

From: n.laforce@comcast.net
Sent: Monday, May 19, 2025 7:56 AM
To: McNulty, Liza
Subject: SPRAWLDEF Comments on NOP for Berkeley Ferry
Attachments: 2025-05-19 Ltr re Berkeley Ferry.pdf

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SPRAWLDEF

Sustainability, Parks, Recycling And Wildlife Legal Defense Fund

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May 19, 2025

VIA EMAIL ONLY
lmcnulty@berkeleyca.gov

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

Re: Comments on Notice of Preparation of EIR for Berkeley Ferry

Dear Ms. McNulty:

The Sustainability, Parks, Recycling, and Wildlife Legal Defense Fund (SPRAWLDEF) provide the following comments regarding the issues and matters that the Berkeley Ferry EIR should address.

SPRAWLDEF is deeply concerned about the future health of the San Francisco Bay, its ecosystems that provide services to us all, and the wildlife that the Bay supports. We are committed to the protection and enhancement of our Bay's ecosystems and habitats. As sea levels rise and atmospheric river storms become more prevalent, the Berkeley shoreline becomes more vulnerable to wave run-up and flooding. In addition, the Bay Conservation and Development Commission (BCDC) recently passed the Regional Shoreline Adaption Plan (RSAP) Guidelines which will require cities like Berkeley to prepare their own Subregional SAP in compliance with the requirements of the BCDC RSAP Guidelines in order to deal with the projected rise responsibly and constructively in Bay waters.

The access road from the urban area of Berkeley to the Berkeley Marina where the ferry terminal would be constructed cuts through portions of the McLaughlin Eastshore State Park (MESP). The access road is adjacent to the Conservation area in the Berkeley Meadow of the MESP. The ferry terminal and other proposed infrastructure changes would also be adjacent to the protected waters of the South Basin Cove of the MESP. The water areas around the proposed terminal site also include the North Basin Cove of the MESP. Under the MESP general plan the

North Basin Cove has special seasonal and other protections for rafting and migrating birds. The proposed ferry may have impacts on bird species in those waters.

In light of these physical constraints, our review of the proposed ferry terminal and mixed-use development at the Berkeley marina raises substantial environmental and infrastructural concerns.

Construction Impacts and BCDC RSAP Guidelines

The construction of appropriate nature-based shoreline infrastructure, to minimize impacts, may require additional setbacks. The environmental impacts of construction and operation of a ferry terminal, parking lot, and access road should be analyzed and either minimized or mitigated. BCDC's RSAP guidelines will undoubtedly also influence how this shoreline infrastructure should address sea level rise and utilize Natural and Nature Based solutions (NNBS) as part of the RSAP. In addition, the proposed development site is on Bay fill and as sea levels rise, groundwater is also expected to rise. These Bay fill soils are prone to liquefaction in the event of earthquakes which we all know are inevitable in the Bay Area. This potential liquification should be addressed.

Issues Concerning Alternative Development Sites

The EIR must analyze reasonable alternatives. An alternative that is not reasonable and that should not be used is for a ferry terminal at the Albany Golden Gate Fields racetrack site. The track is now closed. SPRAWLDEF has called for the entire Golden Gate Fields site to be acquired and added to the MESP. SPRAWLDEF has also stated that after acquisition over time, the site should be restored to its original wetland and marsh that covered most of the site in the early 1900's before it was filled for the track. This restoration would further BCDC's goals of restoring and increasing wetlands and marsh in the Bay thus creating a resilient shoreline using NNBS which is one of the primary goals of the BCDC RSAP.

Bay Fill and Groundwater Rise

The proposed ferry includes parking and other structures that are situated on bay fill, which is prone to liquefaction in seismic events. Rising sea levels will also elevate groundwater levels, further destabilizing these soils. This poses significant risks for the construction and long-term viability of the site for a ferry terminal and need to be fully analyzed in the EIR.

