



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Marine Region  
1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109  
[wildlife.ca.gov](http://wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



December 23, 2022

Chad Mason  
San Francisco Bay Area Water Emergency Transportation Authority  
Pier 9, Suite III, The Embarcadero  
San Francisco, CA 94112  
[cmason@watertransit.org](mailto:cmason@watertransit.org)

Dear Mr. Mason:

**Alameda Main Street Ferry Terminal Refurbishment Project (Project)  
Initial Study/Mitigated Negative Declaration (ISMND)  
SCH# 2022110632**

The California Department of Fish and Wildlife (Department) received an ISMND from the San Francisco Bay Area Water Emergency Transportation Authority (WETA) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. 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, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 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 Marine Life Management Act.

---

<sup>1</sup> 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.

The Department is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, implementation of the Project may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Water Emergence Transportation Authority (WETA)

**Objective:** The objective of the Project is to address aging and deterioration of the Alameda Main Street ferry terminal and to meet current seismic safety standards.

**Location:** The Project is located in the Oakland-Alameda Estuary at 2990 Main Street within the City of Alameda, in Alameda County.

**Timeframe:** Project construction is expected to take approximately 4-6 weeks in the summer/fall of 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, COMMERCIAL/RECREATIONAL IMPORTANT, AND RARE 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 (Spring-run), state and federally endangered (Winter-run)
- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast and Central Valley ESUs)
- Green sturgeon (*Acipenser medirostris*), federally threatened (southern DPS)
- White sturgeon (*A. transmontanus*), state species of special concern
- Brown pelican (*Pelecanus occidentalis californicus*), state fully protected

- California least tern (*Sternula antillarum browni*), state and federally endangered and state fully protected
- American peregrine falcon (*Falco peregrines anatum*), state fully protected

Several species with important commercial/recreational fisheries value and habitat value for spawning and rearing could potentially be present near Program activities; these include:

- Dungeness crab (*Cancer magister*)
- Pacific herring (*Clupea pallasii*)
- Surfperches (*Embiotocidae*)
- California halibut (*Paralichthys californicus*)
- Eelgrass (*Zostera marina*)

## COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist WETA in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

### I. Project Level Impacts and Other Considerations

#### Pile Driving

**Comment:** The ISMND describes the installation of 11 steel pipe piles, ranging from 24" to 72" as part of the refurbishment of the existing ferry terminal. The piles are proposed to be primarily driven with a vibratory hammer and an impact hammer as necessary. As WETA and the Department have previously discussed through early consultation meetings, the use of an impact hammer has the potential to exceed hydroacoustic thresholds in which injury and/or mortality to fish may occur. This concern is consistent with the hydroacoustic analysis presented in the ISMND. As outlined in the ISMND, for the Department to authorize take to occur, a 2081(b) permit would be necessary.

**Recommendation:** The Department recommends that WETA continue consultation with the Department regarding a 2081(b) incidental take permit.

#### Eelgrass

**Comment:** California Public Resources Code (PRC Section 35630) outlines the importance of eelgrass protection and restoration in California and other West Coast states. Eelgrass has numerous benefits, as outlined within PRC 35630, such as

habitat for listed and commercially valuable species, water quality, carbon sequestration, and shoreline protection.

The Oakland-Alameda Estuary contains small beds and patches of eelgrass along the western shoreline as it meets the main part of central San Francisco Bay. Previous bay wide eelgrass surveys show eelgrass within 200 meters of the Project just offshore of the Main Street Dog Park. CDFW is unaware of any recent eelgrass surveys that may have occurred within the vicinity of the Project and there is some uncertainty on whether eelgrass may be impacted by Project activities. Given the amount of time since the last known survey of the area, it is reasonable to expect eelgrass may have expanded further toward the ferry terminal since it was previously mapped. The ISMND does not describe potential impacts to eelgrass from Project activities such as elevated turbidity or direct impact from pile installation within eelgrass habitat. The California Eelgrass Mitigation Policy (attachment 1) contains recommendations for avoidance and minimization measures, and recommendations for surveying eelgrass within, and adjacent to, the Project footprint.

**Recommendation:** The Department recommends that the ISMND include discussion on the potential impacts from Project activities to eelgrass within and adjacent to the Project footprint.

**Recommendation:** The Department recommends that an additional mitigation measure be included for eelgrass and include the following:

Eelgrass surveys, pre- and post-construction, will be conducted in accordance with the conditions and recommendations contained with the California Eelgrass Mitigation Policy. If it is determined, from the results of the pre-construction eelgrass survey, that potential impacts to eelgrass will occur from Project activities, an eelgrass monitoring and mitigation plan will be prepared. All surveys and plans will be provided to CDFW and National Marine Fisheries Service (NMFS), along with the other authorizing agencies, prior to and following the start of construction.

## II. Editorial Comments and/or Suggestions

**Comment:** The ISMND discusses the creation of hydroacoustic injury criteria developed by NMFS for fish and marine mammals. Although it is correct that the NMFS created criteria for marine mammals, this statement is incorrect for fish. The Hydroacoustic working group, comprised of numerous state and federal agencies, including the Department, developed the *Agreement in Principle for Interim Criteria for Injury to fish from Pile Driving Activities* in 2008 (attachment 2). This section should be edited to credit the fish injury criteria to the Fisheries Hydroacoustic Working Group as described within the attached document.

**Location in Document:** p. 29, Underwater Noise Impacts, second paragraph.

## 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 (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## 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 in order 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.)

## CONCLUSION

The Department appreciates the opportunity to comment on the DEIR to assist WETA in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Arn Aarreberg, Environmental Scientist, at (707) 791-4195 or [Arn.Aarreberg@wildlife.ca.gov](mailto:Arn.Aarreberg@wildlife.ca.gov).

Sincerely,



Craig Shuman, D. Env  
Marine Regional Manager

**Attachment 1** – California Eelgrass Mitigation Policy

**Attachment 2** – Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities

ec: Becky Ota, Program Manager  
Department of Fish and Wildlife  
[Becky.Ota@wildlife.ca.gov](mailto:Becky.Ota@wildlife.ca.gov)

Eric Wilkins, Senior Environmental Scientist  
Department of Fish and Wildlife  
[Eric.Wilkins@wildlife.ca.gov](mailto:Eric.Wilkins@wildlife.ca.gov)

Arn Aarreberg, Environmental Scientist  
Department of Fish and Wildlife  
[Arn.Aarreberg@wildlife.ca.gov](mailto:Arn.Aarreberg@wildlife.ca.gov)

Anniken Lydon  
San Francisco Bay Conservation and Development Commission  
[Anniken.Lydon@bcdca.gov](mailto:Anniken.Lydon@bcdca.gov)

Xavier Fernandez  
Regional Water Quality Control Board  
[Xavier.Fernandez@waterboards.ca.gov](mailto:Xavier.Fernandez@waterboards.ca.gov)

State Clearinghouse (SCH No. 2022110632)  
[State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov)