CLIPPER YACHT HARBOR MARINA DOCK REPLACEMENT PROJECT
RESPONSE TO COMMENTS TO THE INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

Response to Comments

Table of Contents

Chapter 1 Introduction 1
Chapter 2 Public Comment on the Draft IS/MND 3
Chapter 3 Responses to Comments 19
Chapter 4 Errata and Revisions 47

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CHAPTER 1 INTRODUCTION

This document is the Response to Comments to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Clipper Yacht Harbor Marina Dock Replacement Project. The MND is prepared as an informational document for action by the City of Sausalito for the proposed project in Sausalito, California.

Response to Comments Organization

The Response to Comments to the Clipper Yacht Harbor Marina Dock Replacement Project Initial Study/Mitigated Negative Declaration is organized as follows:

Chapter 1 **Introduction.** This chapter explains the contents of the Response to Comments document and the environmental review process for the Clipper Yacht Harbor Marina Dock Replacement Project.

Chapter 2 **Public Comment on Draft MND.** This chapter contains copies of the comment letters received on the Draft IS/MND during the public review period. The comment letters have been individually numbered. A list of those who commented is provided at the front of the chapter.

Chapter 3 **Responses to Draft MND Comment.** This chapter provides the written comments received on the Draft MND and provides a written response to each comment submitted on the Draft MND.

Chapter 4 **Errata and Revisions.** This chapter includes the changes to the Draft IS/MND text needed to respond to comments and clarify or amplify the information provided in the Draft IS/MND. The changes correct inaccuracies and clarify the analysis in the IS/MND.

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CHAPTER 2 PUBLIC COMMENT ON THE DRAFT IS/MND

This chapter contains copies of the comment letters received on the Draft IS/MND during the public review period. The comment letters have been individually numbered and will appear on the following pages in the order presented below. Comments were received from the following agencies/individuals:

Federal Agencies:

- Federal Emergency Management Agency (FEMA)

State Agencies:

- California Department of Fish and Wildlife (CDFW)
- San Francisco Bay Conservation and Development Commission (BCDC)

Local Agency:

- City of Sausalito Planning Commission (Planning Commission)

Public:

- Eric Gullichsen (Gullichsen)

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

June 16, 2021

Lilly Whalen, Community Development Director
City of Sausalito, Community Development Department
420 Litho Street
Sausalito, California 94965

Tricia Stevens, MIG Consulting Planner
800 Hearst Avenue
Berkeley, California 94710

Dear Ms. Stevens:

This is in response to your request for comments regarding the Notice of Intent to Adopt a Mitigated Negative Declaration – Clipper Yacht Harbor Marina Dock Replacement project in the City of Sausalito, Marin County, California.

FEMA-1

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Marina (Community Number 060173) and City of Sausalito (Community Number 060182), Maps revised August 15, 2017. Please note that the City of Sausalito, Marin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

FEMA-2

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

FEMA-3

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

FEMA-4

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

FEMA-5

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

FEMA-6

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Sausalito floodplain manager can be reached by calling Kevin Goldma McGowan, Director, Public Works Department, at (415) 289-4176. The Marin County floodplain manager can be reached by calling Berenice Davidson, Principal Civil Engineer, Public Works Department, at (415) 473-3770.

If you have any questions or concerns, please do not hesitate to contact members of the Floodplain Management and Insurance Branch staff, Michael Hornick, NFIP Planner, at Michael.Hornick@fema.dhs.gov or Ramona Sudbeck, NFIP Planner, at Ramona.Sudbeck@fema.dhs.gov.

Sincerely,

Edith C. Lohmann

Edith Lohmann, Acting Branch Chief
Floodplain Management and Insurance Branch

cc:
Lilly Whalen, Community Development Director,
Tricia Stevens, MIG Consulting Planner
Kevin Goldma McGowan, Director, Public Works Department, City of Sausalito
Berenice Davidson, Principal Civil Engineer, Public Works Department, Marin County
Kelly Soule, State of California, Department of Water Resources
Alex Costa, State of California, Department of Water Resources,
Michael Hornick, NFIP Planner, DHS/FEMA Region IX
Ramona Sudbeck, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

Email Addresses:

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Ramona Sudbeck	ramona.sudbeck@fema.dhs.gov
Alessandro Amaglio	alessandro.amaglio@fema.dhs.gov

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 18, 2021

Lilly Whalen
Community Development Director
City of Sausalito
420 Litho Street
Sausalito, CA 94965

SUBJECT: Clipper Yacht Harbor Marina Dock Replacement Project Draft Mitigated Negative Declaration SCH# 2021050449

Dear Ms. Whalen:

The California Department of Fish and Wildlife (Department) received a Notice regarding a draft Mitigated Negative Declaration (MND) from the City of Sausalito for the Clipper Yacht Harbor Marina Dock Replacement Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, Section711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines Section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, Section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marline Life Management Act. Pursuant to our jurisdiction, the Department has the following comments and recommendations regarding the Project.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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PROJECT DESCRIPTION SUMMARY

Proponent: Bellingham Marine Industries, Inc.

Objective: The objective of the Project is to remove and replace the existing boat docks within Clipper Yacht Harbor Basin 3 and 4. Primary Project activities include dock removal, removal of 284 piles, installation of 211 14-16" concrete piles with an impact hammer, and removal and replacement of all existing infrastructure in Basin 3 and 4 docks. The current docks include 2.34 acres of overwater structure and will be replaced within the existing footprint totaling 2.28 acres of new overwater structures.

Location: The Project is located at 310 Harbor Drive, Sausalito, CA, Marin County.

Timeframe: The Project is proposed to begin July 2022 and end November 2023.

MARINE BIOLOGICAL SIGNIFICANCE

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries.

STATE AND FEDERALLY LISTED AND COMMERCIALLY/RECREATIONALLY IMPORTANT SPECIES

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

- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Sacramento River Spring-run), state and federally endangered (Sacramento River Winter-run)
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast and Central Valley evolutionary significant units)
- Green sturgeon (*Acipenser medirostris*), federally threatened (southern Distinct Population Segment
- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Brown pelican (*Pelecanus occidentalis californicus*), state fully protected

Several species with important commercial and recreational fisheries value that could potentially be impacted by Project activities include:

- Dungeness crab (*Cancer magister*),
- Pacific herring (*Clupea pallasii*),
- Rockfish (*Sebastes* spp.),
- California halibut (*Paralichthys californicus*),
- Surfperches (*Embiotocidae*).

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COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the City of Sausalito in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment 1: Water Jetting for Pile Placement
The draft MND discusses the use of water jets to place piles prior to driving them in place. Water jets can cause additional turbidity which in turn may have greater impacts on adjacent eelgrass beds and/or potentially remobilize contaminants in the soil.

CDFW-1

Recommendation: The Department recommends that the applicant examine different approaches to placing piles before driving. The soils in the area may be soft enough to place the pile in its location and let it sink in under its own weight. Another option is to push the pile down until resistance is met. Both options would be a less impactful method of placing piles prior to driving into place.

Comment 2: Proposed Hydroacoustic Minimization Measures
The Department is in general agreement with the proposed measures (i.e., installation of a bubble curtain, use of a wood cushion block) for reducing potential hydroacoustic impacts to fish and marine mammals. However, another technique should be added as a potential avoidance/minimization measure.

CDFW-2

Recommendation: The Department recommends adding a soft start as a pile driving minimization and avoidance measure to further reduce potential hydroacoustic impacts to aquatic species. A soft start is when the pile is struck with a lighter initial blow to scatter any fish and/or marine mammals out of the area prior to commencing full hammering.

Comment 3: Mitigation Measure BIO-2: Implementation of Clipper Yacht Harbor Eelgrass Mitigation Plan
The Department is in general agreement with the Eelgrass Mitigation Plan (Plan) as described within the draft MND. However, the Department recommends the following changes be made.

Recommendation 1: The Department recommends that the qualitative and quantitative surveys examine an area of 45 meters from Project activities. The draft MND describes the surveys as occurring within the Project footprint plus a 10 meter buffer. It is not clear if this area would be sufficient in determining if Project related impacts to eelgrass could occur.

CDFW-3

Recommendation 2: The Department recommends that the pre-construction quantitative survey occur within 60 days of starting in-water work to ensure the survey depicts an accurate representation of eelgrass present within the surveyed area.

Recommendation 3: The Department recommends that all eelgrass surveys conducted for the Project are consistent with recommendations and requirements outlined in the California Eelgrass Mitigation Policy (NOAA 2014).

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Comment 4: Mitigation Measure BIO-2 Reviewing Agencies
Mitigation Measure BIO-2 should include that the Plan needs to be submitted to the Department, in addition to the National Marine Fisheries Service and U.S Army Corps of Engineers, for review, consultation, and approval.

CDFW-4

Recommendation: The Department recommends adding the Department as a required reviewing agency for all qualitative and quantitative pre- and post-construction eelgrass surveys, as well as any required mitigation plans, in the event Project related impacts to eelgrass are identified.

Comment 5: Dock Construction Materials
In describing the construction materials that will be utilized for the replacement docks, the draft MND mentions the use of wood. Fish and Game Code states that it is unlawful to deposit into, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, or bird life (FGC Section 5650(6)). The Department considers any wood treated with Ammoniacal Copper Zinc Arsenate (ACZA), Chromated Copper Arsenate (CCA), or Alkaline Copper Quaternary (ACQ) to be deleterious materials.

CDFW-5

Recommendation: The Department recommends that the final MND describe the construction measures in greater detail. Additionally, the Project should utilize untreated wood that can withstand a marine environment or wrap or coat all treated wood with a benign material, such as plastic wrap or a polyurea coating, to prevent waters of San Francisco Bay from direct contact with the treated wood. All wrapped or coated treated wood that may be subject to contact with floating debris and/or boats should be inspected on a yearly basis to confirm the integrity of the wrap or coating and to repair any damaged areas.

ENVIRONMENTAL DATA

CDFW-6

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

CDFW-7

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the fee is required for the underlying project approval to be

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CDFW-7 operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

The Department appreciates the opportunity to comment on the draft MND to assist the City of Sausalito in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Arn Aarreberg, Environmental Scientist, Marine Region at (707) 791-4195 or Arn.Aarreberg@wildlife.ca.gov.

Sincerely,

DocuSigned by:
343995CB95354BC...
Craig Shuman, D. Env
Marine Regional Manager

ec: Becky Ota, Program Manager
Department of Fish and Wildlife
Becky.Ota@wildlife.ca.gov

Eric Wilkins, Senior Environmental Scientist
Department of Fish and Wildlife
Eric.Wilkins@wildlife.ca.gov

Arn Aarreberg, Environmental Scientist
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Reyna Amezcua
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Nicole Fairley
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Tricia Stevens
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tstevens@migcom.com

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California Department of Fish and Wildlife
cegacommentletters@wildlife.ca.gov

State Clearinghouse ~~(SCH No. 2018112070)~~
state.clearinghouse@opr.ca.gov

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References

NOAA (National Oceanic and Atmospheric Administration) Fisheries, West Coast Region. 2014. California Eelgrass Mitigation Policy and Implementing Guidelines. Available from: https://www.fisheries.noaa.gov/region/west-coast#habitat

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San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

July 16, 2021

City of Sausalito
Community Development Department
420 Litho Street
Sausalito, CA 94965
ATTN: Ms. Lilly Whalen, Community Development Director
Via Email: <tstevens@migcom.com>

SUBJECT: Comments on the Clipper Yacht Harbor Marina Dock Replacement Draft Initial Study/Mitigated Negative Declaration; SCH No. 2021050449

Dear Ms. Whalen:

Thank you for the opportunity to comment on the Draft IS/MND for the Clipper Yacht Harbor Marina Dock Replacement (Project), received by our office on June 22, 2021. The Project proposes replacing docks, reconfiguring the design of the marina, and installing attenuator docks at the Clipper Yacht Harbor, located at 310 Harbor Drive, in the City of Sausalito, Marin County.