Environmental Impact of Ferry Terminal

The construction and operation of the ferry terminal could detrimentally impact nearby sensitive habitats especially the Conservation area on the Berkeley Meadow in the MESP, and the North and South Basins. Increased boat wakes could harm migratory birds and other aquatic species. If the ferries are not electric, then ferry diesel emissions pose a pollution risk. A Water Emergency Transit

Authority (WETA) study demonstrated that ferries create dead zones for waterfowl in the ferry wake zone thus significantly impacting those species. Mitigations such as slow speed requirements around recognized rafting duck locations should be considered as mitigation requirements. Comprehensive mitigation strategies must be developed and evaluated to minimize these environmental impacts. The potential impacts on bird species protected under the Migratory Bird Treaty must be analyzed.

Potential for private ferries

We also continue to be extremely concerned about WETA's future plans to consider allowing private ferries at various terminals. The project description includes the possible addition of special event service. It does not specifically forbid private vehicles. If private ferries (that are both scheduled and unscheduled) and water taxis (similar to calling an Uber or Lyft water taxi) are allowed to use the dock and terminal facility, this presents a significant problem. It is important to monitor and enforce speed restrictions of boats as well as to minimize the number of boats through the refuge. It has been clearly demonstrated that it is difficult or impossible to do daily enforcement of speed restrictions of private ferries or water taxis.

Additional boats, especially private ferries, and water taxis that are not obeying the speed restrictions, would cause more environmental and safety concerns including more wake waves, potential impacts on rowers and paddlers in non-motorized watercraft, shoreline erosion, and impacts on birds and other aquatic species.

Air Quality

Evaluate the impact of ferry diesel emissions on recreational users of the waterway as well as adjacent shoreline communities. If the project plan includes backup power using diesel fuel, include those emissions in the analysis.

Artificial Light at Night (ALAN)

Due to proximity to MESP and protected waters, night lights from the terminal and parking areas will be harmful to birds and other wildlife in the nearby MESP. ALAN interferes with bird reproduction, feeding and migration. Night foraging creatures will not be able to forage if lights are on at night and shine on the water. The EIR must evaluate approaches to and require minimizing ALAN and lighting and use of the site after sundown.

Noise

The EIR must evaluate the maximum decibel of the ferries and of other equipment at the project site and their impact on birds and other wildlife. Ensure that there are no private boats using the dock, especially at night, such as party boats or special event boats. Evaluate the impact of construction period and noise including pile driving and length of construction time on

adjoining habitat and species. Considering the disruption and noise during the construction period, will a significant area of this valuable wildlife habitat be no longer viable for wildlife that now consider it home?

Bird Safe Design

Bird-safe design principles are crucial for protecting avian populations, particularly in areas adjacent to wildlife refuges. These principles aim to prevent bird collisions with structures, which is a significant threat to bird safety. Structures such as buildings, windows, and other man-made objects often pose hazards to birds, leading to injuries or fatalities. Implementing bird-safe designs is essential to minimize these risks and promote a safe environment for birds, especially in areas with high bird activity.

The Migratory Bird Treaty Act of 1918 ([16 U.S.C. 703-712](#)) provides that it is unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg or any such bird, unless authorized under a permit issued by the Secretary of the Interior. Since the areas in the MESP and in and around the proposed terminal site are used by migratory birds, the impact of the ferry on migratory birds must be analyzed.

Geology, Soils, and Seismicity

The EIR must include information on the soils at the site as well as along the only access road that gives access to the site. Soil settlement along the two mile access road indicates unstable soils.

Hazards and Hazardous Materials

Recent investigations have revealed that there are fill areas on the Albany, Berkeley, and Richmond shorelines that have toxic and hazardous materials. A thorough review of historical and current environmental data is necessary to assess potential contamination risks.

Utilities and Service Systems

The EIR must analyze the life service of existing utilities and storm water/wastewater systems. Rising groundwater may be poised to inundate portions of the buried utilities off site that are serving the site.

Transportation Issues from Increased Gas Powered Automobiles

The ferry terminal will result in greater automobile use to and from the ferry terminal. The increase in such especially from gas powered automobiles in terms of air quality and impacts from

cadmium and other toxic materials found in automobile tires must be analyzed, especially as to impacts on wildlife and habitat in the MESP.

