

San Francisco Bay Conservation and Development Commission

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April 28, 2026

City of Berkeley

Parks, Recreation, & Waterfront Department

2180 Milvia Street, 3rd Floor

Berkeley, California 94704

Via E-mail: <lmcnulty@berkeleyca.gov>

ATTN: Liza McNulty, PE, Project Manager

SUBJECT: Comments on the Draft Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project

Dear Liza:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Berkeley Water Transportation Pier Ferry Project (project).

The San Francisco Bay Conservation and Development Commission (BCDC) is providing the following comments as a responsible agency under the California Environmental Quality Act (CEQA) with discretionary approval power over aspects of the project within BCDC's jurisdiction, as described below. BCDC will rely on the Final EIR when considering the permit application for the project, and we appreciate this opportunity to comment on the information and analyses presented in the DEIR. The Commission itself has not reviewed the DEIR; the following comments are based on BCDC staff review of the DEIR, considered in relation to BCDC's governing authorities under the McAteer-Petris Act (Title 7.2 of the California Government Code), and the *San Francisco Bay Plan* (Bay Plan).

San Francisco Bay Conservation and Development Commission

BCDC is a State planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act and the Suisun Marsh Preservation Act, respectively. Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which policies provide the basis for the Commission's review and actions on proposed projects.

Project Description

Based on the DEIR, the majority of the project would be located within at least two areas of BCDC's permitting jurisdiction:



- In the San Francisco Bay, being all areas subject to tidal action, including the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (Government Code Section 66610(a)). Areas of Bay jurisdiction include any filled areas where filling commenced after September 17, 1965.
- In the shoreline band, consisting of all territory located between the shoreline of the Bay, as defined above, and 100 feet landward of and parallel with the shoreline (Government Code Section 66610(b)).

In addition, portions of the project are located within Bay Plan-designated “Waterfront Park, Beach” priority use areas. Within the Commission’s jurisdiction, projects proposed within these priority use areas must be consistent with the Bay Plan’s Recreation policies and any relevant policies specified in Bay Plan Map 4 (which is inclusive of the area where the project is proposed).

BCDC requests that the City of Berkeley include mapping of BCDC’s jurisdiction in the Final EIR and pay particular attention to potential project impacts that may occur in these areas as they relate to the Commission’s policies. The Final EIR project description should also clearly detail where each component of the project would take place relative to the Commission’s jurisdiction. BCDC staff is available to review any mapping or draft language to ensure that our agency’s jurisdiction is accurately depicted and described. BCDC provides data and mapping tools on our website at <https://www.bcdc.ca.gov/resources/maps-and-data/>. Copies of our planning documents are available at <https://www.bcdc.ca.gov/resources/plans/>. BCDC’s laws and regulations can be referenced at <https://www.bcdc.ca.gov/resources/laws-and-regulations/>.

Our understanding is that project areas in the Bay jurisdiction include the proposed pier and breakwater, ferry vessel infrastructure, dredging, and Seawall Drive Parking Lot. Project areas in the shoreline band jurisdiction include the plaza, the proposed public restroom, Seawall Drive, the Bay Trail extension at Seawall Drive, and a small section of University Avenue as it connects with the plaza, encompassing portions of the proposed expanded AC Transit bus stop facilities, new cycle track, and University Avenue roadway improvements.

BCDC staff recently reached an agreement with the City of Berkeley regarding the depiction of BCDC jurisdiction at the project site. This depiction can be found in the project exhibits for the May 11, 2026, BCDC Design Review Board meeting, which are posted on BCDC’s website and can be requested from staff.

