2 Response to Comments

2.1 Comments Received on the Draft EIR

This Section includes comments received during the circulation of the Draft Environmental Impact Report (EIR) prepared for the City of Berkeley Water Transportation Pier Ferry Project, as well as responses to such comments.

The Draft EIR was circulated for a 60-day public review period that began on February 27, 2026, and ended on April 28, 2026. The City of Berkeley received 102 comment letters and 23 verbal comments on the Draft EIR. Agency letters that were received are labeled with an "A" and numbered in the order they were received. Comment letters received from organizations are labeled with an "O" and numbered in the order they were received. Comment letters received from individual persons are labeled with a "P" and numbered in the order they were received. Verbal comments received at the Draft EIR Public Meeting held on March 16, 2026, are labeled with "TR" and numbered in the order in which commenters spoke. The comment letter identification label, as well comment letter author name/association and their corresponding starting page number, are listed in Table 2-1 below.

Table 2-1 Draft EIR Comment Letters Summary

Comment Letter ID and Author Name/Association		Page Number
Agency Letters		
A1	Brian K. Wines, San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)	2-63
A2	Craig Shuman, California Department of Fish and Wildlife (CDFW)	2-75
A3	Lindsay Martien, San Francisco Bay Conservation and Development Commission (BCDC)	2-103
A4	Yungsheng Luo, California Department of Transportation (Caltrans) District 4	2-144
Organization Letters		
O1	Shreyas Chand, Cal Sailing Club	2-149
O2	Geoffrey Lomax, Within Our Means Berkeley	2-151
O3	Arthur Feinstein and Norman La Force, Citizens for East Shore Parks	2-159
O4	Allan Abshez, Parks, Recreation, and Waterfront Commission	2-167
O5	John Bauters, Sierra Club San Francisco Bay Chapter	2-178
O6	David Lewis, Save the Bay	2-229
O7	Carin High, Citizens Committee to Complete the Refuge	2-236
O8	Memo Gunay, Cal Sailing Club	2-256
O9	Glen Phillips, Golden Gate Bird Alliance	2-262
O10	Camille Antorini, Berkeley Waterfront Community Coalition	2-271
Individual Person Letters		
P1	Emilie Strauss	2-436
P2	Emilie Strauss	2-438
P3	Diego Aguilar-Canabal	2-440
P4	Julie Allen	2-443
P5	Corbin Pagter	2-446

Comment Letter ID and Author Name/Association	Page Number
P6 Paul Kamen	2-448
P7 Paul Kamen	2-450
P8 Paul Kamen	2-454
P9 Tinne Aerts	2-456
P10 Leslie Absher	2-458
P11 Ives Humphreys	2-462
P12 Eugenia McCauley	2-464
P13 Kirk van Moon	2-466
P14 Nancy Rader	2-468
P15 Michael Evans	2-470
P16 Ryan Linderman	2-472
P17 Gordon Stout	2-474
P18 Madeleine King	2-477
P19 Noah Sudarsky	2-479
P20 Cheong-Tseng Eng	2-483
P21 David Hermele	2-485
P22 Charley Paffenbarger	2-487
P23 Jennifer Natali	2-489
P24 Zora Whitfield	2-493
P25 Jeffrey Finn	2-495
P26 Brian Coe	2-499
P27 Kathryn Fisher	2-503
P28 David Spragg	2-506
P29 John Bosche	2-508
P30 Erin Diehm	2-512
P31 Claudia Kawczynska	2-516
P32 Igor Serebryany	2-518
P33 David Fox	2-520
P34 Jim McGrath	2-522
P35 Nico Tripcevich	2-527
P36 Jim McGrath	2-532
P37 Kirsten Mahoney	2-600
P38 Jaine Gilbert	2-603
P39 David Rice	2-606
P40 Fran Haselsteiner	2-609
P41 Gina Gutierrez	2-611
P42 Clifford Fred	2-613
P43 Clifford Fred	2-623
P44 Elliot Cobb	2-629

Comment Letter ID and Author Name/Association	Page Number
P45 Charlene Woodcock	2-631
P46 Jennifer Chan	2-633
P47 Jim McGrath	2-636
P48 Kally Price	2-648
P49 Libby Karolczak	2-650
P50 Margot Smith	2-652
P51 Eric Schroeder	2-656
P52 Caroll Henschel	2-658
P53 Jim McGrath	2-661
P54 Sally Tobin	2-667
P55 Paul Kamen	2-670
P56 Kerrily Kitano	2-672
P57 Qiu Xie	2-677
P58 Dick Maclay	2-681
P59 Laurie Nardinelli	2-683
P60 Hawkeye King	2-685
P61 Paul Kamen	2-690
P62 Leia Ambra	2-694
P63 Paul Kamen	2-696
P64 Shyla Gupta, Ardyn Henry, John Do, Kina Li	2-700
P65 Divya Manian	2-721
P66 Paul Kamen	2-723
P67 Leslie Aguilar	2-729
P68 Paul Kamen	2-731
P69 Kat Schaaf	2-734
P70 May	2-736
P71 Charley Paffenbarger	2-738
P72 Emilie Strauss	2-744
P73 Steve Belcher	2-765
P74 Yvonne Watson	2-767
P75 Paul Kamen	2-774
P76 Valerie Fong	2-778
P77 Zahwa Amad	2-780
P78 Corrine Louise Greenberg	2-782
P79 Kelley Hammargren	2-786
P80 Casilda Rubio	2-790
P81 Claudia Kawczynska	2-793
P82 Paul Kamen	2-800
P83 Michael Freeman	2-802

Comment Letter ID and Author Name/Association		Page Number
P84	Gordon Stout	2-806
P85	Toni Mester	2-819
P86	Lynn Olinger	2-830
P87	Erin Diehm	2-835
P88	Gordon Stout	2-880
Public Meeting Commenters		
TR1.1	Paul Kamen	2-963
TR1.2	Gordon Stout	2-965
TR1.3	Kirk van Moon	2-966
TR1.4	Shreyas Chand, Cal Sailing Club	2-967
TR1.5	Sally Tobin	2-968
TR1.6	David	2-969
TR1.7	Emilie Strauss	2-970
TR1.8	Camille Antinori, Berkeley Waterfront Community Coalition	2-972
TR1.9	Edward S.	2-975
TR1.10	Geoffrey Lomax	2-977
TR1.11	Bill Feucht	2-978
TR1.12	Julie Allen	2-979
TR1.13	Erin Diehm	2-980
TR1.14	Jim McGrath	2-983
TR1.15	Zora Whitfield	2-985
TR1.16	Kelly Hammargren	2-988
TR1.17	Noah Sudaresky	2-989
TR1.18	Toni Mester	2-990
TR1.19	Larry Molstein	2-992
TR1.20	Carol Valk	2-993
TR1.21	Charley Paffenbarger	2-995
TR1.22	Doug Yamamoto	2-996
TR1.23	Madeleine King	2-997

The comment letters and responses follow. The comment letters have been numbered sequentially, and each separate issue raised by the commentator has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response A1-1, for example, indicates that the response is for the first issue raised in comment Letter A1).

In some cases, specific changes to the text of the Draft EIR have been made in response to comments received. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the Draft EIR text are called for, the page is set forth, followed by the appropriate revision. Added text is indicated with <u>underlined</u> and deleted text is indicated with strikeout. Page numbers correspond to the page numbers of the Draft EIR.

2.2 Topical Responses to Comments

This Section summarizes common themes and content of comments received on the Draft EIR, as well as responses to such comments. The titles of each topical response, as well as their corresponding starting page number, are listed in Table 2-2 below.

Table 2-2 Topical Responses to Comments Titles Summary

Topical Responses to Comments Titles	Page Number
2003 WETA EIR Applicability	2-6
Alternatives	2-8
BCDC Jurisdiction, Planning Consistency, and Permit Compliance	2-11
Biological/Underwater Noise	2-15
CEQA Adequacy	2-17
CEQA Baseline/Baseline Recreation Users	2-17
CEQA Process	2-19
Construction & Operation Noise at Nearby Parks	2-19
Cumulative Impacts	2-25
Electric Ferry	2-27
Ferry Operations	2-28
In-Marina Ferry Terminal	2-29
Land Use/Plan Consistency	2-31
Loss of Ferry Vessel Control	2-32
Maintenance Dredging	2-37
Measure L	2-39
Mitigation Measure Requirements	2-40
Nighttime Lighting/ALAN[1]	2-42
Ordinance (Prohibited Recreational Activities)	2-45
Parking	2-47
Potential Impacts on Existing Recreational Water Access	2-49
Project Cost/Financial Feasibility	2-50
Sea Level Rise	2-51
Seawall Drive/View Access	2-53
Siltation/Wave Climate	2-53
Vessel Aesthetics	2-55
VMT	2-56
Whale Strike	2-57
Wind	2-59

[1] ALAN is the abbreviation of “Artificial Light at Night.”

2.2.1 Topical Response: 2003 WETA EIR Applicability

For clarification, the City notes that the State Clearinghouse number for the 2003 WETA EIR was omitted from Draft EIR Section 1.1.3, Incorporation by Reference. Accordingly, the following clarification text change has been made to Draft EIR Section 1.1.3, Incorporation by Reference (page 1-2):

> This EIR hereby incorporates by reference the Final Program EIR for the Expansion of Ferry Transit Service in the San Francisco Bay Area (State Clearinghouse Number 2001112048; WETA Program EIR).

This revision is clarifying in nature and does not alter the analysis, conclusions, or reliance on the 2003 WETA EIR as described in the Draft EIR.

CEQA Guidelines Section 15150 allows for an EIR to "incorporate by reference all or portions of another document", allowing for such incorporated language to be considered part of an EIR, thereby reducing duplication and focusing analysis on what is new or relevant. As stated on Draft EIR Section 1.1.3, *Incorporation by Reference* (page 1-2), the 2003 WETA EIR is incorporated into the proposed project Draft EIR. The 2003 WETA EIR specifically analyzed dredging; navigation; wake analysis; water resources; biology; air quality; land use and community issues; aesthetics; cultural resources; geology; noise; transportation; energy; and growth inducing impacts. As stated on Page 1-2, the Draft EIR incorporates by reference the analyses of all potential environmental impact topics, including background information regarding the environmental setting and adopted mitigation measures. The 2003 WETA EIR is incorporated by reference into the Draft EIR, but it does not tier from the 2003 WETA EIR. Tiering, as defined in CEQA Guidelines Section 15152, refers to using information or analysis from a broader EIR to concentrate the focus of a future project-level EIR. The 2003 WETA EIR is a programmatic analysis of ferry service expansion in the San Francisco Bay Area, while the 2026 proposed project Draft EIR is a project-level analysis for a specific and separate Berkeley pier ferry project not tiered from the 2003 WETA EIR.

Though the Draft EIR does incorporate select information from the older 2003 WETA EIR, the project-level Draft EIR prepared for the proposed project provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This approach allows information from the 2003 WETA EIR to complement the information contained in the Draft EIR. The mitigation measures outlined in the 2003 WETA EIR are implemented by WETA on all applicable projects, including the proposed project, and are considered a part of the regulatory baseline for this Draft EIR.

While the Draft EIR independently analyzes all the potential impacts of the project, it relies on some information from the 2003 WETA EIR. Specifically, it incorporates by reference mitigation measures that are now part of the regulatory context (as well as relevant underlying analysis) with respect to whale strikes, hazards, accidental spills, and water quality, because these potential impacts are consistent with and attributable to the expansion of ferry service Bay-wide. With respect to site-specific impacts such as dredging, nearshore conditions, and terminal construction and operation, the Draft EIR provides independent project-level analysis and does not rely on any part of the 2003 WETA EIR.

The Draft EIR independently analyzes site-specific dredging impacts and does not rely on the 2003 WETA EIR. Instead, dredging associated with the project is fully evaluated in Section 3.3, *Biological Resources*; Section 3.4, *Cultural Resources*; Section 3.5, *Geology and Soils*; Section 3.7, *Hazards and Hazardous Materials*; Section 3.8, *Hydrology and Water Quality*; Section 3.9, *Land Use and Planning*; Section 3.10, *Noise*; Section 3.13, *Tribal Cultural Resources*; and Section 3.14, *Utilities and Service Systems*. Similarly, the 2003 WETA EIR evaluated general ferry routes between San Francisco and the East Bay, including Berkeley. However, the Draft EIR does not rely on the 2003 WETA EIR for terminal siting or nearshore route conditions. The specific Berkeley pier terminal location and approach routes were determined through project feasibility and design analyses and are accordingly evaluated independently in the Draft EIR.

Draft EIR Section 3.7, *Hazards and Hazardous Materials*, Section 3.7.3, *Regulatory Framework* states that the analysis of potential impacts on water resources from accidental spills due to ferry operation, as well as mitigation measures intended to minimize the potential for accidental spills and impacted water quality from ferry operations found in the 2003 WETA EIR are incorporated by reference and have been and would continue to be implemented by WETA as part of service expansions, including for the proposed project (Page 3.7-19). As discussed, under Draft EIR Impact HAZ-1 (pages 3.7-24 through 3.7-30) incorporation and implementation of 2003 WETA EIR Mitigation Measures W-3.1 through W-3.3 as part of the proposed project will require implementation of spill prevention planning, contingency planning, and operational controls, including training and response preparedness, to minimize the potential for accidental discharges and related water quality impacts from ferry operations. As described in the Draft EIR, potential operational discharges would be limited to minor onboard sources such as lubricants, hydraulic fluids, or sewage, and WETA continues to implement these safety and contingency planning measures across its ferry system (refer to Draft EIR Page 3.7-29). Accordingly, implementation of 2003 WETA EIR Mitigation Measures W-3.1 through W-3.3, which is an existing regulatory baseline condition, would minimize the potential for operational spill hazards resulting in a less-than-significant impact with regard to potential operational spill hazards and potential related water quality impacts. The Draft EIR independently evaluates construction-related spill risk in Section 3.8, *Hydrology and Water Quality*, and incorporates project-specific mitigation, which requires the incorporation of BMPs in the Stormwater Pollution Prevention Plan prior to and during construction (refer to Impact HYD-1, pages 3.8-27 through 3.8-35).

Concerning whale strikes, the Draft EIR incorporates by reference mitigation measures from the 2003 WETA EIR (*see* Section 3.3.3) but further analyzes the potential for whale strikes with updated information. Refer to Section 2.2.28, *Topical Response: Whale Strike*, for a discussion specific to potential whale strikes. As discussed, under Draft EIR Impact BIO-1 (pages 3.3-42 through 3.3-56), implementation of 2003 WETA EIR Mitigation Measures B-15.1 and B-15.2, which are existing adopted WETA requirements would require implementation of a whale sighting awareness and reporting program, including crew training and real-time communication of whale locations among ferry operators and coordination with U.S. Coast Guard sighting reports, and use of onboard whale detection technologies to identify marine mammals and avoid vessel strikes, resulting in a less-than-significant impact with regard to potential operational whale strike impacts (refer to Draft EIR page 3.3-53).

As discussed, under Draft EIR Impact BIO-1 (pages 3.3-42 through 3.3-56) the Draft EIR incorporates by reference WETA Mitigation Measure NOI-4.1 from the 2003 WETA EIR, which requires coordination with federal and state resource agencies regarding ferry routes and site-specific evaluation of potential impacts to sensitive marine mammal haul-out areas to address potential impacts from operational noise. However, because the proposed project is a site-specific project with defined terminal location and approach routes and uses an electric rather than a diesel ferry, the Draft EIR does not rely on the 2003 WETA EIR for mitigation of in-water noise impacts. Instead, the Draft EIR provides updated project-level analysis and mitigation tailored to the project setting. Specifically, Mitigation Measure BIO-1(d) requires implementation of sound attenuation measures during pile driving, and Mitigation Measure BIO-1(e) requires preparation and implementation of a Marine Mammal Monitoring Plan, including establishment of shutdown zones, vessel operation protocols, and real-time monitoring by qualified biologists. These project-specific measures, which are consistent with 2003 WETA EIR findings and reflect current NOAA Fisheries guidance and NMFS-approved marine mammal protection practices, would result in a less-than-significant impact with regard to aquatic resources impacts associated with operational in-water noise. refer to Section 2.2.10, *Topical Response: Electric Ferry,* for further discussion regarding the 2003 WETA EIR and impacts to aquatic species from operational ferry noise. Section 3.3, Biological Resources, evaluates potential operational impacts, including underwater noise and vessel interactions with aquatic species (pages 3.3-39 through 3.3-66), while Section 3.8, Hydrology and Water Quality, considers in-water infrastructure components and the reduced potential for fuel-related spill risks associated with electrification (pages 3.8-25 through 3.8-42). Section 3.7, Hazards and Hazardous Materials, evaluates safety considerations related to battery storage systems and electrical infrastructure (pages 3.7-22

through 3.7-37), and Section 3.10, Noise, addresses construction and operational noise generated by ferry vessels and associated electrical equipment (pages 3.10-12 through 3.10-34).

Aside from the clarifying text revision described above, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to these comments.

2.2.2 Topical Response: Alternatives

Alternative Assumptions or Requirements

Pursuant to CEQA Guidelines Section 15126.6(a) and 15126.6(f), an EIR must evaluate a reasonable range of potentially feasible alternatives that would attain most of the project objectives and permit a meaningful comparison of environmental impacts. Consistent with CEQA Guidelines Sections 15125, 15126.6(d), and 15151, analysis may rely on reasonable assumptions, supported by available data and professional evaluation, to describe baseline conditions, future conditions, and the comparative environmental effects of the proposed project and alternatives.

Draft EIR Chapter 5, *Alternatives*, Sections 5.3 through 5.6 (pages 5-3 through 5-24) describe the project objectives, screening criteria, and definitions of the alternatives analyzed, including Alternative 1 (No Project Alternative), Alternative 2 (Shortened Breakwater Alternative), Alternative 3 (Shortened Pier Alternative), and Alternative 4 (Reduced Landside Facilities Alternative). These sections identify the assumptions used to define each alternative, including construction methods, operational characteristics, and physical design characteristics such as pier length, breakwater extent, and recreational amenities. The Draft EIR relies on a combination of engineering and environmental analyses to establish consistent assumptions across alternatives, including engineering design inputs prepared by project engineers to estimate construction duration, dredging quantities, pile driving activity, and footprints for each alternative; environmental resource-specific quantitative and qualitative analyses, including transportation and operational assumptions, which apply consistent methodologies to facilitate comparison between the proposed project and all analyzed alternatives. As described in Draft EIR Chapter 5, key differences between analyzed alternatives include reductions in Bay fill, differences in pier and breakwater extent, provision of recreational amenities, and variations in construction intensity and duration. These physical differences form the basis for quantitative comparisons across alternatives (refer to Table 5-2, page 5-31).

These assumptions are necessary to ensure that the alternatives analysis provides a logical and comparative framework for evaluating environmental impacts. CEQA recognizes that analysis of future conditions necessarily involves forecasts and does not require absolute certainty, provided that assumptions are reasonable and supported by substantial evidence in the record (CEQA Guidelines Section 15144). The Draft EIR applies appropriate and consistent assumptions based on available data and professional judgement throughout the analysis, including in defining and evaluating alternatives, consistent with CEQA requirements for establishing an environmental baseline and reasonably foreseeable future conditions (CEQA Guidelines Sections 15125 and 15126.6(e)). Accordingly, the assumptions and requirements used to develop and evaluate alternatives, including baseline conditions, No Project conditions, and design parameters, are appropriate and consistent with CEQA. Environmental impacts associated with the proposed project and evaluated alternatives are addressed throughout the Draft EIR using a consistent framework, and mitigation measures are identified as appropriate.

With respect to the No Project Alternative, the Draft EIR evaluates reasonably foreseeable future conditions in the absence of the project, consistent with CEQA Guidelines 15126.6(e)(2). This includes consideration of planned and expected changes in travel patterns, population, and regional growth that would occur regardless of project approval. As described in the Draft EIR (refer to Section 3.12, *Transportation*; Chapter 5, *Alternatives*; and Appendix F, *Transportation Impact Analysis*), these conditions include continued reliance on existing travel modes, which are expected to result in greater regional vehicle travel compared to conditions with the proposed project in place. The analysis is based on available regional and project-specific data, including observed travel behavior and ridership

assumptions, and reflects a reasonable projection of future conditions rather than a speculative or outcome-driven scenario. As a result, the No Project Alternative reflects a reasonable forecast of future environmental conditions, including transportation patterns, in the absence of the project. The comparative analysis appropriately uses this scenario to evaluate differences in environmental impacts, including vehicle miles traveled and associated effects (refer to Draft EIR Chapter 5, *Alternatives*, Table 5-2 on page 5-31).

In conclusion, the Draft EIR alternatives analysis and associated assumptions are adequate under CEQA. Therefore, no changes to the Draft EIR alternatives-related analyses or conclusions are necessary in response to these comments.

Project Objectives

CEQA requires evaluation of a reasonable range of alternatives capable of feasibly attaining most of the basic project objectives but avoiding or substantially lessening any of the significant impacts of the project (CEQA Guidelines §15126.6(a)), and does not require consideration of alternatives that are infeasible or that do not meet most of those objectives (CEQA Guidelines §15126.6(c)). Consistent with these requirements, Chapter 5, *Alternatives*, evaluates options that could feasibly attain most of the project's objectives while avoiding or reducing significant environmental effects associated with the project.

The project objectives "should include the underlying purpose of the project and may discuss project benefits." CEQA Guidelines § 15124(b). The specific formulation of project objectives is a policy decision of the lead agency. Lead agencies have discretion to define project objectives and to eliminate from detailed consideration alternatives that do not reasonably achieve those objectives. Accordingly, alternatives that would not meet most of the project's fundamental purposes may be appropriately screened from detailed analysis.

The City clearly defines the basic project objectives in Section 5.3 of the Draft EIR as follows: "(1) enhance public access and recreational opportunities at the Berkeley Waterfront and (2) provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco." The City's choice to include ferry service as part of its basic project objectives is not an overly narrow definition of the project objectives and rather reflects a long-standing and well-documented interagency effort to establish ferry service at the Berkeley Waterfront. As documented on the City's project website[1], the City has been coordinating with WETA since 2018 to evaluate and advance a dual-purpose pier that would support both public access and ferry service, including execution of a Memorandum of Understanding to fund and complete feasibility studies, followed by subsequent amendments and funding agreements to advance design, environmental review, and permitting. These efforts build upon WETA's 2016 Strategic Plan identifying Berkeley as a priority location for expanded ferry service and reflect a multi-year planning and funding partnership between the City and WETA.[2] Accordingly, establishing ferry service at the Berkeley Waterfront is a fundamental and longstanding objective of the project.

The basic project objectives used by the City have not precluded the analysis of a reasonable range of alternatives, as evidenced by the analyses of four alternatives (including the No Project Alternative). Furthermore, several of the alternatives that were considered but rejected were rejected because they were infeasible, not because they did not meet the basic project objectives. For example, several off-site alternatives, as well as alternatives involving increasing BART capacity were rejected for being infeasible,

[1] Berkeley, City of. 2026. Berkeley Pier with Ferry Access Project. https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project (accessed June 2026).

[2] Berkeley, City of. 2024. Resolution No. 71,325-N.S. Amending the Memorandum of Understanding Between the City of Berkeley and Water Emergency Transportation Authority. https://berkeleyca.gov/sites/default/files/documents/5_14_2024%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2071325%3B%20%3B%20AMENDING%20THE%20MEMORANDUM%20OF%20UNDERSTANDING%20BETWEEN%20CITY%20OF%20BERKELEY%20AND%20WATER%20EMERGENCY%20TRANSPORTATION%20AUTHORITY.pdf (accessed June 2026).

given that they were outside the City's jurisdiction. As discussed further in Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*, the alternative within the Berkeley Marina was rejected for not being operationally feasible, in addition to not meeting the basic project objectives and for not avoiding or substantially lessening any of the significant effects of the project. This demonstrates that the project objectives did not constrain the analysis of reasonable alternatives.

The City identified fundamentally different approaches in the Draft EIR, such as different locations, different scales, and different transit projects, but ultimately rejected them, consistent with CEQA Guidelines § 15126.6(c) because they either were infeasible, did not avoid or substantially lessen a significant environmental effect, or did not attain most of the basic project objectives (refer to Section 5.9 of the Draft EIR). CEQA requires the EIR "set forth only those alternatives necessary to permit a reasoned choice" and informed decision-making. CEQA Guidelines § 15126.6(f). Here, the City provided three different action alternatives, in addition to the No Project Alternative, to provide a meaningful comparison to the proposed project. The three EIR Alternatives provided sufficient variation to allow for meaningful decision-making. Two of the alternatives included in the Draft EIR include a reduction in Bay fill (from a shortened pier and a shortened breakwater), while reducing public access to the Bay. These alternatives allow decision makers to weigh the environmental benefits of reduced fill with the consequence of reduced public access to the Bay. One of the alternatives included in the Draft EIR reduces the amenities associated with the proposed project. Specifically, it eliminates the cycle track; renovations to University Avenue and Seawall Drive; bus facilities; public plaza; Bay Trail Extension; and renovated parking lot off Seawall Drive, including no installation of EV charging for parking stalls. This alternative offers a very different and reduced design compared to the proposed project. This alternative allows decision makers to weigh the environmental benefits of reduced construction with the consequence of reduced facilities for public use.

The Draft EIR provides sufficient and appropriate objectives to support the environmental review process, including an adequate evaluation of a reasonable range of alternatives consistent with project objectives and, thus, is consistent with CEQA requirements. Therefore, no changes to the Draft EIR project objectives or the project- or alternatives-related analyses and conclusions are necessary in response to these comments.

Alternatives Dismissed

Pursuant to CEQA Guidelines Section 15126.6(a), an EIR is required to consider and analyze a range of reasonable project alternatives that would feasibly attain most of the basic objectives but would avoid or substantially lessen significant impacts of the project. Whether or not alternative sites should be included as potential alternatives depends on the particular facts of the case, with the question focusing on whether the range of analyzed alternatives is reasonable. Draft EIR Chapter 5, *Alternatives*, contains a comparative impact assessment of four alternatives to the proposed project, a discussion of alternatives considered but rejected, and a determination of the environmentally superior alternative. Therefore, Draft EIR Chapter 5, *Alternatives*, adequately evaluates alternatives that could feasibly attain most of the project objectives while avoiding or reducing significant environmental effects associated with the project.

CEQA Guidelines Section 15126.6(c) states that an EIR should identify any alternatives that were rejected during the scoping process and explain why they were rejected. The reasons for rejection may include failure to meet project objectives, infeasibility, or the inability to avoid significant environmental impacts. As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected*, (pages 5-25 through 5-28), the City considered 11 alternatives, some with several variations, that were ultimately rejected. Specific reasons for rejection include increased environmental impact; no reduction in environmental impacts when compared to the project; infeasibility, including jurisdiction issues; and failure to meet most of the basic objectives of the project.

In this case, the EIR considered a range of alternatives and rejected those that were unreasonable or infeasible including off-site alternatives. The EIR is not required to select an offsite alternative for analysis. Alternatives located entirely outside of the City's jurisdiction, such as the Golden Gate Fields and

Emeryville Marina locations identified by comments, are infeasible for the City to construct or approve, as the City has no authority to permit or implement a project outside of its own jurisdictional boundaries. In addition to jurisdictional feasibility, the Draft EIR evaluated each of these dismissed alternatives against its ability to meet the project objectives and to eliminate or reduce significant impacts. It compared each of these dismissed alternatives to the proposed project and the no-project alternative, evaluated the extent to which each alternative would avoid or reduce the significance of environmental impacts associated with the proposed project. As required, the EIR provided information about each dismissed alternative including the major characteristics and significant environmental effects of each one. CEQA Guidelines Section 151226.6(a) and (d) supports this approach.

Several of the specific alternative locations considered in the 2008 EIS/EIR and referenced by comments were similarly evaluated and rejected. An alternative near the Berkeley Fishing Pier was not considered further because it was substantially similar in concept to the proposed project. An alternative off Gilman Street was rejected because it would increase, rather than decrease, environmental impacts (page 5-26). Given the geography of the shoreline, no alternative location near the foot of Gilman Street would avoid siting the alternative within Eastshore State Park, an area more ecologically sensitive than the proposed project site. Locating a ferry terminal within an established state park also presents a feasibility concern independent of environmental impacts: the project is expected to be funded in part by federal Department of Transportation funds, which would trigger Section 4(f) requirements under the US Department of Transportation Act. Under Section 4(f), agencies must select an alternative that completely avoids the use of protected public parks, historic sites, or wildlife refuges unless that alternative is deemed infeasible or imprudent. Because other alternative sites have been found to be feasible and prudent (i.e., the proposed project site), an alternative off Gilman Street is not expected to be feasible, pursuant to Section 4(f) requirements. More generally, the purpose of Draft EIR Section 5.9 is to identify the principal reasons certain alternatives were not carried forward for detailed analysis, not to provide a project-level environmental impact analysis of each conceptual alternative considered during early planning. The Draft EIR therefore provides an adequate description of the alternatives screening process and the basis for the City's determinations.

