



MEMORANDUM

TO: Liza McNulty, Capital Improvement Program Manager, City of Berkeley
FROM: Tom Hall, Director of Operations and Tim Hanners, Director of Project Delivery & Engineering
San Francisco Bay Ferry (WETA)
DATE: February 18, 2026
SUBJECT: Marine Mammal Protection & Whale Avoidance

1. Purpose

San Francisco Bay Ferry (WETA) and its contracted operators are committed to avoiding vessel strikes and minimizing disturbance to marine mammals. WETA collaborates closely with the Marine Mammal Center to ensure its operations reflect ongoing technological advances and evolving scientific understanding of best practices. WETA also ensures its operations reflect the latest updates to NOAA guidance. The protocol outlined in this memorandum is the result of this collaboration and represents WETA's current and ongoing implementation of Mitigation Measures 15.1 and 15.2 of the Water Emergency Transportation Authority (WETA's) 2003 Expansion of Ferry Transit Service in the San Francisco Bay Area Program Environmental Impact Review to reduce impacts to marine mammals.

2. Regulatory Framework

This memo is guided by the following regulatory authorities and agency commitments: the Marine Mammal Protection Act; NOAA/NMFS minimum approach distances; WETA Protecting Our Bay Commitments; and CEQA Mitigation Monitoring Plan requirements.

3. Operational Measures

The following operational measures shall be observed by all vessel operators: mandatory second bridge watch at speeds exceeding 30 knots; mandatory second bridge watch when exceeding 10 knots anywhere in the Bay whales are known to be present via visual observation or regional information sharing; logging of all watch assignments and avoidance actions; speed reduction to 10 knots if an observed whale cannot be given a buffer of at least half of a nautical mile; real-time communication of observations with Vessel Traffic Service (VTS) and the Marine Mammal Center (MMC); avoidance of natural haul-out sites with 100–250 meter buffers; and crew training on whale detection and response procedures.

4. Construction Protections

For all in-water construction activities associated with WETA terminal and facility projects, the following protections are required: pre-construction marine mammal surveys; establishment of safety zones and work shutdowns during pile driving when marine mammals are observed; compliance with approved in-water work windows; and deployment of qualified Marine Mammal Observers (MMOs) during all impact pile-driving operations.

5. Monitoring & Reporting

All vessel operators and construction personnel shall log sightings, slowdowns, and route deviations; maintain CEQA mitigation compliance documentation; and provide immediate reporting of any whale interaction to WETA management and the appropriate regulatory authorities.