Project Description

Based on information provided in the DEIR, we understand that the project would:

- Demolish approximately 1,280 feet of the approximately 2,970-foot-long closed pier;



- Construct a new 1,080-foot-long, 22-foot-wide public pier at the same location as the closed pier with pedestrian access and recreational amenities, including seating, shade canopy, trash cans, security gates, and a fish cleaning station with cold water potable taps and that drains directly into the Bay;
- Construct a new 400-foot-long, 15-foot-wide, pile-supported breakwater perpendicular to and connected to the new pier, providing pedestrian access and recreational amenities, including seating and trash cans;
- Install ferry vessel infrastructure, including up to two 120-foot-long and 10-foot-wide gangways, up to two 135-foot-long and 42-foot-wide boarding floats, electrical charging equipment, fare collection systems, loading platform, and security gates;
- Dredge a maximum volume of 400,000 cubic yards to create a navigation channel and turning basin located along the closed pier;
- Construct a new, accessible public plaza, replacing the existing pier entrance, providing public access and recreational amenities, including a public restroom, bicycle racks and lockers, seating, paving, lighting, and landscaping;
- Implement improvements along University Avenue, including roadway and sidewalk repairs, improved AC Transit bus facilities, a private vehicle passenger loading zone, and a new approximately 1,800-foot-long and 12-foot-wide raised cycle track on the south side along University Avenue between Marina Boulevard and Seawall Drive;
- Implement roadway repairs to Seawall Drive and renovate Seawall Drive Parking Lot with new pavement, surfacing, striping, lighting, and stormwater treatment;
- Develop a portion of the planned Bay Trail Extension, south of the pier and along Seawall Drive, installing a 12-foot-wide paved path with shoulders approximately 2 feet in width;
- Placement of new rock rip rap as slope protection along approximately 300 feet of shoreline on the eastern side of Seawall Peninsula, just north of the 199 Seawall Drive structure;
- Provide new landscaping as well as tree removal and replacement at various locations throughout the project site;
- Provide new way-finding signage and replacement lighting at various locations throughout the project site;

- Install new electric infrastructure to charge ferry vessels, and power lighting and other on-site uses, connecting to an underground 12kV duct bank to be installed and operated by Pacific Gas and Electric (PG&E);
- Install new water connections for the fish cleaning station, public restroom, and hose bibs for deck cleaning;
- Install a new, dedicated fire water main and fire hydrant;
- Install new wastewater connections for the public restroom;
- Install new telecommunication line connections; and
- Operate new zero-emission electric passenger ferry service, connecting the Berkeley ferry terminal to San Francisco and Larkspur ferry terminals.

The project may also include the following future improvements:

- A solar panel system over the renovated Seawall Drive Parking Lot.

Additionally, BCDC understands that the project and DEIR alternatives analysis are based on the following objectives:

- Enhance public access and recreational opportunities at the Berkeley Waterfront; and
- Provide efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco.

Environmental Analyses

Below are BCDC staff's remaining questions and comments on the DEIR, organized by environmental topic. Language from CEQA Appendix G: Environmental Checklist Form has been included for reference. Addressing these questions and comments in the Final EIR and addressing any related impacts with mitigation measures will support staff in efficiently and expeditiously developing relevant conditions and necessary findings to include in the permit application staff recommendation when the project comes before BCDC for consideration.

AESTHETICS

Would the project: 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 a publicly accessible vantage point). If the proposed project is in an urbanized area, would the plan conflict with applicable zoning and other regulations governing scenic quality?

Impact AES-3 discusses the potential impact of the solar canopy at the Seawall Drive Parking Lot on visual character and the quality of public views. On page 3.1-32, the DEIR states, “The solar shade structures introduce new linear elements and repetitive architectural forms, replacing previously organic shapes and softened skyline with geometric forms and engineered materials. The proposed redevelopment of this area introduces more distinct built elements that would contrast with the existing naturalized features,” and concludes that the impact would be less than significant because “while the proposed project would result in visual changes to this area, the proposed updates to the Seawall Drive parking lot would be compatible with existing uses, would enhance the site’s functionality while incorporating clean energy solutions, and would be designed and implemented in adherence to the City’s goals, policies, and development review criteria related to the maintenance and enhancement of visual character, while also aligning with the City’s renewable energy goals.” This significance finding reads more like a statement of overriding considerations than a finding of the degree to which an impact could occur. Please revisit this conclusion and instead provide a more detailed explanation of how the project would be designed and implemented in adherence to the applicable zoning and other regulations regarding scenic quality, including BCDC’s policies regarding visual resources. Note that as part of the significance finding, other considerations such as clean energy solutions (while desirable) may not be relevant.