The City considered the alternatives identified by the comments in Draft EIR Chapter 5, *Alternatives*, but ultimately determined that they were either infeasible, would not attain the basic objectives of the proposed project, or would not provide reduced significant environmental impacts. Accordingly, the EIR satisfies the CEQA requirement to evaluate a reasonable range of alternatives.

Therefore, no changes to the Draft EIR conclusions or analysis are necessary in response to these comments.

2.2.3 Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance

BCDC Jurisdiction

Following publication of the Draft EIR, the City coordinated with BCDC to confirm jurisdictional boundaries applicable to the project site. Section 3.3, *Biological Resources* of the Draft EIR, Figure 3.3-3 has been updated accordingly to reflect BCDC jurisdictional boundaries for purposes of environmental analysis and permitting. The jurisdictional boundaries reflected in the revised figure were approved by BCDC staff on April 9, 2026.[3] However, BCDC may modify these limits if new information becomes available. Figure 3.3-3 on page 3.3-16 of the Draft EIR has been revised and the updated Figure 2, below, is included in the Final EIR. The modifications were very minor: specifically, they indicate that an additional portion of approximately 20,930 square feet on the eastern side of Seawall Drive at and just north of University

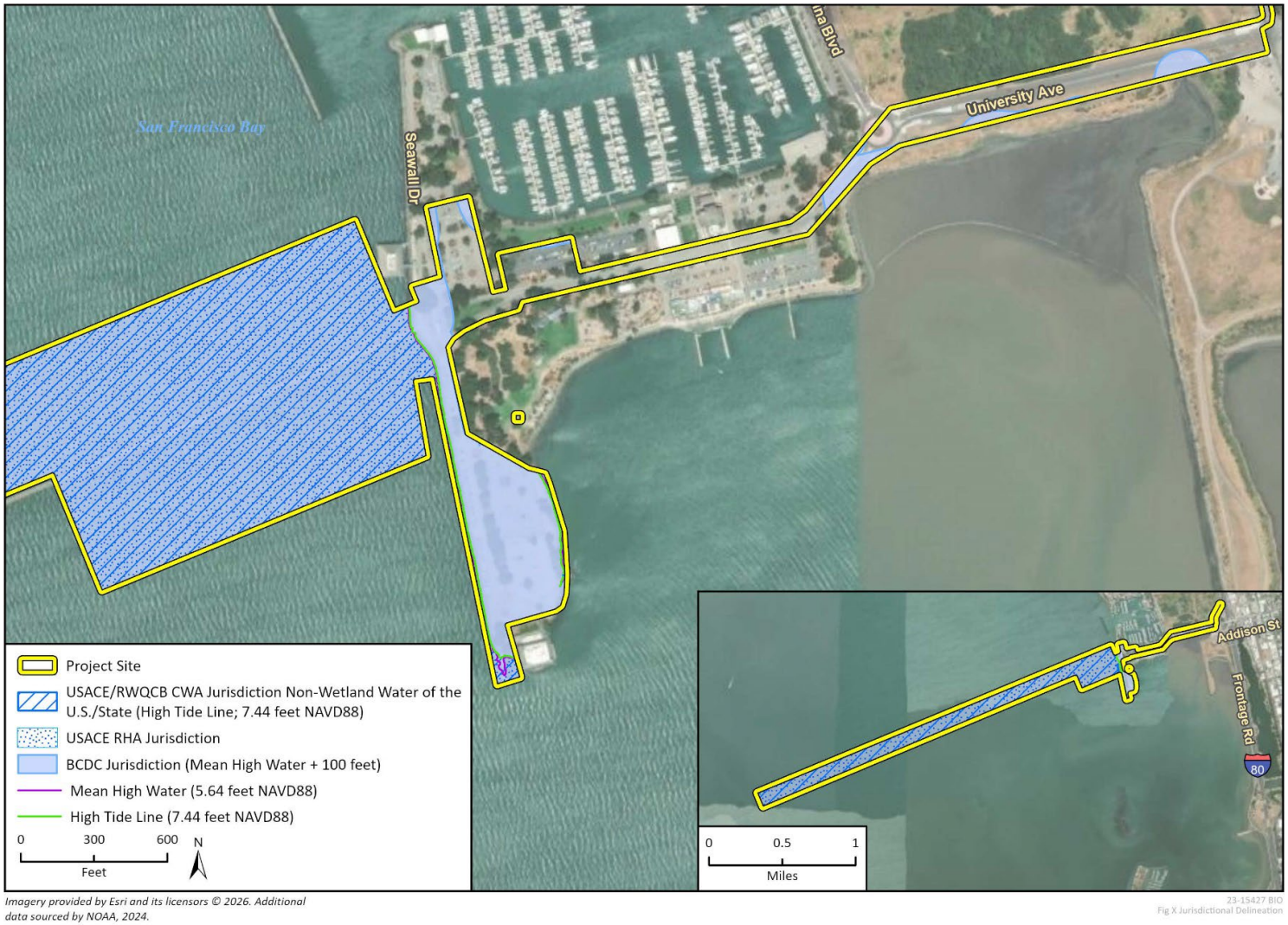
[3] Ilsley, Olivia. 2026. Shoreline Development Analyst, San Francisco Bay Conservation and Development Commission (BCDC). Personal communication via email regarding BCDC jurisdictional boundaries in the project site vicinity with Liza McNulty, City of Berkeley. April 9, 2026.

Avenue is subject to BCDC jurisdiction. As discussed below, this inclusion does not raise any significant environmental issues.

As explained on page 3.3-35 of the Draft EIR, under the McAteer-Petris Act, BCDC jurisdiction includes (1) "Bay jurisdiction," which generally includes areas subject to tidal action such as submerged lands and tidelands, and (2) the "Shoreline Band," which extends inland from the Bay shoreline (generally up to 100 feet landward) where development is also subject to BCDC review. The BCDC Jurisdiction shown on revised Figure 3.3-3 below includes both of these areas. Based on the jurisdictional limits approved by BCDC, the existing Seawall Drive parking lot and all portions of Seawall Drive within the project site are located within BCDC's jurisdiction. In the northern portion of the project site, portions of the parking lot across from Skate's Restaurant are also located within BCDC's Shoreline Band jurisdiction. Most of University Avenue is located outside of BCDC jurisdiction except for some portions, which overlap with BCDC Shoreline Band jurisdiction. Notably, this jurisdictional understanding was reflected in the Draft EIR and the updated boundary is only slightly changed adjacent to Seawall Drive at and north of the University Avenue intersection, as a result of revision of Figure 3.3-3.

All project components of the pier, breakwater, ferry terminal, pier gate, and shoreline revetment area would be located entirely within BCDC's Bay jurisdiction. The proposed Plaza, Bay Trail Extension, and Seawall Drive Parking Lot would be located in both BCDC Bay and Shoreline Band jurisdictions. The proposed restroom would be located entirely within BCDC Shoreline Band jurisdiction. The proposed Bus Stop/ Loading Platform, Raised Cycle Track, and other University Avenue improvements would be located partially within BCDC's Shoreline Band jurisdiction. Notably, this jurisdictional understanding was reflected in the Draft EIR and only slightly change adjacent to Seawall Drive at and north of the University Avenue intersection, as a result of revision of Figure 3.3-3.

Figure 3.3-3 BCDC Jurisdiction Limits (Revised)[56]



[56] Figure 3.3-3 ~~shows the City's current understanding of~~ has been revised to reflect updated BCDC jurisdictional boundaries, ~~based on available information~~ as confirmed by BCDC staff on April 9, 2026. The revision incorporates an updated project footprint and adjusts the mapped BCDC Shoreline Band jurisdiction near Seawall Drive and University Avenue, including approximately 20,930 square feet east of Seawall Drive.

BCDC Planning Consistency and Permit Compliance

Consistency with applicable Bay Plan policies, including those related to circulation, public access, and parking for recreational users, are addressed in Section 3.9, *Land Use and Planning*, Impact LU-2 (pages 3.12 through 3.9-36), which evaluates whether the project would conflict with plans and policies adopted to avoid or mitigate environmental effects. Project consistency with Bay Plan policies is specifically addressed in pages 3.9-12 through 3.9-23 (including Table 3.9-1). As shown in Table 3.9-1, the project incorporates specific design features and operational strategies for consistency with Bay Plan policies related to circulation, public access, and parking. With respect to public access (Public Access Policies 9 and 11), the project restores and expands shoreline access through provision of a publicly accessible pier, Bay Trail Extension, and new shoreline amenities, which enhance both physical and visual access to the Bay and provide for safe and convenient movement along the shoreline.

With respect to circulation (Transportation Policy 4 and Public Access Policy 11), the project includes multimodal circulation improvements such as the raised cycle track, improved transit stops, Bay Trail connections, and defined pedestrian pathways that maintain safe, efficient, and clearly organized circulation for all user groups and improve access to and along the shoreline.

Circulation conflicts among user groups are primarily a social consideration rather than a physical environmental impact under CEQA and therefore is not analyzed in this EIR; however, the topic is addressed through the City's compliance with the BCDC Bay Plan, including Transportation Policy 4 and Public Access Policy 11, which require that transportation and shoreline improvements maintain and enhance safe, physical access to and along the Bay shoreline for all users. To that end, the City has designed the project to reduce potential conflicts between ferry commuters and recreational users. Mapping circulation routes under different time-based scenarios is not necessary to identify or address these conflicts. The project incorporates dedicated infrastructure designed to safely accommodate both user groups, including a new Class IV cycle track on University Avenue, raised table-top (i.e., flat top) style crosswalks, a widened sidewalk connecting the AC Trans bus stop to the proposed plaza, wayfinding signage for pedestrians, bicyclists and vehicles and improved shoreline pathways. Therefore, at any point in time and under any plausible scenario, all user groups will be accommodated.

With respect to parking (Recreation Policy 9), Table 3.9-1 explains that the City would implement a parking strategy to balance shared-use parking for ferry patrons and recreational users, thereby minimizing the shoreline area dedicated to parking while maintaining access for existing recreational users and avoiding displacement of park and marina parking. The analysis therein concludes that the project would not conflict with the Bay Plan policies related to parking. For further discussion of compliance with Recreation Policy 9 refer to Section 2.2.20, *Topical Response: Parking*.

The City presented its circulation, parking and public access approach to the BCDC Design Review Board (DRB), an advisory body composed of design and planning professionals that advises the BCDC Commission on the adequacy of public access proposed as part of projects within BCDC's jurisdiction, including the project's effects on circulation, access, and use by different user groups. At its May 11, 2026 meeting, the DRB reviewed the project's trail network, circulation, and parking design, including the balance between recreational and ferry-commuter use of the site, and did not identify a need for further modification to the circulation approach presented. The DRB concluded that the project would not need to return for further DRB review.[4] Although the Draft EIR concludes that the project would not conflict with Bay Plan policies, BCDC independently evaluates consistency as part of its discretionary permit review process. Accordingly, final determination of consistency with Bay Plan policies, including policies related to shared parking and protection of recreational access, will be made by BCDC during the permit review process, and may result in project refinements or conditions of approval. The City will continue to

[4] San Francisco Bay Development and Conservation Commission (BCDC). 2026. Draft Summary of May 11, 2026, BCDC Design Review Board Meeting. https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2025/12/2026.05.11_DraftMeetingSummary.pdf (accessed July 2026).

coordinate with BCDC through the permitting process to ensure final project design achieves consistency with applicable Bay Plan policies, including those addressing circulation and shoreline access.

Regarding the issue of concerns related to parking for recreational users, refer to Section 2.2.20, *Topical Response: Parking*.

In summary, the Draft EIR evaluates parking, circulation, and recreational public access in accordance with CEQA, focusing on physical environmental impacts, and concludes that impacts would be less than significant. Issues related to allocation of parking among user groups and detailed compliance with Bay Plan policies are addressed through the BCDC permitting process. Therefore, the analysis and significance conclusions related to BCDC plan consistency remain valid.

2.2.4 Topical Response: Biological/Underwater Noise

The Draft EIR's conclusion that operational underwater noise impacts on marine mammals would be less than significant is supported by substantial evidence and remains valid.

As explained in Draft EIR Section 3.3.4, Impact BIO-1 (page 3.3-52), underwater noise measurements of comparable hybrid-electric and conventional diesel ferry vessels demonstrate that electric propulsion generates less underwater noise than diesel propulsion. Specifically, a report by the Swedish Environmental Research Institute, directly compared a ferry retrofitted with electric motors, generators, and batteries (Tellus) to its conventionally diesel-powered sister vessel (Neptunus) - vessels of identical hull and propeller design, and similar in size to anticipated WETA electric ferry vessels - and found that the electric vessel radiated up to 10 dB less underwater noise, a difference the report characterizes as equivalent to a halving of noise.[5] This finding provides direct, vessel-comparable evidence that electrification reduces, rather than increases or maintains, underwater noise output relative to conventional diesel vessels.

Several comments cite two additional studies for the proposition that electric propulsion may generate underwater noise levels of concern: Smith et al. (2026)[6] and Gaggero et al. (2024).[7] Neither study undermines the Draft EIR's conclusion.

Smith et al. (2026) found that high-frequency tonal noise from electric propulsion "arise[s] from the pulse width modulation (PWM) used to control the motor," but also found that such noise can be minimized through "optimi[z]ed PWM switching frequencies that minimi[z]e harmonics in sensitive frequency ranges" and "electromagnetic interference filters in the drive circuits." This finding directly supports the Draft EIR's conclusion: it confirms that high-frequency tonal noise is a design-dependent characteristic of electric propulsion, not an inherent or unavoidable one, and identifies the specific engineering measures that address it. Since publication of the Draft EIR, WETA has advanced the design-build contract for the project's electric ferry vessels, which incorporates measures consistent with those identified in Smith et al.: propulsion motors mounted inboard in enclosed Propulsion Rooms with water-cooled, resilient-mounted configurations, acoustic insulation and sound-damping coatings on propulsion equipment spaces, and third-party acoustic measurement and verification during construction. These design specifications reflect current WETA engineering commitments and constitute substantial evidence that the noise-reduction findings in Smith et al. are applicable to, and consistent with, the vessels that will be deployed for this project.

Smith et al. (2026) separately measured underwater noise from matched electric and conventionally powered vessels across a speed range of 4 to 20 knots, finding that while the electric vessel remained

[5] Silent@Sea. 2024. Noise from ships powered by LNG or electricity and its effects: a cross-domain investigation Final report of the Silent@Sea project. Swedish Environmental Research Institute.

[6] Smith, Findlay, Grech La Rosa & Wu (2026), "A comparative study of underwater radiated noise from electric and conventional boats," *J. Acoust. Soc. Am.* 159(3): 2388–2397.

[7] Gaggero, T., Armelloni, E., Codarin, A., & Borghini, D. (2024). Electric boat underwater radiated noise and its potential impact on species of conservation interest. Marine Pollution Bulletin, 199, 115886

quieter than the conventional vessel throughout, the magnitude of the difference narrowed as speed increased (from a 43 dB difference at 4 knots to a 10 dB difference at 20 knots) as propeller cavitation, rather than motor or PWM noise, became the dominant noise source for both vessel types. This finding does not undermine the Draft EIR's conclusion. Because cavitation-driven noise increases similarly for electric and conventional vessels at higher speeds, this finding confirms that the project's electric ferry vessels would not generate greater underwater noise than the conventional diesel vessels they replace, consistent with the Draft EIR's determination.

Gaggero et al. (2024) measured underwater noise from a small 8-meter recreational electric vessel with outboard motors, finding that while the vessel generated less broadband noise than a comparable gasoline outboard boat, its motor controller produced a high-frequency tonal component exceeding 130 dB re 1 µPa m that could affect species with sensitive high-frequency hearing, such as bottlenose dolphins. This finding does not translate to the project's ferry vessels. Smith et al. (2026), evaluating a similarly configured electric outboard vessel, measured comparable tonal noise at only 83 dB re 1 µPa m (roughly 50 dB lower than reported by Gaggero et al.) and attributed this difference to motor placement and propulsion architecture: the vessel in Gaggero et al. used a motor mounted within the propeller hub, whereas the vessel in Smith et al. used an above-waterline motor connected by an L-drive, a configuration that further isolates the motor from the water. WETA's electric ferry vessels use an even more isolated configuration, with motors mounted inboard within enclosed Propulsion Rooms, well removed from the hull and waterline. Given that propulsion architecture and motor placement are established drivers of high-frequency tonal noise output, Gaggero et al.'s findings, based on a hub-mounted motor configuration not used in the project's vessels, do not indicate that the project's ferries would generate comparable high-frequency tonal noise.

For these reasons, the studies cited in comments do not undermine the Draft EIR's finding, based on direct ferry-to-ferry underwater noise measurements, that this project's electric ferry vessels will generate less underwater noise than conventional diesel vessels. For further clarification, Draft EIR Section 3.3, *Biological Resources*, page 3.3-52 has been revised as follows:

> While the electric ferry vessels would introduce a new noise source, they would generate significantly less noise, especially at lower frequency sounds, than traditional diesel engines. Underwater noise measurements made of various hybrid electric and conventional ferry vessels indicate that a ship retrofitted with electric motors, generators, and batteries (Tellus) radiated less underwater noise than a ship with a conventional diesel propulsion system (Neptunus). A report from 2024 prepared by Silent@Sea notes the following: "according to our measurements, Tellus radiates less underwater noise than Neptunus, with up to 10 dB [difference]." A 10dB difference is a halving of noise, as if a wall or barrier has been put in place. The report states: "This is an indication that retrofitting ships with modern hybrid propulsion is a potential way to reduce their noise radiation."[94] Additionally, recent research evaluating underwater noise generated by electric vessels indicates that while certain electric vessel configurations may generate high-frequency tonal noise associated with electric propulsion components, underwater noise characteristics vary substantially depending on vessel design, propulsion architecture, and motor installation. In particular, Smith et al. (2026) found that electric vessels remained quieter than a comparable conventionally powered vessel across the full range of operating speeds evaluated and found that such tonal noise can be reduced through engineering measures including optimization of motor controller switching frequencies and electromagnetic interference filtering.[95] Similarly, Gaggero et al. (2024) found that although electric vessels may generate high-frequency tonal noise, propulsion architecture and motor placement are important factors influencing underwater noise generation.[96] Accordingly, following publication of the Draft EIR, WETA has advanced the design-build contract for the proposed electric ferry vessels to incorporate features consistent with those identified in the recent literature, including propulsion motors mounted inboard in enclosed Propulsion Rooms with water-cooled, resilient-mounted configurations, acoustic insulation and sound-damping coatings on propulsion equipment spaces, and third-party acoustic measurement and verification during construction. These design features would minimize the potential for the proposed electric ferry vessels to generate underwater noise

that could adversely affect marine mammals. Therefore, in-water noise impacts on marine mammals due to operation of ferry vessels would be less than significant.

[94] Silent@Sea. 2024. Noise from ships powered by LNG or electricity and its effects: a cross-domain investigation Final report of the Silent@Sea project. Swedish Environmental Research Institute.

[95] Smith, Findlay, Grech La Rosa & Wu (2026), "A comparative study of underwater radiated noise from electric and conventional boats," *J. Acoust. Soc. Am.* 159(3): 2388–2397.

[96] Gaggero, T., Armelloni, E., Codarin, A., & Borghini, D. (2024). Electric boat underwater radiated noise and its potential impact on species of conservation interest. Marine Pollution Bulletin, 199, 115886.

The Draft EIR's less-than-significant conclusion for operational underwater noise impacts on marine mammals remains valid and is adequately supported by substantial evidence. No further revisions beyond the clarification above are required.

Regarding potential impacts on marine mammals from vessel strikes, refer to Section 2.2.28, *Topical Response: Whale Strike,* for a discussion specific to potential whale strikes.

2.2.5 Topical Response: CEQA Adequacy

Draft EIR Section 1.3.2, *Content Adequacy*, (page 1-13) discusses the adequacy of the content of the EIR by explaining the standards for adequacy of an EIR identified in CEQA Guidelines Section 15151, and states that the analysis in EIRs "need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible." EIRs must provide substantial evidence, reasoned explanations of environmental impacts, and disclose areas of disagreement among experts consistent with CEQA requirements. Taken as a whole, the Draft EIR contains sufficient detail and analysis to support informed decision-making and meaningful public participation, consistent with standards for adequacy in CEQA Guidelines Section 15151. The Draft EIR conclusions are supported by substantial evidence, which is defined in CEQA Guidelines Section 15384 as "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Accordingly, the Draft EIR provides sufficient information to fulfill the CEQA core purposes of disclosing potential environmental impacts of the proposed project and informing both decision makers and the public, in accordance with CEQA Guidelines Sections 15003 and 15151. The City has reviewed the public comments received on the Draft EIR and has confirmed that the conclusions in the Draft EIR are supported by substantial evidence and that the EIR meets the regulatory standards of adequacy. For responses to specific issues raised by comments related to the adequacy of the EIR please refer to those individual responses. No changes to the Draft EIR conclusions or analysis are necessary in response to these comments.

2.2.6 Topical Response: CEQA Baseline/Baseline Recreation Users

With respect to City's analysis on baseline recreation users, the Draft EIR assesses the thresholds in CEQA Guidelines Appendix G, Sections XV and XVI, which provide that there is the potential for a significant impact if: (1) a project would increase the use of existing facilities such that substantial physical impacts would occur; (2) a project would include recreational facilities or require the expansion of existing facilities resulting in a physical effect on the environment; or (3) a project would result in new or altered parks to maintain acceptable service ratios for parks, the construction of which would cause significant physical or environmental impacts.

To assess these factors, the Draft EIR (in Section 3.11, *Recreation*) describes the existing recreational sites and facilities within and adjacent to the project site, including both publicly administered recreational facilities and other shoreline- and water-oriented recreational activities occurring throughout the Berkeley Waterfront. The Draft EIR also describes recreational use at the Berkeley Waterfront by identifying the existing range of user groups and activities, as well as their primary locations. These groups or activities include pedestrians, bicyclists, shoreline visitors, boaters, anglers, and passive recreation users, as well as water-oriented uses such as sailing, kayaking, swimming, wind sports, and

other marina-related activities occurring throughout the Berkeley Waterfront area. The Draft EIR also identifies the specific locations where these activities occur, including the Bay Trail, Marina Basin, Marina Mall, Horseshoe Park, the formerly named César E. Chávez Park, McLaughlin Eastshore State Park, South Sailing Basin, un-improved shoreline access, San Francisco Bay, and additional nearby facilities (refer to Pages 3.11-1 through 3.11-7).

In response to the comments, Page 3.11-6 of the Draft EIR (Section 3.11.2, *Environmental Setting*) has been revised to incorporate the following clarifying text:

> The San Francisco Bay is a tidal estuary that provides a variety of natural resource and open space opportunities (refer to Figure 3.11-2). According to the BCDC San Francisco Bay Plan, the San Francisco Bay is the most important open space in the Bay region, and it provides a variety of unique recreational opportunities. Primary recreation activities occurring throughout the San Francisco Bay include sailing, kayaking, paddle-boarding, swimming, windsurfing, kitesurfing, canoeing and dragon boat canoeing. Additional recreation activities on the Bay include wildlife viewing, fishing and boating via public ferry, private and charter boats. <u>These water-based recreational activities often involve specialized equipment and access points to the shoreline and marina facilities, and are an integral component of the recreational setting at the Berkeley Waterfront.</u>

This clarifying text emphasizes that water-based recreational activities, including those requiring equipment and direct water access, are explicitly recognized as part of the existing recreational baseline evaluated in the Draft EIR.

As described in the Draft EIR, the total area of parks and open space within the City is approximately 4,430 acres, which results in a park acres-to-persons ratio of approximately 34.5 acres per 1,000 people. This ratio provides relevant context for evaluating recreational service capacity citywide, as discussed further below and in Impact REC-1. In addition, there are several park and recreational areas proximate to the project site that would remain accessible during project construction, such as the South Sailing docks and Marina basin (refer to Draft EIR Page 3.11-17). With respect to changes in recreational demand, the Draft EIR evaluates reasonably foreseeable conditions associated with project operation, including increased visitation associated with ferry riders accessing the terminal and new recreation use of the pier for activities such as walking, fishing and sightseeing (refer to Draft EIR Page 3.11-9, Proposed Recreational Amenities). Impact REC-1 analyzes the impact of increased visitation, finding that the project would increase the number of visitors to the Berkeley Waterfront area in a manner that may increase the use of on-site and nearby recreational facilities (Draft EIR page 3.11-16). However, because the project concurrently creates a net increase in recreational facilities and opportunities (a restored pier, new Bay Trail and new dedicated cycle track), the Draft EIR concludes that resulting impacts related to physical deterioration of existing recreational facilities, and the need for new or altered parks to maintain acceptable service ratios, would be less than significant (refer to Impact REC-1, Draft EIR Pages 3.11-16 through 3.11-20). This conclusion is based on the project's new contribution of new recreational capacity commensurate with the increased visitation it would generate, not on an assumption that visitation would remain unchanged. Therefore, no quantified or more detailed baseline usage data is necessary to determine whether the project would physically degrade recreational resources or require construction of new facilities. Accordingly, the Draft EIR sufficiently describes the baseline for recreational uses and describes the project’s changes due to increased recreational use based on substantial evidence.

Further, inclusion of additional quantitative visitation data or estimates of displaced users would not alter the impact analysis or significance conclusions, which are based primarily on physical capacity, access, and facility conditions. With respect to access and parking during operation, refer to Section 2.2.20, *Topical Response: Parking.* With respect to recreational access during operation, the project would be expected to improve recreational opportunities by providing new and improved amenities.

In summary, the Draft EIR fully described the baseline consisting of existing recreational uses, their locations, and user groups at the Berkeley Waterfront; evaluates reasonably foreseeable changes associated with ferry operations; and demonstrates that construction and operation of the project would not result in physical degradation of or the need for expanded recreational facilities (Impact REC-1).

Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to these comments.

2.2.7 Topical Response: CEQA Process

After reviewing comments received on the Draft EIR, the City has concluded that recirculation of the Draft EIR, per CEQA Guidelines Section 15088.5, is not warranted. Under CEQA Guidelines Section 15088.5, recirculation is required only when significant new information is added that reveals a new significant impact, substantially increases the severity of an identified impact, or otherwise deprives the public of a meaningful opportunity to comment. The information provided by the comments do not identify a new significant impact or an increase in the severity of any previously disclosed impact. In response to other comments, certain specific clarifying edits have been made to the EIR to provide additional context related to the existing conditions, methodology, and/or impact analysis. However, none of these clarifying changes affect the impact conclusions or mitigation measures identified in the Draft EIR in a substantive manner. Accordingly, recirculation of the Draft EIR is not required.

2.2.8 Topical Response: Construction & Operation Noise at Nearby Parks

The Draft EIR impact analysis with respect to noise did not analyze impacts at the formerly named César E. Chávez Park, Horseshoe Park, Marina Mall, Adventure Playground, or the Bay Trail corridor because they are located further away than the closest sensitive receptor park (i.e., Shorebird Park) (refer to Draft EIR Section 3.10, *Noise,* page 3.10-5), which is the closest park to the primary construction area where the noisiest activity associated with construction (pile driving) would occur. For Shorebird Park, the impact analysis generally represents a worst-case scenario and was modeled and analyzed with respect to project-related noise (refer to Impact NOI-1 on pages 3.10-19 to 3.10-32 of the Draft EIR). Noise levels at other parks that are located further away would generally be less than these worst-case estimates for Shorebird Park.

Nonetheless, in response to these comments and for information purposes, Draft EIR Section 3.10, *Noise*, Table 3.10-14 (page 3.10-23), has been revised to present both unmitigated and mitigated construction noise levels at nearby parks during all phases of landside construction, and Table 3.10-16 (page 3.10-26), has been revised to present both unmitigated and mitigated construction noise levels at nearby parks during all phases of waterside construction. Revisions to both tables are shown in underlined text below.