BCDC-1 The Commission is a responsible agency for this project and will rely on the Final IS/MND when it considers the Project. We have prepared comments outlining specific BCDC issues that should be addressed either in the Final IS/MND or through the BCDC permitting process. Although the Commission itself has not reviewed the Draft IS/MND, the staff comments are based on the McAteer-Petris Act and the Commission's San Francisco Bay Plan (Bay Plan).

COMMISSION LAW AND BAY PLAN POLICIES RELEVANT TO THE PROJECT

Public Access and Recreation

BCDC-2 Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." The current BCDC permit authorizing activities at Clipper Yacht Harbor requires the permittee to build and maintain public access paths along the shoreline of Basins 3 and 4, as well as provide other public access amenities, including signs, benches, a wooden viewing platform over the bay, landscaping, trash receptacles, and a public restroom. The Final IS/MND should include more detailed information on any permanent or temporary impacts of the project to these public access areas and amenities.

Climate Change

BCDC-3 Climate Change Policy No. 2 states, in part, "risk assessment[s] should be prepared…based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection…for the proposed project or shoreline area. A range of sea level rise projections for mid-century and

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end of century based on the best scientific data available should be used in the risk assessment." Policy No. 3 states that where such assessments show vulnerability to public safety, projects "should be designed to be resilient to a mid-century sea level rise projection" and an "adaptive management plan" be prepared.

The Draft IS/MND details the planned elevations of the gangways (+10 feet above MLLW), piles (+12.7 feet above MLLW), and docks (up to +11.5 feet above MLLW) relative to sea level rise. However, a letter dated August 3, 2020 from Usmita Pokhrel of Bellingham Marine to BCDC stated that due to concerns about a 100-year storm event overtopping the docks by midcentury, the dock plans were to be modified so that the piles would be built at +13.5 feet above MLLW. The Final IS/MND should be updated to reflect these changes to the plans and compare elevations of the docks and gangways with the FEMA 100-year stillwater elevation at midcentury. The sea level rise analysis should specify the 2018 OPC Sea Level Rise Guidance risk aversion scenario, predicted emissions level, and life of the project used for the analysis. Finally, as part of the Final IS/MND or permit application, additional information should be provided on how the project has been designed to be adaptable to rising sea levels after midcentury, depending upon the life of the project, and whether there are any proposed long-term adaptation strategies.

BCDC-3

Subtidal Areas

The Draft IS/MND acknowledges the potential existence of eelgrass beds in or near the Project site and details a plan to mitigate for negative impacts to eelgrass beds resulting from the Project construction. In short, the Project proponent plans to perform a qualitative survey of eelgrass in the Project vicinity prior to -construction. If eelgrass is found within 10 meters of the Project site, quantitative pre-construction and post-construction eelgrass survey will be performed and compared to a reference site. If the surveys show that eelgrass has been negatively impacted by the project, the proponent will prepare a monitoring and mitigation plan.

Subtidal Areas Policy No. 2 states, in part, "Subtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eelgrass beds, sandy deep water or underwater pinnacles) should be conserved. Filling, changes in use, and dredging projects in these areas should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits." Additionally, Mitigation Policy No. 1 states "Projects should be designed to avoid adverse environmental impacts to Bay natural resources such as to water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or tidal flats. Whenever adverse impacts cannot be avoided, they should be minimized to the greatest extent practicable. Finally, measures to compensate for unavoidable adverse impacts to the natural resources of the Bay should be required. Mitigation is not a substitute for meeting the other requirements of the McAteer-Petris Act."

BCDC-4

Thus, BCDC policies require that if eelgrass is found within the project site, the project should consider alternatives that avoid those eelgrass beds unless there is no feasible alternative. Additionally, the California Eelgrass Mitigation Policy and Implementing Guidelines

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BCDC-4 (2014) states, in part, "A final determination regarding the actual impact and amount of mitigation needed, if any, to offset impacts should be made based upon the results of two annual post-construction surveys." The Final IS/MND should elaborate on the number, timing, and techniques of eelgrass surveys; mitigation options and ratio; and be based on the California Eelgrass Mitigation Policy and Implementing Guidelines (2014).

Thank you for providing BCDC with an opportunity to review the Draft IS/MND for the Clipper Yacht Harbor Marina Dock Replacement. If you have any questions regarding this letter or the Commission's policies and permitting process, please do not hesitate to contact me at 415/352-3612 or rowan.yelton@bcdc.ca.gov.

Sincerely,

DocuSigned by:
Rowan Yelton
A2880474B438488...

ROWAN YELTON
Coastal Program Analyst

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105

RY/ra

cc: State Clearinghouse, <state.clearinghouse@opr.ca.gov>

Clipper Yacht Harbor Marina Dock Replacement Project

Oral Comments Received on the Draft IS/MND

Sausalito Planning Commission Meeting (June 2, 2021)

Planning Commission-1:

"I guess the eelgrass issue is not an issue."

Planning Commission-2:

"This particular harbor is built up at grade. When you talk about these docks being 10 feet above something, what does that 10 feet mean? I don't know what that measurement means. I don't know if that means 10 feet above the bottom of the ocean on the Bay floor or 10 feet above where it is today. Perhaps you can answer that for me."

Planning Commission-3:

"Was the project modeled with Baywave?"

CLIPPER YACHT HARBOR MARINA DOCK REPLACEMENT PROJECT, Mitigated Negative Declaration

Eric Gullichsen <egullich@colo.to>
To: tstevens@migcom.com

Mon, Jul 5, 2021 at 2:53 PM

Dear Ms. Whalen / Ms. Stevens:

I note that an application has been submitted for the removal and replacement of existing boat docks within the Clipper Yacht Harbor at 310 Harbor Drive, and that comments on the proposed Mitigated Negative Declaration for this project are being received until July 16, 2021.

Gullichsen-1

My comment is as follows:

The location of the existing northernmost docks of Clipper Basin 4 does not permit adequate clearance for safe navigation of the S.S. Vallejo from its mooring to the waters of Richardson Bay.

It is essential that if the Clipper docks of Basin 4 are rebuilt, that the channel between the northernmost docks of Basin 4 and the houseboats of the South 40 dock of Waldo Point be of sufficient width to not cause obstruction to the safe navigation of the S.S. Vallejo ferryboat.

I have attached a photo illustrating the area.

Please confirm receipt of this comment.

- Eric Gullichsen
egullich@colo.to



clearance.png
317K

Miranda Miller <mmiller@migcom.com>

Fwd: CLIPPER YACHT HARBOR MARINA DOCK REPLACEMENT PROJECT, Mitigated Negative Declaration

Tricia Stevens <tstevens@migcom.com> Sun, Jul 11, 2021 at 9:19 AM
To: Barbara Beard <bbeard@migcom.com>, Miranda Miller <mmiller@migcom.com>, Lilly Whalen <LWhalen@sausalito.gov>, Mary Wagner <MWagner@sausalito.gov>

Additional comments from Mr. Gulliischen.
Tricia

---------- Forwarded message ---------
From: **Eric Gullichsen** <egullich@colo.to>
Date: Thu, Jul 8, 2021 at 9:20 PM
Subject: Fwd: CLIPPER YACHT HARBOR MARINA DOCK REPLACEMENT PROJECT, Mitigated Negative Declaration
To: <tstevens@migcom.com>

Dear Ms. Whalen / Ms. Stevens:

Further to my email of July 5, I have 3 additional comments on the Clipper Yacht Harbor Mitigated Negative Declaration.

Gullichsen-2

1) The United States Coast Guard requires projects of this nature to provide a Navigational Safety Risk Assessment. This review affords opportunity for waterway users and the applicant to engage in the review and provide potentially mitigating strategies to reduce the impact to navigation or make alternate plans for the project and remove the risk. Has a Navigational Safety Risk Assessment been completed for this project? And if not, why not?

Gullichsen-3

2) The existing Clipper docks are situated immediately at the Western boundary of my property, and the proposed reconstruction of the docks has them situated at the same location. This proposed construction does not meet the minimum setback requirements of SMC 10.40.070. If these docks are reconstructed, they must be in a location which meets the minimum setback requirements.

Gullichsen-4

3) I also note the proposed construction does not meet the specific requirements of SMC 10.40.070(D)(3) which specifically dictates that: "No structures of any kind, other than stairs and pathways on grade and/or retaining walls for slope stabilization purposes, shall be located within 20 feet of the 100-year flood elevation line of an open natural drainage way or wetland (i.e., creek) identified on Map GP-14 of the environmental quality element of the general plan." Nor is there an exemption anywhere in SMC 10.40.070 for floating docks.

Please confirm receipt of these comments.

Best regards,

- Eric Gullichsen
egullich@colo.to

--

Tricia Stevens, AICP
Contract Planner



[Quoted text hidden]

CHAPTER 3 RESPONSES TO COMMENTS

This chapter provides a written response by the City of Sausalito, as Lead Agency for the project, to each comment submitted on the Draft IS/MND.

3.1 Response to Comments from Federal Emergency Management Agency

Comment FEMA-1: Effective Flood Insurance Maps

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Marina (Community Number 060173) and City of Sausalito (Community Number 060182), Maps revised August 15, 2017. Please note that the City of Sausalito, Marin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

Response to Comment FEMA-1:

Comment noted. FIRM 06041C0526E for the County of Marin, City of Sausalito, and City of Belvedere was reviewed to analyze project impacts related to flood hazards. For clarification, FIRM 06041C0526E has been added (underline text) to Section 3.10.4 References under Section 3.10, Hydrology and Water Quality. Please see Chapter 4, Errata and Revisions, for this addition.

Comment FEMA-2: Building in a floodplain

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

Response to Comment FEMA-2:

Comment noted. The project does not propose the construction of buildings.

Comment FEMA-3: Increase in Base Flood Elevations

If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Response to Comment FEMA-3: Special Flood Hazard Area

The project site is located in a Special Flood Hazard Area, Zone AE, but not in a Regulatory Floodway per FIRM 06041C0526E. The project proposes an in-kind replacement of existing

docks in a recreational marina. The proposed docks would not have a permanent footprint, as they would float on the surface of the water. As a result, the project would not increase base flood elevation levels.

Comment FEMA-4: Coastal High Hazard Areas

All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

Response to Comment FEMA-4:

The project proposes an in-kind replacement of existing docks in a recreational marina. The project would not construct any buildings.

Comment FEMA-5: Changes to Special Flood Hazard Areas

Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Response to Comment FEMA-5:

The project is located in Zone AE, a Special Flood Hazard Area, according to the FEMA FIRM maps for the County of Marin (Community Number 060173) and City of Sausalito (Community Number 060182) FIRM maps revised August 15, 2017. The project proposes an in-kind replacement of existing docks in a recreational marina. The project would make minor modifications to the existing dock layout in two marina basins; however, these modifications would not make permanent changes to the Special Flood Hazard Area in which the project is located, as the proposed docks are impermanent structure that would float on the surface of the water.

Comment FEMA-6: Floodplain Management Building Requirements

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Sausalito floodplain manager can be reached by calling Kevin Goldma McGowan, Director, Public Works Department, at (415) 289-4176. The Marin County floodplain manager can be reached by calling Berenice Davidson, Principal Civil Engineer, Public Works Department, at (415) 473-3770.

