is not "new information." As early as the initial public meeting on March 11, 2015, the District has explained its growth projections:

> Response to question 6 from March 11, 2015 meeting: "The facility has been designed to accommodate a projected 4% per year growth in numbers of passengers through year 2020."
>
> Responses to questions 2, 5, 10 and 12 from April 1, 2015 meeting discuss precisely the same growth projections that your letter cites as "new information" based on 2014 ridership data.

These 2015 responses reference ridership numbers from 2005 to 2009 to support the projections. It appears that the purported "new information" is nothing more than an updated response to a question first posed in 2015 that could very easily have been posed by the City as a comment to the 2012 MND.

While we find it necessary to point out the degree to which the City's letter mischaracterizes the timing and content of the information submitted by the District, the more important point is that

this information has nothing to do with the continued adequacy of the MND or the presence of asserted "new information" that is relevant under CEQA regarding environmental impacts.

The design of the Project was shown in the 2012 MND. It has only been reduced—at the request of the City. If there were questions regarding the reasons for that design or the assumptions underlying it, these could easily have been submitted with the City's comments in 2012, or served as the basis for a challenge to that document. The fact that the District, in responding to the City's questions, may have provided additional or updated information to justify that design does not change the fact that the size of the Terminal was fully disclosed in 2012 and has not increased, but has in fact been reduced.

Your letter states in the first full paragraph on page 4, that the District has provided information regarding the 2014 ridership levels that show that "the District's passenger assumptions underlying the current plans exponentially exceed actual, existing use" and that the numbers of bicycles has increased between 2012 and 2014. Your letter then states that bicycle use significantly declined from 2014 to 2015, but expresses concern that such numbers may increase in the future. It should be noted that none of these numbers, high or low, impacts the proposed Project, since it has not been constructed yet.

The District has attempted to explain to the community why it might want to have a gangway of sufficient width to allow orderly boarding of its vessels, both now and for the useful life of the facility. The fact that it used a projection of a 4% growth in ridership to justify the width is not evidence of an environmental impact, it is simply an explanation for the District's reasons for wanting to keep the width of the facility that was cleared in the 2012 document.

Finally, your letter claims that certain statements in the District's August 11, 2016 communication have "revealed for the first time" that a motivation behind the size of the facility is a desire by the District to increase ferry ridership "to reduce traffic along the 101 corridor." Again, this is claimed to be "new information," "inconsistent" with the MND and therefore is something that can serve as a basis to re-evaluate the project under CEQA.

Besides being factually incorrect (note the third paragraph of the District's March 24, 2015 submittal)[3] this claim seems to indicate that a party can attribute a different motivation to a project and that this "secret motivation" can then serve as "new information" to justify reopening to additional CEQA review the dimensions of a project that were clearly stated in the original document.

The District has stated clearly, from the institution of its ferry and bus operations over 40 years ago, that the purpose of those services is to reduce the amount of vehicle traffic on the Golden

[3] From the District's March 24, 2015 submittal: "The improvements will allow Golden Gate Ferry to continue providing quality public transit across the San Francisco Bay and ease congestion on Highway 101 by reducing the number of motor vehicles traveling between the North Bay counties and San Francisco. The increased use of public transportation decreases the region's dependence upon automobile transportation, thereby reducing the region's overall fossil fuel usage and associated emissions and improving the environmental sustainability of transportation in the region."

Gate Bridge and the Highway 101 corridor. This is nothing new, nor a different motivation for this Project.

This Project is a regional project, and the State Legislature has clearly stated that the City has no land use authority over it. The City's only basis to consider the Project is due to the terms of the 1995 Lease. By means of that Lease, it appears that the City is attempting to control the size and operations of this regional transportation facility.

As stated above the District hereby withdraws its request for the City to consent, under the terms of the 1995 Lease, to the plans for the replacement landing, and further withdraws any request to utilize City property and asks the City to take no further action on the Project.

As the District is seeking no discretionary action by the City, the City is no longer a responsible agency under the terms of CEQA and should halt any environmental review process.

Please contact me at (415) 923-2203 if you wish to discuss this matter further.

Sincerely,

Denis Mulligan

Denis J. Mulligan
General Manager

cc: Mary Wagner, City Attorney
Danny Castro, Director, Community Development

PROOF OF SERVICE

City of Sausalito v. Golden Gate Bridge, Highway and Transportation District
CIV 1603319

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 425 Market Street, 26th Floor, San Francisco, CA 94105.

On February 27, 2017, I served true copies of the following document(s) described as

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT'S DEMURRER

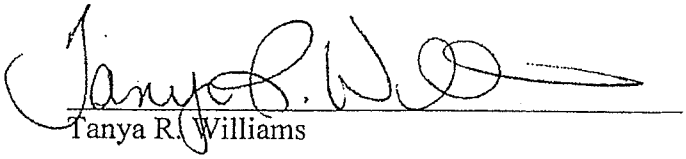
on the interested parties in this action as follows:

Arthur J. Friedman Alexander L. Merritt SHEPPARD, MULLIN, RICHTER & HAMPTON LLP Four Embarcadero Center, 17th Floor San Francisco, CA 94111-4109 Telephone: (415) 434-9100 Facsimile: (415) 434-3947 Email: afriedman@sheppardmullin.com Email: amerritt@sheppardmullin.com	Mary Anne Wagner City Attorney City of Sausalito City Hall 420 Litho Street Sausalito, CA 94965 Telephone: (415) 289-4103 Email: mwagner@ci.sausalito.ca.us

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 27, 2017, at San Francisco, California.



Tanya R. Williams