Table 3.10-14 Comparison of Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	70	50	70	No
			Nearest live-aboard boat[4]	61	41	65	No
			<u>Shorebird Park[5]</u>	<u>67</u>	<u>47</u>	<u>60</u>	<u>No</u>
			<u>Bay Trail Corridor[5]</u>	<u>62</u>	<u>42</u>	<u>60</u>	<u>No</u>
			<u>Horseshoe Park[5]</u>	<u>62</u>	<u>42</u>	<u>60</u>	<u>No</u>
			<u>Adventure Playground[5]</u>	<u>59</u>	<u>39</u>	<u>60</u>	<u>No</u>
			<u>Marina Mall[5]</u>	<u>56</u>	<u>56</u>	<u>60</u>	<u>No</u>

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	67	47	60	No
			Bay Trail Corridor[5]	64	44	60	No
			Adventure Playground[5]	58	38	60	No
			Marina Mall[5]	55	35	60	No
			Horseshoe Park[5]	54	34	60	No
			César E. Chávez Park[5]	46	26	60	No
Grading	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	64	44	60	No
			Adventure Playground[5]	61	41	60	No
			Marina Mall[5]	58	58	60	No
			César E. Chávez Park[5]	55	35	60	No
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	64	44	60	No
			Adventure Playground[5]	61	41	60	No
			Marina Mall[5]	58	58	60	No
			César E. Chávez Park[5]	55	35	60	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	73	53	60	No
			Nearest live-aboard boat[4]	60	40	65	No
			Bay Trail Corridor[5]	62	42	60	No
			Horseshoe Park[5]	61	41	60	No
			Adventure Playground[5]	58	38	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
			Marina Mall[5]	55	35	60	No
			César E. Chávez Park[5]	52	32	60	No
Paving	20	Along University Avenue	Marina Offices[3]	85	65	70	No
			Nearest live-aboard boat[4]	70	50	65	No
			Marina Mall[5]	80	60	60	No
			Adventure Playground[5]	79	59	60	No
			Bay Trail Corridor[5]	72	52	60	No
			Shorebird Park[5]	78	58	60	No
			Horseshoe Park[5]	61	41	60	No
			César E. Chávez Park[5]	52	32	60	No
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	64	44	60	No
			Nearest live-aboard boat[4]	51	31	65	No
			Bay Trail Corridor[5]	61	41	60	No
			Adventure Playground[5]	54	34	60	No
			Horseshoe Park[5]	51	51	60	No
			Marina Mall[5]	51	31	60	No
			César E. Chávez Park[5]	43	43	60	No
Amenities Installation	25	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	63	43	60	No
			Adventure Playground[5]	60	40	60	No
			Marina Mall[5]	57	37	60	No
			César E. Chávez Park[5]	54	34	60	No

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for general construction activities.

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] While commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

[5] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

Source: See Appendix E for construction noise modeling results

Table 3.10-16 Comparison of Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Demolition	50	At pier entrance	Shorebird Park[3]	80	70	60	**Yes**
			Skates on the Bay Restaurant	77	67	70	No
			Nearest live-aboard boat[4]	67	57	65	No
			Bay Trail Corridor[5]	69	59	60	No
			Horseshoe Park[5]	69	59	60	No
			Adventure Playground[5]	66	56	60	No
			Marina Mall[5]	63	53	60	No
			César E. Chávez Park[5]	56	46	60	No
Dredging	83	At pier entrance	Shorebird Park[3]	70	50	60	No
			Skates on the Bay Restaurant	66	56	70	No
			Nearest live-aboard boat[4]	58	38	65	No
			Bay Trail Corridor[5]	58	38	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
			Horseshoe Park[5]	58	38	60	No
			Adventure Playground[5]	55	35	60	No
			Marina Mall[5]	52	32	60	No
			César E. Chávez Park[5]	45	25	60	No
Pile Installation	49	Along pier	Shorebird Park[3]	79	69	60	**Yes**
			Skates on the Bay Restaurant	~~75~~78	~~65~~68	70	No
			Nearest live-aboard boat[4]	66	56	65	No
			Bay Trail Corridor[5]	68	58	60	No
			Horseshoe Park[5]	67	57	60	No
			Adventure Playground[5]	64	54	60	No
			Marina Mall[5]	61	51	60	No
			César E. Chávez Park[5]	54	44	60	No
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	76	56	60	No
			Skates on the Bay Restaurant	73	53	70	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	65	45	60	No
			Horseshoe Park[5]	65	45	60	No
			Adventure Playground[5]	62	42	60	No
			Marina Mall[5]	59	39	60	No
			César E. Chávez Park[5]	52	32	60	No
Amenities Installation	95	At pier entrance	Shorebird Park[3]	71	51	60	No
			Skates on the Bay Restaurant	68	48	70	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
			Nearest live-aboard boat[4]	58	38	65	No
			Bay Trail Corridor[5]	60	40	60	No
			Horseshoe Park[5]	60	40	60	No
			Adventure Playground[5]	57	37	60	No
			Marina Mall[5]	54	34	60	No
			César E. Chávez Park[5]	47	27	60	No

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

The following clarification text changes have also been made to Draft EIR Impact NOI-1, page 3.10-30, to address operational noise generated at the nearest parks resulting from operation of ferry vessels at the terminal:

Noise from Operation of Ferry Vessels

Ferry vessels would operate at the north end of the pier, as close as approximately 400 feet from the nearest sensitive receptor (i.e., the Skates on the Bay Restaurant located to the northeast). At this distance, operation of the ferry vessels would generate noise levels up to 52 dBA at the Skates on the Bay Restaurant, which would not exceed the City's daytime or nighttime exterior noise limits of 65 and 60 dBA, respectively, at commercial land uses. Additionally, ferry vessels would operate approximately 430 feet from the nearest portion of the proposed Bay Trail corridor and approximately 550 feet from Shorebird Park. At these distances, operation of ferry vessels would generate noise levels up to 51 and 49 dBA at the Bay Trail corridor and Shorebird Park, respectively, which would not exceed the City's daytime exterior noise limit of 55 dBA for low-density single-family residential uses, which is the threshold also used for outdoor recreation spaces due to a similar level of noise sensitivity. Note that noise levels would continue to decrease as distance from the ferry terminal increases, therefore noise levels at all other parks located farther away (e.g., César E. Chávez Park, Horseshoe Park, Marina Mall, and Adventure Playground) would also not exceed the City's applicable daytime exterior noise limit. Therefore, operational noise impacts associated with the ferry vessels would be less than significant. For the noise impact associated with operation of ferry vessels as it

relates to potential impacts related to biological resources discussion, see Impact BIO-1 in Section 3.3, Biological Resources.

The table and text changes above are clarifying in nature and do not alter the substance of the impact analysis or the resulting significance determination. Therefore, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid.

2.2.9 Topical Response: Cumulative Impacts

As discussed in Draft EIR Chapter 3.0, *Environmental Impact Analysis*, the Draft EIR includes a cumulative impact analysis consistent with CEQA Guidelines Section 15130, which requires evaluation of the incremental effects of the proposed project when combined with past, present, and reasonably foreseeable probable future projects. The Draft EIR cumulative analysis identifies geographic scopes (e.g., the radius area where other projects could interact with resource area impacts) appropriate to each resource topic and analyzes a combination of past, present, and probable future projects listed in Draft EIR Table 3-1 (pages 3-9 to 3-10). Table 3-1 includes 25 projects considered as cumulative projects. As documented in the sources cited in Table 3-1, the list of cumulative projects was compiled based on publicly available information published by the City of Berkeley, East Bay Regional Parks District, and the Metropolitan Transportation Commission/Association of Bay Area Governments. The analysis evaluates whether the proposed project's incremental contribution to each identified cumulative impact would be considerable. Where significant cumulative impacts were identified, the Draft EIR discloses whether the proposed project would make a cumulatively considerable contribution and, where applicable, identifies mitigation measures to reduce the project's incremental contribution. In some cases, even with mitigation, cumulative impacts may remain significant and unavoidable due to broader regional conditions or factors beyond the control of the project (e.g., cumulative waterside construction noise associated with pile driving and nighttime construction and cumulative operational mobile [i.e., roadway vehicle] noise).

Several comments identify the reopening of a restaurant at 199 Seawall Drive (formerly Hs. Lordship Restaurant)[8] as a cumulative project. This cumulative project is already included in the Draft EIR. Refer to Draft EIR Chapter 3, Footnote 1 and Table 3-1, which includes the description of the Berkeley Draft Waterfront Specific Plan (listed as Project 1 in Table 3-1), and explicitly states that the re-opening of the restaurant at 199 Seawall Drive is included in the Draft Waterfront Specific Plan.

Several comments also discuss the Draft Waterfront Specific Plan. The Draft Waterfront Specific Plan is discussed in the Draft EIR cumulative analysis (refer to Draft EIR Chapter 3 Table 3-1), which explains that the proposed project and the Waterfront Specific Plan are separate projects that are not interdependent. (See *Relationship with Draft Waterfront Specific Plan* Section of Chapter 3, *Environmental Impact Analysis.)* First, the Waterfront Specific Plan is a long-range planning document, while the proposed project is an infrastructure project. Next, while the Waterfront Specific Plan would change the zoning designations at the Waterfront, the Pier-Ferry project can obtain permits pursuant to the existing zoning designations – the proposed project is in no way reliant on the passage of the Waterfront Specific Plan and would be pursued regardless. Similarly, the Waterfront Specific Plan, which is still being developed at the staff level, would proceed regardless of whether or not the proposed project is approved. As discussed further in the Draft EIR, because the proposed project and the Draft Waterfront Specific Plan are not interdependent, environmental review of each can proceed independently.

Several comments also refer to a cumulative scenario with 26 ferry terminals in the Bay.[9] This information cited in comments regarding the establishment of 26 ferry terminals in the region is not an

[8] The currently vacant restaurant building at 199 Seawall Drive was formerly occupied by the Hs. Lordship restaurant, and is often referred to in public comments as the "Hs Lordship Restaurant" or similar variations thereof. For consistency, this document generally refers to this property as "199 Seawall Drive," except when directly quoting comments or historical documents.

[9] Fehr & Peers 2023. 2050 Service Vision & Business Plan Service Vision Evaluation Memo. Available online at: 2050 Service Vision & Business Plan - San Francisco Bay Ferry. Accessed June 2026.

adopted vision of WETA. A memorandum from WETA dated April 12, 2023, with the subject "WETA Business Plan Evaluation" includes the following text in the Introduction:

"This memo details the technical analyses completed to evaluate three new network concepts to expand WETA service over the next 25 years. Based on this evaluation and stakeholder input, WETA will define a 2050 service vision to include in its Business Plan to be developed later this year. The service vision will inform how WETA operates in the future and what strategies and actions will be included in the Business Plan. This memorandum presents the technical evaluation of three potential 2050 networks compared to the existing network in 2050. The content in this memorandum represents an updated [sic] of the slide deck presented to stakeholder groups in the first quarter of 2023 based on final evaluation results."[10]

The memorandum does include a concept titled "Coverage Network" with 26 ferry terminals but as described in the Introduction of the memorandum, this is a network concept for consideration. After the memo was prepared (April 12, 2023), the WETA Board adopted a 2050 Service Vision and Expansion Policy at its May 9, 2024, Board Meeting that is substantially different from this concept.[11] As described in WETA's adopted Service Vision, 4 new tier 1 ferry projects are included (Mission Bay and Treasure Island to the San Francisco Ferry Building, Berkeley to San Francisco, and Oakland to Redwood City), for a total of 14 ferry terminals. The concept of 26 ferry terminals was a network concept only and was not adopted as part of WETA's vision; therefore, a scenario that includes 26 ferry terminals is not reasonably foreseeable and the City's decision not to analyze it is supported by substantial evidence. Page 3-6 of the Draft EIR identifies what would constitute a cumulative project, and is included here for context:

"Reasonably foreseeable projects are future projects (including those currently proposed) that are likely or probable, rather than those that are merely possible. Generally, projects are reasonably foreseeable if they meet any one or more of the following conditions:

- The project is a foreseeable future phase of an existing project.
- Applications for project entitlements or construction are pending with a government agency (these projects may have been analyzed in a recent environmental document).
- The project is included in regional transportation plans; regional transportation improvement programs; local long-range transportation plans; local land use, general, and specific plans; or an agency's budget or capital improvement program."

The network concept of 26 ferry terminals does not meet this criteria. Therefore, it is not considered a reasonably foreseeable cumulative project.

The 2003 WETA EIR evaluates ferry service expansion at a regional, programmatic scale, including analysis of vessel operations over defined routes throughout the Bay and their potential effects on biological resources and hydrology and water quality under a systemwide operational scenario. In contrast, the Draft EIR for the proposed project evaluates project-specific and proximate environmental effects associated with ferry operations at the Berkeley Waterfront using representative operational assumptions (refer to Chapter 2, Section 2.7). These analyses focus on nearshore and localized conditions, including terminal approach and docking, vessel presence within the project viewshed, and project-related contributions to vessel traffic in the immediate vicinity. As described in Section 3.3, *Biological Resources*, and 3.8, *Hydrology and Water Quality*, the Draft EIR concludes that operational impacts associated with ferries, including vessel traffic, underwater noise, wake, and water quality effects would be less than significant or less than significant with mitigation (refer to Sections 3.3.4 and 3.3.5), and that the project would not result in a cumulatively considerable contribution to regional Bay-wide impacts previously evaluated at the programmatic level in the 2003 WETA EIR (refer to Sections 3.3.5 and

[10] WETA. 2023. WETA Business Plan Evaluation Memorandum. From Daniel Jacobson and Nate Conable, Fehr & Peers. To Michael Gougherty, Kevin Connolly, and Gabriel Chan, WETA. April 12. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240919065530/b041723aFULL.pdf. (accessed June 2026).

[11] WETA. 2024. Board of Director Meetings Agenda, May 9, 2024, Item 11: Adopt 2050 Service Vision and Expansion Policy. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20251125001105/b050924aFULL.pdf. (accessed June 2026).

2.8.5). Accordingly, the Draft EIR remains consistent with prior regional analysis, while providing a more detailed evaluation of site-specific conditions and impacts in accordance with CEQA Guidelines.

In summary, the cumulative projects identified in public comments are either already included in the list of cumulative projects in Draft EIR Table 3-1, or do not meet the definition of a reasonably foreseeable project. Furthermore, the comments do not provide substantial evidence demonstrating that the cumulative analysis is inadequate or inconsistent with CEQA requirements. Therefore, the Draft EIR cumulative analysis and conclusions remain valid as written, and no revisions to the EIR are necessary in response to these comments.

2.2.10 Topical Response: Electric Ferry

As described in Draft EIR Chapter 2, *Project Description*, (pages 2-4, 2-10, and 2-11) the proposed project assumes operation of electric ferry service consistent with WETA plans as well as regional and State efforts to reduce greenhouse gas emissions through actions such as increasing access to sustainable transportation modes. The use of electric ferry vessels is explicitly included in the project description. Neither the City nor WETA are planning to operate diesel ferry vessels as part of the proposed project, and the only kind of ferry vessels being environmentally reviewed and cleared as part of the EIR are electric ferry vessels. Under CEQA, an EIR must evaluate reasonably foreseeable environmental impacts based on available data and reasonable assumptions supported by substantial evidence. CEQA does not require that all project components be fully finalized at the time of analysis, nor does it require evaluation of speculative or hypothetical alternatives, such as analysis of alternative fuel technologies or the use of diesel vessels, that are not part of the proposed project or reasonably foreseeable conditions.

Regarding questions about the infrastructure for electric ferry vessels, Draft EIR Chapter 2, *Project Description,* includes a description of the infrastructure required for electric ferry vessels, including the Universal Charging Floats or UCFs (refer to Section 2.5.1, *Proposed Ferry Vessel Infrastructure* Subsection, pages 2-10 through 2-11), as well as the electrical distribution utilities that would be required for the proposed project (refer to Section 2.5.4, *Electrical Distribution* subsection, pages 2-23 through 2-24). As described therein, the UCF system includes electrical infrastructure such as switchgear, transformers, converters, and battery storage to support charging of zero-emission ferry vessels and is designed with redundancy and safety features to address reliability and operational needs.

Environmental impacts associated with the installation and operation of electrical infrastructure required to support electric ferry service are evaluated in the Draft EIR. As described in Section 3.14, *Utilities and Service Systems*, implementation of the project would require electrical connections and infrastructure, and the environmental effects of constructing these improvements are analyzed under Impact UTIL-1. The Draft EIR concludes that construction-related impacts would be less than significant with mitigation, and that operation would not require new or expanded electrical facilities beyond those described in Chapter 2, *Project Description* (refer to Section 3.14, pages 3.14-26 through 3.14-30). In addition to the utilities analysis, the Draft EIR evaluates the environmental effects of electric ferry infrastructure using discipline-specific methodologies across all relevant resource areas. Section 3.2, *Air Quality*, and Section 3.6, *Greenhouse Gas Emissions and Energy*, analyze emissions and energy demand associated with electric ferry operations and charging systems (pages 3.2-21 through 3.2-35 and pages 3.6-30 through 3.6-47). Section 3.3, *Biological Resources*, evaluates potential operational impacts, including underwater noise and vessel interactions with aquatic species (pages 3.3-39 through 3.3-66), while Section 3.8, *Hydrology and Water Quality*, considers in-water infrastructure components and the reduced potential for fuel-related spill risks associated with electrification (pages 3.8-25 through 3.8-42). Section 3.7, *Hazards and Hazardous Materials*, evaluates safety considerations related to battery storage systems and electrical infrastructure (pages 3.7-22 through 3.7-37), and Section 3.10, *Noise*, addresses construction and operational noise generated by ferry vessels and associated electrical equipment (pages 3.10-12 through 3.10-34).

With respect to emergency operations and reliability, Draft EIR Chapter 2, *Project Description*, also addresses emergency conditions under which ferry service may be used. As described in Section 2.8, *Emergency Operation Options* subsection, WETA has a legislative mandate to provide emergency water

transportation following major incidents, and the project is designed to accommodate such use. In the event of power disruptions, emergency operations may include use of a power generation barge connected to the UCF system to maintain vessel charging capabilities (refer to Section 2.8, pages 2-32 through 2-33).

To the extent that uncertainty exists regarding the timing or availability of specific electric ferry models, the analysis in the Draft EIR is based on a defined project "envelope" or set of reasonable operational components described in Chapter 2, *Project Description*. These assumptions include a vessel capacity of approximately 250 passengers per vessel, dimensions of supporting infrastructure, and operating characteristics, including trip frequency, ridership, and service patterns (refer to Subsection 2.7, *Operational Details*). These parameters form the basis of the environmental analysis. Consistent with CEQA Guidelines Section 15162, if future vessel types or operations were to be materially different from this defined envelope and result in the potential for new or more severe environmental impacts, additional environmental review would be required at that time; however, that would not alter the adequacy of the environmental analysis presented in the Draft EIR. The environmental impacts specific to electric ferry operations and charging infrastructure at the proposed Berkeley terminal are analyzed directly and at the project level in this Draft EIR (refer to Chapter 3, *Environmental Impacts Analysis*).

In summary, the Draft EIR analysis of ferry operations and associated infrastructure is adequate and consistent with CEQA Guidelines. Therefore, the project description regarding electric ferry operation and associated analysis and conclusions presented in the Draft EIR remain valid, and no changes to the EIR are necessary in response to these comments.

2.2.11 Topical Response: Ferry Operations

As described in Draft EIR Chapter 2, *Project Description*, the proposed project includes representative operational assumptions developed by WETA sufficient to support environmental review. These assumptions include anticipated service frequency, general routing, and operational characteristics. Specifically, the Draft EIR evaluates a representative weekday and weekend service scenario that includes regular commute-period service and off-peak service, with ferry trips operating along established WETA routes. While exact schedules may vary, this scenario reflects the maximum reasonably foreseeable level of service for purposes of impact analysis (refer to Chapter 2, *Project Description*, Section 2.7, pages 2-30 through 2-33). Vessel speeds are not specified as fixed values in the Draft EIR; however, vessels are assumed to operate at a maximum of 29 to 41 mph, consistent with the typical speeds for existing WETA ferry service within San Francisco Bay and, consistent with current routes and navigation practices.[12,13] Speed during terminal approach and docking would be reduced (refer to Chapter 2, *Project Description,* page 2-31) to provide safe maneuvering and compliance with applicable navigation practices. Given the need for the ferry vessel to execute a multi-point turn in order to dock for passenger loading, the need to reduce speeds during terminal approach is not an operational choice but a physical constraint.

Pursuant to the CEQA Guidelines, an EIR must evaluate reasonably foreseeable environmental impacts based on available data and reasonable assumptions. However, CEQA does not require that all operational details, such as final service schedules, vessel speeds under all conditions, or exact trip frequencies, be fully finalized at the time of analysis (CEQA Guidelines Sections 15124 and 15144). Rather, the analysis is appropriately based on representative operating conditions and planning-level assumptions that allow for meaningful evaluation of potential environmental effects. Consistent with the CEQA Guidelines Sections 15124 and 15144, Chapter 2, *Project Description* of the Draft EIR provides sufficient information regarding ferry operations, including projected ridership, service frequency, and general operational characteristics to evaluate environmental impacts (refer to Section 2.7, pages 2-30 through 2-33, including Table 2-4. As described in EIR Section 1.1.3, *Incorporation by Reference*, the analysis also incorporates by reference the certified 2003 WETA EIR, which evaluated ferry system

[12] San Francisco Bay Ferry (WETA) typically travel at service speeds ranging from 23 to 36 knots (about 26 to 41 mph) depending on the vessel class.

[13] WETA. 2026. Vessel Classes. Available: https://sanfranciscobayferry.com/meet-our-fleet/. (accessed June 2026)

operations at a programmatic level (refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion specific to the 2003 WETA EIR)

Environmental impacts associated with ferry operations are evaluated throughout Draft EIR Chapter 3, *Environmental Impacts Analysis*, using the representative operational assumptions described above. This includes but is not limited to transportation impacts evaluated in Section 3.12, *Transportation* (pages 3.12-15 through 3.12-25), air quality impacts in Section 3.2, *Air Quality* (pages 3.2-21 through 3.2-35), noise impacts in Section 3.10, *Noise* (pages 3.10-12 through 3.10-34), and biological and underwater noise effects in Section 3.3, *Biological Resources* (pages 3.3-39 through 3.3-66). Water quality and hydrodynamic effects associated with vessel operations are evaluated in Section 3.8, *Hydrology and Water Quality* (pages 3.8-25 through 3.8-42).

As discussed in these sections, the Draft EIR evaluates potential operational effects such as vessel traffic, emissions and noise, and vessel interaction with aquatic species based on the maximum reasonably foreseeable service scenario. Topics such as vessel strike and underwater noise are specifically addressed in Section 3.3 (refer also to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion specific to underwater noise).

Operational details may be refined during subsequent project design, implementation, and coordination with WETA, and would be subject to applicable regulatory review requirements, including U.S. Coast Guard navigation and safety requirements, Bay Conservation and Development Commission (BCDC) permitting, and other applicable approvals. No additional CEQA review is anticipated unless substantial changes to the project involving new or substantially more severe significant impacts would occur, consistent with CEQA Guidelines Sections 15162, 15163 and 15164.

Accordingly, the Draft EIR evaluates ferry operations at a level of detail sufficient to support a reasonable analysis of environmental impacts consistent with CEQA Guidelines. The analysis and conclusions presented in Chapter 3, *Environmental Impacts Analysis*, of the Draft EIR remain valid as written, and no further revisions to the EIR are necessary.

2.2.12 Topical Response: In-Marina Ferry Terminal Alternative

CEQA Standard for Alternatives Analysis

Under CEQA Guidelines Section 15126.6, an EIR is required to evaluate a reasonable range of alternatives that could feasibly attain most of the basic project objectives while avoiding or substantially reducing significant environmental effects. An EIR need not consider every conceivable alternative, and alternatives that fail to meet most of the basic project objectives are infeasible, or would not reduce significant environmental effects may properly be rejected from detailed analysis. The Draft EIR at Section 5.9 identifies and explains the reasons for rejecting the Berkeley Marina Basin alternative from detailed analysis. This response supplements that explanation with additional technical analysis supporting the same conclusion.

The Alternative Does Not Meet Any Basic Project Objectives

As set forth in the Draft EIR at Section 5.3, the two basic project objectives are: (1) enhance public access and recreational opportunities at the Berkeley Waterfront; and (2) provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco. An alternative must meet both objectives to qualify for detailed analysis. The In-Marina Alternative fails to meet both.

With respect to the first objective, siting the ferry terminal inside the marina would leave the Berkeley Pier closed and continuing to deteriorate. The new pier, public plaza, Bay Trail Extension, cycle track, and associated waterfront improvements, which are the primary mechanisms by which the project enhances public access and recreational opportunities are all tied to the pier location. While these improvements would not be precluded by an In-Marina ferry terminal, none of them would be part of the In-Marina ferry terminal project alternative because the need to implement multi-mode TDM measures along University

Avenue and Seawall Drive would not exist. Furthermore, as noted in the Draft EIR at Section 5.9, construction of a new ferry terminal inside the marina would require removal of existing marina docks (at least 8 slips would be lost per the 2008 Berkeley/Albany Ferry Terminal Study Draft EIR/EIR prepared by URS), thereby directly reducing rather than enhancing recreational opportunities at the Berkeley Waterfront.

With respect to the second objective, siting the ferry terminal inside the marina would impose considerable operational constraints on ferry service safety, efficiency and reliability. As documented in the Draft EIR at Section 5.9, based on communications with WETA's Project Manager, ferry vessels operating inside the marina would face additional maneuvering constraints, increased docking and departure times, wake and safety concerns and operational conflicts with recreational users. Passenger access would also be constrained, potentially creating queuing conflicts. These factors would extend overall travel times by an estimated 5-10 minutes, reduce service reliability and on-time performance, and diminish the competitiveness of the Berkeley–San Francisco ferry route compared to other Transbay modes of travel. An In-Marina terminal is not considered operationally feasible by WETA.

The Alternative Provides No Environmental Benefit

The In-Marina alternative would not reduce environmental impacts and would not avoid any significant environmental impacts. With respect to in-Bay fill: the proposed project is designed to achieve no net increase in Bay fill through removal of existing pier piles and decking at a minimum 1:1 ratio for the net increase in fill and cover, per Mitigation Measure BIO-3. Under an In-Marina terminal alternative, there would be no project-driven rationale to remove the deteriorated pier. Portions of the old pier are being removed under the proposed project because the new pier replaces it. Without a new pier at that location, the old pier piles would remain as existing in-Bay fill, and new fill would be added for the marina terminal infrastructure. Prior to mitigation the In-Marina alternative would therefore result in a net increase in Bay fill compared to the proposed project, not a reduction. If mitigation required removal of the derelict pier at a 1:1 ratio, there would be the same no net fill as the proposed project.

With respect to dredging: the proposed project requires dredging of the approach channel and turning basin to provide safe navigable depths for ferry vessels. An In-Marina terminal alternative would not eliminate this dredging requirement. Ferry vessels require a navigable approach channel regardless of terminal location. The area dredged for a turning basin would still be required in similar location and scale to allow WETA vessels to safely navigate around marina traffic at the constrained entrance to the marina. This would take the form of a widened maneuvering area outside the marina breakwater near the narrower marina entrance channel. Therefore, the dredging requirement under the In-Marina alternative is not significantly changed from the proposed project.

With respect to impacts on existing marina users: under the proposed project, ferry vessels travel and dock in open Bay waters north of the pier, entirely outside the marina entrance. As described in the Draft EIR at Section 3.11, *Recreation*, boats entering or exiting the marina would continue to navigate around ferry infrastructure in a manner similar to how they currently navigate the existing pier and other Bay vessels. An In-Marina terminal would require ferry vessels to travel through the marina entrance channel and operate within the marina interior, introducing a large commercial vessel operating on a regular schedule into a confined water body shared by recreational boaters, liveaboards, and commercial operators. This would create new and notable operational conflicts with existing marina users that do not exist under the proposed project. Finally, as noted in the Draft EIR the construction of a ferry terminal in the marina would result in the loss of berths (at least 8 slips would be lost per the 2008 Berkeley/Albany Ferry Terminal Study Draft EIR/EIR prepared by URS). Under CEQA, the displacement of recreational boat berths would constitute a direct adverse impact on recreational resources. The Berkeley Marina Basin is the largest public recreational marina in northern California, with approximately 1,000 berths; the loss of even a small number of those berths diminishes the supply of recreational boating opportunities that the Waterfront currently provides to the public, which would run counter to the project's core objective of enhancing, rather than reducing, recreational access at the Berkeley Waterfront.

The loss of eight or more berths would not only reduce public recreation opportunities but also indirectly negatively impact public recreation opportunities in the City of Berkeley. The City relies on slip fees as its primary source of revenue to operate and maintain the Berkeley Marina and its approximately 1,000 recreational berths; each berth removed represents a permanent reduction in the Marina's revenue base, revenue that funds dock maintenance, dredging, harbormaster operations, and other public recreational amenities across the entire Waterfront.

Summary

As described in Section 5.9 of the Draft EIR (see pages 5.9-25 to 5.9-26), the in-marina terminal alternative: (1) fails to meet either of the two basic project objectives; (2) provides no environmental benefit with respect to in-Bay fill; (3) provides no environmental benefit with respect to dredging requirements; and (4) creates new and notable conflicts with existing marina users, including the displacement of recreational berths (at least 8 slips would be lost per the 2008 Berkeley/Albany Ferry Terminal Study Draft EIR/EIR prepared by URS), that do not exist under the proposed project. The Draft EIR's rejection of this alternative from detailed analysis is fully supported by CEQA Guidelines Section 15126.6, which requires only that a range of potentially feasible alternatives be evaluated, not every alternative suggested in comments. Because the In-Marina option does not meet any of the basic project objectives nor provides any meaningful avoidance or reduction of environmental effects the City's alternatives analysis is adequate and no revision to the Draft EIR is warranted on this basis.