Response to Comment FEMA-6:

Comment noted.

3.2 Response to Comments from California Department of Fish and Wildlife

Comment CDFW-1: Water Jetting for Pile Placement

The draft MND discusses the use of water jets to place piles prior to driving them in place. Water jets can cause additional turbidity which in turn may have greater impacts on adjacent eelgrass beds and/or potentially remobilize contaminants in the soil.

Recommendation: The Department recommends that the applicant examine different approaches to placing piles before driving. The soils in the area may be soft enough to place the pile in its location and let it sink in under its own weight. Another option is to push the pile down until resistance is met. Both options would be a less impactful method of placing piles prior to driving into place.

Response to CDFW-1:

The project applicant is in agreement that soil conditions at the project site may allow the piles to be set in place as they sink under their own weight and water jetting may not be necessary to secure the piles in place. However, per Bellingham Marine's experienced construction managers and professional engineers, a contingency plan must be in place in the event a pile meets exceptional resistance before meeting structural embedment. The construction contractor would use water jetting to secure the piles only in the event a pile cannot reach structural embedment by sinking under its own weight. The following text has been added (underline) as Paragraph 4 of Section 2.3.3 of the IS/MND to document the water jetting contingency plan as part of the project proposal. See Chapter 4, Errata and Revisions, for the revised version of Section 2.3.3 that describes water jetting as a contingency plan which is also presented below:

Text Revisions for Section 2.3.3, paragraph 4:

In the event a pile does not reach structural embedment by sinking into the Bay mud under its own weight, the project would employ water jetting as a contingency plan. After placement, the piles are anticipated to sink into the soft Bay mud under their own weight and reach structural embedment; however, if a pile does not reach structural embedment under its own weight, jetting is necessary. The project contractor would follow the pile driving procedures described below. Water jetting as a contingency plan is described in steps e. through i.

a. Barge and crane will be moved into position.

b. Turbidity curtain will be deployed and positioned around the pile with sufficient area as to control turbidity.

c. Pile will be lifted off the barge, moved into position, and set into the mud.

d. If required for structural embedment, move to step "e". If effective embedment is met by gravity, move to step "j."

e. The fire hose is then hooked up to the water pump.

f. Jetting will be performed once the pile tip has been fully seated at the mud line. The duration of jetting would span 5 to 10 minutes depending on the characteristics of the soils (i.e., jetting will span less time in softer soils compared to harder soils), provided there are no obstructions, such as buried rocks. Jetting channels water flow through the fire hose to an internal PVC tube cast inside the pile. The jetted water liquefies the materials beneath the pile to allow the advancement of the pile tip. Following termination of jetting, the soils begin to solidify and quickly return to their natural state.

g. Jetting will only be performed if required. On soft mud, it is very likely the pile will sink into the mud due to its own weight. The pile is held in place until the surface friction takes hold of the pile.

h. Jetting typically embeds the pile to a depth of 5 feet above final tip elevation. Then, the pile is driven to grade. Jetting must ensure the pile reaches sufficient depth to stand up on its own. In softer soils, jetting may be terminated 10 feet from grade to ensure sufficient bearing during the final pile driving sequence.

i. Jet hose and slings will be removed.

j. Cushion blocks of appropriate thickness and type will be placed on top of pile.

k. Diesel hammer will be placed on the barge and then set on top of the pile and cushion blocks.

Comment CDFW-2: Proposed Hydroacoustic Minimization Measures

The Department is in general agreement with the proposed measures (i.e., installation of a bubble curtain, use of a wood cushion block) for reducing potential hydroacoustic impacts to fish and marine mammals. However, another technique should be added as a potential avoidance/minimization measure.

Recommendation: The Department recommends adding a soft start as a pile driving minimization and avoidance measure to further reduce potential hydroacoustic impacts to aquatic species. A soft start is when the pile is struck with a lighter initial blow to scatter any fish and/or marine mammals out of the area prior to commencing full hammering.

Response to Comment CDFW-2:

The project proposal includes use of the soft start method for pile driving, which is discussed in Section 3.4.3, Page 74, paragraph 1 of the IS/MND. This component of the project proposal is not currently included in Chapter 2, Project Description, of the IS/MND. To clarify that the project proposes using the soft start method for pile driving, Table 2. Project Demolition and Construction BMPs located on Page 7 in Section 2.3.2, which is carried over into Mitigation Measure BIO-1a: Avoidance and Minimization Measures for Special-Status Fish as the Project Demolition and Construction Avoidance and Minimization Measures table, has been revised to add the soft start method as avoidance and minimization measure number 13 with underline (added). For further clarification, Table 2. Project Demolition and Construction BMPs (also the Project Demolition and Construction Avoidance and Minimization Measures table) has been revised with underline (added) text to add installation of a bubble curtain and use of wood

cushion blocks two proposed pile driving procedures discussed in Section 2.3.3, Page 8, paragraph 3 as avoidance and minimization measures 14 and 15, respectively:

Table 1. Project Demolition and Construction BMPs

1	Silt curtains will be utilized to control turbidity during removal and placement of piles. The silt or "turbidity curtain" typically have a skirt of approximately 5' which controls any sediment suspended in the water column from propagating out of the work area.
2	Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases. "Floating boom" curtains typically have a 1' skirt and are designed to keep any floating debris from escaping the work area before it can be removed.
3	Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
4	Floating debris would be removed from the water and disposed of properly.
5	Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
6	Operators of construction equipment and all other project workers shall not harass any marine mammals, waterfowl, or fish in project area.
7	Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering bay.
8	Erosion control/ sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition.
9	Contractor shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States.
10	All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
11	Maintain good housekeeping. Maintain clean site at end of every construction day. Do not drop mud and debris from construction vehicles into public streets. Sweep turning areas and pavement entrances as needed.
12	At the end of the construction period, the project applicant or its contractor shall inspect the project area and ensure that no debris, trash or construction materials has been left on the shore or in the water.
<u>13</u>	<u>Pile driving activities shall be conducted using the soft start method The soft start method will include striking the piles with a lighter initial blow, which generates a lower</u>

	sound level, to divert fish and marine mammals from the project area prior to full hammering, which generates the highest sound levels.
14	A sound curtain, or bubble curtain, shall be employed during pile driving to break up sound waves. The sound curtain would consist of a perforated hose laid in a circle to release air bubbles around the pile and diesel impact hammer.
15	¾-inch plywood cushion blocks shall be placed on top of each pile during pile driving activities.

Comment CDFW-3: Mitigation Measure BIO-2: Implementation of Clipper Yacht Harbor Eelgrass Mitigation Plan

The Department is in general agreement with the Eelgrass Mitigation Plan (Plan) as described within the draft MND. However, the Department recommends the following changes be made.

Recommendation 1: The Department recommends that the qualitative and quantitative surveys examine an area of 45 meters from Project activities. The draft MND describes the surveys as occurring within the Project footprint plus a 10 meter buffer. It is not clear if this area would be sufficient in determining if Project related impacts to eelgrass could occur.

Recommendation 2: The Department recommends that the pre-construction quantitative survey occur within 60 days of starting in-water work to ensure the survey depicts an accurate representation of eelgrass present within the surveyed area.

Recommendation 3: The Department recommends that all eelgrass surveys conducted for the Project are consistent with recommendations and requirements outlined in the California Eelgrass Mitigation Policy (NOAA 2014).

Response to Comment CDFW-3:

Please see Chapter 4, Errata and Revisions, for revisions to Mitigation Measure BIO-2 that address this comment. Mitigation Measure BIO-2 has been revised to document further specificity to the number, timing, and techniques of the eelgrass surveys, as well as further specificity about mitigation options and ratios as outlined in the National Oceanic and Atmospheric Administration (NOAA) California Eelgrass Mitigation Policy (2014)

The California Eelgrass Mitigation Policy states on page 8 that, "*The survey area should be scaled as appropriate to the size of the potential action and the potential extent and distribution of eelgrass impacts, including both direct and indirect effects. The resolution of mapping should be adequate to address the scale of effects reasonably expected."* Thus, a standard survey area is not specified in the eelgrass mitigation policy.

A letter from the National Marine Fisheries Service to James Mazza, Acting Chief, Regulatory Division, Department of the Army, San Francisco District, USACE dated September 26, 2019, regarding Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Clipper

Yacht, Harbor Redevelopment Project (USACE File 2013-00060N) identifies a survey area of 10-meters:

> *"Specifically:*
>
> *• A qualitative survey would be conducted prior to construction (within the April – October growing season) for presence/absence of eelgrass shoots by examining the project footprint and immediate vicinity (10-meter buffer) at low tide."*

Thus, the 10-meter survey area presented in Mitigation Measure BIO-2 is supported by the NOAA Endangered Species Act Section 7(a)(2) Concurrence Letter. However, the measure has been modified to indicate the survey radius can be determined by a qualified biologist at the time of the survey.

Mitigation Measure BIO-2 has been revised to require that pre-construction quantitative survey(s) occur within 60 days of starting in-water work, and require that all eelgrass surveys be consistent with the recommendations and requirements outlined in NOAA's 2014 California Eelgrass Mitigation Policy. The revised mitigation measure is presented below

Mitigation Measure BIO-2: Implementation of Clipper Yacht Harbor Eelgrass Mitigation Plan: The following details the methods of survey and actions to be taken to protect nearby eelgrass habitat and ensure any new eelgrass habitat within the project site will not be significantly impacted during project implementation:

- A qualitative survey would be conducted prior to construction (within the April – October growing season) for presence/absence of eelgrass shoots by examining the project footprint and immediate vicinity (minimum of a 10-meter buffer, or as determined by a qualified biologist at the time of the survey) at low tide. Survey results are valid for up to 60 days during the growing season. However, if the end of the 60-day validity period ends outside of the growing season (April-October), survey results are considered valid until the following growing season. Other minor exceptions to this stipulation are outlined in the California Eelgrass Mitigation Policy and Implementing Guidelines (2014). According to the policy and implementing guidelines, surveys are conducted through mapping the extent of eelgrass on a fine scale, through visual and acoustic mapping technologies, and should encompass vegetated as well as unvegetated areas within the survey area. If no eelgrass is determined to be at risk of being impacted during project implementation, a post-construction survey following the same survey protocol would be conducted to confirm no impacts to any nearby eelgrass.
- If any eelgrass shoots are present and at risk of being impacted by project implementation, a mitigation plan would be provided to NOAA Fisheries, CDFW, and USACE at least 60 days prior to project implementation ~~quantitative pre- and post-construction eelgrass surveys and monitoring would be conducted in the footprint (and buffer) of the project.~~ A reference site used as a control shall also be included in the ~~monitoring~~ mitigation plan. ~~Quantitative surveys, monitoring and mitigation would be performed in accordance with the 2014 California Eelgrass Mitigation Policy and Implementation Guidelines. Survey and monitoring plans would be provided to NOAA Fisheries 45 days prior to construction for review and approval.~~
    - According to the California Eelgrass Mitigation Policy, at a minimum the mitigation plan should include:

- Description of the project area
- Results of preliminary eelgrass survey and pre/post-project eelgrass surveys
- Description of projected and/or documented eelgrass impacts
- Description of proposed mitigation site and reference site(s)
- Description of proposed mitigation methods
- Construction schedule, including specific starting and ending dates for all work including mitigation activities
- Schedule and description of proposed post-project monitoring and when results will be provided to NMFS
- Schedule and description of process for continued coordination with NMFS through mitigation implementation
- Description of alternative contingent mitigation or adaptive management should proposed mitigation fail to achieve performance measures

  - Mitigation should begin within 135 days following the initiation of in-water project implementation that will impact eelgrass habitat, so that mitigation begins within the same growing season that impacts will occur. However, for impacts beginning 90 days prior to, or during, the low-growth season (November-March), mitigation may begin within 30 days after the start of the following growth season, or 90 days following impacts, whichever time period is longer, without the requirement of additional mitigation.
  - Mitigation ratios are summarized from the California Eelgrass Mitigation Policy in the following:
    - Localized Temporary Impacts: for impacts of less than 100 m^2 and eelgrass habitat being fully restored within one year of initial impacts, a ratio of replacement would be 1:1.
    - All other impacts that may occur as a result of this project being implemented would likely have a ratio of replacement of 1.2:1, where 2x the amount of eelgrass impacted is planted and/or restored under the assumption that half of the planted/restored eelgrass will survive.

- ~~If monitoring indicates that a loss of eelgrass has occurred as a result of the project, a USACE-approved mitigation plan will be developed and implemented in consultation with NOAA Fisheries. The monitoring and mitigation plan would compensate for negative impacts to eelgrass resulting from the project.~~

Effectiveness: This measure would avoid and/or mitigate any impacts to nearby sensitive eelgrass beds to less than significant levels.

Implementation: In the event eelgrass is observed in the project footprint and immediate vicinity (minimum of a 10-meter buffer, or as determined by a qualified biologist), pre- and post-construction eelgrass surveys shall be conducted.

Timing: One qualitive survey shall be conducted in April-October prior to project initiation (dock demolition). Pre- and post-construction eelgrass surveys may be required, dependent on results of qualitative survey. Any pre-construction quantitative eelgrass surveys would be

conducted within the 60 days prior to starting in-water work. All surveys would be conducted consistent with the recommendations and requirements outlined in the NOAA Fisheries 2014 Eelgrass Mitigation Policy and Implementation Guidelines.

Monitoring: Survey and monitoring plans will be provided to NOAA Fisheries, CDFW, and USACE 45 days prior to project initiation for review, consultation, and approval. If any eelgrass shoots are present and at risk of being impacted by project implementation, a mitigation plan would be provided to NOAA Fisheries, CDFW, and USACE at least 60 days prior to project implementation. In the event project-related impacts to eelgrass are identified, all qualitative and quantitative pre- and post-construction eelgrass surveys, as well as any required mitigation plans, will be provided to CDFW for review, consultation, and approval. ~~NOAA Fisheries shall be consulted if a mitigation plan is required to be developed and implemented to compensate for any negative impacts to eelgrass resulting from the project.~~

Implementation of Mitigation Measure BIO-2 will reduce this impact to less than significant.

Comment CDFW-4: Mitigation Measure BIO-2 Reviewing Agencies

Mitigation Measure BIO-2 should include that the Plan needs to be submitted to the Department, in addition to the National Marine Fisheries Service (NMFS) and U.S Army Corps of Engineers (USACE), for review, consultation, and approval.

Recommendation: The Department recommends adding the Department as a required reviewing agency for all qualitative and quantitative pre- and post-construction eelgrass surveys, as well as any required mitigation plans, in the event Project related impacts to eelgrass are identified.

Response to Comment CDFW-4:

Please see Chapter 4, Errata and Revisions, for revisions to Mitigation Measure BIO-2 that address this comment. Mitigation Measure BIO-2 has been revised to require submission of the Clipper Yacht Harbor Eelgrass Mitigation Plan to CDFW, in addition to NOAA Fisheries and USACE, for review, consultation, and approval, and add CDFW as a required reviewing agency for all qualitative and quantitative pre- and post-construction eelgrass surveys, mitigation plans, and monitoring. The revised Mitigation Measure BIO-2 is presented above in Response to Comment CDFW-3.

Comment CDFW-5: Dock Construction Materials

In describing the construction materials that will be utilized for the replacement docks, the draft MND mentions the use of wood. Fish and Game Code states that it is unlawful to deposit into, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, or bird life (FGC Section 5650(6)). The Department considers any wood treated with Ammoniacal Copper Zinc Arsenate (ACZA), Chromated Copper Arsenate (CCA), or Alkaline Copper Quaternary (ACQ) to be deleterious materials.

Recommendation: The Department recommends that the final MND describe the construction measures in greater detail. Additionally, the Project should utilize untreated wood that can withstand a marine environment or wrap or coat all treated wood with a benign material, such as plastic wrap or a polyurea coating, to prevent waters of San Francisco Bay from direct contact with the treated wood. All wrapped or coated treated wood that may be subject to contact with floating debris and/or boats should be inspected on a yearly basis to confirm the integrity of the wrap or coating and to repair any damaged areas.

Response to Comment CDFW-5:

The project would use treated wood only in the structural members (i.e., walers and cover boards) located along the sides of the dock floats above the waterline. Treated wood is required to limit the rate of wood rot in the structural members, as untreated wood cannot withstand the marine environment. According to the California Coastal Commission, accepted wood treatments in order of preference are ammoniacal copper zinc arsenate (ACZA), copper azole (CA-C), and alkaline copper quaternary (ACQ). The project would use ACZA-treated Douglas Fir Larch for the wood structural members. All wood components would be prefabricated and treated off-site in a certified treatment facility. No wood treatment would take place on-site. The wood treatment facility would adhere to BMPs for the use of preserved wood in aquatic and sensitive environments.

Plastic wrap or polyurea coating are not suitable materials to use on the structural timber members of floating dock systems. Plastic wrap and polyurea coating are not guaranteed to remain intact when subject to the constant bending, flexing, twisting, and shearing motions that impact floating docks. The proposed wooden components of the dock system would contain many through holes, and plastic wrapping and polyurea coatings cannot protect untreated wood due to the through holes. Further, plastic wrapping would amplify dry rot in the wood components when water enters the through holes, and the wrappings would prevent proper inspection of the wood components for dry rot. As a result, the use of plastic wrappings or polyurea coating is not suitable for the project.

Several marinas in the San Francisco Bay have been recently rebuilt or constructed new concrete docks with minimal treated lumber, similar to the proposed project. These marinas include Clipper Yacht Harbor (Basin 2), Berkeley Marina, Oyster Point Marina (San Mateo County Harbor District), San Francisco Marina West Basin, and West Point Harbor in Redwood City.

Section 2.3.3, Page 8 of the IS/MND has been revised to add the text below, which describes the treated wood that would be used in the project and project methods that would minimize on-site water quality impacts from treated wood.

<u>The proposed wooden dock components (i.e., walers and cover boards) would consist of treated Douglas Fir Larch. The California Coastal Commission generally accepts the following wood treatments for use in aquatic environments, in order of preference: ammoniacal copper zinc arsenate (ACZA), copper azole (CA-C), and alkaline copper quaternary (ACQ). The project would use wood treated with ammoniacal copper zinc arsenate (ACZA), the most preferred of the three treatment types. Proposed wood components would be installed along the sides of the dock floats above the water line just below the concrete surface of the floats. Wood components would be prefabricated and treated off-site in a certified facility that implements BMPs</u>

established by the to ensure the preservation of wood in aquatic environments. The wood components would not be treated or cut/drilled on-sited.

Comment CDFW-6: Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and- Animals.

Response to Comment CDFW-6:

Comment noted. Under Mitigation Measure BIO-2 of the IS/MND, the biologist retained to conduct eelgrass survey(s) will submit any positive findings of eelgrass or other incidentally observed special-status species to CNDBB.

Comment CDFW-7: Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response to Comment CDFW-7:

Comment noted. The City of Sausalito, as the Lead Agency for the project, will pay the required filing fees upon filing of the Notice of Determination.

3.3 Response to Comments from San Francisco Bay Conservation and Development Commission (BCDC)

Comment BCDC-1:

The Commission is a responsible agency for this project and will rely on the Final IS/MND when it considers the Project. We have prepared comments outlining specific BCDC issues that should be addressed either in the Final IS/MND or through the BCDC permitting process. Although the Commission itself has not reviewed the Draft IS/MND, the staff comments are based on the McAteer-Petris Act and the Commission's San Francisco Bay Plan (Bay Plan).

Response to Comment BCDC-1:

Comment noted.

Comment BCDC-2:

COMMISSION LAW AND BAY PLAN POLICIES RELEVANT TO THE PROJECT

Public Access and Recreation

Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." The current BCDC permit authorizing

activities at Clipper Yacht Harbor requires the permittee to build and maintain public access paths along the shoreline of Basins 3 and 4, as well as provide other public access amenities, including signs, benches, a wooden viewing platform over the bay, landscaping, trash receptacles, and a public restroom. The Final IS/MND should include more detailed information on any permanent or temporary impacts of the project to these public access areas and amenities.

Response to Comment BCDC-2:

Clipper Yacht Harbor maintains onsite public amenities, including signage, benches, trash receptacles, a public restroom, a public walkway, and a wooden viewing platform. The proposed project includes the redevelopment of the existing docks in Basin 3 and Basin 4. The construction activities associated with the proposed project would primarily be water-based (conducted from a boat/barge) except for a staging area that would located between Basins 3 and 4. This staging area would be a temporary, fenced/enclosed, construction staging area that would not permanently impact public access. On days where landside access is required, public access would be temporarily impacted; however, detour routes would be provided for pedestrians. Benches would be available for public use during and after project construction. The project would not permanently impact onsite public access or amenities. The following photos show the current onsite public amenities.



Benches



Public Restrooms and Trash Receptacles



Public Walkways and Wooden Viewing Platform



Signage

The following text has been added (underline) to Section 2.3.1 of the IS/MND to describe existing onsite public amenities and the project's impacts on these amenities. See Chapter 4, Errata and Revisions, for the revised Section 2.3.1 in full.

The project proposes waterside improvements. Landside activities would include only the operation of the temporary demolition and construction staging area. The project site currently contains public access areas and amenities, including signage, benches, trash receptacles, a public restroom, a public walkway, and a wooden viewing platform. Clipper Yacht Harbor is required to maintain onsite public access areas and amenities per the BCDC permit authorizing activities at Clipper Yacht Harbor. On days where landside access is required for project demolition and construction, onsite public access would be temporarily impacted; however, detour routes would be provided for pedestrians, allowing for continued public use of onsite walkways during construction periods. Benches and public restrooms would be available for public use during and after project construction. At the end of project construction, the temporary construction staging area would be removed and public access areas would be returned to their existing conditions. The project would not permanently impact onsite public access or amenities.

Comment BCDC-3: Climate Change

Climate Change Policy No. 2 states, in part, "risk assessment[s] should be prepared…based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection…for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment." Policy No. 3 states that where such assessments show vulnerability to public safety, projects "should be designed to be resilient to a mid-century sea level rise projection" and an "adaptive management plan" be prepared.

The Draft IS/MND details the planned elevations of the gangways (+10 feet above MLLW), piles (+12.7 feet above MLLW), and docks (up to +11.5 feet above MLLW) relative to sea level rise. However, a letter dated August 3, 2020 from Usmita Pokhrel of Bellingham Marine to BCDC stated that due to concerns about a 100-year storm event overtopping the docks by midcentury, the dock plans were to be modified so that the piles would be built at +13.5 feet above MLLW. The Final IS/MND should be updated to reflect these changes to the plans and compare elevations of the docks and gangways with the FEMA 100-year stillwater elevation at midcentury. The sea level rise analysis should specify the 2018 OPC Sea Level Rise Guidance risk aversion scenario, predicted emissions level, and life of the project used for the analysis. Finally, as part of the Final IS/MND or permit application, additional information should be provided on how the project has been designed to be adaptable to rising sea levels after midcentury, depending upon the life of the project, and whether there are any proposed long-term adaptation strategies.

Response to Comment BCDC-3:

The Final IS/MND has been revised to state the proposed piles would be built at +13.5 above MLLW to address concerns of a 100-year storm event overtopping the docks by midcentury. The project applicant assessed the impacts of sea level rise (SLR) in accordance with the California Coastal Commission's "Sea Level Rise Policy Guidance Final Adopted Science Update," adopted in 2018. From general recommendations, the proposed project assumes SLR

of 8 to 30 inches will occur in the project area by the year 2060. 2060 was selected for the project's SLR assumptions in consideration of the new dock system's anticipated 40-year life span. The project's SLR assumptions are based on the California Coastal Commission's probabilistic projections for projected SLR in the San Francisco area by 2060, which include only the RCP 8.5 (high) greenhouse gas concentration trajectory scenario. The probabilistic projections consist of low and medium-high risk aversion scenarios. The project SLR analysis incorporated projections from the 2040 low risk aversion scenario as the low end of the SLR assumption and projections from the 2060 medium-high risk aversion scenario as the high end of the SLR assumption, as indicated by the yellow highlights in the table below.

California Coastal Commission Sea Level Rise Policy Guidance
Final Adopted Science Update | November 7, 2018

Table A-1. Sea Level Rise Projections for the San Francisco Tide Gauge[11] (OPC 2018)

Projected Sea Level Rise (in feet): *San Francisco*

	Probabilistic Projections (in feet) (based on Kopp et al. 2014)		H++ Scenario (Sweet et al. 2017)
	Low Risk Aversion	**Medium-High Risk Aversion**	**Extreme Risk Aversion**
	Upper limit of "likely range" (~17% probability SLR exceeds...)	*1-in-200 chance (0.5% probability SLR exceeds...)*	*Single scenario (no associated probability)*
2030	0.5	0.8	1.0
2040	0.8	1.3	1.8
2050	1.1	1.9	2.7
2060	1.5	2.6	3.9
2070	1.9	3.5	5.2
2080	2.4	4.5	6.6
2090	2.9	5.6	8.3
2100	3.4	6.9	10.2
2110*	3.5	7.3	11.9
2120	4.1	8.6	14.2
2130	4.6	10.0	16.6
2140	5.2	11.4	19.1
2150	5.8	13.0	21.9

**Most of the available climate model experiments do not extend beyond 2100. The resulting reduction in model availability causes a small dip in projections between 2100 and 2110, as well as a shift in uncertainty estimates (see Kopp et al., 2014). Use of 2110 projections should be done with caution and acknowledgement of increased uncertainty around these projections.*

The proposed docks would float level with changes in water elevation and have a design freeboard of 16 inches to 18 inches. Sea level rise would not affect the freeboard or functionality of the docks. The proposed gangways would have a finished elevation of +10 feet above MLLW and match the surface elevations of the top of the existing rip rap along the marina shores. In

the unlikely event maximum predicted sea level rise occurs and tides reach an extreme high, the gangways would likely be minimally inundated for a brief time until the tide recedes. The gangways would continue to be serviceable even while slightly inundated.

See Chapter 4, Errata and Revisions, for revisions to IS/MND Chapter 2, Project Description, and Section 10, Hydrology and Water Quality, that address this comment.

Comment BCDC-4: Subtidal Areas

The Draft IS/MND acknowledges the potential existence of eelgrass beds in or near the Project site and details a plan to mitigate for negative impacts to eelgrass beds resulting from the Project construction. In short, the Project proponent plans to perform a qualitative survey of eelgrass in the Project vicinity prior to construction. If eelgrass is found within 10 meters of the Project site, quantitative pre-construction and post-construction eelgrass surveys will be performed and compared to a reference site. If the surveys show that eelgrass has been negatively impacted by the project, the proponent will prepare a monitoring and mitigation plan.

Subtidal Areas Policy No. 2 states, in part, "Subtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eelgrass beds, sandy deep water or underwater pinnacles) should be conserved. Filling, changes in use, and dredging projects in these areas should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits." Additionally, Mitigation Policy No. 1 states "Projects should be designed to avoid adverse environmental impacts to Bay natural resources such as to water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or tidal flats. Whenever adverse impacts cannot be avoided, they should be minimized to the greatest extent practicable. Finally, measures to compensate for unavoidable adverse impacts to the natural resources of the Bay should be required. Mitigation is not a substitute for meeting the other requirements of the McAteer-Petris Act."

Thus, BCDC policies require that if eelgrass is found within the project site, the project should consider alternatives that avoid those eelgrass beds unless there is no feasible alternative. Additionally, the California Eelgrass Mitigation Policy and Implementing Guidelines (2014) states, in part, "A final determination regarding the actual impact and amount of mitigation needed, if any, to offset impacts should be made based upon the results of two annual post-construction surveys." The Final IS/MND should elaborate on the number, timing, and techniques of eelgrass surveys; mitigation options and ratio; and be based on the California Eelgrass Mitigation Policy and Implementing Guidelines (2014).

Response to Comment BCDC-4:

The following text has been removed (~~strikeout~~) from and added (<u>underline</u>) to Mitigation Measure BIO-2 of Section 3.4.3 of the IS/MND to document further specificity to the number, timing, and techniques of the eelgrass surveys, as well as further specificity about mitigation options and ratios. See Chapter 4, Errata and Revisions, for the complete revised version of Section 3.4.3 that describes eelgrass surveys and eelgrass mitigation options and ratios.

- A qualitative survey would be conducted prior to construction (within the April – October growing season) for presence/absence of eelgrass shoots by examining the project footprint and immediate vicinity (<u>minimum of a</u> 10-meter buffer, <u>or as determined by a</u>

qualified biologist at the time of the survey) at low tide. Survey results are valid for up to 60 days during the growing season. However, if the end of the 60-day validity period ends outside of the growing season (April-October), survey results are considered valid until the following growing season. Other minor exceptions to this stipulation are outlined in the California Eelgrass Mitigation Policy and Implementing Guidelines (2014). According to the policy and implementing guidelines, surveys are conducted through mapping the extent of eelgrass on a fine scale, through visual and acoustic mapping technologies, and should encompass vegetated as well as unvegetated areas within the survey area. If no eelgrass is determined to be at risk of being impacted during project implementation, a post-construction survey following the same survey protocol would be conducted to confirm no impacts to any nearby eelgrass.

- If any eelgrass shoots are present and at risk of being impacted by project implementation, a mitigation plan would be provided to NOAA Fisheries at least 60 days prior to project implementation ~~quantitative pre- and post-construction eelgrass surveys and monitoring would be conducted in the footprint (and buffer) of the project.~~ A reference site used as a control shall also be included in the ~~monitoring~~ mitigation plan. ~~Quantitative surveys, monitoring and mitigation would be performed in accordance with the 2014 California Eelgrass Mitigation Policy and Implementation Guidelines. Survey and monitoring plans would be provided to NOAA Fisheries 45 days prior to construction for review and approval.~~
    - According to the California Eelgrass Mitigation Policy, at a minimum the mitigation plan should include:
        - Description of the project area
        - Results of preliminary eelgrass survey and pre/post-project eelgrass surveys
        - Description of projected and/or documented eelgrass impacts
        - Description of proposed mitigation site and reference site(s)
        - Description of proposed mitigation methods
        - Construction schedule, including specific starting and ending dates for all work including mitigation activities
        - Schedule and description of proposed post-project monitoring and when results will be provided to NMFS
        - Schedule and description of process for continued coordination with NMFS through mitigation implementation
        - Description of alternative contingent mitigation or adaptive management should proposed mitigation fail to achieve performance measures
    - Mitigation should begin within 135 days following the initiation of in-water project implementation that will impact eelgrass habitat, so that mitigation begins within the same growing season that impacts will occur. However, for impacts beginning 90 days prior to, or during, the low-growth season (November-March), mitigation may begin within 30 days after the start of the following growth season, or 90 days following impacts, whichever time period is longer, without the requirement of additional mitigation.
    - Mitigation ratios are summarized from the California Eelgrass Mitigation Policy in the following:

- Localized Temporary Impacts: for impacts of less than 100 m^2 and eelgrass habitat being fully restored within one year of initial impacts, a ratio of replacement would be 1:1.
- All other impacts that may occur as a result of this project being implemented would likely have a ratio of replacement of 1.2:1, where 2x the amount of eelgrass impacted is planted and/or restored under the assumption that half of the planted/restored eelgrass will survive.

- ~~If monitoring indicates that a loss of eelgrass has occurred as a result of the project, a USACE-approved mitigation plan will be developed and implemented in consultation with NOAA Fisheries. The monitoring and mitigation plan would compensate for negative impacts to eelgrass resulting from the project.~~

Effectiveness: This measure would avoid and/or mitigate any impacts to nearby sensitive eelgrass beds to less than significant levels.

Implementation: In the event eelgrass is observed in the project footprint and immediate vicinity (minimum of a 10-meter buffer, or as determined by a qualified biologist), pre- and post-construction eelgrass surveys shall be conducted.

Timing: One qualitive survey shall be conducted in April-October prior to project initiation (dock demolition). Pre- and post-construction eelgrass surveys may be required, dependent on results of qualitative survey. Any pre-construction quantitative eelgrass surveys would be conducted within the 60 days prior to starting in-water work. All surveys would be conducted consistent with the recommendations and requirements outlined in the NOAA Fisheries 2014 Eelgrass Mitigation Policy and Implementation Guidelines.

Monitoring: Survey and monitoring plans will be provided to NOAA Fisheries, CDFW, and USACE 45 days prior to project initiation for review, consultation, and approval. If any eelgrass shoots are present and at risk of being impacted by project implementation, a mitigation plan would be provided to NOAA Fisheries, CDFW, and USACE at least 60 days prior to project implementation. In the event project-related impacts to eelgrass are identified, all qualitative and quantitative pre- and post-construction eelgrass surveys, as well as any required mitigation plans, will be provided to CDFW for review, consultation, and approval. ~~NOAA Fisheries shall be consulted if a mitigation plan is required to be developed and implemented to compensate for any negative impacts to eelgrass resulting from the project.~~

3.4 Response to Comments from the Sausalito Planning Commission

Comment Planning Commission-1: Eelgrass

"I guess the eelgrass issue is not an issue."

Response to Comment Planning Commission-1:

Comment noted. Commenter did not request a response from City staff. See responses to CDFW Comment 3 and BCDC Comment 4 that provide additional detail on the required pre-construction eelgrass surveys.

Comment Planning Commission-2:

"This particular harbor is built up at grade. When you talk about these docks being 10 feet above something, what does that 10 feet mean? I don't know what that measurement means. I don't know if that means 10 feet above the bottom of the ocean on the Bay floor or 10 feet above where it is today. Perhaps you can answer that for me."

Response to Comment Planning Commission-2:

During the Planning Commission Study Session, City staff responded that they would conduct reconnaissance on this issue.

Mean lower low water (MLLW) is the lowest of each day's two low tides (for areas that have two high tides and two low tides per day) measured at a specific location and averaged over a 19-year period. This 19-year period is known as the National Tidal Datum Epoch, which currently runs from 1983 through 2001. MLLW is measured and recorded by the National Ocean Service.

Per the project application, the high tide at the project site with future sea level rise (SLR) is projected to be 7.5 to 10 feet MLLW. Per the project application, the new gangways would have an elevation of over 10 feet MLLW and the piles would have a height of +13.5 MLLW.

Comment Planning Commission-3:

"Was the project modeled with Baywave?"