BIOLOGICAL RESOURCES

For the Regulatory Framework in Section 3.1.3, please note that in addition to the McAteer-Petris Act, the Bay Plan includes policies regarding native and special-status species and habitats. Please review the policies in the Bay Plan sections pertaining to Fish, Other Aquatic Organisms and Wildlife; Subtidal Areas; and Mitigation, and ensure that the EIR appropriately considers any relevant policies.

Would the project: a) Have a substantial adverse effect, either directly or through habitat modifications, on any native or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA’s National Marine Fisheries Service?

1. Page 3.3-41 identifies the California least tern (*Sternula antillarum browni*) as a “species mentioned in public comments that are not expected to occur within the project site, nest, in the vicinity, or to be affected by the project.” According to page C-10 of the DEIR Appendices, there are no known occurrences of California least tern “within five miles, suitable colonial breeding sites are not present, and the project site is largely developed and disturbed by recreational use.” BCDC staff is aware of dredging restrictions from U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife that prohibit dredging from the Berkeley Waterfront to San Leandro Bay to protect foraging California least tern during their breeding season. Please provide the reference data to substantiate the finding that California least tern are not expected to be impacted by project activities.

2. The Subtidal Nearshore Marine subsection on page 3.3-10 calls out benthic organisms associated with soft-sediment habitat. However, the habitat types for subtidal areas are not delineated or mapped in the DEIR as terrestrial habitats are. Therefore, the impacts of the project on the marine and estuarine environment and associated organisms cannot be adequately assessed. Please map the distribution of specific habitat types in the submarine environment to effectively evaluate the potential for environmental impacts.
3. Ferry operations have the potential to change flow dynamics within the water column, which may alter sediment deposition and erosion patterns and impact marine life, including fish, seabirds, and waterfowl. Please include an analysis of how the project may affect flow dynamics and evaluate associated environmental impacts. As requested above, the delineation of aquatic habitats and their tolerance levels to currents and turbulence is essential to understanding the actual expected resilience of biological resources to the increased hydrological disturbance from both the introduced energy of ferry operations and dredging.
4. The DEIR defines Oceanic Conditions on page 3.3-8 to include “parameters such as salinity, temperature, depth, turbidity, tidal range, and current velocity, as well as circulation patterns, wave energy, and sediment dynamics.” However, the subsequent sections are missing a discussion of salinity, turbidity, tidal range, current velocity, circulation patterns, wave energy, and sediment dynamics. Please include these parameters in the evaluation of marine and estuarine conditions.
5. The DEIR does not appear to address operational light impacts on native and special status species and habitats from new lighting proposed at the Seawall Drive Parking Lot, on the pier, breakwater, gangways, and floats, and at the public plaza. Please include a discussion of the potential for operational impacts of new lighting on biological resources as a result of the project.

Would the project: c) Have a substantial adverse effect on State or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

1. In permitting this project, BCDC may require compensatory mitigation for adverse environmental impacts associated with new Bay fill. The DEIR anticipates this with Mitigation Measure BIO-3: *Provide Compensatory Mitigation for Loss of Jurisdictional Waters Prior to Operation*, which requires the removal of additional portions of the existing pier as compensatory mitigation for new fill. On page 3.3-61, mitigation for fill is proposed to be provided at a minimum of 1:1 ratio and to occur prior to or concurrently with construction, as approved by regulatory agencies. The DEIR notes that the City plans to develop a mitigation plan detailing the required additional demolition, which may be modified or supplemented by permit conditions from applicable regulatory

agencies. To the extent possible, please demonstrate the feasibility of fill removal for compensatory mitigation and evaluate potential environmental impacts anticipated with this method of compensatory mitigation in this EIR. The details provided should be sufficient to weigh the additional impacts to species and water quality against the benefit of fill removal. (Reference 14 CCR § 15126.4(a)(1)(D) [an EIR should discuss any adverse environmental impacts of a mitigation measure].)