Sincerely yours,

Norman La Force,

President



Citizens for East Shore Parks

Mail: PO Box 6087, Albany, CA 94706 Office: 1604 Solano Avenue, Albany, CA 94707
Ph: 510. 524.5000 | cespmanager@eastshorepark.org | www.eastshorepark.org

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lmcnulty@berkeleyca.gov

*Dwight Steele
Emeritus Co-Chair
(1914 - 2002)*

*Sylvia McLaughlin
Emeritus Co-Chair
Secretary
(1916-2016)*

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Re: Comments on Notice of Preparation of EIR for Berkeley Ferry

Dear Ms. McNulty:

Citizens for Eastshore State Park make these comments regarding the NOP of EIR for the Berkeley Ferry. We realize that we may be a few hours late, but trust that our short lateness (three to four hours) will not be considered prejudicial since the consultants will not be reviewing any documents until sometime tomorrow after 9:00 a.m. Moreover, our comments simply adopt the comments of the Sierra Club, SPRAWLDEF, and Save the Bay as though they are fully set forth herein.

Sincerely yours,

Norman La Force
Vice-President



**SIERRA
CLUB**
FOUNDED 1892

**Sierra Club California
State Parks Committee**



SIERRA CLUB
BAY ALIVE

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Dear Ms. McNulty:

The Sierra Club California State Parks Committee and Bay Alive Committee provide the following comments regarding the issues and matters that the Berkeley Ferry EIR should address. You have already received comments from the San Francisco Bay Chapter Northern Alameda Group. These comments are in addition to those comments.

The Sierra Club is deeply concerned about the future health of the San Francisco Bay, its ecosystems that provide services to us all, and the wildlife that the Bay supports. We are committed to the protection and enhancement of our Bay's ecosystems and habitats. As sea levels rise and atmospheric river storms become more prevalent, the Berkeley shoreline becomes more vulnerable to wave run-up and flooding. In addition, the Bay Conservation and Development Commission (BCDC) recently passed the Regional Shoreline Adaption Plan (RSAP) Guidelines which will require cities like Berkeley to prepare their own Subregional SAP in compliance with the requirements of the BCDC RSAP Guidelines in order to deal with the projected rise responsibly and constructively in Bay waters.

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Sierra Club to Berkeley
Re: Berkeley Ferry Terminal
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rafting duck locations should be considered as mitigation requirements. Comprehensive mitigation strategies must be developed and evaluated to minimize these environmental impacts. The potential impacts on bird species protected under the Migratory Bird Treaty must be analyzed. We refer you to the attached addendum, Takegawa, John, *Effects of Ferry Traffic on Migratory Wasterbirds in the San Francisco Bay*. (Exhibit A)

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Sierra Club to Berkeley
Re: Berkeley Ferry Terminal
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The ferry terminal will result in greater automobile use to and from the ferry terminal. The increase in such especially from gas powered automobiles in terms of air quality and impacts from cadmium and other toxic materials found in automobile tires must be analyzed, especially as to impacts

on wildlife and habitat in the MESP. Therefore, the EIR should analyze how the impact of gas powered cars can be mitigated through increased bus service and bicycle access to the ferry terminal. See the attached March 27, 2025 letter from the Club's Northern Alameda Group to the City of Berkeley. (Exhibit B)

Sincerely yours,

s/

Norman La Force
Co-Chair,
Sierra Club California
State Parks Committee

s/

Arthur Feinstein
Chair,
Sierra Club California
Bay Alive Committee

Reply to: Norman La Force
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EFFECTS OF FERRY TRAFFIC ON MIGRATORY WATERBIRDS IN THE SAN FRANCISCO BAY

Commuter ferry routes cross valuable subtidal and intertidal habitats in the San Francisco Bay estuary that support a wealth of natural resources, including large numbers of migratory waterbirds during the winter. When new routes were proposed for the region under a new transit authority in 1999, we initiated studies to evaluate the ecological effects of commuter ferries on rafting waterbirds. The main objectives were to: 1) conduct on-board ferry surveys to assess species-specific buffer distances; 2) examine waterbird avoidance of watercraft in land-based surveys at selected areas; and 3) document distribution of waterbirds along ferry routes with aerial surveys.