2.2.13 Topical Response: Land Use/Plan Consistency

Consistent with CEQA Guidelines Section 15125(d), which requires an EIR to disclose inconsistencies between a proposed project and applicable land use plans and policies, Draft EIR Section 3.9, *Land Use and Planning*, Impact LU-2 and respective Tables 3.9-1 through 3.9-4 (pages 3.9-12 through 3.9-35) summarize local and regional policies applicable to the project and evaluates the project's consistency with those plans. Pursuant to CEQA Guidelines Sections 15064, 15360, and 15382, CEQA defines an environmental impact as a physical change in the environment. CEQA Guidelines Section 15382 defines a significant effect related to the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project," and further states that "[a]n economic or social change by itself shall not be considered a physical effect on the environment." CEQA Guidelines Section 15360 similarly defines the "environment" as the physical conditions that exist within the area affected by a project. Consistent with these provisions, a conflict with an applicable land use plan, policy, or regulation does not, in itself, constitute a significant environmental impact. This framework is reflected in CEQA Guidelines Appendix G Land Use/Planning Significance Criterion b, which asks whether a project would "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." Specifically, the Draft EIR analyzed land use consistency impacts with respect to the physical environment for the following plans and policies: BCDC San Francisco Bay Plan, ABAG/MTC Plan Bay Area 2050, Bay Area Clean Air Plan, Berkeley Climate Action Plan, Berkeley General Plan, Berkeley Municipal Code, Berkeley Waterfront Master Plan, Berkeley Marina Master Plan, Berkeley Local Hazard Mitigation Plan, and Berkeley Measure L.

As concluded in Draft EIR Section 3.9, *Land Use and Planning*, Impact LU-2 (pages 3.9-12 through 3.9-35), the proposed project would be generally consistent with the goals and policies identified in applicable plans; however, because the project would generate noise that even after mitigated would exceed thresholds established in the Berkeley Municipal Code, impacts would be significant and unavoidable (due to noise impacts).

Furthermore, to the extent that an inconsistency with a land use plan or policy would result in a physical environmental effect, such effects are evaluated throughout the Draft EIR, and mitigation measures are identified as appropriate. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to these comments.

2.2.14 Topical Response: Loss of Ferry Vessel Control

The proposed project has been designed to incorporate standard marine safety features, operational protocols, and emergency response procedures consistent with applicable regulatory requirements and industry practices. Specifically, the Draft EIR includes the following:

- Draft EIR Chapter 2, *Project Description* describes vessel approach, berthing conditions, and associated ferry infrastructure (see Section 2.5, pages 2-6 through 2-11); and
- Section 3.12, *Transportation* evaluates ferry navigation and vessel maneuverability (see Impact TRA-3, pages 3.12-23 and 3.12-24).

Potential risks associated with vessel operation, including low-probability incident scenarios such as loss of control during approach or docking, are addressed through design features, vessel specifications, and operational procedures implemented by WETA and subject to oversight by applicable regulatory agencies, including the U.S. Coast Guard and other maritime safety authorities [see Draft EIR Section 2.9, Discretionary Actions and Required Approvals (refer to page 2-33)]. Consistent with CEQA Guidelines, the Draft EIR evaluates reasonably foreseeable environmental impacts and relies on compliance with applicable safety regulations, engineering standards, and operational protocols to address potential accident scenarios. Specifically, Draft EIR Section 3.12, *Transportation*, addresses vessel navigation, maneuverability, and safety considerations and concludes that the operation of ferry vessels would not increase transportation safety hazards, as the vessels would be designed with multiple layers of redundancy to prevent loss of propulsion risk, crew training to respond to loss of propulsion scenarios, and monitoring of U.S. Coast Guard advisories (refer to Impact TRA-3, pages 3.12-23 and 3.12-24). Speculative accident scenarios that are not supported by substantial evidence are not required to be analyzed in an EIR under CEQA, which focuses on reasonably foreseeable environmental impacts.

Notwithstanding that conclusion, since publication of the Draft EIR, the project design has been further refined to include installation of fender piles[14] near the Skates on the Bay Restaurant and donut fenders[15] near the breakwater and floats. These project components would provide an additional passive safety measure by helping to absorb or deflect vessel movement in the unlikely event of a loss of control during approach or docking. This project design feature is consistent with standard marine engineering practices to enhance docking safety and does not introduce new or more severe construction- or operational-related environmental impacts beyond those already analyzed in the Draft EIR.

The following text changes have been made to Draft EIR Chapter 2, *Project Description*, page 2-10:

> The proposed ferry vessel infrastructure would include up to two 120-foot-long and 10-foot-wide gangways~~8~~9 that would bring passengers from the pier to the two proposed boarding floats~~9~~10, which would measure approximately 135 feet in length and 42 feet in width. Each float would include 4 to 6 steel guide piles to moor the floats in place. In addition, there would be a total of 6 donut fenders (2 at the end of each float and 2 near the breakwater), each of which would be 6-feet in diameter and would require a 3-foot pile. Since publication of the Draft EIR, the project design has been refined to include additional fender piles and donut fenders (steel protection piles, 36-inches in diameter) located adjacent to the ferry berthing area and around portions of the breakwater and turning basin. These protection piles would function as passive marine safety features and would supplement the guide piles and donut fender system associated with the proposed ferry facilities. The protection piles are intended to provide additional protection for waterside infrastructure during vessel approach and docking operations, including in the unlikely event of a vessel loss-of-control incident (see Section 3.12, *Transportation*).

[14] Fender piles are marine protective structures designed to absorb or deflect vessel impact and help prevent contact with adjacent facilities.

[15] Donut fenders are circular energy-absorbing devices installed around piles or other marine structures to cushion vessel contact and reduce the transfer of impact forces during docking maneuvers or other low-speed vessel movements.

[9.] Gangway is defined as a raised platform or walkway that provides a passage. For the proposed project, the gangway would provide passage from the pier to the float.

[10.] Floats are defined as structures buoyant in water.

[11.] Fender piles are marine protective structures designed to absorb or deflect vessel impact and help prevent contact with adjacent facilities.

[12.] Donut fenders are circular energy-absorbing devices installed around piles or other marine structures to cushion vessel contact and reduce the transfer of impact forces during docking maneuvers or other low-speed vessel movements.

The following text changes have been made to Draft EIR Chapter 2, *Project Description*, page 2-27:

The landside retaining wall would be a mechanically stabilized earth (MSE) with a pre-case concrete panel face. Following the completion of the shoreline retaining wall and landside concrete abutment, the new pier would be constructed from the shoreline heading westward likely using a combination of a floating crane barge and shore-based cranes operating from the progressive extension of the newly constructed concrete abutment and pier. The 1,080-foot pier would be constructed using 24-inch octagonal precast concrete piles (24-inch concrete piles). Two 24-inch concrete piles would be installed approximately every 25 feet using a combination of jetting and impact pile driving. At the landside interface approximately 2 steel piles will be driven through the existing rock dike using a crane and a combination of vibratory and impact hammers. The construction of the pier would progress westward to include construction of the landing floats using 24-inch concrete vertical piles and eventually construction of loading ramps, and adjacent donut fender piles and fender piles using 36-inch steel pipe piles as support guide piles. The 36-inch steel pipe piles anchoring the UCFs and donut fenders would be installed using a combination of vibratory and impact pile driving hammers. To complete the project and to help protect the ferry boarding areas and reduce wave energy, a concrete sheet pile breakwater perpendicular to the new pier would be constructed using 24-inch concrete batter piles and interlocking 48-inch x 14-inch prestressed concrete sheet piles (sheet piles) using a combination of jetting and impact pile driving hammers for the 24-inch concrete batter piles and sheet piles. Four 12-inch Precast Prestressed Concrete Marker Piles would be installed along the dredged channel to identify the limits of the dredged channel. Table 2-1 provides a summary of the kinds of piles and the number of piles that are proposed.

Table 2-1 Summary of Proposed Piles [~~2~~1]

Location	Pile Type	Number of Piles
Landside/Shoreline Retaining Wall	24-inch Steel Pipe Pile [2]	~~46~~ 4
UCF Guide and Donut Piles and Fender Piles	36-inch Steel Pipe Pile	~~18~~ 28
Pier, Landing Platform, and Breakwater	24-inch Octagonal Prestressed Concrete Pile	~~227~~ 128
Breakwater	48-inch x 14-inch Concrete Sheet Pile	~~125~~ 75
Dredged Channel	12-inch Precast Prestressed Concrete Marker Piles	4

[1] The overall number of piles presented in Table 2-1 ~~is based on the current design of the Project and may be reduced in the future~~ has been reduced from the Draft EIR to the Final EIR, based on the updated project design. ~~The number of piles in Table 2-1 is a conservative estimate. For example, the retaining wall may be MSE and would not require the number of piles identified.~~

[2] Two of these piles have a 54-inch diameter sleeve. The purpose of the steel pile sleeve is to isolate the inner steel piles from riprap slope movement during earthquakes.

The following text changes have been made to Section 3.3, *Biological Resources* (Page 3.3-60):

Table 3.3-4 Proposed Project Estimated Cover Area

Structure	Pile Type	Cover Area (square feet)
Existing Pier	20" Concrete Piles	28,160
New Build		
New Pier, Gangway and Platform, and Breakwater	24" Octagonal Piles	33,525
	48"x14" Prestressed Concrete Sheet Pile (for breakwater)	
Universal Charging Float Guide and Donut Piles	36" Steel Guide Pipe Piles	11,685
	36" Steel Donut Fender Pipe Piles	
Total New Build		**45,210**
Net Change		**17,050**

Notes: As noted in Table 2-1 of Chapter 2, *Project Description*, design updates (since the Draft EIR was published) have resulted in an overall reduction in the number of piles proposed for installation. Given that final calculations will be conducted as the City obtains regulatory permits, the values in this table have not been changed. They continue to represent conservative values for the purposes of CEQA analysis.

The following text changes have been made to Section 3.10, *Noise* (Pages 3.10-25 and 3.10-26):

Table 3.10-15 Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA)	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
…							
Pile Installation	49	Along pier	Shorebird Park[3]	150	79	60	**Yes**
			Skates on the Bay Restaurant[4]	~~230~~ 170	~~75~~ 78	70	**Yes**
			Nearest live-aboard boat[45]	670	66	65	**Yes**
…							

dBA = A-weighted decibels

[1] All equipment in each waterside construction phase was conservatively assumed to operate near the pier entrance, as this represents the closest location where construction activity may occur relative to nearby sensitive receptors for extended periods of time.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Note that restaurants are not typically considered to be noise-sensitive receptors; however, due to the close proximity of this land use to project construction and locations where pile driving would occur, this restaurant is conservatively included as a sensitive receptor.

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA)	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?

[4] [5] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

Table 3.10-16 Comparison of Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
…							
Pile Installation	49	Along pier	Shorebird Park[3]	79	69	60	**Yes**
			Skates on the Bay Restaurant	~~75~~ 78	~~65~~ 68	70	No
			Nearest live-aboard boat[4]	66	56	65	No
…							

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

The following text changes have been made to Section 3.12, *Transportation* (Page 3.12-24):

It should be noted that other marine vessels regularly operate near the project site, given that the project site is next to an active Marina. Similar to other vessels, ferry vessels would operate safely. For example, when approaching the ferry floats, ferry vessels would slow down significantly and adhere to speed limits and docking safety procedures. Additionally, the project design has been refined to include additional fender piles and donut fenders located adjacent to the proposed ferry berthing area and around portions of the breakwater and turning basin. These fender piles and donut fenders would function as passive marine safety features and are intended to supplement the guide piles and donut fender system associated with the ferry terminal described in Chapter 2, *Project*

> *Description*. The fender piles and donut fenders would provide an additional layer of protection for ferry terminal infrastructure during vessel approach and docking operations, including in the unlikely event of a vessel loss-of-control incident. The addition of these fender piles and donut fenders is consistent with standard marine engineering and navigational safety practices and would further reduce the potential for collisions involving ferry terminal facilities. The fender piles and donut fenders do not alter ferry operations, navigation routes, vessel maneuvering requirements, or the conclusions of this analysis regarding transportation safety.

As described above, these refinements are within the scope of the project analyzed in the Draft EIR and do not result in new or more severe environmental impacts than those originally disclosed. As such, the conclusions of the Draft EIR remain unchanged.

In addition to the above text change describing the inclusion of fender piles and donut fenders, to further clarify the regulatory framework governing ferry navigation and vessel safety, the following clarification text changes, a new paragraph, has been made to Draft EIR Section 3.12, *Transportation* (Page 3.12-15):

> *Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR*
>
> The Water Emergency Transportation Authority (WETA) – also known as San Francisco Bay Ferry – prepared the Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR in 2003 (2003 WETA EIR). The Navigation Section of the 2003 WETA EIR, which the City incorporates by reference herein, included a program-level analysis of ferry vessel navigation and operational safety within the San Francisco Bay. The 2003 WETA EIR describes the regulatory context governing ferry navigation, including federal, state, and regional regulations, as well as coordination with and oversight by applicable maritime authorities. The 2003 WETA EIR accordingly evaluates potential navigation-related impacts associated with expanded ferry service and identifies standard operating procedures and mitigation measures to maintain safe vessel operation and minimize navigation conflicts, including the potential for vessel loss of control incidents (refer to 2003 WETA EIR Section 3.2.1.5, *Regulatory Setting*, and Section 3.2.2, *Impacts and Mitigation*). This information on the regulatory context as well as these mitigation measures are incorporated by reference and provide a broader regulatory and operational framework for ferry navigation evaluated at the project level in this Draft EIR.

To improve clarity regarding the incorporation of the 2003 WETA EIR with respect to the above revision to Section 3.12, Transportation, additional clarifying text has been added to Section 1.1.3, Incorporation by Reference (Page 1-2):

> This EIR includes a summary of the relevant parts of the WETA Program EIR. Please refer to Section 3.3, *Biological Resources*, ~~and~~ Section 3.7, *Hazards and Hazardous Materials*, and Section 3.12, *Transportation*, for a summary of the analysis in the WETA Program EIR, as it pertains to the proposed project.

This clarification does not result in new or more severe impacts, nor does it alter the analysis presented under Impact TRA-3. Therefore, the analysis and significance conclusion presented under Impact TRA-3 in the Draft EIR remain valid as written.

Section 3.11, *Recreation*, of the Draft EIR evaluates water-based recreation and Section 3.12, *Transportation*, evaluates navigation and vessel operations. These analyses conclude that recreational uses would remain compatible with ferry operations. However, page 3.11-19 of the Draft EIR has been revised to incorporate clarifying text as follows:

> Operation of the ferry vessels would not interfere with recreational uses of the Berkeley Waterfront area. While the project would introduce ferry vessel operations within the approach channel and berthing area, these activities would be limited to defined navigation corridors. Recreational sailing areas in the Marina and adjacent waters would remain available.

Operational compatibility with water-based recreation is addressed in Draft EIR Section 3.11, *Recreation*, which explains that ferry vessels would not interfere with water-based recreation (Impact REC-1, pages 3.11-16 through 3.11-20).

Page 3.11-20 has been revised to incorporate clarifying text as follows:

> Ferry operations would comply with speed restrictions and navigation protocols, resulting in wake conditions consistent with existing vessel traffic. Recreational users, including swimmers and non-motorized watercraft users, are not typically present within the proposed ferry terminal location, north of the Pier, due to the existing traffic of sailboats and charter boats entering and exiting the Marina. Ferry boats would be regulated near the ferry terminal and be restricted to a travel speed maximum of 8 knots.[29] More specifically, at 0.33 nautical miles, or approximately 2,000 feet from the terminal, ferry boats would begin to slow speed to reduce the effects of the vessel's wake. At 0.25 nautical miles, or approximately 1,500 feet from the terminal, the vessels would be brought to neutral for transferring and qualifying controls at the wing station for docking.[30] Consistent with existing WETA practices, ferry operations would be subject to U.S. Coast Guard navigation and safety requirements and would incorporate standard operational protocols, including defined approach routes, speed controls, and coordination with marina traffic, to ensure safe coexistence with recreational water users (refer to Section 3.12, *Transportation*). In addition to compliance with speed restrictions and navigation protocols, recreational users, including swimmers and non-motorized watercraft users, are not typically present within the proposed ferry terminal location north of the Pier due to the existing traffic of sailboats and charter boats entering and exiting the Marina. There are no designated launch points within the immediate vicinity of the ferry terminal. Ferry operations would occur within areas already characterized by vessel activity and would not affect primary recreational launch areas located elsewhere within the Berkeley Waterfront. Therefore, the associated ferry wake would not be noticeable within the context of the Berkeley Waterfront area and existing sailboat, motorized boats, and other recreational craft use. Recreation in the South Sailing Basin would not be impacted by operation of the proposed project, given the ferry boats would not traverse that area.
>
> [29.] 8 knots is equal to approximately 9.2 miles per hour.
>
> [30.] Gerrity, Brian. 2025. Project Manager, Capital Planning, San Francisco Bay Ferry. Personal communication regarding ferry speed in the Berkeley Waterfront area with Leo Mena, Senior Environmental Planner, Rincon Consultants. December 4, 2025.

In summary, the potential for loss of control incidents is adequately addressed through regulatory compliance, project design, and WETA's standard operational practices for vessel navigation and safety as described in Draft EIR Chapter 2, *Project Description*, and Section 3.12, *Transportation*. No significant environmental impacts related to such potential events have been identified with respect to these EIR topical areas. Therefore, the Draft EIR conclusions and mitigation measures remain valid.

2.2.15 Topical Response: Maintenance Dredging

Page 2-36 of Section 2.6.1, *Construction Details*, within Chapter 2, *Project Description*, of the Draft EIR describes the extent, location, and volume of dredging required for the project. As later described on Page 3.3-14 in Section 3.3, *Biological Resources*, of the Draft EIR, dredging activities at the project site are subject to oversight and permitting by USACE, with additional coordination with agencies such as the Regional Water Quality Control Board and the Dredged Material Management Office. The City of Berkeley or WETA would be responsible for implementing project-related dredging, subject to these regulatory approvals. Future maintenance dredging within the navigation channel or turning basin would be required to obtain applicable environmental clearances and regulatory permits and approvals.

In response to these comments, the following clarification text changes have been made to Draft EIR Section 2.6.1, *Construction Activities and Equipment*, page 2-28 as follows:

> Dredged materials and demolition debris would all be transported via barge that have a capacity of between 3,000 and 6,000 cubic yards. The location for disposal of dredged materials would depend

on the sampling results of the dredged materials, as well as permitting requirements. However, based on the recently completed Berkeley Marina Dredging Project of 2024 to 2025, it is expected that disposal would occur at Montezuma Wetland Restoration Project (Beneficial Reuse), Alcatraz Disposal Site, or another disposal site in the San Francisco Bay. The dredging described above represents one-time, project-specific dredging required to establish navigable depths for ferry operations. This dredging would be conducted on behalf of the City of Berkeley and/or WETA, subject to all applicable permits and approvals from the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), and the Dredged Material Management Office (DMMO). Although dredging would occur within the alignment of an existing USACE-designated federal navigation channel, this portion of the channel has not been maintained by USACE in recent decades and is not currently included in an active federal maintenance dredging program. Accordingly, dredging at this location would constitute new work dredging, and the proposed project does not assume that USACE would conduct or be responsible for this initial dredging.

The above clarifications do not change the project description as analyzed throughout the Draft EIR. The environmental analysis conservatively evaluates the maximum dredging extent and all impacts associated with project-related dredging were assessed assuming project implementation by the City under applicable regulatory oversight.

Regarding maintenance dredging, the need for, timing of, and extent of future maintenance dredging cannot be determined with certainty at this time. Refer to the 2025 Coastal Study prepared for the project.16 As discussed therein, a hydrodynamic and sediment transport model was developed to evaluate sediment deposition within the proposed dredged areas and estimate long-term maintenance requirements. The study concluded that average annual sedimentation rates are approximately 0.20 feet per year within the approach channel and approximately 0.09 feet per year within the berth pockets. Based on these modeled sedimentation rates, the study estimated that maintenance dredging may not be required for approximately 10 to 15 years within the approach channel and approximately 22 to 33 years within the berth pockets, depending on the operational depths ultimately maintained. The study also notes that these estimates are subject to uncertainty and are based on modeling assumptions, available calibration data, and future conditions that may change over time (refer to Coastal Study, Executive Summary, pages 7-8; and Sections 6-7, pages 64-67). Accordingly, there is currently no project-specific maintenance dredging program, schedule, dredging volume, disposal plan, or operational commitment that can be analyzed. Whether maintenance dredging will ultimately occur, when it may occur, the amount of material that may require removal, the technologies available at that time, applicable regulatory requirements, and environmental conditions present when such dredging may become necessary are presently unknown.

CEQA does not require the analysis of impacts that are too speculative for meaningful evaluation. CEQA Guidelines Section 15145 provides that where a lead agency determines, after thorough investigation, that a particular impact is too speculative for evaluation, the agency may conclude its discussion of that impact. Given that potential maintenance dredging, if needed, is not anticipated for at least 10 years and potentially more than 30 years depending on location and operating conditions, and because the timing, extent, methods, and environmental setting associated with any future maintenance dredging are presently unknown, detailed environmental analysis of future maintenance dredging would be speculative. Should maintenance dredging be proposed in the future, such activities would be subject to applicable permitting requirements and any environmental review required under then-applicable federal, state, and local regulations.

To provide additional clarification, the following text has been added to Draft EIR Section 2.6, *Construction Details*, within the discussion of dredging (page 2-28):

[16] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf

> Sediment transport modeling prepared for the project estimates that maintenance dredging, if required, would occur infrequently. Based on modeled sedimentation rates, maintenance dredging within the approach channel may not be needed for approximately 10 to 15 years, while maintenance dredging within berth pockets may not be needed for approximately 22 to 33 years, depending on operational depth requirements.[23] Because the timing, extent, volume, methods, and regulatory requirements associated with any future maintenance dredging are presently unknown, no maintenance dredging program is proposed as part of the project at this time. Any future maintenance dredging activities would be evaluated and permitted, as required, based on the circumstances existing at that time.
>
> [23.] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf

This revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR.

Furthermore, it should be noted that any potential cumulative impacts associated with maintenance dredging, including potential cumulative impacts from the proposed project one-time dredging event, future unknown maintenance dredging for the proposed project, or any other dredging nearby would be addressed through applicable permitting requirements. Dredging in the Bay is highly regulated by the Dredged Material Management Office. CEQA Guidelines Section 15130(c) states the following: “With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.” In the case of dredging impacts in the Bay, the Dredged Material Management Office has imposed regulations that address any potential cumulative impacts related to dredging.

The Draft EIR's analysis and conclusions related to dredging impact remain valid as written. No further revisions to the EIR are necessary.

2.2.16 Topical Response: Measure L

Measure L was passed by City of Berkeley residents through a citywide vote in the November 1986 election. The initiative was placed on the ballot to ensure public oversight and protection of the city's parks and open spaces. As stated in the Section 3.9, *Land Use and Planning* (See 3.9-33) of the Draft EIR, Measure L provides that:

> "No public parks or public open space owned or controlled or leased by the City or agency thereof, shall be used for any other purpose than public parks and open space, without the Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next general election; except that such voter approval is not required for temporary use of public parks or public open space for other purposes, if a state of emergency has been declared..."
>
> (BMC Section 6.42.010)

"Public parks" are defined as City of Berkeley parks, public school playgrounds, or lands held in trust by a public entity that have been formally dedicated to permanent recreational use by the City of Berkeley and funded for recreational use by City of Berkeley public funds. "Public open space" is defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether formally dedicated to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985 (BMC Section 6.42.030).

As discussed in the Draft EIR, the proposed project is consistent with Measure L. The analysis proceeds component by component.

Landside Improvements

None of the proposed landside improvements would take place within a public park, with the limited exception of the installation of a new wayfinding sign in Shorebird Park. The installation of this sign would not change the purpose or alter the use of Shorebird Park but rather is consistent with its park use. The remaining landside improvements do not implicate Measure L because they are not occurring in a public park. Even if Measure L applied, the improvements are consistent with Measure L as described below.

- The parking lot improvements consist of renovation of an existing parking lot. This renovation would include removing a landscaped strip bordered on one side by Seawall Drive and the Parking Lot on another side. This median is not accessible to the public (there are no cross-walks or paths leading to it or amenities connected to it). Therefore, the Project would not result in a change of use.
- The public plaza improvements consist of enhancements to an existing paved plaza area, adding amenities such as seating, a public restroom, and bicycle parking. These amenities do not amount to a change in use. Rather, these improvements are intended to promote the space as a public gathering space, which is consistent with and supportive of the existing recreational use.
- The Bay Trail Extension and cycle track would be constructed in an area currently occupied by parking stalls and a dilapidated pathway. The use of this area is moving from parking to landscaped green space and multi-use trail for recreational use by bicyclists and pedestrians.
- The cycle track improvements and bus facilities would be built in the public right-of-way, which is not parkland or open space subject to Measure L. In any event, they do not change the character of the area, but rather facilitate use of the space for recreational purposes, consistent with Measure L.

Pier Improvements

The waterside improvements include building a new pier in the same location as the existing, deteriorated pier. The pier would not be built in a public park or in public open space as defined by Measure L. Even if the areas upon which the pier is built were subject to Measure L, these improvements are Measure L compliant, because the new pier would not change the purpose or alter the use of these areas - it replaces the existing pier and maintains the recreational use of the area. In fact, the new pier expands recreational use because the current pier has been inaccessible to the public since its closure in 2015.

Ferry Terminal, Charging Infrastructure, and Breakwater

The ferry facility, ferry charging infrastructure, and breakwater would be installed in open Bay waters. Open Bay waters are navigable waters of the State, subject to the public trust doctrine and the regulatory jurisdiction of the San Francisco Bay Conservation and Development Commission and the State Lands Commission, not “public parks” or “public open space”. Therefore, Measure L is not triggered.

For these reasons, as stated in the Draft EIR, the proposed project would not conflict with Measure L. No revision to the Draft EIR is warranted on this basis.

2.2.17 Topical Response: Mitigation Measure Requirements

CEQA Guidelines Section 15126.4 requires that an EIR identify feasible mitigation measures for potentially significant impacts and provides that the development of mitigation measures shall not be deferred to a future time but also states that specific details of a mitigation measure may be developed after project approval, where it is impractical to finalize those details during environmental review. CEQA Guidelines Section 15126.4(a)(1)(B) states:

“Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s

environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards."

The comments identified three mitigation measures that the comments refer to as deferred. Each is addressed below.

First, Draft EIR Mitigation Measure BIO-3 (which requires removal of additional portions of the existing pier) does not constitute deferred mitigation. Mitigation for impacts to waters of the United States and waters of the State is typically determined through the regulatory permitting process, in coordination with the U.S. Army Corps of Engineers and Regional Water Quality Control Board. As part of this process, project impacts must first be avoided, then minimized to the maximum extent practicable, after which the permitting agencies establish the appropriate type, location, and amount of mitigation based on site-specific conditions, resource functions and values, and applicable regulatory standards. The final mitigation requirements, including mitigation ratios, performance standards, and monitoring requirements, are formalized through permit conditions (e.g., Section 404 and Section 401 authorizations). Mitigation Measure BIO-3 commits the project to providing mitigation consistent with these regulatory requirements and ensures that impacts to jurisdictional waters will be fully offset in accordance with federal and state standards.

Consistent with CEQA Guidelines Section 15126.4, the Draft EIR commits to the mitigation measures identified throughout the document and will further commit to these measures by adopting and implementing a Mitigation Monitoring and Reporting Program (MMRP). In addition, the mitigation measure establishes performance standards that the measure must achieve (i.e., 1:1 mitigation ratio) and identifies the types of actions that will be implemented to meet those standards (i.e., the removal of existing pier piles and decking). To the extent that negotiations with regulatory agencies may result in a higher mitigation ratio than the 1:1 minimum specified in Mitigation Measure BIO-3, the City states that Mitigation Measure BIO-3 expressly establishes a floor, not a ceiling, and provides that the measure "may be modified or supplemented by permit conditions from applicable regulatory agencies." Therefore, adoption and incorporation into the project of Mitigation Measure BIO-3 will commit the City to mitigation that includes specific performance standards and identifies the types of potential activities to achieve these standards, consistent with CEQA Guidelines Section 15126.4(a)(1)(B). Accordingly, Mitigation Measure BIO-3 is not deferred mitigation, but rather is structured in a manner which allows the City to finalize implementation details, including removal ratio, at a later stage so long as enforceable standards and commitments are met. Because the Draft EIR discloses the mitigation framework, performance criteria, and anticipated methods of compliance, the public has been provided with a meaningful opportunity to review and comment on the effectiveness and feasibility of the proposed mitigation measures. Therefore, the Draft EIR complies with CEQA Guidelines Section 15126.4 and does not impermissibly defer mitigation.

Second, the City has not deferred mitigation by not providing a parking management plan. Parking supply is not an impact under CEQA so no mitigation measure was identified to prepare a parking management plan. Refer to the Section 2.2.20, *Topical Response: Parking,* for more information on this topic.