2. Page 2-28 indicates that the project proposes to dredge a 100-foot-wide, federally authorized U.S. Army Corps of Engineers (USACE) channel adjacent to the dilapidated pier and the turning basin to allow ferry vessels to turn and dock at the two boarding floats. It is important to note that this channel is not included in the USACE's dredging program. The USACE has not dredged this channel in the past 25 years (or more), and dredging in this area would be considered new work dredging. Please include information regarding the new work and maintenance dredging volume and proposed frequency, as well as information on plans for proposed beneficial reuse or disposal. Per BCDC's Bay Plan policies pertaining to Fish, Other Aquatic Organisms, and Wildlife; Subtidal Areas; Mitigation; and Dredging, dredging should be the minimum necessary for the project, and adverse impacts should be avoided and minimized. When impacts cannot be avoided, mitigation may be required. Please provide an analysis of the impacts to habitat and species from the expansion of the dredge footprint. Please also include avoidance, minimization, and mitigation measures to address both the new work and maintenance dredging proposed by the project.

GEOLOGY AND SOILS

Would the project: a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iii) seismic-related ground failure, including liquefaction or landslides?

As stated on page 2.5-28, "project construction would be required to comply with the American Society of Civil Engineers (ASCE) Seismic Design of Piers and Wharves (61-14) guidelines." We recognize that the updated ASCE 61-26 has not yet been adopted; however, this code update is out for review, and its adoption is anticipated to occur this year. Please update the discussion in this section to include the 2026 code changes and evaluate the project design against the updated ASCE 61-26 guidelines.

Would the project: b) Result in substantial soil erosion or the loss of topsoil?

Page 3.5-31 states: "In addition, the shoreline around the project site is made of armored rip rap; therefore, there is no soil that could be eroded." BCDC staff believe that this conclusion may be oversimplified, especially in light of the project proposing shoreline repair along "a stretch of the shoreline that is actively eroding" (page 2-22). Please a) provide more detail justifying this statement or providing context on shoreline change over time at the project site, and b) consider the impact of riprap placement on erosion rates in the surrounding areas, as



the areas adjacent to the armored rip rap may become more susceptible to erosion as a result of the nearby armoring.

Would the project: c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

1. Page 3.5-30 states that the groundwater table elevation at the project site is 5 feet. Please provide a datum for this height and confirm that all other elevations have an associated datum.
2. The potential for groundwater rise over the 50-year project life is not accounted for in the analysis. Please include and reassess the project area's potential to experience liquefaction over the project's estimated lifetime.
3. Page 3.5-30 states: "Implementation of geotechnical recommendations, such as the use of deep soil mix, retaining wall recommendations, and continued geotechnical engineer oversight would reduce potential impacts related to liquefaction and lateral spreading." Please discuss the overall suitability of the underlying geologic unit/soils for the project, disclose the potential for failure as a result of seismic activity or ground failure, and describe how the mitigation measures above will avoid or mitigate such failure.

HAZARDS AND HAZARDOUS MATERIALS

Would the project: a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? or b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Impact HAZ-1 acknowledges that the pier pilings for the existing pier may have been treated with chemicals that have the potential to lead to toxicity in the surrounding water and sediment. On page 3.7-28, the DEIR concludes that impacts related to the disturbance of the piles would be less than significant due to California Health and Safety Code and California Code of Regulations requirements regarding Treated Wood Waste (TWW). However, it is not clear whether the measures required by the code are to be implemented by default, or whether they would only be implemented if the pier pilings are confirmed to be treated wood and, if so, how that confirmation would be made. Please include a description of whether and when testing would occur to confirm the composition of the piles and what would trigger implementation of the TWW requirements. Please also ensure that the discussion in this section is consistent with the discussion of pile removal in the Hydrology and Water Quality section and vice versa (page 3.8-30). If necessary, please include a mitigation measure that includes an assessment of the pilings that could trigger the State code requirements.

