Clipper Yacht Harbor Marina Dock Replacement Project
Mitigated Negative Declaration

Project: Clipper Yacht Harbor Marina Dock Replacement Project

Project Proponent: Usmita Pokhrel
Bellingham Marine Industries, Inc.
8810 Sparling Lane
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upokhrel@bellingham-marine.com
(707) 761-4192

Property Owner: KC Pederson
Clipper Yacht Harbor
310 Harbor Drive
Sausalito, CA 94965
kc@clipperyacht.com

Lead Agency: City of Sausalito

Availability of Documents: The Initial Study for this Mitigated Negative Declaration is available for review at https://www.sausalito.gov/departments/community-development/planning-division/current-planning/public-notices; or

City of Sausalito
420 Litho Street
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PROJECT DESCRIPTION

The City of Sausalito has received an application from Bellingham Marine Industries, Inc. on behalf of KC Pederson, owner of Clipper Yacht Harbor, to allow the removal and replacement of existing boat docks within the Clipper Yacht Harbor, located at 310 Harbor Drive, in Sausalito, Marin County. The Clipper Yacht Harbor Marina Dock Replacement Project (project) consists of the replacement of the existing dock infrastructure in Basin 3 and Basin 4 of Clipper Yacht Harbor. No increase in the number of berths or length of dock is proposed.

The project site consists of two parcels (APN 063-020-01 and APN 063-010-16). The first project parcel (APN 063-020-01) is approximately 7.08 acres and contains Clipper Yacht Harbor Basin 3, a portion of Clipper Yacht Harbor Basin 2, marina parking lots, open space, a boat yard, and

storage containers. The second project parcel (APN 063-010-16) is approximately 17.5 acres and contains Clipper Yacht Harbor Basin 4, marina parking lot area, storage containers, and industrial yards. The project parcels are located in the Waterfront (W), Marinship Overlay (-M) zoning district (W-M). The City's General Plan designates the 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. Dock replacement in an existing recreational marina is consistent with the Waterfront land use designation.

The existing dock system in Basin 3 and Basin 4 consists of an overwater dock structure area totaling 101,845 square feet, or 2.34 acres, with 53,498 square feet of dock area in Basin 3 and 48,347 square feet of dock area in Basin 4. Basin 3 contains 203 slips that can support vessels ranging from 20 to 75 feet in length. Basin 4 contains 224 slips that can support vessels ranging from 28 to 75 feet. The components of the dock system in Basin 3 and Basin 4 include dock floats made of treated wood, foam, and concrete; concrete and wooden piles; wooden gangways; and fire, domestic water, sanitary sewer, and electrical utilities. The project proposes to demolish the existing docks and replace them with new docks of essentially the same size. The new dock system would be a Unifloat Dock System including concrete dock floats, concrete guide piles, and aluminum gangways. 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 overall project demolition and construction timeframe would span approximately 16 months, commencing in July 2022 and ending in November 2023. Construction activities in Basin 3 are anticipated to begin in late July 2022 and end in November 2022, lasting approximately five (5) months. Construction activities in Basin 4 are anticipated to begin in late July 2023 and end in November 2023, lasting approximately five (5) months.

Existing vessels docked at this facility will be relocated to other dock facilities within the area such that offshore anchorages will be avoided.

PROPOSED FINDINGS

The City of Sausalito has reviewed the attached Initial Study and determined that the Initial Study identifies potentially significant project effects, but:

1. Revisions to the Project plans incorporated herein as mitigation would avoid or mitigate the effects to a point where no significant effects would occur; and
2. There is no substantial evidence, in light of the whole record before the agency, that the Project may have a significant effect on the environment. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(3) and 15070(b), a Mitigated Negative Declaration has been prepared for consideration as the appropriate CEQA document for the Project.

BASIS OF FINDINGS

Based on the environmental evaluation presented in the attached Initial Study, the Project would not cause significant adverse effects related to: Aesthetics, Agricultural and Forest Resources, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Utilities/Service Systems, or Wildfire. The project does not have impacts that are individually limited, but cumulatively considerable.

The environmental evaluation has determined that the project would have potentially significant impacts on Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources as described below.

Mitigation Measures

The project could result in significant adverse effects to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. However, the project has been revised to include the mitigation measures listed below, which reduce these impacts to a less-than-significant level. With implementation of these mitigation measures, the project would not substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Nor would the project cause substantial adverse effects on humans, either directly or indirectly.

Mitigation Measure BIO-1a: Avoidance and Minimization Measures for Special-Status Fish. 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.