Response to Comment Planning Commission-3:

Sea level rise analysis was provided by the project applicant. The project was not modeled with Baywave. Per page 119 of the Draft IS/MND, the project applicant assessed the potential impacts of future sea level rise (SLR) on the project's proposed dock system components, including the gangways, floating docks and utilities, and concrete piles using the California Natural Resources Agency and California Oceanic Protection Council's "State of California Sea-Level Rise Guidance" document (2018) in conjunction with tide information obtained from the National Oceanic and Atmospheric Association (NOAA).

3.5 Response to Comments from Eric Gullichsen

Comment Gullichsen-1:

My comment is as follows:

The location of the existing northernmost docks of Clipper Basin 4 does not permit adequate clearance for safe navigation of the S.S. Vallejo from its mooring to the waters of Richardson Bay.

It is essential that if the Clipper docks of Basin 4 are rebuilt, that the channel between the northernmost docks of Basin 4 and the houseboats of the South 40 dock of Waldo Point be of sufficient width to not cause obstruction to the safe navigation of the S.S. Vallejo ferryboat.

I have attached a photo illustrating the area.

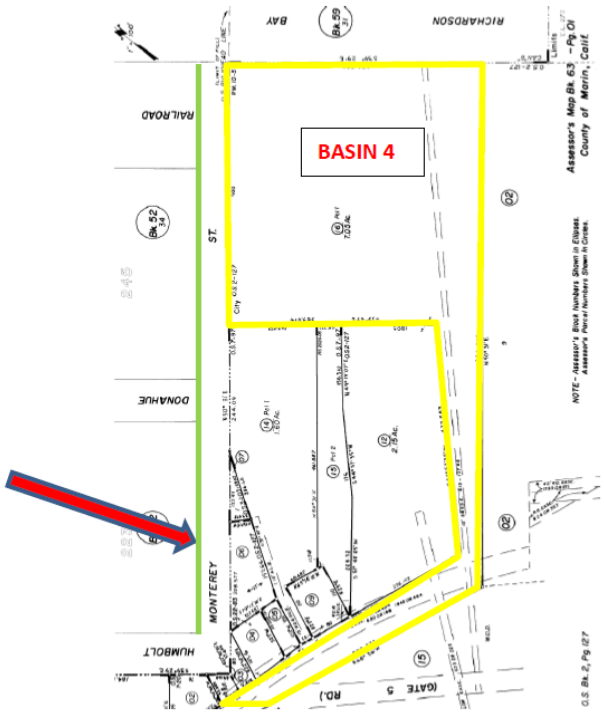


Response to Comment Gullichsen-1:

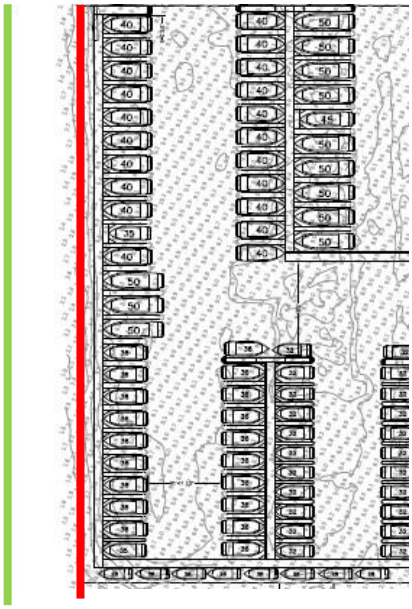
The proposed project would replace existing marina docks with “in-kind” docks, in the exact location as they are currently located. There is no change to the footprint of these existing docks. The docks are, and will continue to be, located wholly upon the property owned by Clipper Yacht Harbor.

In response to this comment the Applicant conducted research to determine if there is an easement of the Clipper Yacht Harbor property. The Applicant’s research determined there is no easement over the Clipper Basin 4 property. The channel referenced in the comment is a 60-foot road right-of-way (ROW) located to the north of Clipper Yacht Harbor Basin 4 and outside of City limits. This road is identified as “Monterey Street” in unincorporated Marin County on the original subdivision maps, and is obviously primarily submerged.

The following image shows the relationship between Basin 4 and the 60-foot Monterey Street ROW. The Clipper Yacht Harbor Basin 4 property is highlighted in yellow and the 60-foot Monterey Street ROW is highlighted in green.



No part of the Clipper Basin 4 project extends over the property line into the 60-foot Monterey Street ROW which is located in unincorporated Marin County. The property line is shown in red below and the street extent is shown in green:



Clipper Yacht Harbor does not have an easement burdening Basin 4, the project does not extend over the property line into the paper street ROW, and the project is replacing existing infrastructure with “in-kind” infrastructure. The City nor Clipper Yacht Harbor has control over

whether the 60-foot ROW is maintained as a navigation channel. Based on Google Earth imagery, the 60-foot ROW is impeded by the location of houseboats in the S 40 floating home area. The navigable area is approximately 36 feet between Clipper Yacht Harbor and the houseboats as measured from Google Earth. This matter has been referred to the County of Marin for further investigation as to whether the houseboats violate any County ordinance or violate any USACE permits.

Comment Gullichsen-2:

1) The United States Coast Guard requires projects of this nature to provide a Navigational Safety Risk Assessment. This review affords opportunity for waterway users and the applicant to engage in the review and provide potentially mitigating strategies to reduce the impact to navigation or make alternate plans for the project and remove the risk. Has a Navigational Safety Risk Assessment been completed for this project? And if not, why not?

Response to Comment Gullichsen-2:

City staff and MND preparers have attempted to determine if the USACE and/or the US Coast Guard would require a Navigational Safety Risk Assessment. The USACE issued a Provisional Letter of Permission (LOP) to the applicant in 2019, and it appears the project was referred to the US Coast Guard for review and comment at that time. The Coast Guard has no record of reviewing the project and has indicated that the USACE is the permitting agency. The Coast Guard does not issue permits for projects of this type (communication with LDCR Miller October 7, 2021). Normally, any requirement for a Navigational Safety Risk Assessment would be articulated in the context of the LOP.

On October 12, 2021, the USACE provided an email communication stating the USACE has issued a permit for the Clipper Yacht Harbor Marina Dock Replacement in Basins 3 and 4 under the Clean Water Act for fill discharges and work in Section 404 and 10 waters and that is the extent of their regulatory authority. This statement indicates the USACE does not have the regulatory authority to require a Navigational Safety Risk Assessment and the US Coast Guard did not communicate to the USACE that one was needed when the USACE consulted with the Coast Guard at the issuance of the Provisional LOP. It can be concluded that a Navigational Safety Risk Assessment will not be required by federal agencies.

Based upon the above research and documentation, the City concludes that a Navigational Safety Risk Assessment is not required for this project by federal agencies, and there is insufficient justification for the City to require an Assessment because the project is replacing the existing docks within the existing dock footprint and is not expanding the footprint. The Coast Guard noted that even if an Assessment is conducted, there is no standard for a required channel width.

Comment Gullichsen-3:

2) The existing Clipper docks are situated immediately at the Western boundary of my property, and the proposed reconstruction of the docks has them situated at the same location. This proposed construction does not meet the minimum setback requirements of SMC 10.40.070. If these docks are reconstructed, they must be in a location which meets the minimum setback requirements.

Response to Comment Gullichsen-3:

The project site has a City of Sausalito zoning designation of Waterfront, Marinship Overlay (W-M) Zoning District. Per Sausalito Municipal Code Section 10.28.050, Table 10.28-1, the -M district requires a 0-foot setback adjacent to property lines and rights-of-way except when adjacent to the Houseboat (H) District, in which case a 20-foot setback is required. An H District is adjacent to the project site to the west. Therefore, a 20-foot setback would apply to the southwestern portion of the project site for a new marina use. However, the project is applying for a non-conformity permit, which would recognize the setbacks of the existing marina. As a result, the project, which is an in-kind replacement, would meet the minimum setback requirements applicable to the project site.

Section 2.2.1 of the IS/MND has been revised as shown below to clarify the setback requirements that apply project site. Chapter 4, Errata and Revisions, incorporates the revised discussion of project setback requirements.

Text edits to Section 2.2.1, Page 4:

The project site is located in the Waterfront (W), Marinship Overlay (-M) zoning district (W-M). The City's General Plan designates the project parcels as Waterfront (W). Under the Waterfront land use designation, the city allows for marine service harbors, public access piers, and minor modifications to existing recreational marinas.

Existing recreational marinas are permitted to remodel and realign with the issuance of a design review permit, as long as any enlargement does not exceed 10 percent. Liveaboards are required to obtain a conditional use permit and are subject to the standards of Zoning Code Section 10.44.170. A nonconformity permit is required to recognize the existing recreational marina. Dock replacement in an existing recreational marina is consistent with the Waterfront land use designation. The project would not increase the number of berths in Basin 3 and Basin 4.

The project parcels are surrounded by the Houseboats zoning district to the west, the Industrial district to the south, and the Waterfront district to the east.~~;~~ ~~therefore, the Waterfront district's minimum setback requirements do not apply to the project parcels.~~ The -M district requires a 0-foot setback adjacent to property lines and rights-of-way except when adjacent to the Houseboat (H) District, in which case a 20-foot setback is required. An H District is adjacent to the project site to the southwest. Therefore, a 20-foot setback would apply to the southwestern portion of the project site for a new marina use. However, the project is applying for a non-conformity permit, which would recognize the setbacks of the existing marina. As a result, the project, which is an in-kind replacement, would meet the minimum setback requirements applicable to the project site.

Comment Gullichsen-4:

3) I also note the proposed construction does not meet the specific requirements of SMC 10.40.070(D)(3) which specifically dictates that:

"No structures of any kind, other than stairs and pathways on grade and/or retaining walls for slope stabilization purposes, shall be located within 20 feet of the 100-year flood elevation line of an open natural drainage way or wetland (i.e., creek) identified on Map GP-14 of the

environmental quality element of the general plan." Nor is there an exemption anywhere in SMC 10.40.070 for floating docks.

Response to Comment Gullichsen-4:

Section 10.40.070 of the Sausalito Municipal Code establishes minimum setback requirements for buildings and structures in special situations where setbacks are applied differently or must be increased. Map GP-14 of the 1995 Sausalito General Plan identifies a drainage connection line that runs through the project site, and the project site contains wetlands designated by the Atlas of National Wetlands Inventory maps for Marin County, California, April 1991. However, the drainage connection line that runs through the project site is not an open natural drainage way or wetland (i.e., creek). In addition, the designated wetlands on the project site are not considered a creek for the purposes of this section of City Code. The city has determined City Code Section 10.40.070 only applies to wetlands and drainage channels in landside locations, and does not apply to Bay waterside locations.

As a result, the requirements of Section 10.40.070 of the Sausalito Municipal Code do not apply to the project site. The project site is located in the Waterfront, Marinship Overlay (W-M) zoning district. Setback requirements applicable to the W-M zoning district are established in Code Section 10.28.050.

CHAPTER 4 ERRATA AND REVISIONS

This chapter includes the changes to the Draft IS/MND text needed to respond to comments and clarify or amplify the information provided in the Draft IS/MND. The changes correct inaccuracies and clarify the analysis in the Draft IS/MND. Text removed from the IS/MND is marked with ~~strike-out~~. New text is indicated by underline.

Section 2.2.1, Page 4, Edits to first and third paragraph:

The project site is located in the Waterfront (W), Marinship Overlay (-M) zoning district (W-M). The City's General Plan designates the project parcels as Waterfront (W). Under the Waterfront land use designation, the City allows for marine service harbors, public access piers, and minor modifications to existing recreational marinas.