HYDROLOGY AND WATER QUALITY

For the Regulatory Framework in Section 3.8.3, please note that BCDC's governing legislation has the status of State law, and the Bay Plan is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. While both BCDC's laws and policies have a regional focus, in terms of their legal effect, they are not regional or local regulations. Additionally, please note that there are a number of Bay Plan policies that are relevant to the Hydrology and Water Quality analysis, including those in the Water Surface Area and Volume, Subtidal Areas, Climate Change, Shoreline Protection, and Dredging. Please review these sections of the Bay Plan and ensure the relevant policies are considered appropriately.

Would the project: a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

1. The project would result in a significant increase in vessel traffic within the turning basin. The area just outside of the turning basin is impaired for multiple pollutants, including PCBs. Please include an analysis of the impacts to water quality from increased traffic and provide BMPs that will be deployed to prevent further impairment. Please also consider potential impacts from increased traffic with respect to the possibility of propeller wash causing scouring in the area and making the channel deeper.
2. Proposed new amenities at the new pier include a fish cleaning station located at the western terminus of the pier. Please identify potential impacts to water quality related to the fish cleaning station and identify mitigation measures as appropriate to ensure water quality protection. Please clarify if the intent is for fish cleaning waste to be disposed of in trash cans, thrown into the Bay, or disposed of by another means. Please indicate if/how instructional signage would be included to provide direction on the necessary waste disposal practices.
3. Mitigation Measure HYD-1: *Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition*, as described on page 3.8-34, requires that, prior to construction, the construction contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement the SWPPP during construction. The SWPPP shall be submitted to the Berkeley Public Works Department and the State Water Resources Control Board (via the Stormwater Multiple Application and Report Tracking System [SMARTS]) for review and approval at least 60 days prior to start of construction. Page 3.3-46 references Section 3.8, indicating that the project will comply with the SWPPP and maintain appropriate turbidity levels using best management practices (BMPs). Please indicate specific BMPs that would be used to reduce turbidity for this project and state the turbidity limits to be used as triggers for additional actions.
4. As described on page 3.8-35, "the landside portion of the site is already predominantly covered by impervious surfaces, and the proposed project would result in a net

decrease of approximately 32,000 square feet of impervious area through the inclusion of permeable paving, bioretention facilities, and other LID features. These measures would enhance localized infiltration opportunities compared to existing conditions and would not reduce the capacity for groundwater recharge.” The proposed use of pervious pavement may not be appropriate, as the site is situated atop Bay fill. Please include a discussion of potential sediment contamination and potential water quality impacts from stormwater infiltration into the groundwater table or into the Bay.

Would the project: c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i. result in substantial erosion or siltation on- or off-site;*
- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;*
- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
- iv. impede or redirect flood flows?*

1. The DEIR primarily uses the medium risk level projections for sea level rise and provides little in the risk assessment for the end-of-century or medium-high level projections. Chapter 2.5.1 states that, “the project design takes into account projected sea level rise.” This sentence is not enough to adequately describe the sea level rise adaptation measures that the project is incorporating. Please expand this and specifically look at the end-of-century risks. Note that as part of the BCDC permit application for the project, the project proponents are expected to provide a sea level rise risk assessment prepared by a qualified engineer, per Bay Plan Climate Change Policy No. 2. The risk assessment will be expected to include mid- and end-of-century scenarios at the medium-high risk level, with the high emissions assumption, using the NAVD 88 datum.
2. The datums referenced in the DEIR alternate between NAVD88 and the City of Berkeley Mean Lower-low Water (MLLW). Please include all elevations with both datums, for example: X feet NAVD88 (X feet MLLW). A table relating these two datums for key identified elevations would also be useful.
5. The water elevations presented on page 3.8-7 appear to have confused some of the tidal elevations. The Highest Astronomical Tide (HAT) is noted to be +10.3 feet MLLW; however, HAT at this site is +8.4 feet MLLW, and +10.3 feet MLLW is the Extreme Water Level. A table with various tidal levels, that uses both NAVD88 and MLLW, could help reduce confusion.