Third, the implementation of mitigation from the 2003 WETA EIR is not deferred mitigation. As identified in Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* the 2003 WETA EIR is not relied upon for the discussion of land use impacts or recreational access amenities. For a discussion of recreational access amenities, refer to Section 2.5 Proposed Project Components, Chapter 2 *Project Description*, pages 2-6 through 2-22 which describes the recreational amenities on the waterside and landside for the proposed project along with figures and plan views of the key components of the project that are intended to provide an enhanced recreational amenity throughout the waterfront area. For the proposed project land use impacts, please refer to Section 3.9, *Land Use and Planning* of the Draft EIR.

For questions raised by comments about specific mitigation measures, additional information about why the measure is compliant with CEQA Guidelines Section 15126.4 is provided in the responses to comments raising this issue. In summary, the Draft EIR significance conclusions and associated mitigation measures remain valid, and no changes are necessary in response to these comments.

2.2.18 Topical Response: Nighttime Lighting/ALAN[17]

The baseline conditions of existing lighting and glare in the project vicinity are described in Draft EIR Section 3.1.2, *Light and Glare*, which considers temporary, mobile, and permanent sources of lighting and glare in the project vicinity.

The following clarifying text, underlined below, has been added to Draft EIR Section 3.1.2, *Light and Glare*, on page 3.1-8*:*

> *Primary stationary sources of light at the project site include streetlights, parking lot and safety* lighting, pier lighting, and exterior building lights. Automobile headlights also create temporary, mobile sources of light along proximate roadways and within on-site and nearby parking lots. Refer to Figure 3.1-2, Photograph 1 for a representative photograph of the existing lighting on the pier. Refer to Figure 3.1-2, Photograph 2 for a photograph of the Berkeley Waterfront, which shows the nighttime lighting on the pier, as well as the Seawall Drive Parking lot (refer to the middle of the photograph, to the peninsula located to the left of the pier).
>
> As described in Chapter 2, *Project Description*, existing lighting is present on the closed pier (28 lights spaced approximately 110 feet apart from each other on the north side of the closed pier), as well as the existing Seawall Drive parking lot (eight lights in parking islands).

As described in the Draft EIR Chapter 2, *Project Description*, and Section 3.1, *Aesthetics*, the proposed project would require temporary nighttime lighting during construction and includes permanent lighting fixtures to be used once the project is operational. As discussed in Section 3.1, *Aesthetics* under Impact AES-4 (pages 3.1-33 through 3.1-34), nighttime construction lighting would be temporary and limited, and operational lighting (i.e., permanent fixtures) would be similar in nature to existing conditions while remaining compliant with local safety and design requirements. As required by Draft EIR Mitigation Measure AES-1 and in compliance with BCDC and local guidelines, project lighting would consist of shielded, downward, project-facing lighting, and all fixtures would be compliant with Illuminating Engineering Society (IES) and DarkSky recommendations to control and minimize glare, avoid light pollution, and minimize light trespass. Discussion of impacts to biological resources associated with proposed project lighting, including Artificial Light at Night (ALAN) are addressed in Draft EIR Section 3.3, *Biological Resources.* Impact BIO-1 (pages 3.3-42 through 3.3-56) determined less-than-significant impacts to biological resources as a result of proposed project lighting with implementation of Mitigation Measures AES-1.

The following clarifying text, underlined below, is added to Draft EIR Section 3.1.3, *Regulatory Framework*, page 3.1-16*:*

> San Francisco Bay Conservation and Development Commission
>
> **San Francisco Bay Plan**
>
> The San Francisco Bay Plan[8] developed by the San Francisco Bay Conservation and Development Commission (BCDC) aims to maintain and enhance the Bay as a body of water that affords scenic enjoyment. Key aesthetics objectives in the form of findings and policies applicable to the proposed project include the following:
>
> …

[17] ALAN is the abbreviation of "Artificial Light at Night."

- Transportation Policies
  - Policy 4. Transportation projects on the Bay shoreline and bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.

Public Access Design Guidelines for Shoreline Spaces[9]

The BCDC Public Access Design Guidelines for Shoreline Spaces (BCDC 2005) provides guidelines for shoreline design. Guidelines related to visual resources are listed below.

- Taking advantage of existing site characteristics and opportunities, such as fishing, viewing, picnicking, swimming or boating.
- Locating buildings, structures, parking lots and landscaping of new shoreline projects such that they enhance and dramatize views of the Bay and the shoreline from public thoroughfares and other public spaces.
- Organizing shoreline development to allow Bay views and access between buildings.
- In hilly areas, designing and locating shoreline buildings to allow for upland views down to the Bay and to Bay access areas.
- In hilly areas, employing split-level roads to increase viewing and landscaping potential.
- Designing towers, bridges or other structures as landmarks that suggest the location of the waterfront, even when the Bay itself is not visible.
- Providing visual interest and architectural variety in massing and height to new buildings along the shoreline.
- Using building footprints to create a diversity of public spaces along the Bay.
- Articulating shoreline building facades with human-scale elements.
- Using forms, materials, colors and textures that are compatible with the Bay and adjacent development.
- Locating service areas, such as garbage facilities and loading docks, away from the shoreline or screen them with suitable fencing or landscaping.
- Utilizing the shoreline for Bay-related land uses as much as possible; uses that do not complement the Bay should be set back from and not impact the shoreline.
- Orienting the development to Bay views and providing physical connections to the Bay at every opportunity.
- Orienting public access areas and improvements to take advantage of views of opposite shores, landmarks (such as islands and bridges) and adjacent maritime activities such as boat launching, gas docks, ferry landings or other marine-related uses.
- Utilizing the shoreline for Bay-related uses. Uses that do not orient to the Bay should be set well back from the Bay and be sited, designed and managed so as to not impact the shoreline.
- Provide buffers between roadways and public access areas, such as planting, low berms or roadside parking, and maintain views to the Bay.
- Provide parking for shoreline access areas where appropriate, but keep parking areas reasonably sized, away from the Bay and adequately screened.
- Provide small bayside parking areas or pull-offs for limited in-car Bay viewing, where compatible with existing roads and adjacent uses.
- Provide elevated places for viewing the Bay.
- Use site furnishings, such as benches, trash containers and lighting, to provide visual cues that the shoreline space is available for public use.

- Use lighting to extend the hours of shoreline use.
- Locate night lighting away from sensitive habitat areas.
- Provide enough lighting to create a sense of safety, but designing to control intensity, glare, and spillover.

[8] BCDC. 1969. San Francisco Bay Plan. Available: https://bcdc.ca.gov/resources/plans/san-francisco-bay-plan/#introduction. (accessed September 2024).

[9] BCDC. 2005. Shoreline Spaces: Public Access Design Guidelines for the San Francisco Bay. Available at: https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2023/09/Public-Access-Design-Guidelines-Shoreline-Spaces-PDF.pdf. Accessed June 2026.

The following clarifying text, underlined below, is added to the Draft EIR discussion under Impact AES-4 (page 3.1-33):

Operation

The BCDC Public Access Design Guidelines for Shoreline Spaces (BCDC 2005) provides guidelines for shoreline design. Guidelines related to lighting include:

- Using site furnishings, such as benches, trash containers and lighting, to provide visual cues that the shoreline space is available for public use;
- Using lighting to extend the hours of shoreline use;
- Locating night lighting away from sensitive habitat areas; and
- Providing enough lighting to create a sense of safety, but designing to control intensity, glare, and spillover.

The proposed project would include the following lighting features:

- Wayfinding signage lighting along University Avenue, Seawall Drive, and the proposed Bay Trail Extension
- Lighting at the Seawall Drive parking lot
- Lighting on the new pier, breakwater, gangways, and floats
- Lighting at the new public plaza

Down-cast LED lights would be placed approximately every 50-feet along the Pier and Breakwater on 16-foot tall poles. The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck, which would also to be used for emergency egress lighting. A solar-powered marine signal light would be installed on the float. Emergency LED path of egress lighting would also be installed on the central inverter. The proposed project lighting is required to support safe nighttime use of University Avenue, Seawall Drive, the proposed Bay Trail Extension, Seawall Drive parking lot, and pier by providing adequate visibility for pedestrian circulation, wayfinding, vehicle maneuvering, and hazard avoidance during hours of darkness, as required by the BCDC. ~~Furthermore, lighting~~ All project light fixtures would be photocell-controlled area lighting in compliance with Illuminating Engineering Society (IES) and DarkSky recommendation to minimize glare, reduce light trespass, and avoid light pollution. With utilization of DarkSky approved light fixtures, operational impacts related to new sources of light would be less than significant.

Vehicular traffic from the proposed project would result in an increase in mobile light sources (i.e., vehicle headlights) in the project vicinity. The existing visual setting is characterized by developed land uses, established roadway infrastructure, and ongoing vehicular activity that already introduces

intermittent headlight illumination and associated glare during nighttime hours; thus, the baseline environment includes regular exposure to such light sources. As described in Section 3.12, Transportation, and Appendix F, the Project is estimated to generate 1,127 daily vehicle trips; however, it is anticipated that most of these trips are not new trips, and were originally headed to San Francisco by driving across the Bay Bridge. Project-generated traffic would incrementally increase the number of vehicles on nearby roadways, increasing the frequency of headlight visibility within the viewshed. However, this increase would be minor and dispersed, occurring within existing roadway corridors and parking areas already defined by vehicular movement and associated lighting. Vehicle headlights are inherently transient, directional, and mobile, producing short-duration illumination rather than static or concentrated light sources. Accordingly, the project would not substantially increase ambient nighttime illumination or introduce new patterns of light spill or glare beyond existing conditions. This impact would be less than significant.

It is not anticipated that significant operational daytime glare would occur from proposed project structures (e.g. pier, breakwater, ferry infrastructure), given the lack of reflective materials in the proposed facility. While the surface of water is reflective, this would not be a change from existing conditions and, thus, would not introduce new sources of daytime glare. Potential glare resulting from Bay water would appear similar in character to existing, surrounding Bay water at the project site. Therefore, operational glare impacts related to new sources of glare would be less than significant.

Discussion of project impacts to biological resources associated with proposed project lighting is included in Section 3.3, *Biological Resources*.

Environmental impact analysis associated with light and glare evaluated in Draft EIR Section 3.1, *Aesthetics*, is based on the lighting infrastructure and design assumptions described in Draft EIR Chapter 2, *Project Description*, (pages 2-22 through 2-23) and implementation of required Mitigation Measure AES-1. The light and glare impact (Impact AES-4, refer topages 3.1-33 through 3.1-34) was determined to be less-than-significant-with mitigation. For the following reasons, modelling future lighting is not reasonable or required for assessment of environmental impacts related to the proposed project:

- Project lighting would occur within an already developed area along already developed roadways, trails, paths, piers, and other public uses;
- Project lighting would primarily replace or enhance existing lighting;
- Project lighting would be primarily to provide for safe use of the waterfront and to extend the public hours of such use; and
- Project lighting would be designed to avoid glare and in conformance with DarkSky recommendations.

The text changes above are clarifying in nature and do not alter the substance of the impact analysis or the resulting significance determination. Therefore, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid.

2.2.19 Topical Response: Ordinance (Prohibited Recreational Activities)

The Marina Boundary

BMC Chapter 6.20 governs the Berkeley Marina. As defined in BMC Section 6.20.010(A), the "Berkeley Marina" is the area owned or controlled by the City, including the municipal fishing pier, the breakwater, the sea walls and the extensions thereof, located on the Berkeley waterfront, bounded on the west by a north-south line through the end of the Municipal Fishing Pier. The pier footprint and adjacent Bay waters fall within the defined boundaries of the Berkeley Marina as established by BMC 6.20.010(A). BMC Chapter 6.20, including its prohibited activities provisions, therefore applies to the project's waterside area.

Section 6.20.180(A): Swimming, Bathing, Wading, and Windsurfing.

Section 6.20.180(A) states that it is unlawful for any person to swim, bathe, wade, or windsurf in any portion of the marina except at Shorebird Park and in the South Sailing Basin. As established by the Marina boundary definition above, this prohibition applies within the project site. The Draft EIR correctly states that swimming, bathing, windsurfing, and wading are prohibited within City jurisdictional waters in the Marina except at the South Sailing Basin (including Shorebird Park Beach and the sailing docks). This is an accurate statement of existing law. The project does not create this prohibition which predates the project and reflects the existing regulatory baseline.

Section 6.20.180(B): Personal Watercraft

Section 6.20.180(B) is a separate and distinct provision from Section 6.20.180(A). Section B prohibits the operation of jet skis and personal watercraft within 1,500 feet of the Berkeley shoreline or Berkeley Fishing Pier, except within a designated access corridor.

"Personal watercraft" as defined in BMC Section 6.20.010(H) means vessels propelled by a water-jet pump or other machinery as their primary source of motor propulsion - in common parlance, jet skis. Windsurfing boards, kiteboarding equipment, kayaks, paddleboards, and similar wind- or human-powered craft do not fall within this definition. The City agrees that the 1,500-foot personal watercraft restriction in Section 6.20.180(B) does not apply to wind- or human-powered watercraft. However, the activities at issue (swimming, windsurfing, wading, and bathing) are addressed not by Section B but by Section A, which applies Marina-wide. The comments' focus on the legislative history of Section B is, therefore, not relevant to the applicability of Section A.

The following clarifications are added to pages 3.11-18 and 3.11-19 of the Draft EIR:

> For construction occurring in the water, swimming, bathing, wading, and wind surfing~~, sailing, and kayaking~~ are prohibited at the existing and new pier areas, pursuant to Berkeley Municipal Code Section 6.20.180(A), Prohibited activities. Although Berkeley Municipal Code Section 6.20.180(B) also prohibits the use of jet skis and other motorized watercrafts in this vicinity, sailboats, kayaks, paddleboards, and other non-motorized recreational watercraft may continue to use waters in the pier area. Boats already navigate around the existing pier and other vessels in the Bay and Marina, and they would similarly be able to navigate around in-water construction activities. Boats entering or exiting the Marina would also be able to maneuver around the work area, as construction would be staged to maintain adequate space for vessel passage. Therefore, water-work would not directly impact water-based recreation. ~~Therefore, p~~Project construction also would not substantially increase the use of existing park and recreational ~~reactional~~ facilities, including access to the the San Francisco Bay for recreation use, such that there would be substantial physical deterioration of existing parks and recreational facilities and result in need for new or physically altered park facilities.
>
> …
>
> Operation of the ferry vessels would not interfere with recreational uses of the Berkeley Waterfront area. While the project would introduce ferry vessel operations within the approach channel and berthing area, these activities would be limited to defined navigation corridors. Recreational sailing areas in the Marina and adjacent waters would remain available. Proposed ferry vessels would travel and dock in Bay waters north of the pier, in an area where swimming, bathing, wading, and windsurfing~~/sailing is~~ are prohibited by the Berkeley Municipal Code Section 6.20.180(A), Prohibited activities. These restrictions represent existing municipal regulations applicable to localized areas of the Marina and are part of the existing baseline conditions; the proposed project would not modify or expand the geographic extent of these regulated areas. However, other types of recreational boats are permitted to use this area. Sailboats, kayaks, paddleboards, and other non-motorized personal watercraft are not prohibited by either Section 6.20.180(A) or Section 6.20.180(B) and may continue to use the area accordingly. At present, permitted recreational boats already navigate around the existing pier and other vessels using the Bay and Marina, and they would similarly be able to navigate around the proposed ferry infrastructure and ferry vessels.

The Project Does Not Create or Expand the Prohibition

The proposed project does not impose any new restrictions on water-based recreation. The prohibitions in BMC Section 6.20.180 are existing law applicable to the project site regardless of whether this project is built. The project does not propose new enforcement of those restrictions, nor does it physically preclude access to areas that are currently available for wind- or human-powered watercraft. As described in the Draft EIR at Section 3.11, the primary launch points for swimmers, windsurfers, kayakers, and paddleboarders at the Berkeley Waterfront (the South Sailing Basin docks and Shorebird Beach) are located outside of the project site and would not be affected by the project. The un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula, used by some water recreators, is likewise south of the project site and not permanently impacted by the project; refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.*

CEQA Baseline

Several comments state that the DEIR improperly uses BMC 6.20.180 to define the CEQA baseline. However, under CEQA Guidelines Section 15125, an EIR must describe the physical environmental conditions and existing regulatory environment at the time the NOP is published. Impacts to recreational uses, including those activities that may occur informally in the project site, are also analyzed in Section 3.11, Recreation, of the Draft EIR.

For these reasons, the Draft EIR's description of BMC Section 6.20 is correct and no revision to the Draft EIR is warranted.

2.2.20 Topical Response: Parking

Parking Is Not an Environmental Impact Under CEQA

Issues related to parking are addressed in Draft EIR Chapter 3, *Environmental Impact Analysis* (refer to page 3-11). As explained therein, the Draft EIR evaluates potential secondary environmental effects associated with parking conditions through the relevant environmental resource topics. To the extent comments concern the allocation, management, or availability of parking, such comments do not raise significant environmental issues requiring further response pursuant to CEQA Guidelines Section 15088.

The Project is Consistent with Bay Plan Recreation Policy 9

Bay Plan Recreation Policy 9 requires that parking facilities not be usurped by ferry patrons and that shared parking arrangements be provided to minimize the shoreline area needed for parking.

Even assuming inconsistency with the Bay Plan constituted an environmental impact, the DEIR demonstrates that the proposed project is consistent with the Bay Plan, including Recreation Policy 9, and would not usurp recreational parking. As the Draft EIR at Section 3.9 makes clear, the project's Parking and Transportation Demand Management (TDM) Plan demonstrates the Berkeley Waterfront's capacity to accommodate both ferry patrons and recreational users while ensuring meaningful parking access for each. Therefore, the proposed project is consistent with Recreation Policy 9 and there is no conflict with the Bay Plan.

While some comments provided their own estimates of parking demand and availability and concerns regarding the methodology used in the Parking and TDM plan, CEQA does not require the City to adopt or respond point-by-point to such lay calculations or critiques where, as here, the City's analysis is grounded in empirical data and professional methodology prepared by qualified traffic and transportation engineers. The City's conclusions regarding parking sufficiency are based on the Parking and TDM Plan, prepared by Kittelson & Associates, which constitutes substantial evidence supporting the Draft EIR's analysis. Furthermore, the project will require a permit from BCDC, which will independently assess and confirm the project's consistency with its laws and policies including the Bay Plan. During the permitting

process, BCDC may impose special conditions or project changes as necessary to ensure consistency with its laws or policies.

The Project Includes a Robust Parking and TDM Strategy

The City has prepared a Parking and Transportation Demand Management (TDM) Plan for the project. The Parking and TDM Plan establishes parking availability at various parking lots in the project vicinity, estimates ferry-rider parking demand, identifies TDM measures that have been incorporated into the project or could be implemented in the future, and provides recommendations related to shared parking management and allocation. A subsequent Parking Management Implementation Plan will set forth the operational strategies for shared parking, consistent with the recommendations of the Parking and TDM Plan. The Parking and TDM Plan demonstrates that the Berkeley Waterfront has the capacity to accommodate both ferry patrons and recreational users while ensuring meaningful, shared parking access for each, consistent with BCDC Bay Plan Recreation Policy 9.

The Project Ensures Adequate Parking Supply

The existing Seawall Drive parking lot includes approximately 320 parking spaces, and the parking area west of Seawall Drive adjacent to the Bay includes approximately 84 parking spaces, for a total of approximately 404 existing parking spaces across the project site. The proposed project would replace all existing parking spaces with 400 to 450 new parking spaces (pending final design), including ADA-accessible and EV parking spaces. The project therefore maintains approximately the same overall number of parking spaces at the project site and may result in a net increase in parking spaces. The reconfiguration of parking is designed to support shared use consistent with BCDC Bay Plan Recreation Policy 9, which requires that parking facilities not be usurped by ferry patrons and that shared parking arrangements be provided to minimize the shoreline area needed for parking. Further, as discussed above, the Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that with implementation of Parking and TDM strategies such as well-designed and convenient loading zones for family drop-off and rideshare vehicles, enhanced bicycle and pedestrian access and improved secure bike parking, the Waterfront will have sufficient spaces to accommodate all users.

Parking Availability Does Not Create Secondary Environmental Impacts

CEQA does require analysis of secondary physical impacts if a parking deficiency causes them. This includes increased vehicle travel (including vehicle miles traveled [VMT]) or safety impacts from degraded circulation. The Draft EIR evaluates parking and circulation to determine whether changes in parking supply or management could result in such secondary environmental effects, consistent with CEQA Guidelines Section 15064.3.

As documented in Draft EIR Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment,* the project would generate vehicle trips that can be accommodated within the existing transportation network without creating unsafe conditions or substantially degrading circulation (refer to Section 3.12.4, Impact Analysis, on Pages 3.12-15 through 3.12-25). The analysis concludes that project-related traffic would result in minor increases in delay and queuing and would not introduce a new circulation deficiency or substantially worsen existing conditions (refer to Section 3.12.4, Impact TRA-1, on pages 3.12-17 through 3.12-19; Appendix F, Operational Analysis sections).

With respect to secondary effects related to parking, including potential spillover, increased circulation from drivers searching for parking, or increases in VMT, the Draft EIR and the supporting Parking and TDM Plan demonstrate that the Berkeley Waterfront parking supply is sufficient to accommodate project ferry parking demand without requiring drivers to circulate between lots or generate additional vehicle travel. Where sufficient parking supply exists to meet demand, the conditions that would trigger secondary circulation and VMT effects (namely, drivers unable to find parking) do not arise. Accordingly,

the project would not result in secondary environmental impacts from parking-related circulation of VMT increases

Concerns Regarding the Equity of Parking Fees Do Not State Environmental Impacts

Some comments raise concerns that changes to parking, including the introduction of parking fees, would disproportionately affect lower-income and non-white recreational users who currently access the Berkeley Waterfront at no cost. The City acknowledges this concern. The imposition of parking fees, however, does not impose an environmental impact that need be analyzed in this EIR.

Bay Views Are Preserved

As described in the Draft EIR, the reconfiguration of Seawall Drive to allow for the construction of the Bay Trail includes retention of parking on the western side of Seawall Drive where feasible, with approximately 20 pull-in stalls and 13 parallel stalls retained. While this represents a reduction from the approximately 84 existing spaces west of Seawall Drive, the project expands access to Bay views for pedestrians, cyclists, and visitors using the new Bay Trail Extension, seating areas, and picnic tables. Also refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

For these reasons, the Draft EIR's treatment of parking-related impacts is consistent with all applicable laws and regulations, and no revision to the Draft EIR is warranted on this basis.

2.2.21 Topical Response: Potential Impacts on Existing Recreational Water Access

Existing Conditions Are Adequately Discussed in the EIR

As described in the Draft EIR at Section 3.11, Recreation, the Berkeley Waterfront provides multiple launch points for water-based recreation. The public docks in the South Sailing Basin and Shorebird Beach are the primary launch locations for swimmers, windsurfers, kayakers, and paddleboarders. The Draft EIR acknowledges that the un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula is used by water recreators, including when low tides make launching from the South Sailing docks undesirable due to shallow water and exposed mudflats. This existing use is reflected in the baseline conditions described in the EIR. Refer to 3.11.2, *Environmental Setting*, San Francisco Bay in Chapter 3.11, Recreation, on page 3.11-7 of the Draft EIR:

> Windsurfers, wingers, swimmers, paddleboarders, and kayakers launch from the South Sailing docks or Shorebird Beach for access throughout the South Sailing Cove and beyond. An un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula is used by some swimmers and windsurfers/wingers, primarily when low tides make launching from the South Cove undesirable due to shallow water and exposed mudflats.

BMC Section 6.20.180 Clarifies the Permitted Launch Points, Which Are Separate from the Area Where Ferries Will Operate

The 199 Seawall launch point is considered by the City to be within the South Sailing Basin / South Cove area. Launching from this area is permitted because users can travel south and/or east directly into the South Cove, consistent with the provisions of BMC Section 6.20.180, refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*. While some users may navigate into the Marina waters as defined by BMC Section 6.20.010(A), these users rarely travel north of the pier. When they do, they must navigate around the extensive boat traffic that characterizes the Berkeley Marina as well as any other watercraft in the San Francisco Bay. The ferry terminal and ferry operations are located north of the pier, in an area geographically and operationally separate from the recreational uses at the 199 Seawall launch point and the South Sailing Basin.

The Project Does Not Eliminate the 199 Seawall Launch Point, It Improves It

The proposed project does not include any construction or physical alteration at the 199 Seawall launch point itself. The shoreline repair work included in the project is located on the eastern side of the Seawall Peninsula, north and east of the 199 Seawall Drive structure, not at the informal launch area on the Bay-facing south-western tip of the peninsula. Furthermore, the proposed project includes new amenities on the shoreline in the vicinity of the 199 Seawall launch point, including seating, a small laydown area, picnic tables, and rinse stations, specifically to support existing land and water based recreational uses at this location. The project therefore not only preserves access to the 199 Seawall launch point but actively enhances the recreational experience there.

Further, the project does not change low-tide access conditions at that location. To the extent that low-tide access to Bay waters for informal water recreators is a concern, that concern exists independently of this project and is not caused or worsened by project implementation.

Parking and Access

As discussed in the Draft EIR Section 3.12, *Transportation*, and as further addressed in Section 2.2.20, *Topical Response: Parking*, access to parking for recreational use is a social impact rather than an environmental impact under CEQA. Scarcity of parking is considered a potential secondary CEQA impact only where it results in a physical impact on the environment, such as a significant increase in VMT. As the Draft EIR concludes, and as further addressed in Section 2.2.27, *Topical Response: VMT*, the project results in an overall net reduction in VMT, and any VMT increases attributable to parking scarcity are expected to be nominal. Therefore, no secondary VMT impact results from parking conditions associated with the project.

Bay Plan Policy 15 and Marina Master Plan

Bay Plan Map No. 4 Policy 15 calls for preserving "windsurfing access" at the Berkeley Waterfront. As discussed in the Draft EIR at Section 3.9, Land Use Planning (Table 3.9-1), the project is consistent with Bay Plan Map No. 4 Policy 15 because it does not affect existing windsurfing access at the South Sailing Basin or at the 199 Seawall launch point, both of which are preserved and the latter of which is enhanced by the project. The Marina Master Plan similarly identifies windsurfing access as a recreational value to be preserved and enhanced at the waterfront. While this project does not propose implementing the specific improvement conceptualized in the Marina Master Plan for enhancing windsurfer activity at this location, the project's proposed amenities (seating, a laydown area, picnic tables, and rinse stations) are supportive of and consistent with that goal. Furthermore, this project does not preclude the City from implementing improvements proposed in the Marina Master Plan in the future.

Conclusion

The Draft EIR's recreation analysis at Section 3.11 addresses potential impacts to recreational uses from both project construction and operation. The project does not physically alter the 199 Seawall launch point, adds amenities to support its continued recreational use, and operates ferry service entirely north of the pier in an area geographically separate from the recreational uses at issue. The EIR's treatment of recreational impacts in this regard is adequate and no revision is warranted.

For these reasons, the Draft EIR adequately identifies and analyzes potential impacts to water-based recreational access at the Berkeley Waterfront and no revision to the Draft EIR is warranted.

2.2.22 Topical Response: Project Cost/Financial Feasibility

Under CEQA, the purpose of an EIR is to evaluate and disclose a project’s potential physical environmental impacts and identify feasible mitigation measures. Pursuant to CEQA Guidelines Sections 15131(a), 15064(e), and 15064(f)(6), economic merits or considerations, funding availability, and financial feasibility are not environmental issues subject to analysis under CEQA unless they would result in a

reasonably foreseeable physical environmental impact. The environmental topics evaluated in the Draft EIR are based on CEQA Guidelines Appendix G, which does not identify economic or financial feasibility as an environmental issue. Accordingly, the Draft EIR appropriately focuses on potential environmental impacts consistent with CEQA and CEQA Guidelines requirements and does not evaluate project cost or financial feasibility.

The comments do not identify any specific deficiency in the environmental analysis presented in the Draft EIR. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to these comments.

2.2.23 Topical Response: Sea Level Rise

Several comments discuss the project's sea level rise analysis, stating: (1) the project was designed only for the Intermediate sea level rise scenario (1.6 feet by 2075) and does not adequately address more severe scenarios including the High scenario (6.6 to 7 feet by 2100); (2) the EIR fails to address operational adaptation for sea level rise beyond the project's 50-year design life; and (3) the project's sea level rise analysis should conform to California Coastal Commission Sea Level Rise Policy Guidance. As an initial matter, these comments address the adequacy of the project design in response to future environmental conditions - that is, the impact of the environment on the project, rather than the impact of the project on the environment. CEQA requires analysis of a project's effects on the environment, not an assessment of whether the project itself is adequately designed to withstand future environmental conditions. Nonetheless, the City provides the following response to address the substance of these comments.

Design Basis and Updated SLR Scenario

The project's coastal engineering analysis was conducted by COWI North America, licensed professional coastal engineers, and is documented in the Berkeley Water Transportation Pier Ferry Project Coastal Study (COWI, December 2025) ("Coastal Study"). The Coastal Study established design parameters for water levels, wave conditions, wind, and currents specific to the Berkeley Ferry Terminal site, using NOAA tidal datums, AECOM's 2016 updated extreme tide elevations for San Francisco Bay, and the 2024 California Sea Level Rise Guidance.