On-board ferry surveys were used to determine how waterbirds responded behaviorally to the passage of a commuter ferry. Observers recorded the behavioral response (fly, dive, swim, alert posture) of waterbirds and their distance from the ferry. Surf scoters (*Melanitta perspicillata*), lesser and greater scaup (*Aythya affinis* and *A. marila*), and western and Clark's grebes (*Aechmophorus occidentalis* and *A. clarkii*) were the most abundant species found across all ferry routes, with diving ducks representing the most abundant guild. Behavior response distances ranged from 50-500 m for grebes, 30-900 m for scoters, and 60-500 m for scaup. Most waterbirds showed a behavior response within 300 m, and we used that distance to estimate the zone within which birds were affected. In addition, we used GPS tracking to determine that variation in the path of the ferries was usually 200 m. Thus, we calculated a total effect area along a ferry route from their sum or a distance of 500 m. Affected areas ranged from 2.44 to 75.75 km² and included 0.07-14.26 km² of shoals preferred for foraging (<4 m deep).

We studied the duration of disturbance of a ferry transit from land-based surveys. At selected sites, we recorded numbers and behavior of waterbirds before and after transit. Scaup densities declined after ferry transit along the Vallejo and Alameda Harbor Bay route, and scoters decreased after passage of the Larkspur ferry. However, patterns were not consistent, probably because birds were responding to several factors such as time-of-day, weather, and other disturbances. When we compared weekday to weekend surveys, we found more waterbirds along routes during the weekdays despite more frequent ferry traffic.

Aerial surveys indicated that diving ducks accounted for 85% of open water birds, dominated by scaup and scoter (90%). Numbers were highest during Nov-Dec in the North Bay, consistent in the central Bay, and lowest in the South Bay. While new commuter ferries may be beneficial at reducing vehicle traffic, they will have an effect on waterbird populations. Although they do not eliminate open water habitats, they may preclude use of it by waterbirds. Thus, our study indicated that effects on waterbirds should be considered when planning new transit routes or increasing their frequency, especially in shoal areas used for foraging.



March 27th, 2025

Mayor Adena Ishii and City Council
2180 Milvia Street,
Berkeley, California 94704

Dear Mayor and Council,

The Sierra Club North Alameda County Group strongly encourages Berkeley to take a more holistic, non-single occupancy vehicle-centric approach to planning for future ferry passenger capacity at the Berkeley Marina. Taking steps to meaningfully promote transportation alternatives is a key step towards the city meeting its climate and emissions goals, as well as encouraging more equitable and less environmentally impactful transportation options for commuters and visitors.

The strategies put forth in the Water Transportation Pier-Ferry Project Parking and TDM Plan will only serve to encourage people to drive to the Berkeley Marina when accessing the new ferry service. Increasing parking, formalizing overflow parking locations, and improving wayfinding to and from these overflow lots and the ferry terminal are ultimately strategies to make driving easier, which will invariably lead to more driving. The phenomenon of induced demand is well-studied in transportation demand management, and its results are predictable. In addition, the cost-effectiveness of investments in bus and rail transit compared to trips by ferry that are more costly per rider strongly indicate that the City should avoid discretionary local investments supporting parking, while receiving grants and other resources developed by WETA.

Instead, we believe that the City of Berkeley should be prioritizing improvements to alternate modes of travel to and from the Marina and new ferry terminal, which aligns more closely with the city's own goals. These include:

- **Improved bicycle infrastructure and connections:** Protected bike lanes along University Ave, safer and more direct connections from West Berkeley to the Marina, and ample bicycle parking in close proximity to the terminal, in addition to well-signed connections to the adjacent Bay Trail, portions of which are already used as a bicycle commuter route, notable considering the massive new investments in offices and research facilities immediately to the south of the