6. Figure 3.8-3: *Floodplains Overlapping with and Adjacent to the Project Site*, on page 3.8-11, shows the FEMA 500-year floodplain. Because the pier and ferry terminal will be essential emergency facilities, further analysis of the 500-year floodplain would be useful in determining whether the terminal will be available for use under end-of-century sea level rise conditions. Please discuss the potential for interruptions to ferry terminal access in the analysis of sea level rise.
7. Page 3.8-11 states: “A portion of the project site is located in a special flood hazard area. As shown on Figure 3.8-3, Central San Francisco Bay within the project site is mapped as ‘Zone VE’ of the 100-year floodplain, which are coastal areas with a 1 percent or greater chance of flooding in any single year and an additional hazard associated with storm waves.” Figure 3.8-3 identifies other nearby areas mapped as Zone AE. Please update the narrative on page 3.8-11 to include a discussion of/acknowledge the Zone AE areas surrounding the project site. Please also state what the base flood elevation (BFE) is for Zone VE and Zone AE in the areas identified in Figure 3.8-3.
8. Page 3.8-38 indicates the following regarding flood flow impedance: “While the proposed breakwater and piles will be located within Zone VE of the 100-year floodplain, the project is unlikely to change the water elevation or exacerbate flooding due to the size and capacity of San Francisco Bay and relatively small volume of the new in-water structures.” This conclusion does not address the issue related to erosion potential. Please provide an analysis related to how the breakwater structure may change wave action/sediment transport in the project area, resulting in changes to the anticipated scour areas.

LAND USE AND PLANNING

For the Regulatory Framework in Section 3.8.3, please note that BCDC’s governing legislation has the status of State law, and the Bay Plan is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. While both BCDC’s laws and policies have a regional focus, in terms of their legal effect, they are not regional or local regulations.

Would the project: b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

BCDC acknowledges the attempt to conduct Bay Plan consistency analysis for Impact LU-2, but it is important to note that BCDC will independently conduct its own analysis of the project’s consistency with our governing laws and policies at such time as an application for the project is brought forth to the Commission for approval. It would be helpful to state in the analysis for Impact LU-2 that as part of the permitting process, special conditions or project changes may be imposed by BCDC as necessary to ensure the consistency of the project with our laws and policies.



RECREATION

Would the project: a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

For the Regulatory Framework in Section 3.11.3, please note that BCDC's governing legislation has the status of State law, and the Bay Plan is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. While both BCDC's laws and policies have a regional focus, in terms of their legal effect, they are not regional or local regulations.

1. Impact REC-1 discusses whether the project could result in the increased use of existing recreational facilities that could result in the deterioration of those facilities. The analysis includes a discussion of potential conflicts with recreational uses during construction and operations. The DEIR analysis concludes that sufficient alternative recreation locations exist to accommodate demand that may be displaced by construction activities and that operations would not hinder access to existing facilities. However, it is difficult to reach this conclusion without a more detailed description of recreational demand and the potential volume of users who may need to seek alternative facilities during construction. Please provide additional details regarding existing demand for recreational facilities and estimating the volume of users of different types of facilities who may need to seek alternatives as a result of the project.
2. The Regulatory Framework in Section 3.11.3 provides an overview of applicable federal, State, and local regulations. Thank you for including sections on the McAteer-Petris Act, the San Francisco Bay Plan, and the BCDC Regional Shoreline Adaptation Plan. In the section on the San Francisco Bay Plan, please add that portions of the project are located within a Bay Plan-designated "Waterfront Park, Beach" priority use area. Additionally, in the section on the McAteer-Petris Act, please reference Chapter 7 of the McAteer-Petris Act, which relates to the San Francisco Bay Area Water Trail, a non-linear, recreational trail of launching and landing sites for non-motorized small boaters that circumnavigates the San Francisco Bay. BCDC led the adoption of the San Francisco Bay Area Water Trail and continues to support its implementation in partnership with the California State Coastal Conservancy and the San Francisco Estuary Partnership through its regulatory program. Additionally, please identify the South Sailing Basin and the Marina as designated San Francisco Bay Water Trail sites on pages 3.11-6 and 3.11-7. (<https://sfbaywatertrail.org/trailhead/berkeley-marina-small-boat-launch/>; <https://sfbaywatertrail.org/trailhead/berkeley-marina-ramp/>).

