

From: Laura Walsh <lwalsh@savesfbay.org>
Sent: Friday, May 16, 2025 10:50 AM
To: McNulty, Liza
Subject: Save the Bay Comments on NOP of EIR for the Berkeley Pier Ferry
Attachments: STB_NOP_Berkeley Ferry.pdf

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Hi Liza,

Please see the attached EIR scoping comments on behalf of Save the Bay.

Appreciate your consideration,
Laura W.

Laura Walsh
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Pronouns: she, her

SAVE THE BAY

Protect and Restore San Francisco Bay
For People and Wildlife



May 16, 2025

Liza McNulty, PE, Project Manager
City of Berkeley Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor Berkeley, California 94704

RE: Scoping Comments on the Notice of Preparation for the Berkeley Waterfront Specific Plan and Ferry Project EIR

Dear Ms. McNulty,

Thank you for the opportunity to provide comments on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) for the Berkeley Waterfront Specific Plan and Berkeley Ferry Project. For over sixty years Save The Bay has worked to protect and restore San Francisco Bay for people and wildlife, including stopping the City of Berkeley's plan to fill another two square miles of San Francisco Bay. These comments are offered to assist the City of Berkeley as the lead CEQA agency to prepare a legally adequate EIR that informs public discussion on the best project alternative that avoids significant environmental impacts.

The City of Berkeley proposes to develop a ferry terminal and restore the historic Berkeley Pier to meet regional transit needs and enhance public access to the waterfront. This project EIR must include full evaluation of the project's environmental impacts, as well as an evaluation of all legally required alternatives, in accordance with the California Environmental Quality Act (CEQA). We highlight below a few of the many considerations the EIR must address.

The project's proximity to three major public open spaces—Shorebird Park, Adventure Playground, and McLaughlin Eastshore State Park—requires detailed focus on impacts to recreation and transportation. Areas of the Bay that have been filled for recreational purposes should remain in that use and not be converted for commercial development, consistent with provisions of the McAteer-Petris Act and regulations of the San Francisco Bay Conservation and Development Commission (BCDC). Save The Bay and its founders (including Sylvia McLaughlin for whom Eastshore State Park is named) supported the placement of fill in the Bay in Berkeley only for recreational purposes, as consistent with BCDC's statute.



BCDC's 1967 permit to fill an area of the bay and expand Berkeley marina stated that the purpose of the fill was to "...permanently establish public access and recreational use for a sizable part of the Berkeley shoreline." BCDC issued the permit relying on the statements of city officials including Sylvia McLaughlin, who wrote that "Berkeley's portion of the shoreline of San Francisco Bay should be reserved exclusively for public recreation and its related public uses." Berkeley citizens also approved a 1968 referendum, titled the "Berkeley Public Parks and Open Space Preservation Ordinance," establishing their commitment to preservation of parks and open space, codified as Ordinance No. 5785-N. S. The definition of parks and open space protected by that ordinance clearly applies to the areas that would be altered by the project described in this Notice of Preparation.

The EIR should also address whether the project and any of its alternatives are consistent with BCDC's adopted recreational policies and maps that protect existing recreational amenities including the bay fill in the project area and the Berkeley Marina, which is designated as a waterfront park priority use area in BCDC's Bay Plan. BCDC's Recreational Policy 9 states:

"Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes, provided the development and operations of the ferry facilities do not interfere with current or future park and recreational uses, and navigational safety can be assured. Terminal configuration and operation should not disrupt continuous shoreline access. Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons. Shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking." (San Francisco Bay Plan, Policy 9)

The EIR should evaluate whether the proposed project and any of its alternatives can be consistent with that ordinance, BCDC's permit, and other local, state and federal laws and regulations.

The Berkeley Waterfront receives up to 300,000 visits per year and includes many shoreline access points in the Bay Area. Any effects on these public resources or on shoreline recreational access will negatively impact the local population and the public throughout the region. With rising temperatures due to climate change, demand for access to McLaughlin Eastshore State Park's shoreline recreation areas will continue to increase. The EIR must analyze how the project's proposed infrastructure to support ferry service – terminal facilities, parking, shoreside infrastructure for ferry boats, and more – that may provide benefits to some individuals who ride the ferry, will create negative impacts on the many park users who do not use that service. Those impacts



include increased traffic through park areas, barriers to shoreline access, disruption of views, and more.

Given all of the significant potential impacts to people and wildlife, including those explicitly protected by local, state and federal laws and regulations, the EIR should evaluate alternatives that do not involve the use and alteration of land reserved for recreational purposes. Filled land in the Bay that pre-dates the establishment of BCDC provides the City of Berkeley broader discretion to apply uses consistent with the Public Trust Doctrine but not restricted by BCDC permits. Berkeley's marina basin already provides about 1,000 recreational boat slips and additional areas for charter boats including the Genentech ferry and Hornblower charters. This EIR should include alternatives that consider this and other sites that require little or no new filling and dredging of the Bay, elimination of current recreational parking and other impacts.

The project's location on the Bay shoreline, near sensitive wildlife and habitat, also necessitates the study of impacts and alternatives that protect water quality and pollution impacts on aquatic and terrestrial species and on people who use the area, including swimmers, windsurfers, kayakers, sailors and others. The EIR should assess impacts from and alternatives to construction activities on shore and in the Bay, including dredging, placement of fill and installation of infrastructure. Changes to ground permeability that affect stormwater runoff pollution should also be assessed and the EIR should identify how alternatives will avoid these impacts and mitigate any impacts that are unavoidable.

Save The Bay is deeply invested in helping Bay Area communities build resilience in the face of climate change. This EIR must evaluate the project's impact on local air quality and greenhouse gas emissions and should be designed for long-term adaptation to sea level rise, including incorporation of nature-based solutions along the shoreline to protecting infrastructure and ecological resources from flooding. The project should avoid shoreline development that will necessitate hard armoring of the shoreline that risks additional negative environmental impacts including erosion and loss of public access in the future. Alternatives should prioritize ways to work with nature, rather than against it, in equipping shoreline development to withstand long-term sea level rise.

In summary, the EIR must evaluate a full range of alternatives, including the least environmentally damaging feasible alternative. Alternatives should aim to avoid impacts to public trust resources, water quality, greenhouse gas emissions, and shoreline resilience, and minimize any unavoidable significant impacts. We look forward to continued engagement in the environmental review process and thank you for considering our comments.

Sincerely,



A handwritten signature in black ink that reads "David Lewis". The signature is written in a cursive, flowing style.

David Lewis
Executive Director