Existing recreational marinas are permitted to remodel and realign with the issuance of a design review permit, as long as any enlargement does not exceed 10 percent. Liveaboards are required to obtain a conditional use permit and are subject to the standards of Zoning Code Section 10.44.170. A nonconformity permit is required to recognize the existing recreational marina. Dock replacement in an existing recreational marina is consistent with the Waterfront land use designation. The project would not increase the number of berths in Basin 3 and Basin 4.

The project parcels are surrounded by the Houseboats zoning district to the west, the Industrial district to the south, and the Waterfront district to the east~~;~~. ~~therefore, the Waterfront district's minimum setback requirements do not apply to the project parcels.~~ The -M district requires a 0-foot setback adjacent to property lines and rights-of-way except when adjacent to the Houseboat (H) District, in which case a 20-foot setback is required. An H District is adjacent to the project site to the southwest. Therefore, a 20-foot setback would apply to the southwestern portion of the project site for a new marina use. However, the project is applying for a non-conformity permit, which would recognize the setbacks of the existing marina. As a result, the project, which is an in-kind replacement, would meet the minimum setback requirements applicable to the project site.

Section 2.3.1, Page 5, Edits to last paragraph:

2.3.1 Project Activities

The proposed project would consist of:

- Disassembly and demolition of 2.34 acres of existing dock components, including dock floats, and gangways, and removal of dock piles.
- Export of all existing dock materials from the project site to Dixon, California for recycling or disposal.
- Import of new dock system components from Dixon, California to the project site.
- Construction of a new dock system covering 2.28 acres, including assembly of dock floats and gangways and pile driving.
- Installation of new utility lines for electrical power, telephone, potable water, and

wastewater services within and affixed to dock system components.

- Installation of a new Dry Class 1 fire system, including fire flow lines, fire hose cabinets and fire standpipes.
- Installation of dock lighting and dock boxes.
- Installation of signage.
- Tie-ins with the MMWD's existing domestic water and fire flow systems.
- Tie-ins with the City's sanitary sewer system.
- Tie-ins with PG&E's existing electrical power system.
- Tie-ins with AT&T's existing telephone system.

The project would reduce the existing overwater dock area of the two Basins by 3.3 percent (equivalent to 2,486 square feet), resulting in a smaller dock system of 99,359 square feet, or 2.28 acres, of overwater dock structure. The project would reduce the total number of boat slips in the two Basins from 427 to 426 slips. In addition, the project would alter the existing distribution of slips between the Basins, increasing the number of slips in Basin 3 and decreasing the number of slips in Basin 4. The project would reduce the number of piles to 211, and all new piles would be made of square, pre-stressed concrete, measuring 14 to 16 inches in size. Two of the new aluminum gangways would each measure 5 feet by 80 feet and be compliant with the Americans with Disabilities Act (ADA). The third new aluminum gangway would measure 4 feet by 45 feet and would not be ADA compliant. The project would add one concrete wave attenuator dock to each Basin between the dock slips and the open waters of the Richardson Bay.

The project proposes waterside improvements. Landside activities would include only the operation of the temporary demolition and construction staging area. The project site currently contains public access areas and amenities, including signage, benches, trash receptacles, a public restroom, a public walkway, and a wooden viewing platform. Clipper Yacht Harbor is required to maintain onsite public access areas and amenities per the BCDC permit authorizing activities at Clipper Yacht Harbor. On days where landside access is required for project demolition and construction, onsite public access would be temporarily impacted; however, detour routes would be provided for pedestrians, allowing for continued public use of onsite walkways during construction periods. Benches and public restrooms would be available for public use during and after project construction. At the end of project construction, the temporary construction staging area would be removed and public access areas would be returned to their existing conditions. The project would not permanently impact onsite public access or amenities.

Section 2.3.2., Pages 7-8, Edits to Table 2:

Table 2. Project Demolition and Construction BMPs

1	Silt curtains will be utilized to control turbidity during removal and placement of piles. The silt or “turbidity curtain” typically have a skirt of approximately 5’ which controls any sediment suspended in the water column from propagating out of the work area.
2	Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases. “Floating boom” curtains typically have a 1’ skirt and are designed to keep any floating debris from escaping the work area before it can be removed.
3	Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
4	Floating debris would be removed from the water and disposed of properly.
5	Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
6	Operators of construction equipment and all other project workers shall not harass any marine mammals, waterfowl, or fish in project area.
7	Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering bay.
8	Erosion control/ sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition.
9	Contractor shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States.
10	All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
11	Maintain good housekeeping. Maintain clean site at end of every construction day. Do not drop mud and debris from construction vehicles into public streets. Sweep turning areas and pavement entrances as needed.
12	At the end of the construction period, the project applicant or its contractor shall inspect the project area and ensure that no debris, trash or construction materials has been left on the shore or in the water.

13	Pile driving activities shall be conducted using the soft start method The soft start method will include striking the piles with a lighter initial blow, which generates a lower sound level, to divert fish and marine mammals from the project area prior to full hammering, which generates the highest sound levels.
14	A sound curtain, or bubble curtain, shall be employed during pile driving to break up sound waves. The sound curtain would consist of a perforated hose laid in a circle to release air bubbles around the pile and diesel impact hammer.
15	¾-inch plywood cushion blocks shall be placed on top of each pile during pile driving activities.

Section 2.3.3, Page 8, Edits to paragraph 1, Added text after paragraph 1, and Added text after paragraph 3:

Following the demolition of the existing dock system, the project would install a new dock system in Basin 3 and Basin 4 in the same location (Figure 4). The new Unifloat Dock System would be constructed off-site in an industrial plant in Dixon, California. Each unpainted dock float would be composed of expanded polystyrene foam encapsulated in a six-sided concrete shell. The dock floats would be rafted together with a wooden waler system~~; wooden dock components would be treated in accordance with the standards put forth by the American Wood Protection Association (AWPA)~~. The three new gangways would be composed of marine grade aluminum. All new pilings would be square-shaped, pre-stressed concrete.

The proposed wooden dock components (i.e., walers and cover boards) would consist of treated Douglas Fir Larch. The California Coastal Commission generally accepts the following wood treatments for use in aquatic environments, in order of preference: ammoniacal copper zinc arsenate (ACZA), copper azole (CA-C), and alkaline copper quaternary (ACQ). The project would use wood treated with ammoniacal copper zinc arsenate (ACZA), the most preferred of the three treatment types. Proposed wood components would be installed along the sides of the dock floats above the water line just below the concrete surface of the floats. Wood components would be prefabricated and treated off-site in a certified facility that implements BMPs to ensure the preservation of wood in aquatic environments. Wood dock components would be treated in accordance with the standards put forth by the American Wood Protection Association (AWPA). The wood components would not be treated or cut/drilled on-sited.

The individual dock floats would first be partially assembled in the industrial plant in Dixon through the assembly of hardware and waler system components. The partially assembled dock floats would be shipped to the project site by truck. The new concrete piles would be manufactured in the same industrial plant and shipped to the project site by truck. The new dock floats would be placed in water by a land-based crane located in the temporary demolition and construction staging area. A crew would then assemble and connect the dock floats using hand tools. The new concrete piles would be transported from truck to a work barge by a land-based crane. The piles would be driven through pre-cut holes in the dock system by a barge-mounted pile driver. The Applicant estimates that on average up to three piles can be placed per day, although specific construction conditions can cause this number to vary.

The following procedures would be employed to place the new piles. First, a fire hose and water pump would jet the tip of each pile into the mud line of the Bay no less than five (5) feet prior to achieving final tip elevation. Then, a diesel impact hammer with a ¾-inch plywood cushion block and attached sound curtain would be stood up on the barge, set up on top of each pile and cushion block, and used to drive the piles into the final five (5) feet of Bay substrate. The sound curtain, or bubble curtain, would consist of a perforated hose laid around the pile and diesel impact hammer in a circle to release a curtain of air bubbles generated by compressed air. The air bubbles would break up sound waves and thereby reduce the noise generated from pile driving. Prior to pile driving, a silt, or turbidity, curtain would be positioned with sufficient area as to control turbidity from pile driving activities. The silt curtain would consist of PVC-coated polyester filter fabric suspended in the water by six-inch cell floats and galvanized ballast chains. Following the installation of the dock floats and concrete piles, the crew would finish dock assembly through the installation of fendering, cover boards, pile guides, wet and dry utilities, fire standpipes, electrical power centers, and dock storage boxes using hand tools.

In the event a pile does not reach structural embedment by sinking into the Bay mud under its own weight, the project would employ water jetting as a contingency plan. After placement, the piles are anticipated to sink into the soft Bay mud under their own weight and reach structural embedment; however, if a pile does not reach structural embedment under its own weight, jetting is necessary. The project contractor would follow the pile driving procedures described below. Water jetting as a contingency plan is described in steps e. through i.

a. Barge and crane will be moved into position.

b. Turbidity curtain will be deployed and positioned around the pile with sufficient area as to control turbidity.

c. Pile will be lifted off the barge, moved into position, and set into the mud.

d. If required for structural embedment, move to step “e”. If effective embedment is met by gravity, move to step “j.”

e. The fire hose is then hooked up to the water pump.

f. Jetting will be performed once the pile tip has been fully seated at the mud line. The duration of jetting would span 5 to 10 minutes depending on the characteristics of the soils (i.e., jetting will span less time in softer soils compared to harder soils), provided there are no obstructions, such as buried rocks. Jetting channels water flow through the fire hose to an internal PVC tube cast inside the pile. The jetted water liquefies the materials beneath the pile to allow the advancement of the pile tip. Following termination of jetting, the soils begin to solidify and quickly return to their natural state.

g. Jetting will only be performed if required. On soft mud, it is very likely the pile will sink into the mud due to its own weight. The pile is held in place until the surface friction takes hold of the pile.

h. Jetting typically embeds the pile to a depth of 5 feet above final tip elevation. Then, the pile is driven to grade. Jetting must ensure the pile reaches sufficient depth to

stand up on its own. In softer soils, jetting may be terminated 10 feet from grade to ensure sufficient bearing during the final pile driving sequence.

i. Jet hose and slings will be removed.

j. Cushion blocks of appropriate thickness and type will be placed on top of pile.

k. Diesel hammer will be placed on the barge and then set on top of the pile and cushion blocks.

l. The diesel hammer will drive the pile the final five (5) feet to the proper grade, if required. Pile records will be kept in accordance with the Project Manual and specifications.

Construction of the new dock system would adhere to the BMPs listed in Table 2.

Section 2.3.5, Pages 9-10, Edits to paragraph 2:

2.3.5 Project Design and Sea Level Rise

The project site and Clipper Yacht Harbor's marina facilities are located in flood hazard zones, according to the Federal Emergency Management Agency (FEMA). Future sea level rise is anticipated to exacerbate the effects of coastal flooding events. See Section 3.10, Hydrology and Water Quality, for discussion of the project applicant's assessment of the potential impacts of sea level rise (SLR) on the proposed dock system.

The new gangways would have a finished elevation of approximately 10 feet over the mean lower low water (MLLW) level. In the event of a high SLR scenario and extreme high tides, the gangways would become temporarily slightly inundated; however, the gangways would continue to be serviceable and provide access to the docks. The new dock floats would float level with coastal waters at a consistent design freeboard of 16 to 18 inches, allowing the dock floats to remain functional considering anticipated SLR. Utilities would float with the dock system, as they are affixed to the dock floats. The new concrete piles would have an elevation of ~~12.7 feet~~ +13.5 feet above MLLW at the top of the piles to account for the potential for a 100-year storm event to overtop the docks by midcentury. Coastal water levels could potentially reach approximately ±10 feet over MLLW under a high SLR scenario at extreme high tides. The surface of the dock floats could ~~potentially~~ reach a maximum height of 11.5 feet above MLLW under a high SLR scenario with extreme tides.~~,~~ In this case, the docks would still ~~which would~~ remain ~~lower~~ below ~~than~~ the top elevation of the piles, +13.5 feet above MLLW.