TRANSPORTATION

For the Regulatory Framework in Section 3.12.3, please note that the Bay Plan contains relevant policies in the Transportation Public Access policy sections. Please review these sections and incorporate any relevant policy language as appropriate.



Would the Project: c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Impact TRA-3 assesses whether the proposed project would substantially increase hazards due to a geometric design feature or incompatible use. However, the analysis itself is light on details and is too high-level and vague, particularly regarding University Avenue and Seawall Drive (page 3.12-22). As part of the pre-application review of this project, BCDC staff has seen a potential for user conflicts with the introduction of the new ferry infrastructure and parking program at the waterfront. The project will include a new parking lot configuration at the Seawall Drive Parking Lot, new expectations for parking for ferry customers, and new circulation patterns and behaviors associated with commuting, which differ from those associated with recreation. This impact cannot adequately be assessed without mapping projected circulation routes for different user groups under different scenarios (peak hour commute times on weekdays and peak recreation times on weekends) to identify where conflicts could potentially occur. Similarly, with more details on the types and locations of potential conflicts, the analysis should also provide more details on the impact reduction measures to be implemented and how they specifically address particular potential safety concerns. Otherwise, it cannot be concluded that these measures (such as crosswalks, wayfinding, etc.) will have the desired effect of reducing the impact.

ALTERNATIVES ANALYSIS

During the May 12, 2025, BCDC Design Review Board briefing on the project, a number of concerns were raised by members of the public that siting the ferry terminal in the proposed location would have a detrimental effect on water recreation such as swimming and board sailing that could lead to impacts on other water access points regionally as individuals who currently use the Berkeley Marina are displaced. In BCDC's May 21, 2025 comment letter on the Notice of Preparation (NOP), BCDC requested that at least one of the alternatives presented in the EIR's alternatives analysis allows for the evaluation of an alternate location for the ferry terminal on the waterfront, and evaluate whether an alternate location could reduce potential impacts related to recreation, ferry wake, dredging, and impacts on biological resources, etc.

Section 5.9: *Alternatives Considered but Rejected* indicates that the City considered but ultimately rejected several alternatives previously studied as part of a Draft EIS/EIR from 2008, including alternatives that sited the ferry terminal in alternate locations on the waterfront. Based on that study, the DEIR rejected the three alternative locations within the City of Berkeley. However, the discussion supporting the rejection of the alternative sites was not adequately detailed, and did not consider different versions of the project at those locations that could reasonably achieve the project objectives or avoid environmental impacts. For example for the Berkeley Marina Basin location, the DEIR states that the alternative would not meet project objectives to enhance public access and recreational opportunities or provide efficient and environmentally friendly public ferry service, but does not adequately explain why it would not. It does not answer the question of what would prevent a project located at that

site from being designed to provide additional public access improvements, nor does it provide enough information about the extent of relative delays for a ferry traveling within the marina and why they would be equated with inefficiency. Similarly, for the HS Lordship location, it is not clear what the constraints related to dredging, operating speeds, and conflicts with BCDC Bay Plan policies are, or why that location would be expected to have greater environmental impacts. For these two rejected alternatives, the EIR should provide additional rationale explaining in more detail why they are infeasible or more environmentally impactful. If a version of the project at one of these locations (or another location not yet studied) could feasibly accomplish most of the project objectives, then the EIR should include it as an alternative and compare it to the proposed project.

Conclusion

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the DEIR. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415) 352-3635 or by email at lindsay.martien@bcdc.ca.gov.

Sincerely,

Lindsay Martien

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