The initial Coastal Study adopted the Intermediate sea level rise scenario with a 50-year project design life, resulting in a sea level rise allowance of 1.6 feet and a design still water level of 11.9 feet (Berkeley MLLW). However, as part of the BCDC Engineering Criteria Review Board (ECRB) review process described below, the project team has formally updated the governing design condition from the Intermediate scenario to the Intermediate-High scenario, resulting in a sea level rise allowance of 3.0 feet and a design still water level of 13.3 feet (Berkeley MLLW). This update was confirmed in the COWI response to ECRB questions dated April 10, 2026. To clarify how SLR was considered in the project design process within the Draft EIR, Section 2.5.1, *Proposed Project Components* (*Waterside*, page 2-10) has been revised as follows:

Draft EIR Page 2-10:

> In accordance with standards as set by the American Society of Civil Engineers (ASCE), the proposed pier would comply with ASCE Risk Category IV requirements and base design loads. The project design ~~takes into account projected sea level rise~~ incorporates sea level rise adaptation considerations through the design of the pier, breakwater, ferry infrastructure, and related facilities.[7] Design elevations and structural elements were developed to account for projected increases in surface water levels and coastal flood conditions over the life of the project, while floating ferry facilities and gangway connections have been designed to accommodate a range of future tidal and water surface elevations. Refer to Section 3.8, *Hydrology and Water Quality*, for an evaluation of the project with respect to future flooding and sea level rise. The City prepared a Coastal Study, including a project-specific sea level rise risk assessment, consistent with applicable BCDC permit requirements.[8]

[7.] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study. Prepared for City of Berkeley. December.

[8.] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed July 2026).

This revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR. The concern that the project was designed only for the Intermediate scenario is, therefore, addressed by this update.

SLR Vulnerability Assessment

A Sea Level rise vulnerability assessment was conducted by the coastal engineers, following the requirements of the updated 2024 California Sea Level Rise Guidance. The assessment confirms that all project structures maintain full functionality and public safety under Intermediate-High conditions through 2100, with only minor overtopping and splash impacts. All components retain structural integrity under all evaluated scenarios, including the High scenario referenced in comments, and the breakwater continues to provide substantial coastal protection even under the most extreme conditions evaluated.

Adaptation

Adaptation options for future sea level rise conditions are documented in the COWI SLR Risk Assessment (Appendix to the Coastal Study, December 2025) and include conversion of the pier and breakwater perimeter handrails to solid barriers to prevent wave overtopping from reaching the deck surface. The pier and breakwater have been purposely designed in concrete specifically to be resilient to future wave overtopping, should it occur. These design decisions reflect a forward-looking approach to long-term resilience within the physical constraints of the site.

California Coastal Commission Sea Level Rise Policy Guidance

The California Coastal Commission does not have jurisdiction over the Berkeley Waterfront or the proposed project; therefore, its Sea Level Rise Policy Guidance is not the applicable standard for the project. The California Coastal Act expressly excludes San Francisco Bay from the California Coastal Commission's jurisdiction. BCDC is the state agency with planning and regulatory authority over San Francisco Bay, the Bay's shoreline band, and the Suisun Marsh. The project is subject to BCDC's permitting jurisdiction under the McAteer-Petris Act and the San Francisco Bay Plan, not to the California Coastal Act or California Coastal Commission policy guidance. The California Coastal Commission's Sea Level Rise Policy Guidance, while a useful reference document for projects under CCC jurisdiction, does not apply to this project.

BCDC ECRB Review

Although not part of the CEQA analysis, the structural and coastal engineering aspects of the project, including the SLR analysis, have been subject to rigorous independent engineering criteria review by the BCDC Engineering Criteria Review Board (ECRB), an advisory board composed of eminent structural, coastal, and geotechnical engineers that assists BCDC in evaluating the engineering aspects of projects requiring BCDC permits. The project has been presented to the ECRB on two occasions. The first meeting, held February 25, 2026, generated detailed technical questions on datums, seismic codes, wave climate methodology, wave loadings, SLR scenarios, elevation constraints, and structural details. The COWI response to those questions, dated April 10, 2026, addressed each item in full, including the formal upgrade to the Intermediate-High SLR scenario. Following the second ECRB meeting, the ECRB determined that a further return presentation is not required, with outstanding technical items to be resolved through the ongoing BCDC permitting process. The adequacy of the project's SLR and coastal

engineering design is therefore subject to ongoing independent engineering criteria review as a condition of project permitting.

For these reasons, the project's sea level rise analysis is thorough, grounded in current state agency guidance, has been updated to reflect the Intermediate-High scenario, and has been subject to rigorous independent engineering criteria review. No revision to the Draft EIR is warranted on this basis.

2.2.24 Topical Response: Seawall Drive/View Access

These comments are related to accessing scenic Bay views from in-car viewing locations at the Seawall Drive parking area (i.e., policy and recreational opportunity aspects), not aesthetics impacts related to the public view from the shoreline itself, which would not be significantly impacted by the proposed project. Access to Bay views are policy issues, which are addressed in Draft EIR Section 3.9, *Land Use and Planning*, Table 3.9-1 (refer to Appearance, Design, and Scenic Views Policy 4). While impacts to views, such as scenic vistas (e.g., blocking a scenic view) is considered a physical impact on the environment and is subject to CEQA, access to those views from a parked vehicle would be considered a social impact, not a physical impact on the environment, and would not be subject to CEQA. Refer to Draft EIR Section 3.1.4, *Aesthetics Impacts Analysis*, Impact AES-1 (pages 3.1-20 through 3.1-27) for a discussion of impacts on scenic vistas. Thus, the comments do not relate to nor necessitate changes to Draft EIR conclusions or mitigation measures. Nonetheless, the City has provided the following response that indicates how access to views of the Bay would be maintained and enhanced by the proposed project.

As described in Draft EIR Chapter 2, *Project Description*, and shown in Figures 2-11, 2-12 and 2-13, the proposed project would include the reconfiguration of Bayside parking along the length of Seawall Drive south of University Avenue and the parking lot at its terminus in order to accommodate between 400 and 450 total vehicles. Approximately 20 pull-in stalls and 13 parallel stalls would be retained for in-car Bay viewing. In addition, the proposed project expands access to Bay views to additional non-vehicular viewer groups in the vicinity, such as bicyclists, pedestrians, and other recreational users by providing infrastructure (i.e., pathways, benches, picnic tables), while maintaining the availability of in-car viewing. As reflected in Draft EIR Chapter 3.11, *Recreation*, with these improvements, the proposed project would add new recreational facilities that currently do not exist, thereby creating a net increase in recreational facilities. By expanding availability of public Bay views to a wider range of viewer groups, the proposed project would support the goals, policies, and regulations of the Berkeley General Plan, Berkeley Marina Master Plan, Berkeley Municipal Code, and the San Francisco Bay Plan related to maintaining and enhancing public viewer access to scenic views of the Bay and expanding shoreline recreational opportunities and resources.

2.2.25 Topical Response: Siltation/Wave Climate

Comments on this topic fall into three general categories: (1) sedimentation and siltation resulting from dredging and the installation of the new breakwater; (2) changes to wave energy, wave fields, and sediment transport patterns resulting from the breakwater; and (3) adequacy of bathymetric and sedimentation data. The City addresses each category below.

Sedimentation Analysis -Technical Basis

The Draft EIR's sedimentation analysis is supported by the Berkeley Water Transportation Pier Ferry Project Coastal Study (COWI, December 2025) ("Coastal Study"), prepared by licensed professional coastal engineers at COWI North America. As part of the project design process, COWI carried out hydrodynamic and sedimentation modeling using a two-dimensional hydrodynamic and sediment transport model to assess currents, wave-driven transport, and long-term sediment deposition within the dredged areas. The model was calibrated against historical survey data from the Berkeley Marina. The modeling effort accounts for wind conditions, tidal forcing, regional hydrodynamic conditions, and site-specific bathymetry.

Existing Sedimentation Rates and Bathymetric Data

As documented in the Coastal Study and reflected in the Draft EIR at Section 3.9 (Table 3.9-1, Bay Plan Policy 5 consistency), sedimentation rates at the project site are currently low. Survey data from the 2020–2023 period indicate sedimentation of less than 0.05 feet over that period. Long-term historical rates in the Berkeley Marina Channel average approximately 0.07 feet per year, consistent with historical USACE surveys of the channel, as documented in the COWI Sediment Transport Study (Appendix D to the Coastal Study, December 2025).

A site-specific bathymetric survey was conducted by eTrac in July 2024, covering the project site, and was used as the basis for the hydrodynamic and sedimentation modeling. This survey was supplemented by United States Geological Survey regional bathymetric data. The Coastal Study's model bathymetry was developed from these datasets at a 2-meter grid resolution, providing a detailed and accurate representation of existing Bay floor conditions within the project site.

Post-Project Sedimentation Rates and Maintenance Dredging

The Coastal Study's six-year simulation modeled sedimentation within the dredged areas under post-project conditions with the breakwater installed and the channel and turning basin dredged to -12 feet (Berkeley MLLW). Results show that sedimentation is highest in the first year following dredging (0.32 feet overall across the full dredged area) and then stabilizes over subsequent years. The average annual sedimentation rate across the full dredged area is 0.15 feet per year, with the approach channel experiencing a higher average rate of 0.20 feet per year and the turning basin a lower rate of 0.09 feet per year. The lower turning basin sedimentation rate reflects the sheltering effect of the breakwater, which reduces wave-driven sediment transport into the more protected turning basin area.

These modeled rates are consistent with post-dredge survey data collected at the Berkeley Marina in December 2024 and June 2025 (six months after dredging operations were completed) which recorded mean sediment accumulation of approximately 0.3 feet during that initial post-dredge period, closely aligning with the model's first-year prediction for the BWTPF channel. This real-world validation provides confidence in the modeling results.

Based on these rates, the Coastal Study estimates maintenance dredging of the approach channel would be required approximately every 10 to 15 years depending on the to-be-determined vessel operational depth, and maintenance dredging of the turning basin every 22 to 33 years. These dredging intervals are consistent with typical maintenance dredging cycles for similar Bay ferry terminals. The assumptions regarding future maintenance dredging are further clarified in Section 2.2.15, *Topical Response: Maintenance Dredging*, which explains that maintenance dredging would be subject to separate permitting and regulatory review, and is not included as part of the proposed project.

The sediment transport analysis was carried out for a 400-foot breakwater configuration. As documented in the Coastal Study, the 100-foot reduction in breakwater length does not meaningfully change sedimentation patterns in the navigation channel, and modeled sedimentation within the turning basin remains minimal.

As described in the Draft EIR Section 3.3, Biological Resources, the project includes removal of existing pier piles and decking to offset new net fill and cover. Mitigation Measure BIO-3 requires mitigation for impacts on tidal waters of San Francisco Bay to achieve no net increase in Bay fill, provided at a minimum 1:1 ratio by square foot of impact through removal of existing pier piles and decking for net increase in fill and cover, to be approved by the regulatory agencies. Some comments have requested that a higher mitigation ratio (such as 3:1) be required. The EIR commits to no net increase in fill as a minimum standard. Whether a higher ratio is appropriate is a matter to be negotiated with the relevant permitting agencies, including BCDC and USACE, through the project permitting process. The EIR does not preclude a higher ratio being required through permitting. Pile removal is not characterized in the EIR as mitigation for dredging-related sedimentation impacts; it is mitigation for biological resources impacts associated with in-Bay fill.

Wave Climate and Breakwater Effects

The Coastal Study's wave diffraction modeling assessed the wave climate effects of the breakwater. COWI used a wave diffraction model to simulate wave transformation processes (including diffraction, partial reflection, and nonlinear wave interactions) within the terminal area for multiple breakwater configurations (250-foot, 300-foot, and 400-foot lengths) and multiple wave directions and periods. Wave disturbance coefficients were calculated at key locations including the ferry berths, pier, and plaza. This analysis was specifically designed to quantify how the breakwater reduces wave agitation at the ferry berths and shoreline.

The modeling results confirm that a minimum 300-foot breakwater configuration provides sufficient sheltering for both ferry berths, minimizes wave exposure, and achieves nearly the same reduction in wave-induced downtime as the longer 400-foot alternative. Without a breakwater, the terminal would experience notable wave-induced operational downtime, particularly during late spring and summer months when southwesterly winds generate higher wave activity. With the 300-foot breakwater, monthly average downtime remains below 2 percent for all months throughout the year, including the most energetic wave periods.

With respect to effects on wave conditions beyond the project site, including the South Sailing Basin to the south and nearby parks and shoreline areas, the wave disturbance coefficient maps presented in Appendix C of the Coastal Study confirm that the breakwater's sheltering influence is confined to the immediate project site. Wave disturbance coefficients at the outer limits of the geographic area evaluated in the wave diffraction analysis approach 1.0, indicate that ambient wave conditions are unaffected by the breakwater at those locations. The South Sailing Basin is located approximately 1,500 feet east of the project, separated by the Seawall peninsula and well beyond any meaningful influence of the breakwater. Likewise, the formerly named César E. Chávez Park is located 1,900 feet north of the project site, McLaughlin Eastshore State Park State Seashore is located 3,900 feet east of the project site, Emeryville Crescent is located more than 8,000 feet south of the project site, and Albany Mudflats is located more than 9,000 feet north of the project site, well beyond any meaningful influence of the breakwater. There is no technical basis to conclude that the breakwater would measurably alter wave conditions or sediment transport patterns in the South Sailing Basin or other coastal or water areas of the Bay.

2.2.26 Topical Response: Vessel Aesthetics

The presence of ferry vessels and vessels within the project viewshed is considered part of the environmental baseline for aesthetics, given the project site's proximity to the Berkeley Marina Basin and presence of multiple boat types including large Hornblower dinner cruise ships, traversing into and out of the Marina. The proposed project would introduce an additional ferry service, and vessel; however, the presence and operation of the proposed vessel would be similar in size and function to similar vessels present in the vicinity, and would, thereby, be consistent with the visual character of the viewshed. Nonetheless, the following clarifying text has been added to Draft EIR Impact AES-3 (page 3.1-30):

> As shown in Figure 3.1-4 and Figure 3.1-5, the proposed ferry infrastructure would introduce a series of linear horizontal and vertical features and planes which would be visually consistent with the proposed pier infrastructure, but would be contrasted against the surrounding water in the Bay. These features would be most visually prominent on the north side of the proposed pier; when viewed from the south (Figure 3.1-5), views of the proposed ferry infrastructure would be interrupted and partially obscured by the sequence of evenly-spaced pier pilings. When viewed from a distance (Figure 3.1-6 and Figure 3.1-8), the proposed ferry infrastructure would not present as a prominent visual feature, and would not exceed the height of the proposed pier infrastructure in a manner that would result in the degradation of surrounding views. Individual ferry vessel(s) would also be similar in size, and perform similar functions, to those already present in the vicinity; and thus, would integrate with existing boat traffic.
>
> As described in Chapter 2, *Project Description*, ferry operations are evaluated using a representative weekday and weekend service scenario that reflects the maximum reasonably foreseeable level of

service for purposes of environmental review (refer to Section 2.7, pages 2-30 through 2-33). While specific schedules, frequencies, and operational details may vary over time, the analysis evaluates vessel presence and activity within the viewshed based on these planning-level assumptions.

While the visual character of the proposed ferry infrastructure would introduce new materials and massing, and additional vessels would be intermittently present in the viewshed, these components would be consistent with visual character of the surrounding infrastructure and development. Impacts would be less than significant.

As determined under Impact AES-3 (page 3.1-28 through 3.1-33) of the Draft EIR, impacts related to visual character would be less than significant.

The text changes above are clarifying in nature and do not alter the substance of the impact analysis or the resulting significance determination. Therefore, the analysis and significance conclusions presented in the Draft EIR remain valid.

2.2.27 Topical Response: VMT

Several comments include questions about mode shift assumptions, potential diversion from other transit services, and the basis for concluding that ferry service would reduce vehicle trips across the Bay. Note that this response is specifically related to the project effect on regional travel patterns (i.e., between East Bay and San Francisco). For a discussion of local traffic circulation as relates to parking, please refer to Section 2.2.20, *Topical Response: Parking*.

Pursuant to California SB 743, transportation impacts in CEQA documents are evaluated using vehicle miles traveled (VMT) rather than roadway congestion measures such as Level of Service (LOS). The project is expected to increase traffic volumes on certain roadways leading to the terminal because additional users would travel to the Waterfront to access the ferry. However, existing roadway segments, including University Avenue between Frontage Road and Marina Boulevard, would continue to operate within acceptable capacity conditions (LOS A). At the same time, many ferry users would replace longer automobile trips with ferry travel. As a result, the overall amount of driving per person is reduced, leading to a decrease in VMT on a per capita basis.

Section 3.12, *Transportation*, of the Draft EIR evaluates transportation impacts using VMT consistent with CEQA Guidelines Section 15064.3 (refer to Section 3.12.4, Impact TRA-2, on Pages 3.12-20 and 3.12-21). Although the project is estimated to generate 1,127 daily vehicle trips, most of these trips represent the redistribution of existing travel demand rather than the creation of new trips. As described on Page 3.12-20 of the Draft EIR, many of these trips are expected to substitute for longer-distance travel that would otherwise occur by automobile across the Bay Bridge or access to regional transit services. Because transbay commute trips are relatively long-distance compared to local access trips to a ferry terminal, this substitution results in a net reduction in VMT even where some riders access the terminal by automobile.

The conclusion that ferry service would capture trips that might otherwise occur on the Bay Bridge or other transbay corridors is supported by regional travel patterns and empirical data from existing ferry operations. WETA most recently conducted onboard surveys in 2025, which indicate that a substantial share of riders choose ferry service to avoid roadway congestion, and approximately two-thirds of riders reported that they would otherwise use an automobile-based mode if the ferry were not available, including a substantial portion who would drive alone.[18] While some respondents indicated that they would otherwise use public transit, a greater share identified automobile travel as their alternative, and a portion of riders reported having no viable alternative. This pattern indicates that ferry service primarily captures trips that would otherwise be made by automobile and thereby reduces demand on regional

[18] WETA. 2025. 2025 Onboard Ferry Survey Summary Report. https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20260407225430/WETA-onboard-2025-Report-Finalv2-1.pdf (accessed June 2026).

roadway facilities. Consistent with the VMT framework under CEQA, replacing longer-distance automobile trips with shorter local access trips results in a net reduction in VMT.

With respect to proposed project trips potential diversion from BART or other transit services, the Draft EIR, page 3.12-20, acknowledges that some of the ferry ridership will include people switching from existing transit services. Even if only a relatively small share of travelers who currently drive choose to switch to the ferry, each of those trips contributes to a measurable reduction in VMT. Because every diverted automobile trip removes vehicle travel from the roadway system, the cumulative effect of even modest mode shift from driving to ferry service will reduce overall VMT. The project site serves the West Berkeley area, encompassing 9,000 jobs and 10,000 residents, an area less directly served by high-quality transit than other parts of the East Bay[19], further supporting the conclusion that a substantial portion of riders would otherwise rely on automobile travel.

With regard to mode split assumptions, the analysis in Section 3.12, Transportation, and Appendix F, Transportation Impact Assessment, is grounded in observed data from comparable ferry operations, including systemwide rider surveys and documented access and egress patterns. These data indicate that while a portion of riders access ferry terminals by automobile, these trips are short and local in nature and are offset by the elimination of longer regional automobile trips. In addition, a substantial share of riders access the ferry by walking, bicycling, or transit, particularly at urban terminals.[20] The assumptions applied in the Draft EIR are therefore consistent with observed behavior and are conservative, as they do not fully account for reductions associated with Transportation Demand Management (TDM) strategies, multimodal access improvements, and parking management measures described in Chapter 2, *Project Description*, which are designed to further reduce vehicle use and encourage alternative modes of access.

With respect to proposed project, induced travel or new trip generation, Appendix F demonstrates that the project would primarily serve existing regional travel demand rather than induce new long-distance trips. Localized increases in traffic volumes associated with terminal access do not correspond to an increase in VMT, which is the applicable CEQA metric. As a regional transit improvement in a constrained corridor, the project would provide an alternative to automobile travel and reduce reliance on longer-distance vehicle trips, resulting in a net reduction in VMT, consistent with State guidance on transit projects.

The comments have not provided substantial evidence demonstrating that the methodology or assumptions are inconsistent with CEQA Guidelines or State guidance. Because the project would reduce VMT even under conservative assumptions, it would not result in a transportation impact under CEQA. Accordingly, the analysis and conclusions in Section 3.12 of the Draft EIR remain valid as written, and no further response is required,

2.2.28 Topical Response: Whale Strike

Draft EIR Section 3.3, *Biological Resources* (pages 3.3-37 through 4.4-41), evaluates the potential for impacts from construction and operation, including ferry operation, of the proposed project on marine mammals, including gray whales, humpback whales, and other species. The Draft EIR states that marine mammals, including gray whales, have been observed in San Francisco Bay in recent years and are, thus, considered in the impact analysis. Accordingly, Table 3.3-2 (page 3.3-39) identifies special-status marine mammals with potential to occur in the project vicinity, including gray whale (*Eschrichtius robustus*) and humpback whale (*Megaptera novaeangliae*).

The Draft EIR describes and, where appropriate, incorporates by reference the 2003 WETA EIR, Implementation and Operations Plan, Mitigation and Monitoring Plan, and the Marine Mammal Protection & Whale Avoidance Memorandum (refer to page 3.3-38), which establish operational protocols intended

[19] WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. Prepared by Economic Planning Systems, Inc. March 17. https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf (accessed June 2026).

[20] WETA. 2025. 2025 Onboard Ferry Survey Summary Report. https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20260407225430/WETA-onboard-2025-Report-Finalv2-1.pdf (accessed June 2026).

to minimize the risk of vessel strikes. The Draft EIR further states that WETA implements an adaptive marine mammal protection program for ferry operations in San Francisco Bay, which was developed in coordination with the Marine Mammal Center and informed by current scientific literature and applicable guidance from the National Oceanic and Atmospheric Administration (NOAA) (refer to Page 3.3-38). These protocols in WETA's marine mammal protection program include, but are not limited to, vessel operator training, monitoring and reporting procedures, speed awareness and reductions in speed when marine mammals are observed or reported, communication with resource agencies, and ongoing refinement of practices as new information becomes available. The program is designed to incorporate evolving scientific understanding, including recent observations regarding whale occurrence within the Bay and increased gray whale presence observed in recent years. WETA continues to implement these procedures. As recently as February 2026, WETA implemented a new pilot program in partnership with the Marina Mammal Center called Whale Smart that includes training to implement the following best practice measures:

- Quickly identify whales and interpret key behaviors to prevent dangerous close encounters;
- Navigate safely in high-whale-activity areas using proven, practical operating guidelines; and
- Share real-time sightings with Vessel Traffic Service to improve awareness and coordination across the Bay.

This new training is in addition to protective measures implemented last year which include:

- Ferry operators taking proactive steps to avoid whales, such as cutting engines after spotting a gray whale and allowing it to pass safely before resuming service.
- U.S. Coast Guard Vessel Traffic Service (VTS) issuing broadcast alerts for all whale sightings, alerting mariners to exercise extreme caution.
- VTS working directly with ferry operators to implement temporary lane changes, particularly east of Angel Island where whale sightings were highest, further reducing the risk of vessel strikes.[21]

With respect to vessel strike, the Draft EIR analysis recognizes that ferry vessels operate within established navigation routes in San Francisco Bay that currently support existing ferry traffic, and further explains that adherence to these protocols reduces the potential for vessel collision with marine mammals, and that ferry operators are trained to maintain situational awareness and adjust operations accordingly (refer to page 3.3-40). The analysis in the EIR appropriately relies on existing, enforceable WETA policies and procedures and evaluates project impacts based on those conditions. As described on Pages 3.3-37 through 3.3-41, the analysis in Section 3.3 is based on available information regarding marine mammal occurrence and vessel strike risk, including recent data reflecting increased whale presence in the Bay, and evaluates potential operational and cumulative effects accordingly. Cumulative conditions, including vessel strike within San Francisco Bay, are addressed in Section 3.3.5, Cumulative Impacts, which evaluates the project's incremental contribution to regional vessel activity and associated marine mammal risks (refer to Pages 3.3-66 through 3.3-68).

The Draft EIR explains that vessel operations would be consistent with existing ferry practices, including reduced speeds during terminal approach (page 2-31) and compliance with posted speed limits, with the acknowledgment that operational guidelines may be adjusted as needed to account for site-specific conditions (page 3.8-33). As explained in EIR Section 1.1.3, Incorporation by Reference, this project EIR incorporated by reference the 2003 WETA EIR, while mitigation measures, including Mitigation Measures 15.2 and 15.2 governing marina mammal sighting, detection, and avoidance protocols, were adopted by the WETA Board and incorporated into the approved ferry service expansion project. Continued implementation of these measures is therefore not discretionary but a required component of WETA's approved operations, which this project would join. Accordingly, no substantial evidence has been

[21] Marine Mammal Center. 2026. Press Release. The Marine Mammal Center and San Francisco Harbor Safety Committee Pilot New Vessel Operator Training Program. February 6. Available: https://www.marinemammalcenter.org/news/the-marine-mammal-center-and-san-francisco-harbor-safety-committee-pilot-new-vessel-operator-training-program. (accessed June 2026).

provided demonstrating that the project would result in a significant increase in whale strike risk beyond existing conditions.

Further, the analysis in Section 3.3, *Biological Resources,* of the Draft EIR incorporates recent observational data and acknowledges increased whale occurrence in the Bay despite the species' generally low potential to occur (page 3.3-24), and further clarifies that since the adoption of the 2003 WETA EIR, WETA has continuously worked with the Marine Mammal Center to "develop and implement a multi-layered marine mammal protection protocol that reflects ongoing technological advances, evolving scientific understanding of best practices, and updated NOAA guidance to ensure its implementation of Mitigation Measures 15.1 and 15.2 in the 2003 WETA EIR is as robust as possible," (page 3.3-53). Therefore, although the Draft EIR incorporates by reference WETA's whale strike analysis that relied on a baseline condition with fewer whale occurrences, Section 3.3 acknowledges the increased whale presence and documents that the mitigation incorporated by reference is continually updated to reflect evolving technologies. The Draft EIR concludes that, with implementation of WETA's adaptive marine mammal protection program, including monitoring, reporting, and vessel operation adjustments, the project would not substantially increase the risk of vessel strike to marine mammals (refer to Impact BIO-1 pages 3.3-42 through 3.3-56). The description of existing conditions, analysis, and incorporated mitigation measures related to whale presence in the Draft EIR remain valid as written, and no revisions to the EIR are required.

Draft EIR Section 3.3, *Biological Resources,* evaluates the project's incremental contribution to regional vessel activity as well, including existing and planned ferry operations throughout the San Francisco Bay. The Draft EIR explains that the proposed project would represent a small increment of total vessel traffic and would operate within established ferry routes and would be subject to existing regulatory requirements. The analysis concludes that the project's contribution to cumulative impacts related to vessel traffic and marine mammal vessel strike would not be cumulatively considerable (refer to Section 3.3.5, pages 3.3-66 through 3.3-68). The description of existing conditions, analysis, and significance conclusions related to cumulative vessel traffic in the Draft EIR remain valid as written, and no revisions to the EIR are required.

Draft EIR Section 3.3, *Biological Resources,* of the Draft EIR further explains that ferry operators are trained to maintain situational awareness and implement avoidance procedures when marine mammals are observed. The WETA Marine Mammal Protection Program includes monitoring, reporting, and communication protocols with agencies and other vessel operators, and is designed to be adaptive based on evolving conditions and scientific understanding. The Draft EIR concludes in the discussion of Impact BIO-1 (refer to pages 3.3-42 through 3.3-56) that with implementation of the WETA adopted mitigation measures including required operational protocols, impacts to marine mammals, including potential vessel strike, would be less than significant. The description of existing conditions, analysis, and significance conclusions related to ferry operation and marine mammal avoidance in the Draft EIR remain valid as written, and no revisions to the EIR are required.

Based on this analysis and the implementation of WETA's adopted mitigation measures, the Draft EIR concludes that impacts to marine mammals, including the potential for vessel strike, would be less than significant (refer to Pages 3.3-40 and 3.3-41 and Impact BIO-1, Pages 3.3-42 through 3.3-56).

In summary, the analysis and significance determinations with regard to ferry vessel operation and related biological resources impacts in the Draft EIR remain valid and no new significant environmental issues have been raised.

2.2.29 Topical Response: Wind

Several comments state that the proposed project might impact wind conditions at the Berkeley Waterfront, focusing on two distinct issues: (1) whether removal of the vegetated berm and trees along the Seawall Drive peninsula would change wind shelter conditions in the South Sailing Basin and South Cove, particularly for beginner sailors and windsurfers using the Cal Sailing Club instructional area; and

(2) whether the breakwater design adequately accounts for wind and wave conditions, including winter gale-force northwest wind events. The City addresses each issue in turn.