Section 3.1.3, Page 46, Edits to first paragraph:

3.1.3 Discussion

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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact (Responses a-c). The project site is surrounded predominately by marine commercial and industrial buildings, including boat repair shops, boat yards, harbor offices, and marine supply stores, to the west and the open waters of the Richardson Bay to the east. The color scheme and materials of the new dock system would largely mimic those of the existing dock system; however, the new dock system would consist of concrete rather than wood decking and the new gangways would be ~~reflective~~ aluminum and gray in color rather than wooden and ~~non-reflective~~ concrete, as are the existing gangways. The new dock system would remain consistent in design with the other marinas and harbors in the project vicinity along the shoreline in the City by employing mainly white, gray, and brown colors in its design.

Section 3.4.3, Pages 74-75, Edits to Mitigation Measure BIO-1a:

The Applicant and/or its contractor shall implement the following Avoidance and Minimization Measures (AMMs) during project construction. These measures shall be presented on all construction bid documents.

Project Demolition and Construction Avoidance and Minimization Measures

1	Silt curtains will be utilized to control turbidity during removal and placement of piles. The silt or “turbidity curtain” typically have a skirt of approximately 5’ which controls any sediment suspended in the water column from propagating out of the work area.
2	Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases. “Floating boom” curtains typically have a 1’ skirt and are designed to keep any floating debris from escaping the work area before it can be removed.
3	Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
4	Floating debris would be removed from the water and disposed of properly.
5	Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
6	Operators of construction equipment and all other project workers shall not harass any marine mammals, waterfowl, or fish in project area.
7	Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering bay.

8	Erosion control/ sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition.
9	Contractor shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States.
10	All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
11	Maintain good housekeeping. Maintain clean site at end of every construction day. Do not drop mud and debris from construction vehicles into public streets. Sweep turning areas and pavement entrances as needed.
12	At the end of the construction period, the project applicant or its contractor shall inspect the project area and ensure that no debris, trash or construction materials has been left on the shore or in the water.
13	Pile driving activities shall be conducted using the soft start method The soft start method will include striking the piles with a lighter initial blow, which generates a lower sound level, to divert fish and marine mammals from the project area prior to full hammering, which generates the highest sound levels.
14	A sound curtain, or bubble curtain, shall be employed during pile driving to break up sound waves. The sound curtain would consist of a perforated hose laid in a circle to release air bubbles around the pile and diesel impact hammer.
15	¾-inch plywood cushion blocks shall be placed on top of each pile during pile driving activities.

Section 3.4.3, Page 77, Edits to Mitigation Measure BIO-2:

Mitigation Measure BIO-2: Implementation of Clipper Yacht Harbor Eelgrass Mitigation Plan: The following details the methods of survey and actions to be taken to protect nearby eelgrass habitat and ensure any new eelgrass habitat within the project site will not be significantly impacted during project implementation:

- A qualitative survey would be conducted prior to construction (within the April – October growing season) for presence/absence of eelgrass shoots by examining the project footprint and immediate vicinity (minimum of a 10-meter buffer, or as determined by a qualified biologist at the time of survey) at low tide. Survey results are valid for up to 60 days during the growing season. However, if the end of the 60-day validity period ends outside of the growing season (April-October), survey results are considered valid until the following growing season. Other minor exceptions to this stipulation are outlined in the California Eelgrass Mitigation Policy and Implementing Guidelines (2014). According

to the policy and implementing guidelines, surveys are conducted through mapping the extent of eelgrass on a fine scale, through visual and acoustic mapping technologies, and should encompass vegetated as well as unvegetated areas within the survey area. If no eelgrass is determined to be at risk of being impacted during project implementation, a post-construction survey following the same survey protocol would be conducted to confirm no impacts to any nearby eelgrass.

- If any eelgrass shoots are present and at risk of being impacted by project implementation, a mitigation plan would be provided to NOAA Fisheries, CDFW, and USACE at least 60 days prior to project implementation ~~quantitative pre- and post-construction eelgrass surveys and monitoring would be conducted in the footprint (and buffer) of the project.~~ A reference site used as a control shall also be included in the ~~monitoring~~ mitigation plan. ~~Quantitative surveys, monitoring and mitigation would be performed in accordance with the 2014 California Eelgrass Mitigation Policy and Implementation Guidelines. Survey and monitoring plans would be provided to NOAA Fisheries 45 days prior to construction for review and approval.~~
    - According to the California Eelgrass Mitigation Policy, at a minimum the mitigation plan should include:
        - Description of the project area
        - Results of preliminary eelgrass survey and pre/post-project eelgrass surveys
        - Description of projected and/or documented eelgrass impacts
        - Description of proposed mitigation site and reference site(s)
        - Description of proposed mitigation methods
        - Construction schedule, including specific starting and ending dates for all work including mitigation activities
        - Schedule and description of proposed post-project monitoring and when results will be provided to NMFS
        - Schedule and description of process for continued coordination with NMFS through mitigation implementation
        - Description of alternative contingent mitigation or adaptive management should proposed mitigation fail to achieve performance measures
    - Mitigation should begin within 135 days following the initiation of in-water project implementation that will impact eelgrass habitat, so that mitigation begins within the same growing season that impacts will occur. However, for impacts beginning 90 days prior to, or during, the low-growth season (November-March), mitigation may begin within 30 days after the start of the following growth season, or 90 days following impacts, whichever time period is longer, without the requirement of additional mitigation.
    - Mitigation ratios are summarized from the California Eelgrass Mitigation Policy in the following:
        - Localized Temporary Impacts: for impacts of less than 100 m^2 and eelgrass habitat being fully restored within one year of initial impacts, a ratio of replacement would be 1:1.
        - All other impacts that may occur as a result of this project being implemented would likely have a ratio of replacement of 1.2:1, where 2x the amount of eelgrass impacted is planted and/or restored under the assumption that half of the planted/restored eelgrass will survive.

- ~~If monitoring indicates that a loss of eelgrass has occurred as a result of the project, a USACE-approved mitigation plan will be developed and implemented in consultation with NOAA Fisheries. The monitoring and mitigation plan would compensate for negative impacts to eelgrass resulting from the project.~~

  Effectiveness: This measure would avoid and/or mitigate any impacts to nearby sensitive eelgrass beds to less than significant levels.

  Implementation: In the event eelgrass is observed in the project footprint and immediate vicinity (minimum of a 10-meter buffer, or as determined by a qualified biologist at the time of the survey), pre- and post-construction eelgrass surveys shall be conducted.

  Timing: One qualitive survey shall be conducted in April-October prior to project initiation (dock demolition). Pre- and post-construction eelgrass surveys may be required, dependent on results of qualitative survey. Any pre-construction quantitative eelgrass surveys would be conducted within the 60 days prior to starting in-water work. All surveys would be conducted consistent with the recommendations and requirements outlined in the NOAA Fisheries 2014 Eelgrass Mitigation Policy and Implementation Guidelines.

  Monitoring: Survey and monitoring plans will be provided to NOAA Fisheries, CDFW, and USACE 45 days prior to project initiation for review, consultation, and approval. If any eelgrass shoots are present and at risk of being impacted by project implementation, a mitigation plan would be provided to NOAA Fisheries, CDFW, and USACE at least 60 days prior to project implementation. In the event project-related impacts to eelgrass are identified, all qualitative and quantitative pre- and post-construction eelgrass surveys, as well as any required mitigation plans, will be provided to CDFW for review, consultation, and approval. ~~NOAA Fisheries shall be consulted if a mitigation plan is required to be developed and implemented to compensate for any negative impacts to eelgrass resulting from the project.~~

Implementation of Mitigation Measure BIO-2 will reduce this impact to less than significant.

Section 3.10.3, Page 119, Edits to response d.:

d. The proposed project is not at risk of a release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone?

Less Than Significant Impact. The project site is located in an area subject to coastal flooding hazards. Clipper Yacht Harbor's waterside marina facilities, including those within Basin 3 and Basin 4, are located in Zone VE with a base flood elevation of 9 feet according to the current Flood Insurance Rate Map (FIRM) provided by the Federal Emergency Management Agency (FEMA). VE zones are coastal high hazard areas that are subject to high velocity water and are defined by the 1% annual chance flood limits and wave effects three feet or greater.

Future sea level rise is anticipated to exacerbate the effects of coastal flooding events. The project applicant assessed the potential impacts of future sea level rise (SLR) on the project's proposed dock system components, including the gangways, floating docks and utilities, and concrete piles using the ~~California Natural Resources Agency and California Oceanic Protection Council's "State of California Sea-Level Rise Guidance~~ California Coastal Commissions' "Sea Level Rise Policy Guidance Final Adopted Science Update" document (2018) in conjunction with tide information obtained from the National Oceanic and Atmospheric Association (NOAA). The design high tide of the project site without sea level rise is approximately 7.5 feet at mean lower low water (MLLW) level. The design high tide of the project site with anticipated SLR incorporated ranges from 7.5 to +10 feet MLLW.

The project is designed to account for future sea level rise. From general recommendation, the proposed project assumes SLR of 8 to 30 inches will occur in the project area by the year 2060. 2060 was selected for the project's SLR assumptions in consideration of the new dock system's anticipated 40-year life span. The project SLR assumption is based on the California Coastal Commission's probabilistic projections for SLR in the San Francisco area by 2060 (California Coastal Commission 2018). The California Coastal Commission's risk aversion projections are based on the Representative Concentration Pathway 8.5 (RCP 8.5) scenario, a high greenhouse gas concentration trajectory scenario (i.e., "business as usual"). The probabilistic projections consist of low and medium-high risk aversion scenarios. The project SLR analysis incorporated projections from the 2040 low risk aversion scenario as the low end of the SLR assumption and projections from the 2060 medium-high risk aversion scenario as the high end of the SLR assumption.

The proposed docks would float level with changes in water elevation and have a design freeboard of 16 inches to 18 inches. Sea level rise would not affect the freeboard or functionality of the docks. As discussed in Section 2.3.5, the proposed gangways would have a finished elevation of +10 feet MLLW and match the surface elevations of the top of the existing rip rap along the marina shores. In the unlikely event maximum predicted sea level rise occurs and tides reach an extreme high, the gangways would likely be minimally inundated for a brief time until the tide recedes. The gangways would continue to be serviceable even while slightly inundated. ~~as described in Section 2.3.5 and~~ The project would remain functional considering projected SLR scenarios.

The entire project site is located within a potential tsunami inundation area (California Department of Conservation 2019). However, the proposed project is an in-kind dock replacement that would be structurally engineered to sustain repeated inundation, including from stormwater flooding, tidal increase, and climate change-driven sea level rise from the Richardson Bay. All materials planned for use within the dock system would be pre-cured to prevent any leaching of construction materials and/or chemicals into the San Francisco Bay. In addition, project-related infrastructure (i.e., existing boat docking, fueling, etc.) is currently engineered to withstand changing conditions within Richardson Bay, including flooding or tsunami conditions that would cause rapid tidal change and turbulence within Richardson Bay. New project infrastructure would adhere to the same standards and would therefore not be prone to releasing pollutants due to the project site flooding or being subjected to tsunami conditions. The project site is not at risk of seiche.

Section 3.10.4, Page 120, Added reference:

3.10.4 References

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