Mitigation Measure BIO-1b: Avoidance and Minimization Measures for Marine Mammals. To reduce impacts to marine mammals to less than significant levels, the following measures shall be implemented:

- The project Applicant shall create and maintain a visual 500-meter safety zone around sound sources (i.e., pile drivers and/or any motorized equipment with sound waves entering Richardson Bay) in the event that the sound level is unknown or cannot be adequately predicted. This will be required at the onset of construction. The safety zone shall be maintained by the qualified biologist through the use of a rangefinder (or similar measuring device) to closely approximate the 500-meter distance from the source of the sound (i.e., pile driver) and monitoring marine mammals within this distance. An aerial map outlining an approximate boundary within the waters of Richardson Bay may be utilized to help visualize the 500-meter safety zone.
- A qualified biologist on shore will visually survey the safety zone (by naked eye and binoculars) to ensure that no marine mammals are within or surfacing/traveling within the zone before pile driving begins. If a marine mammal is observed within the safety zone before pile driving begins, pile driving will be delayed until the marine mammals move out of the area, as evidenced by observed surfacing and/or hauling out of the individual outside the project area.

  If marine mammals enter the safety zone after pile driving of a segment has begun, pile removal and installation will continue. The qualified biologist will monitor and record the species and number of individuals observed, and note behavior patterns. If the animal appears distressed, and if it is operationally safe to do so, pile removal and installation will cease until the animal leaves the area, as evidenced by observed surfacing and/or hauling out of the individual outside the project area. Prior to the initiation of each new pile event, the area will again be thoroughly surveyed by the biologist. With the implementation of

Mitigation Measure BIO-1b, potential impacts to marine mammals will be reduced to less than significant levels.

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. A reference site used as a control shall also be included in the mitigation plan.
    - 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.

Mitigation Measure CUL-1: Conduct Archaeological Monitoring. The applicant shall retain a qualified professional archaeologist or archaeological firm to conduct archaeological monitoring during pile removement. The archaeologist shall be on the barge, or where piles and construction debris are first placed on removal from the water, in order to be allowed to examine the piles and other removed material for evidence of archaeological resources. If archaeological resources are suspected to have been discovered, then ground disturbing and pile removal work will cease in order to allow the archaeological monitor time to examine the potential resource.

All Native American artifacts (tribal finds) shall be considered as a significant Tribal Cultural Resource, pursuant to PRC 21074 until the lead agency has enough evidence to make a determination of significance.

If any tribal find is discovered, work on pile removal will cease and the Federated Indians of Graton Rancheria shall be contacted and consulted. The City shall coordinate with a qualified archaeologist and the Federated Indians of Graton Rancheria to develop an appropriate treatment plan for the resources. The plan may include, tribal monitoring, implementation of underwater archaeological data recovery, and subsequent laboratory processing and analysis.

In the event that a historic period archaeological resource which is likely to be significant under CEQA is discovered, work shall cease, and a qualified archaeologist shall develop an appropriate treatment plan for the resources.

A monitoring report will be written detailing all archaeological finds and submitted to the City and the NWIC.

Mitigation Measure CUL-2: Unanticipated Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the MLD from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

Mitigation Measure GEO-1: Unanticipated Discovery of Paleontological Resources. If paleontological resources are discovered during construction, sediment-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery.

Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which sediment-disturbing activity within the area of the find would be temporarily halted until the resource has been recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards.

The City will ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.

RECORD OF PROCEEDINGS AND CUSTODIAN OF DOCUMENTS

The record, upon which all findings and determinations related to the approval of the project are based, includes the following:

1. The Mitigated Negative Declaration and all documents referenced in or relied upon by the Mitigated Negative Declaration.
2. All information (including written evidence and testimony) provided by City of Sausalito staff to the decision maker(s) relating to the Mitigated Negative Declaration, the approvals, and the project.
3. All information (including written evidence and testimony) presented to the City of Sausalito by the environmental consultant who prepared the Mitigated Negative Declaration or incorporated into reports presented to the City of Sausalito.
4. All information (including written evidence and testimony) presented to the City of Sausalito from other public agencies and members of the public related to the project or the Mitigated Negative Declaration.
5. All applications, letters, testimony, and presentations relating to the project.
6. All other documents composing the record pursuant to Public Resources Code section 21167.6 (e).

The City of Sausalito is the custodian of the documents and other materials that constitute the record of the proceedings upon which the City of Sausalito's decisions are based. The contact for this material is:

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(916) 698-4592

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