CEQA Considerations

Consistent with CEQA Guidelines Section 15126, CEQA requires evaluation of a project's physical environmental effects within select resource areas. Wind conditions are not covered under any existing CEQA Appendix G topic or threshold and are not typically analyzed unless they would result in a secondary physical impact (e.g., exacerbating air quality emissions, soil erosion, or hazards from structural failure). With respect to recreation, Appendix G asks whether a project would result in accelerated substantial physical deterioration of a recreational facility or require the construction of expansion of recreational facilities. The potential for localized changes in wind exposure affecting recreational conditions does not constitute a direct or indirect physical impact under CEQA.

Tree removal is addressed in the aesthetics, biological resources and land use and planning sections: Impact AES-1, pages 3.1-27; AES-3, pages 3.1-31 through 3.1-32; Mitigation Measure BIO-1(c), pages 3.3-55 through 3.3-56, Impact BIO-5, pages 3.3-65 through 3.3-66, Cumulative Impacts, pages 3.3-69; and in Impact LU-2, pages 3.9-12 and following with regard to the BCDC San Francisco Bay Plan, Berkeley General Plan, Berkeley Municipal Code, and Berkeley Marina Master Plan). The speculative possibility that removal of some trees could alter localized wind patterns does not trigger CEQA review.

Additionally, the project does not include features that would create or exacerbate unsafe wind conditions such as introduction of large structures or topographic alterations. Therefore, the EIR does not include a specific analysis of wind exposure or related mitigation measures.

Wind Shelter Effects of Tree and Berm Removal

As described in the EIR at Section 2.5.3, Project Description, the proposed project includes removal of the existing vegetated berm and approximately 39 trees across the project site (see Chapter 3, *Errata* of the Final EIR), the majority of which are in poor health. The berm to be removed is on average four feet tall. Species to be removed include Monterey Cypress, Monterey Pine, Italian Stone Pine, Japanese Black Pine, and others. The project includes replacement planting of between 50 and 70 new trees as 24-inch box trees throughout the project site, including California Buckeye, Monterey Cypress, Primrose Tree, Drooping Melaleuca, and Torrey Pine. The trees proposed for removal are located primarily on the western side of the Seawall Drive corridor and in the interior of the parking lot area; the majority of trees on the eastern side of the peninsula are not proposed for removal and would remain in place. Cars in the parking lot will generally be taller than the 4-foot tall berm being removed.

In addition, as a potential project component, a solar canopy structure ranging from approximately 14 to 20 feet in height supported by vertical steel posts approximately 16 feet in height would be installed over the Seawall Drive parking lot. While the phasing and final determination of whether the solar canopy will be constructed is not yet confirmed, if implemented it would provide a continuous horizontal structural element along the parking lot that could act as a windbreak in the vicinity of the South Cove.

Comments request that the Final EIR specifically analyze whether removal of the berm and trees would materially affect wind conditions and identify mitigation measures.

The question for purposes of CEQA is not whether any change in wind conditions would occur, but whether such a change would constitute a significant environmental impact. As set forth in the Draft EIR at Section 3.11, Recreation, the applicable significance thresholds for recreational impacts are whether the project would: (1) increase the use of existing recreational facilities such that substantial physical deterioration would occur; (2) result in a reduced recreational facilities per capita ratio requiring new facilities; or (3) result in substantial adverse physical impacts associated with new or physically altered recreational facilities.

A potential change in wind exposure conditions in the South Sailing Basin does not meet any of these thresholds. The South Sailing Basin is not being physically altered, reduced in size, nor is access

restricted by the proposed project. The Cal Sailing Club's instructional area, the public sailing docks, and the South Cove waters remain fully intact and available for their existing recreational uses. A change in wind conditions that may affect the experience of beginner sailors does not constitute physical deterioration of a recreational facility under CEQA - the recreational resource itself is preserved and accessible. Regardless, based on over 25-years of professional experience, the Coastal Engineering Design lead for the Project does not anticipate material changes to the wind conditions within the South Sailing Basin due to the proposed project.

Even if wind conditions experienced by users were to change at the South Cove this would not constitute a significant physical impact under CEQA pursuant to CEQA Guidelines Appendix G. Wind conditions are one of many factors, including tides, wave conditions, weather, and personal preference, that influence where recreational users choose to launch and sail on any given day. A potential modest change in wind exposure at the South Cove does not physically degrade the facility, does not reduce its capacity, and does not modify access to it. The South Cove and South Sailing Basin would remain fully available for their existing recreational uses. Furthermore, the magnitude and direction of any wind change resulting from berm and tree removal is speculative. Wind conditions in the South Cove are affected by a complex range of factors including regional wind patterns, tidal conditions, shoreline geometry, and surrounding landforms and structures, including the topography of Shorebird Park which is nearer to the area in question and is not changed by the Project. Whether the removal of the berm and some existing trees and replanting of new trees would change experienced wind conditions in the South Cove beyond the localized area immediately adjacent to the changed vegetation is not established by the comments.

For these reasons, a potential change in wind shelter conditions in the South Sailing Basin does not constitute a potentially significant or significant environmental impact under CEQA, and no revision to the Draft EIR is warranted on this basis.

Breakwater Design, Wave Climate, and Ferry Operations

Several comments state that the wind and wave data used in the breakwater design is inadequate, including that winter gale-force northwest wind events are not adequately accounted for and that the proposed breakwater would leave the ferry float unprotected in such conditions. One comment questions whether ferries will be able to dock reliably during high wind events.

As an initial matter, these comments address the adequacy of the project design in response to environmental conditions - that is, the impact of the environment on the project, rather than the impact of the project on the environment. CEQA requires analysis of a project's effects on the environment, not an assessment of whether the project itself is adequately designed to withstand environmental conditions.

The project's coastal engineering analysis was conducted by licensed professional coastal engineers from COWI North America and is documented in the Berkeley Water Transportation Pier Ferry Project Coastal Study (COWI, December 2025) ("Coastal Study"). The Coastal Study established design parameters for water levels, wave conditions, wind, and currents specific to the Berkeley Ferry Terminal site. The structural and coastal engineering aspects of the project, including the breakwater design and wind and wave climate analysis, have been subject to rigorous independent engineering criteria review. The BCDC Engineering Criteria Review Board (ECRB) is an advisory board composed of eminent structural, coastal, and geotechnical engineers that assists BCDC in evaluating the engineering aspects of projects requiring BCDC permits. The project has been presented to the ECRB on two occasions. Following the second review, the ECRB determined that a third presentation was not required. Outstanding technical questions, including those related to wind and wave conditions, will be resolved through the ongoing BCDC permitting process, which includes continued ECRB coordination.

Ferry service reliability in high wind conditions is an operational matter governed by WETA safety protocols, which establish the conditions under which ferry service operates and may be suspended. WETA, as the ferry service operator, is responsible for establishing and enforcing those protocols. No revision to the Draft EIR is warranted on this basis.

2.3 Individual Responses to Comments

Letter A1

From: Wines, Brian@Waterboards <Brian.Wines@waterboards.ca.gov>
Sent: Saturday, April 18, 2026 4:21 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: OPR State Clearinghouse <state.clearinghouse@opr.ca.gov>; Aarreberg, Arn@Wildlife <Arn.Aarreberg@wildlife.ca.gov>; Ilsley, Olivia@BCDC <Olivia.Ilsley@bcdc.ca.gov>; Martien, Lindsay@BCDC <Lindsay.Martien@bcdc.ca.gov>
Subject: SCH 2025040995 Water Board comments on DEIR for Berkeley Water Transportation Pier Ferry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please see the attached CEQA comment letter. A1-1

Brian Wines
Water Resource Control Engineer
San Francisco Bay Regional Water Quality Control Board
510-622-5680

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hardcopy to follow

April 18, 2026

City of Berkeley
Parks, Recreation, & Waterfront Department
ATTN: Liza McNulty, Project Manager (lmcnulty@berkelyca.gov)
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

Subject: San Francisco Bay Regional Water Quality Control Board Comments on the *Draft Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project, City of Berkeley, Alameda County, California*
SCH No. 2025040995

Dear Ms. McNulty:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Environmental Impact Report for the Berkeley Water Transportation Pier* Ferry *Project* (DEIR). The DEIR evaluates the potential environmental impacts associated with implementing the Berkeley Water Transportation Pier Ferry Project (Project).

The project site is located at the Berkeley Waterfront along the San Francisco Bay (Bay) in the City of Berkeley, Alameda County. The project site encompasses the closed Berkeley Pier, including the entry area for the Berkeley Pier; the San Francisco Bay waters surrounding a portion of the closed Berkeley Pier; the existing parking lot off Seawall Drive; the Skates on the Bay parking lot and parking lot M (for construction staging); roadways with landscaping (University Avenue and Seawall Drive); and various pathways and sidewalks. A1-2

The Berkeley Pier was closed in July 2015 due to visually observed structural problems on the underside of the concrete decking and pilings. The proposed project aims to revitalize the Berkeley Waterfront by developing new dual-purpose pier and ancillary uses that support both public recreation and zero-emission public ferry service. The project would include the following components: demolition of portions of the closed pier, new public pier, new breakwater that provides pedestrian access and recreational amenities, recreational amenities, ferry infrastructure, dredging, new public plaza, improvements to University Avenue and Seawall Drive, a portion of the planned Bay

Trail Extension, new landscaping, new wayfinding signage, utility connections, and operation of zero-emission electric passenger ferry service. A1-2

Summary

As is discussed below, we have concerns with the following aspects of the proposed Project: A1-3

- It may not be possible to fully mitigate impacts to aquatic species associated with the proposed use of nighttime pile driving.
- Concentrations of contaminants in sediments at the Project site have not been compared to screening levels that are protective of marine species. A1-4
- The DEIR does not propose treatment for runoff from the new concrete pier and dock. A1-5
- The proposed use of permeable pavement for stormwater runoff treatment may not be appropriate at the Berkeley Marina, which was built over landfilled waste materials A1-6

Comment 1. In Section 3.3.3, Regulatory Framework, the discussion of the extent of Water Board jurisdiction on page 3.3-31 does not correctly identify the extent of Water Board jurisdiction at the Project site.

Text on page 3.3-2 states that, “in many cases, the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM, unless isolated conditions or ephemeral waters are present”. Along creeks and rivers, the Water Board has consistently asserted jurisdiction up to at least the top of bank. Along the Bay shoreline, the Water Board considers areas of the bank below the epochal high tide line to be regulated as waters of the State. A1-7

Comment 2. To address potential impacts to aquatic species, the City should consult with NOAA Fisheries, the USFWS, and CDFW during the permitting process.

In Section 3.3.4, Impact Analysis, the discussion of impacts to fish during pile driving on page 3.3-45 states that the City would consult with NOAA fisheries and CDFW during the permitting process. Some of the aquatic species that may be impacted by pile driving and other construction-related activities are managed by the U.S. Fish and Wildlife Service (USFWS). In the Bay, USFWS consultation is necessary for potential impacts to longfin smelt and foraging least terns. Also, since the beneficial uses of the Bay in the Water Board’s Basin Plan include wildlife habitat and the preservation of rare and endangered species, consultation with the Water Board is also necessary. A1-8

Comment 3. Biologists that monitor work at the Project site must be approved by NMFS and CDFW.

In the discussion of Mitigation Measure BIO-1(A) on page 3.3-53, the text states that the worker awareness program must be conducted by a City-approved qualified biologist. The biologist must also be approved by NMFS and CDFW. If USFWS determines that project work may impact species managed by USFWS, the biologist must also be approved by USFWS. A1-9

Comment 4. Mitigation Measure BIO-3, Provide Compensatory Mitigation for Loss of Jurisdictional Waters Prior to Operation, defers the preparation of an actual compensatory mitigation plan to the permitting of the Project.

Text on page 3.3-61 states that the City will submit a proposed mitigation plan to the resource agencies for review and approval during permitting. The mitigation plan should be provided in the DEIR so that the agencies can assess if the proposed compensatory mitigation will be sufficient to mitigate the Project's impacts to jurisdictional waters to a less than significant level. A1-10

In a CEQA document, a project's potential impacts and proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act. Therefore, the DEIR lacks an adequate discussion of proposed mitigation measures for the Project's impacts to waters of the State. A1-11 A1-12

Comment 5. Mitigation Measures BIO-1(D) and BIO-1(E), do not address the Project's impacts to aquatic species associated with the proposed nighttime work for pile driving in the Bay.

Text in Section 2.6.2, Construction Schedule, states that the Project may require up to 50 days in which nighttime work will be used for pile driving. However, Mitigation Measure BIO-1(D), Conduct Pile Driving Impact Avoidance to Fish and Marine Mammals Prior to and During Construction, and Mitigation Measure BIO-1(E), Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction, do not address impacts associated with the proposed nighttime pile driving. Both of these mitigation measures included responses to visual observations of fish or marine mammals. But such observations are not be feasible after dark. A1-13

We prefer that pile driving and other construction activities be implemented during daylight hours, when it is easier to observe any discharges of construction materials to Bay water and it is easier to observe marine mammals, water birds, and fish in the vicinity of the construction site. Please revise the Project description to remove the proposed nighttime pile driving. A1-14

Comment 6. Constituents detected in sediment at the Project site should be compared to ecological screening levels.
On page 3.8-7, the discussion of chemicals detected in sediments at the Project site states that the measured concentrations did not exceed State for Federal hazardous waste criteria. Hazardous waste criteria are not the appropriate criteria to use in screening sediments for potential impacts to wildlife. Constituent concentrations that are lower than hazardous waste criteria may negatively impact wildlife. Please compare the chemical concentrations in the sediments with the surface layer screening levels in the *Master Quality Assurance Project Plan for the Don Edwards San Francisco Bay National Wildlife Refuge* (QAPP) (USFWS and H.T. Harvey, December 13, 2024). The screening levels in the QAPP were developed to be protective of aquatic species in marine environments. A1-15

Comment 7. The DEIR does not propose treatment for stormwater runoff from the new pier and ferry dock. A1-16
The DEIR must be revised to describe how runoff from the new pier and ferry dock's impervious surfaces will be treated prior to discharge to the Bay.

Comment 8. The proposed use of pervious pavement to treat stormwater runoff at the Marina may not be appropriate.
The DEIR proposes to treat runoff from land side post-construction impervious surfaces using permeable pavement and bioretention areas. Permeable pavement passes water through the pavement and allows the runoff to infiltrate into the soil below the permeable pavement. However, permeable pavement may not be appropriate at the Berkeley Marina, which was built over landfilled waste materials. Water infiltrating into buried waste may mobilize contaminants that will then be conveyed to the Bay via the movement of groundwater. Permeable pavement is only recommended when the bottom of the gravel infiltration reservoir below the permeable pavement is at least 5 feet above the local groundwater. According to text on page 3.8-35, depth to groundwater at the Project site is approximately 5 to 13.4 feet below the surface. A1-17

Prior to constructing areas of permeable pavement at the project site, the depth to groundwater below the areas of proposed permeable surfaces should be determined and the potential presence of waste materials in the subsurface should be assessed.

If you have any questions, please contact me at (510) 622-5680, or via e-mail at brian.wines@waterboards.ca.gov. A1-18

Sincerely,

Brian K. Wines

Brian Wines
Water Resource Control Engineer
South and East Bay Watershed Section

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)
BCDC, Olivia Ilsley, olivia.ilsley@bcdc.ca.gov
BCDC, Martin Lindsay, martin.lindsay@bcdc.ca.gov
CDFW, Arn Aarreberg, arnaarreberg@wildlife.ca.gov

Letter A1

Commenter: Brian K. Wines, Water Resource Control Engineer, South and East Bay Watershed Section, San Francisco Bay Regional Water Quality Control Board

Date: April 18, 2026

Response to Comments A1-1 to A1-2

These comments are introductory or nonsubstantive in nature and do not raise a significant environmental issue. No further response is required.

Response to Comments A1-3 to A1-6

Refer to Response to Comments A1-13, A1-15, A1-16, and A1-17.

Response to Comment A1-7

For the purposes of CEQA, because the limits of State Water Board jurisdiction are not defined by Porter-Cologne and there is no current written regulatory definition that specifies the limits of waters of the State in tidal areas, no changes are warranted related to the Draft EIR analysis, conclusions or mitigation. Refer to Draft EIR pages 3.3-31 and 3.3-32 for a discussion of how regulations for field determinations have not been established for waters of the State. In response to this comment, the following clarification text revisions have been made to the Draft EIR:

Section 3.3.3 page 3.3-32:

> The SWRCB and RWQCBs have not currently established regulations for field determinations of waters of the State except for wetlands. In many cases, the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM unless isolated conditions or ephemeral waters are present. However, in the absence of statewide guidance, each RWQCB may interpret jurisdictional boundaries within their region, and the SWRCB has encouraged applicants to confirm jurisdictional limits with their RWQCB before submitting applications. As determined by the RWQCB, waters of the State may include riparian areas or other locations outside the OHWM, leading to a larger jurisdictional area over a given water body compared to USACE. The San Francisco Regional Water Quality Control Board has indicated that along creeks and rivers, they would assert jurisdiction up to at least the top of bank and along the Bay shoreline, they consider that areas of the bank below the epochal high tide line to be regulated waters of the State. For the purposes of this EIR, the one-year extreme high tide line was used to delineate the extent of jurisdictional waters, in line with USACE guidance, and assumed to encompass both waters of the U.S. and waters of the State. Further coordination with the SFRWQCB will be conducted during the permitting process.

Response to Comment A1-8

The Draft EIR identifies consultation with NOAA Fisheries (or NMFS) and CDFW for potential effects to federal- and State-listed special status species that could occur during in-water construction activities (refer to Section 3.3.4, pages 3.3-45 through 3.3-47 for this discussion) but omits reference to USFWS consultation. Consultation with USFWS would also occur because the project has potential to affect longfin smelt, a species managed by the USFWS. Refer to Response to Comment A2-35 to A2-38 for a discussion of impacts to California least tern.

In response to this comment, the following clarification text revisions have been made to the Draft EIR:

Section 3.3.4 page 3.3-46:

In addition, the City would consult with NOAA Fisheries, USFWS, SFRWQCB, and CDFW during the permitting process.

Section 3.3.4 page 3.3-47:

In addition, the City would consult with NOAA Fisheries, USFWS, SFRWQCB, and CDFW during the permitting process.

Response to Comment A1-9

Agency approval of biological monitors is an environmental regulatory permitting requirement that will be satisfied during the separate-from-CEQA-compliance regulatory review process; but is not, by itself, a mitigation measure necessary under CEQA. However, in response to this comment, page 3.3-43 of the Draft EIR is revised as follows:

However, implementation of Mitigation Measures BIO-1(a), BIO-1(b), and BIO-1(c) would require a Worker Environmental Awareness Program…. Biologists responsible for implementing Mitigation Measure BIO-1(a) and other biological mitigation measures would be required to meet any qualifications and approval requirements established by applicable resource agencies through project permits and authorizations.

This revision is clarifying in nature and does not alter the subsequent analysis or significance conclusions presented in the Draft EIR. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 of the Draft EIR that concludes that impacts to special status species would result in a less than significant impact with mitigation remains valid as written. No further revisions to the Draft EIR are necessary in response to this comment beyond the above clarification.

Response to Comment A1-10

Consistent with CEQA Guidelines §15126.4(a)(1)(B), when project-specific details are not yet available, mitigation measures may be formulated with performance standards that ensure the measure will be effective once the missing information becomes available. CEQA expressly allows agencies to not finalize all the details of mitigation if the agency commits to specific performance criteria and to a process ensuring that the final mitigation will achieve the required outcomes, including finetuning that could result from separate regulatory permitting processes. The Draft EIR includes a requirement that existing pier structures be removed at a ratio of at least 1:1 for impacts to jurisdictional waters (refer to Mitigation Measure BIO-3 on page 3.3-61) to achieve a no-net increase in Bay fill, which is sufficient to mitigate the impact on jurisdictional waters to a less-than-significant level under CEQA. Preparation of a fully developed, site-specific mitigation plan requires final design information and jurisdictional determinations that are not yet available. Because the precise footprint, final pile and decking layouts, and the results of a formal jurisdictional delineation will be established during final design and agency permitting, it is not possible to calculate exact impact quantities or to prepare a fully developed mitigation plan at this time. The final mitigation plan required to secure permits from USACE, SFBRWQCB, and BCDC will be determined in coordination with these regulatory agencies, consistent with the performance standards in Mitigation Measure BIO-3.

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements,* for further discussion about how Mitigation Measure BIO-3 is not deferred mitigation under CEQA. In addition, refer to the errata in Chapter 3 of the Final EIR for changes to the wording of Mitigation Measure BIO-3, and which clarifies that implementation of Mitigation Measure BIO-3 would require no net increase in Bay fill, rather than compensatory mitigation.

Response to Comment A1-11

Refer to Response to Comment A1-10 and Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for a discussion about how Mitigation Measure BIO-3 complies with CEQA requirements. The City looks forward to continued coordination and collaboration with the SFRWQCB as it pertains to mitigation for fill.

Response to Comment A1-12

The mitigation disclosed in an EIR must be adequate, enforceable, and sufficiently specific so that the public and agencies can evaluate its likely effectiveness. The Draft EIR provides a clear, enforceable, minimum mitigation requirement that avoids the net loss of jurisdictional waters due to project implementation (refer to Mitigation Measure BIO-3 on page 3.3-61 and as revised in the errata in Chapter 3 of the Final EIR). A fully engineered mitigation plan is not typically completed at the Draft EIR stage, and mitigation details are also further finalized during the separate regulatory permitting process. At the end of Mitigation Measure BIO-3 in the Draft EIR (refer to page 3.3-66), it is stated that "This measure may be modified or supplemented by permit conditions from applicable regulatory agencies." Refer also to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for further discussion about how Mitigation Measure BIO-3 is not deferred mitigation under CEQA. Draft EIR Table 3.3-4 in Section 3.3.4 Impacts Analysis, Impact BIO-3, page 3.3-60, includes the estimated net change in square feet of fill within waters of the State.

Response to Comment A1-13

Draft EIR Mitigation Measures BIO-1(d) is related to time of year of in-water construction and requires a soft startup of construction equipment in water to allow fish and marine mammals to vacate the area before a pile driver reaches full power. Note that the starting up of construction equipment would not happen during the nighttime but only during the daytime when construction commences. This allows for visual observation during the start-up period to ensure that fish or marine mammals leave the vicinity of the construction site. Once they vacate the area, it is not anticipated that fish or marine mammals would revisit the construction site until after the construction ceases. Further, as described below, nighttime pile-driving will be limited and additional non-visual monitoring protocols will be used. In response to this comment, the text of Draft EIR Section 3.3, *Biological Resources*, has been clarified as follows:

Section 3.3.4 page 3.3-45:

> However, Mitigation Measure BIO-1(a) and BIO-1(d) would be required. Mitigation Measure BIO-1(a), which requires a Worker Environmental Awareness Program (in part to support implementation of Mitigation Measure BIO-1(d)), and Mitigation Measure BIO-1(d), which dictates seasonal work windows, soft-start and ramp-up procedures, exclusion zones, and sound attenuation measures during pile driving, would reduce impacts related to special-status fish to less than significant with mitigation. Soft-start procedures would occur when pile driving and pile-extraction activities commence during daytime hours, allowing marine mammals to leave the vicinity of the construction site before pile driving reaches full power. Nighttime pile driving, if required, would only occur as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. In addition, the City would consult with NOAA Fisheries and CDFW during the permitting process.

Section 3.3.4 page 3.3-48:

> However, Mitigation Measure BIO-1(a) and BIO-1(d) would be required. Mitigation Measure BIO-1(d) requires implementation of soft-start and ramp-up procedures, monitoring, and exclusion zones based on the most current NMFS-approved guidance to avoid and minimize marine mammal exposure to pile-driving noise. Soft-start procedures would occur when pile driving and pile-extraction activities commence during daytime hours, allowing marine mammals to leave the vicinity of the construction site before pile driving reaches full power. Nighttime pile driving, if required, would only

occur as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. Implementation of these measures would reduce construction related, pile-driving noise impacts related to special-status marine mammals to less than significant with mitigation.

Section 3.3.4 page 3.3-50:

In addition to the Worker Environmental Awareness Program required under Mitigation Measures BIO-1(a), implementation of BIO-1(d), BIO-1(e), and HYD-1 would also be required to mitigate impacts on marine mammals during construction. The MMMP developed under BIO-1(e) would apply the project's hydroacoustic analysis to establish Level A and Level B protection zones and integrate these with the soft-start procedures and observation protocols identified in Mitigation Measure BIO-1(d). These measures would require soft-start techniques, a sound curtain, buffer zones, and biological monitoring to address impacts due to pile driving noise. Soft-start procedures would be implemented at the start of pile-driving and pile-extraction activities, which would only commence during the daytime, allowing marine mammals to leave the vicinity before pile driving reaches full power. Any nighttime pile driving, if required, would occur only as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. Mitigation Measure BIO-1(d) would ensure that any impacts to marine mammals would avoid injury and be limited to behavioral impacts, and would thus be less than significant.

The Draft EIR Mitigation Measure BIO-1(e) requires visual monitoring and qualified biologists for in-water construction work; however, such visual monitoring would not be feasible at night. As described in Draft EIR Section 2.6 *Construction Details*, on page 2-26, construction work would be conducted primarily during the daytime. Nighttime pile driving would only occur in circumstances where construction phasing or safety require extended hours and after construction activity has already begun earlier during the day. Nonetheless, in response to this comment, the text of the Draft EIR Mitigation Measure BIO-1(e) has been clarified to provide more specifics related to potential nighttime pile driving as follows:

Section 3.3.4 page 3.3-56:

Mitigation Measure BIO-1(e): Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction

Prior to construction, the City shall prepare a Marine Mammal Monitoring Plan (MMMP) to avoid and minimize potential adverse impacts on marine mammals during pile driving and tug operations. The MMMP shall implement general guidelines set forth in the MMPA and incorporate the hydroacoustic modeling results developed for the project to define site-specific protection zones and avoid exposure of marine mammals to underwater sound levels exceeding the most up to date Level A (injury) thresholds identified by NOAA Fisheries. The MMMP shall include the following:

- **Protection and Monitoring Zones**: Using the hydroacoustic modeling results, the MMMP shall define shutdown and disturbance zones for each marine mammal hearing group. These zones will be tailored to the pile type, size, and driving method and will correspond to the Level A and Level B effect distances developed for the project. The plan will describe how these protection zones will be verified and monitored in the field, integrating them with the soft-start and observation procedures described in Mitigation Measure BIO-1(d).
- **Vessel Operation Protocols**: The MMMP shall include vessel-operation measures consistent with the MMPA. Construction vessels under power shall remain at least 300 feet from whales and 150 feet from dolphins, porpoises, seals, and sea lions. When marine mammals are encountered, vessel operators shall reduce speed to no-wake, shift to neutral, and allow the animals to pass safely before resuming operations.
- **On-Site Monitoring and Response**: A qualified biologist shall be present on site, either observing from the pier or aboard a vessel, during all pile-driving and tug operations. The biologist shall document all marine-mammal observations, note behavioral responses, and immediately alert project personnel if a whale enters the modeled harassment distance or comes within 300 feet, or

if any other marine mammal enters the modeled harassment distance or comes within 150 feet, whichever is greater. Upon such an observation, the contractor shall implement the appropriate delay or shutdown procedures identified in the MMMP.

- **Adaptive Management and Coordination**: The MMMP shall outline communication and reporting protocols, including stop-work notification procedures and coordination with NMFS Protected Species Division. Results from daily monitoring will be used to assess the effectiveness of the protection zones and adjust them, if needed, in consultation with NMFS.
- **Nighttime Pile Driving**: Nighttime pile driving shall be limited to situations where safety concerns or significant schedule delays require that pile driving started during daytime hours extend beyond typical work hours. For instances where nighttime pile driving is required, the MMMP shall include non-visual monitoring protocols, such as passive acoustic monitoring, thermal/infrared cameras, and night-vision optics, as well as larger nighttime exclusion/shutdown zones, extended soft-start procedures, and the most effective feasible hydroacoustic attenuation.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Response to Comment A1-14

As discussed in Response to Comment A1-13, construction work would be conducted primarily during the daytime, and nighttime pile driving would only occur when absolutely necessary. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A1-15

Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials* of the Draft EIR (page 3.7-27) discusses the results of a 2025 sediment sampling analysis conducted within the five dredge units within the project vicinity, which included evaluation of the sediments for placement at disposal sites in San Francisco Bay, specifically the Cullinan Ranch Restoration Project (CRRP) and the Montezuma Wetlands Restoration Project (MWRP) beneficial reuse sites.[22] Based on the findings of the sampling and analysis, which included comparison of sediment chemistry to San Francisco Bay sediment background concentrations and site-specific screening criteria for CRRP and MWRP, the sediments sampled are suitable for reuse at San Francisco Bay, CRRP, and/or MWRP beneficial reuse sites. The sediment screening levels requested for comparison by the commenter were established specifically for the Don Edwards San Francisco Bay National Wildlife Refuge, which is a different beneficial reuse site than those evaluated in the 2025 sediment sampling analysis. Page 2-28 in Chapter 2, *Project Description* of the Draft EIR indicates that the location for disposal of dredged materials would depend on the sampling results of the dredged materials, as well as permitting requirements. Based on the results of the 2025 sediment sampling analysis, it is expected that MWRP or another disposal site in the San Francisco Bay would be used. The Don Edwards San Francisco Bay National Wildlife Refuge is not identified in the Draft EIR as a potential disposal site for dredged materials as part of the proposed project; therefore, comparison of the 2025 sediment samples to the site-specific screening levels for the Don Edwards San Francisco Bay National Wildlife Refuge is not applicable to the proposed project.

The analysis and significance conclusion presented under Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

[22] Pacific EcoRisk. 2025. *Characterization of the Sediment from Berkeley Water Transportation Pier Ferry Project: Results of Sediment Sampling and Analysis.* September 19. Via https://berkeleypierferryproject.com/wp-content/uploads/2026/02/Pacific-EcoRisk_2025_Characterization-of-the-Sediment-from-BWTPF.pdf (accessed June 2026).

Response to Comment A1-16

The Draft EIR's analysis of stormwater runoff focuses on operational impacts from impervious surfaces that generate contaminated runoff such as parking areas and roadways with vehicular activity (see Draft EIR Section 3.8, *Hydrology and Water Quality*). Because the new pier surface will not support vehicle operations or fuel-related contamination sources, the runoff from the pier surface itself consists of uncontaminated precipitation and does not meet the thresholds for a significant environmental impact under CEQA. In addition, there is already an existing pier at the project site and stormwater runoff from the existing pier represents the existing baseline conditions. When the proposed project is compared to existing baseline conditions, the amount and quality of runoff from the proposed new pier is not expected to change. This analysis is consistent with the Draft EIR's findings that project-related water quality impacts would be less than significant, as documented in Section 3.8, *Hydrology and Water Quality* and the associated mitigation measure.

However, the City acknowledges that SFRWQCB regulatory requirements mandate stormwater treatment standards for all new impervious surfaces, including the pier, regardless of CEQA significance. The specific treatment approach and compliance mechanism will be established through the City's permit application process and subject to SFRWQCB review and approval. This regulatory and design-level analysis occurs outside CEQA scope and does not require revision to the Draft EIR.

No revision to the Draft EIR is warranted on this basis.

Response to Comment A1-17

As described on page 2-18 of the Draft EIR, the proposed project includes permeable pavement for the majority of the proposed parking. The proposed permeable pavement does not provide stormwater treatment or rely on infiltration. As described in Draft EIR Section 2.5.2, the permeable pavement conveys stormwater via an under-drain to new bioretention areas designed for stormwater treatment in compliance with the City's NPDES permit and applicable stormwater quality standards. The detailed design of the stormwater treatment system will be reviewed and permitted by the City and SFRWQCB to ensure compliance with applicable regulatory requirements. The Draft EIR appropriately addresses potential water quality impacts in Section 3.8, *Hydrology and Water Quality*; detailed design and regulatory compliance occur through separate permitting processes. Accordingly, no revisions to the Draft EIR are required.

Response to Comment A1-18

As this comment does not raise any significant environmental issues, no further response is required.

Letter A2

From: Aarreberg, Arn@Wildlife <Arn.Aarreberg@wildlife.ca.gov>
Sent: Friday, April 24, 2026 3:19 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Waggoner, Claire@Wildlife <Claire.Waggoner@Wildlife.ca.gov>; Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov>; Wilkins, Eric@Wildlife <Eric.Wilkins@wildlife.ca.gov>; Faridi, Jason@Wildlife <Jason.Faridi@Wildlife.ca.gov>; Rynearson, Chad@Wildlife <Chad.Rynearson@Wildlife.ca.gov>; Ilsley, Olivia@BCDC <Olivia.Ilsley@bcdc.ca.gov>; Wines, Brian@Waterboards <Brian.Wines@waterboards.ca.gov>
Subject: CDFW Comment Letter - Berkeley Water Transportation Pier Ferry EIR (SCH # 2025040995)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty,

Please see attached comment letter regarding the Berkeley Water Transportation Pier Ferry EIR. If you have any questions, please let me know. A2-1

Arn Aarreberg
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STATE OF CALIFORNIA
CDFW OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
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April 23, 2026

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

Subject: Berkeley Water Transportation Pier Ferry Environmental Impact Report SCH # 2025040995

Dear Liza McNulty:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of Berkeley for the Berkeley Water Transportation Pier Ferry (Project) pursuant to 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. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. A2-2

CDFW ROLE

CDFW 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, § 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines §15386, subd. (a).) CDFW, 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.*, § 1802.) Similarly for purposes of CEQA, CDFW 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. Additionally, CDFW is 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. A2-3

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

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. CDFW requires a Lake and Streambed Alteration Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. A2-4

Likewise, to the extent 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.), related authorization as provided by the Fish and Game Code will be required. A2-5

PROJECT DESCRIPTION SUMMARY

Proponent: City of Berkeley

Objective: The objective of the Project is to replace the Berkley Pier with a new publicly accessible pier, breakwater, and ferry terminal. The proposed project would include construction of a new 1,080-foot pier, a 400-foot breakwater, and ferry boarding infrastructure. There would be development of a new public plaza at the pier entrance; improvements along University Avenue and Seawall Drive including a raised cycle track, new pedestrian amenities, and upgraded transit facilities. The project also included renovation of existing parking areas with permeable pavement and potential solar canopies, as well as installation of new utility connections, shoreline repair, and dredging to support ferry operations. Primary Project activities include removal of the old Pier structures, installation of new concrete piles, and the installation of a breakwater. On land, the project will consist of utility trenching, demolition of hardscapes, and repaving roads and parking areas. A2-6

Location: The Project is located within the City of Berkeley at the waterfront near the Berkeley Pier and includes the adjacent land along Seawall Drive and University Avenue (37°51'40.3"N, 122°19'00.3"W).

Timeline: April 2027 to December 2028.

STATE AND FEDERALLY LISTED AND COMMERCIALLY/RECREATIONALLY IMPORTANT SPECIES A2-7

Protected species under the State and Federal Endangered Species Acts that could potentially be

present near Project activities include:

- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Central Valley Spring-run), state and federally endangered (Sacramento River Winter-run), state species of special concern (Central Valley Late Fall Run, Central Valley Fall Run)
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast evolutionary significant units)
- Green sturgeon (*Acipenser medirostris)*, federal threatened (Southern Distinct Population Segment)
- White sturgeon (*Acipenser transmontanus)*, state candidate species
- Pacific lamprey (*Entosphenus tridentatus*), state species of special concern
- California Least tern (*Sternula antillarum browni),* state and federally endangered, state fully protected
- White-tailed kite (*Elanus leucurus*), state fully protected
- Crotch's bumble bee (*Bombus crotchii*), state candidate species
- Burrowing owl (*Athene cunicularia*)
- Western pond turtle (*Actinemys marmorata*), federally threatened

A2-7

Several species with important commercial/recreational fisheries value and habitat value for spawning and rearing could potentially be present near Project activities. These include: Eelgrass (*Zostera marina),* Dungeness crab *(Metacarcinus magister),* California halibut (*Paralichthys californicus),* Pacific herring (*Clupea pallasii*), Rockfish (*Sebastes spp*.), Surfperches (*Embiotocidae*).

Lake and Streambed Alteration

CDFW requires a Lake or Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

A2-8

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act. A2-9

Fully Protected Species

Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: white-tailed kite (*Elanus leucurus*), and California least tern (*Sternula antillarum browni*) (LETE). A2-10

Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). A2-11

Specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15).

CDFW also recommends the DEIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with CDFW early in the Project planning process. A2-12

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. A2-13

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Berkeley 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 clarity of the document. A2-14

I. Project Level Impacts and Other Considerations

Mitigation Measures BIO-1 and BIO-3

Comment: The proposed Project includes using both a vibratory driving and impact hammer to drive up to 416 piles that range from concrete sheet piles to 24"-36" diameter steel and concrete piles. Mitigation Measure BIO-1 is broken up into multiple sections with measures to avoid and or minimize impacts to aquatic species from pile driving, including through implementation of worker education, special status species surveys, work windows, and hydroacoustic attenuation. However, Mitigation Measure BIO-1 does not address potential compensatory mitigation to offset hydroacoustic impacts to aquatic species from pile driving. A2-15

Additionally, the proposed Project would have an estimated net increase in cover area of 17,050 square feet, or approximately 0.39 acres. The proposed Mitigation Measure BIO-3 proposes to offset this increase of cover by removing additional existing decking and piles from the defunct wharf at a 1:1 ratio. However, this ratio may not be sufficient to offset the potential impacts to state listed species based on the impacts of the proposed Project. A2-16

The increase in fill and cover from the proposed pier and ferry dock, in addition to the impacts from increased underwater sound during construction and new work dredging may require an increased ratio to appropriately offset the impacts to state listed species that will be considered under CDFW's authorization of the Project.

Recommendation: CDFW recommends adding a section to Mitigation Measure BIO-1 to address compensatory mitigation to offset impacts from pile driving, particularly hydroacoustic impacts to species. CDFW also recommends that the final EIR consider a total mitigation ratio of 3:1, if fill removal is chosen to mitigate for the Project's impacts, to offset loss of species habitat and impacts from underwater sound. Additionally, mitigation credits, from a CDFW approved mitigation bank, may serve as an appropriate alternative mitigation option. A2-17

Dredging

Comment: The Project includes a proposal to dredge approximately 400,000 cubic yards from the unmaintained federal navigation channel adjacent to the pier to allow ferry access. The DEIR is not clear about who will conduct the dredging and whether this will be initially dredged and then A2-18

maintained by the U.S. Army Corps of Engineers as a federal navigational channel or whether the City of Berkeley will be responsible. A2-18

Additionally, it is CDFW's understanding that there has been substantial time between dredging events at this location and the initial 400,000 cubic yards of material would be considered a new dredging event. The DEIR lacks detail on the potential impacts to aquatic species and their habitat from this new dredging and how those impacts may be offset. A2-19

Recommendation: CDFW recommends the final EIR clearly describe who will be responsible for dredging and maintaining the navigation channel and how the impacts of conducting this new work dredging will be offset. A2-20

Crotch's Bumble Bee

Comment: The DEIR states that Crotch's bumble bee (*Bombus crotchii*) have the potential to occur on the Project site but it does not state avoidance and minimization measures to reduce potential impacts to less-than-significant.

The Project location is within the Crotch's bumble bee range (https://wildlife.ca.gov/Conservation/CESA) and grassland adjacent to the Project site may contain potential habitat for Crotch's bumble bee. As a candidate species, unauthorized take of this species pursuant to CESA is a violation of California Fish and Game Code section 2080 et seq. A2-21

The Project activities may result in the loss of nesting and foraging habitat for Crotch's bumble bee, and potentially the loss of individuals in nests due to crushing by construction personnel or equipment, excavation, and placement of soil stockpiles. Additionally, Project activities may result in direct mortality through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, loss of native vegetation that may support essential foraging habitat.

Recommended Mitigation Measure Habitat Assessment: A habitat assessment shall be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumble bee. The habitat assessment shall include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other *Bombus* species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other *Bombus* species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak bloom period for floral resources on which Crotch's bumble bee feed. Further guidance on habitat surveys can be found within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (https://wildlife.ca.gov/Conservation/CESA). A2-22

Recommended Mitigation Measure Survey Plan: If Crotch's bumble bee habitat is present within the Project area, the Project should include a pre-construction survey plan as a mitigation measure. The survey plan should be submitted to CDFW for review. Surveys should be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bees will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding (MOU) from CDFW. Surveys should be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (https://wildlife.ca.gov/Conservation/CESA). A2-23

Recommended Mitigation Measure Crotch's Bumble Bee Avoidance or Take Authorization: If Crotch's bumble bee are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan should be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal. A2-24

If full take avoidance is not feasible, CDFW strongly recommends that the DEIR state that the Project proponent will apply to CDFW for take authorization under an ITP.

Recommended Mitigation Measure Herbicide Application: To minimize impacts to bumble bees, avoid the bloom periods for herbicide application and mowing activities. If this is not possible, CDFW recommends that the Project obtain take authorization under an ITP, pursuant to Fish and Game Code section 2081 subdivision (b). A2-25

Western Pond Turtle

Comment: The DEIR states that Western Pond Turtles have been observed at the parks and ponds around the project site. The DEIR states that if a western pond turtle is found on site, a qualified biologist will capture and relocate the individual. A2-26

The Western Pond Turtle (*Actinemys marmorata*) is a native, protected species in California. Under California Code of Regulations Title 14, Section 40 (b) The live capture and release of native reptiles and amphibians done to avoid such death or injury may occur only with CDFWs written approval.

Recommended Mitigation Measure: CDFW recommends that BIO-1 state that if a Western Pond Turtle is found in the construction area, CDFW shall be contacted for guidance. A2-27

Burrowing Owl

Comment: The DEIR states that burrowing owls (*Athene cunicularia*) are unlikely to be affected by the project due to the low potential to occur on the project site. However, a 2025 occurrence of burrowing owl is noted 0.7 miles north of the Project area in CNDDB.

The burrowing owl is currently a candidate species under CESA and is afforded the same protection as a CESA-listed species (CEQA Guidelines, §15380, subds. (b)). Unauthorized take of this species pursuant to CESA is a violation of Fish and Game Code section 2080 et seq. The mitigation measures in BIO-1(c) may not be sufficient to avoid impacts to burrowing owls as they do not address the potential for occurrence. A2-28

Recommended Mitigation Measure: The DEIR should modify BIO-1 to state that if burrowing owls are detected during surveys within or near the Project area, a protective buffer will be established to ensure construction activities will not impact the burrowing owl or their habitat. Appropriate buffers typically have a 150 to 1,500-foot radius and vary depending on the level of disturbance and timing of construction. If the burrowing owl show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), the buffer distance should be increased. The Designated Biologist shall submit the results of the surveys, including a Burrow Complex Map to CDFW for approval prior to beginning Covered Activities. If changes in burrowing owl presence are detected (e.g., burrowing owl have moved onsite or changed burrow use), the Designated Biologist shall contact the CDFW Regional Representative by phone or email within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project. If a lapse in Project-related work of 14 calendar days or longer occurs, the Lead Agency shall contact the CDFW Regional Representative by phone or email and may be required to conduct additional surveys before work may be reinitiated. A2-29

The Designated Biologist shall visually inspect any pipes, debris piles, culverts, pallet stacks, burrow exclusion installations, or similar structures for burrowing owl before the material is moved, buried, or capped. The Designated Biologist shall inspect all open holes and trenches within the Project Area at a minimum of twice a day and immediately prior to backfilling. At the end of each workday, the Lead Agency shall place an escape ramp at each end of trenches or holes to allow any animals that may have become trapped in the trench or hole to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30-45 degrees. If any worker discovers that burrowing owls have become trapped, they shall halt Covered Activities and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the burrowing owl to escape unimpeded.

Recommended Mitigation Measure Burrowing Owl Monitoring: The Designated Biologist(s) shall be present during construction activities to monitor the behavior of any burrowing owl. The Designated Biologist(s) shall have the authority to order stop work if burrowing owl exhibit distress and/or abnormal behavior for (e.g., excessive vocalizations, defensive flights at intruders, flushing A2-30

frequently, or otherwise displaying agitated behavior). Permittee shall not resume activities until CDFW has been consulted by the Designated Biologist and both the Designated Biologist and CDFW confirm that the burrowing owl's behavior has normalized. CDFW, in consultation with the Designated Biologist(s), shall determine whether to increase the size of the no-disturbance buffer. A2-30

Recommended Mitigation Measure Compensatory Mitigation: CDFW highly recommends that the Project proponent obtain take authorization from CDFW through issuance of an ITP if full avoidance of take during construction and/or operations is not feasible. The DEIR must include all biologically appropriate and feasible take avoidance measures. If permanent or temporary impacts of the proposed Project to burrowing owl foraging and/or nesting habitat cannot be completely avoided, the DEIR should include measures to minimize the impacts of construction on owls and their habitat, and effective compensatory mitigation to offset all habitat loss. A mitigation plan should be prepared in consultation with CDFW. A2-31

Nesting Bird

Comment: The surveys and avoidance buffers proposed by mitigation measure BIO-1(c) may not be sufficient to reduce impacts to nesting birds to less-than-significant levels. A2-32

Project activities, including grading, ground disturbance, operation of heavy machinery, increased foot traffic, and the movement of workers, may generate noise or visual disturbances which may in turn result in nest abandonment, reduced reproductive success, loss, or reduced health or vigor of eggs or young. Grading, tree removal, and vegetation removal may also result in direct take of nesting birds.

Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the MBTA is a violation of Fish and Game Code (§ 3503, 3503.5, 3513). CNDDB indicates that white-tailed kite and northern harrier may occur within the Project site. White-tailed kite is a Fully Protected species (Fish & G. Code § 3511), and this status qualifies them as rare, threatened, or endangered pursuant to CEQA Guidelines § 15380. A2-33
To reduce impacts to nesting birds, including white-tailed kite and northern harrier, CDFW recommends modifying BIO-1(C)to reflect the following measures.

Recommended Mitigation Measure: To the extent feasible, Project activities shall be conducted outside of the bird nesting season (typically February 1–September 15, and as early as January 1 for raptors). If Project activities cannot happen outside of bird nesting season a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to the commencement of Project-related activities to identify active nests that could be impacted by construction, and a second focused survey shall be conducted with 48 hours of Project commencement. If Project activities lapse for a period longer than seven days, a focused survey shall be conducted before activities recommence. The preconstruction nesting bird survey shall include Project boundaries, including any temporary disturbance areas, and where no established A2-34

survey protocol exists, CDFW recommends the following minimum survey radius: (1) 250 feet for Passerines, and (2) 1,000 feet for raptors. If active nests are found, a no-disturbance buffer shall be established around the nest. A qualified biologist, in consultation with CDFW, shall establish a buffer distance. The following nest avoidance buffers are recommended: (1) 250 feet for passerines, (2) 1,000 feet for raptors, and (3) 0.5 mile for golden eagle. The buffer shall be maintained until the nestlings have fledged (e.g., are capable of flight and become independent of the nest), to be determined by a qualified biologist. The avoidance buffer can be removed, and no further measures are necessary once the young have fledged or the nest is no longer occupied, as determined by a qualified biologist. A2-34

California Least Tern

Comment: The DEIR states that LETE are not expected to occur within the project site. However, LETE has been recorded adjacent to the project site according to CNDDB unprocessed data. Despite the existence of suitable nesting habitat and potential for LETE to nest or forage adjacent to Project and staging areas, the DEIR does not include analysis on the potential for the Project to significantly impact LETE, nor does it include measures to avoid, minimize or mitigate potentially significant impacts to LETE. A2-35

LETE are CESA and federal Endangered Species Act (ESA) endangered and state fully protected species. Populations of LETE nest along the West coast of North America from Baja California north to the San Francisco Bay and establish nesting colonies on sandy soils with little vegetation along Pacific Ocean beaches, lagoons and bays (USFWS 1980). LETE were once widespread and abundant, but increasing human disturbance to sandy beaches, hunting for the millinery trade, and increasing predator populations caused the population to undergo a major decline in the early 1900s (USFWS 2006). LETE nesting occurs between April 15 and late September, and successful development and growth of chicks requires habitat free of human disturbance, protection from avian and mammal predators, and proximity to aquatic foraging habitat. LETE have high site fidelity and return to nesting areas year after year. This species is highly sensitive to human disturbance and will readily abandon nesting areas if disturbed. A2-36

Project activities could impact LETE in the short term due to generation of noise from construction equipment, groundwork, and operation and movement of equipment and workers that would have the potential to disturb LETE foraging, roosting, and nesting. Direct mortality of LETE could occur through nest abandonment, resulting in reduced reproductive success (loss or reduced health or vigor of eggs or young). A2-37

Recommended Mitigation Measure: A CDFW-approved biologist, in coordination with CDFW, shall conduct breeding and occupancy surveys for LETE in all suitable habitats within and adjacent to the Project area during the LETE nesting season (April 15- September 15) prior to each year of construction to determine whether LETE are present. A2-38

If LETE are found in suitable habitat near the Project site, appropriate buffers shall be incorporated to avoid and minimize impacts to LETE. A 700-foot no-work buffer shall be implemented between construction activities and any current-year breeding LETE detections. Noise-reducing modifications to equipment as well as portable acoustic barriers/blankets placed near noise sources may be appropriate to reduce auditory and visual impacts to breeding shorebirds. A qualified avian biologist shall advise and support buffer establishment in consultation with CDFW. Fully protected species such as LETE may not be taken or possessed at any time. The qualified biologist shall also be on-site during all Project activities to ensure that fully protected species impacts are avoided by all Project activities.

If breeding and occupancy surveys demonstrate that LETE utilize any habitat in the Project area that would be temporarily or permanently impacted by Project development, the Project shall develop a Least Tern Mitigation and Monitoring Plan in coordination with CDFW, which shall outline actions the Project will take to avoid impacts to LETE and their habitat. These actions could include:

1) Establishing protected areas within the Project area for LETE nesting, prior to Project impacting existing nesting habitat;
2) Creating a monitoring program to assess LETE populations within existing and/or established protected areas and restored habitat in the Project area;
3) Incorporating other methods for promoting LETE resiliency on lands within the Project area; and
4) Identifying and implementing metrics for assessing success of the Least Tern Mitigation and Monitoring Plan.

A2-38

II. Editorial Considerations

Comment: On page 2-6 (Section 2.5.1- Waterside) makes two references to Section 2.7.2 as the section in which piles for the pier and breakwater are discussed. In the DEIR, Section 2.7.2 is specific to energy and consumption. The final EIR should revise this reference to appropriately direct reviewers to Section 2.6.1 – Construction Activities and Equipment in which specific details related to proposed piles are discussed.

A2-39

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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 CNNDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/SubmittingData#44524420-pdf-field-survey-form. The

A2-40

completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. A2-40

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 CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, Section 753.5; Fish & G. Code, Section 711.4; Pub. Resources Code, Section 21089.) A2-41

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Berkeley 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 R7CEQA@wildlife.ca.gov and Chad Rynearson, Environmental Scientist, at Chad.rynearson@wildlife.ca.gov. A2-42

Sincerely,

Craig Shuman, D. Env
Marine Regional Manager

Ec: Claire Waggoner, Environmental Program Manager
Department of Fish and Wildlife

Craig Weightman, Environmental Program Manager
Department of Fish and Wildlife

Eric Wilkins, Senior Environmental Scientist
Department of Fish and Wildlife

Jason Faridi, Senior Environmental Scientist
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Arn Aarreberg, Environmental Scientist
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Chad Rynearson, Environmental Scientist
Department of Fish and Wildlife

Olivia Ilsley, Shoreline Development Analyst
San Francisco Bay Conservation and Development Commission

Brian Wines, Water Resources Control Engineer
San Francisco Bay Regional Water Quality Control Board

REFERENCES

California Department of Fish and Wildlife (CDFW). 2025. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed January 25, 2025.

California Department of Fish and Wildlife (CDFW). 2019. *Fish and Game Code §§3503, 3503.5, 3513 – Protection of Birds and Raptors.* Sacramento, CA.

California Department of Fish and Wildlife (formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

California Natural Resources Agency. 2023. *California Environmental Quality Act statutes and guidelines*. California Natural Resources Agency, Sacramento, California.

U.S. Fish and Wildlife Service. 2006. California least tern (*Sternula antillarum browni*) 5-Year Review, Status and Evaluation. Carlsbad, CA.

U.S. Fish and Wildlife Service. 1980. Selected vertebrate endangered species of the seacoast of the United States - California least tern. U.S. Dep. Inter., Fish and Wild.

A2-43

Letter A2

Commenter: Craig Shuman, D. Env, Marine Regional Manager, California Department of Fish and Wildlife

Date: April 24, 2026

Response to Comment A2-1 to A2-4, A2-6

These comments do not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A2-5

The Draft EIR identifies consultation with CDFW for impacts to State-listed species (refer to Section 3.3.4, pages 3.3-46 and 3.3-47). In addition, Section 3.3.4, under Impact BIO-1, starting on page 3.3-43 discusses impacts to special-status species, including State-listed species, and concludes that impacts would be less than significant with implementation of identified mitigation. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A2-7

All species included in the comment list (longfin smelt, Chinook salmon [Central Valley Spring-run and Sacramento River Winter-run], steelhead, green sturgeon, white sturgeon, Pacific lamprey, California least tern, white-tailed kite, Crotch's bumble bee, burrowing owl, and western pond turtle, eelgrass, Dungeness crab, California halibut, Pacific herring, rockfish, and surfperches) are addressed in the Draft EIR under both Environmental Setting (refer to pages 3.3-17 through 3.3-24) and under Impact BIO-1 (refer to pages 3.3-43 through 3.3-57), except for Chinook salmon – Central Valley fall/late fall-run ESU. Section 3.3.4, under Impacts BIO-1, starting on page 3.3-43 discusses impacts to special-status species, including State and federally listed species, and concludes that impacts would be less than significant with implementation of identified mitigation (refer to Mitigation Measures BIO-1(a) through BIO-1(e), HYD-1, and AES-1). In response to this comment, the Chinook – Central Valley fall/late fall-run ESU has been added as moderate potential to occur in the project site via the following clarification Draft EIR text changes to Section 3.3, *Biological Resources*, and Appendix C, *Supporting Biological Resources Information:*

Section 3.3.2, page 3.3-19:

> Marine and Anadromous Wildlife Species
>
> Twenty-three ~~two~~ (2~~2~~3) special-status marine species were evaluated for their potential to occur within the project site (Appendix C), of which 1~~3~~2 have high to moderate potential to occur within the marine areas of the project site. The species that can be reasonably anticipated to occur were determined based on the published ranges of the species, and the type, extent, and condition of habitat available at the project site.
>
> Seven species have a high potential to occur in the project site:
>
> - Green sturgeon – Southern DPS (*Acipenser medirostris*, pop. 1 federally threatened, SSC)
> - White sturgeon (*Acipenser transmontanus*, State candidate threatened) non-breeding
> - Chinook salmon – Sacramento River Winter-Run Evolutionarily Significant Unit (ESU) (*Oncorhynchus tshawytscha*, pop. 7 federally and State endangered) non-breeding
> - Pacific lamprey (*Entosphenus tridentatus*, SSC)
> - Longfin smelt – San Francisco Bay-Delta DPS (*Spirinchus thaleichthys,* pop. 2 federally endangered and State threatened)

- Harbor seal (Phoca vitulina richardii, MMPA)
- California sea lion (Zalophus californianus, MMPA)

~~Five~~ Six species have a moderate potential to occur within the project site:

- Steelhead – Central California coast DPS (*Oncorhynchus mykiss irideus*, pop. 8 federally threatened) non-breeding
- Steelhead – Central Valley DPS (*Oncorhynchus mykiss irideus*, pop. 11 federally threatened) non-breeding
- Chinook salmon – Central Valley spring-run ESU (*Oncorhynchus tshawytscha*, pop. 11 federally threatened) non-breeding
- Chinook salmon – Central Valley fall/late-fall-run ESU (*Oncorhynchus tshawytscha*, pop. 13, SSC) non-breeding
- Harbor porpoise (*Phocoena phocoena*, MMPA)
- Common bottlenose dolphin (*Tursiops truncates*, MMPA)

Section 3.3.2, page 3.3-22:

Chinook Salmon - Central Valley Spring-Run ESU

The Chinook salmon - Central Valley spring-run ESU is federally threatened. Chinook salmon is an anadromous fish spending most of its life in coastal waters. This population of chinook salmon spawns in the Sacramento River and its tributaries. Juveniles are reared in the San Joaquin Delta and migrate to the ocean between December, January, and February, and adult immigration through the delta and into the lower Sacramento River occurs from late January to early February.[67] Therefore, there is a moderate potential for individuals to migrate, forage, and transit within the project site.

Chinook Salmon – Central Valley fall/late-fall-run ESU

The Chinook salmon - Central Valley fall/late-fall-run ESU includes both fall-run and late-fall-run Chinook salmon; however, only the fall-run is a CDFW SSC. Chinook salmon are anadromous, spending the majority of their life cycle in marine waters before returning to freshwater systems to spawn. Fall-run Chinook salmon migrate upstream through the San Joaquin Delta from July through December and spawn from early October through late December, with the timing of runs varying by stream.[68] Late fall-run Chinook salmon migrate through the San Joaquin Delta from mid-October through December and spawn from January through mid-April. Following emergence, most juvenile fall-run and late-fall-run Chinook salmon rear in freshwater for approximately one to seven months before emigrating to the ocean, while a smaller proportion remain in freshwater and migrate as yearlings. Among the Central Valley Chinook salmon populations, the fall-run is the most abundant and exhibits a life history strategy characterized by a relatively short freshwater residence period. The fall-run population emigrates to the ocean during the spring, prior to the onset of elevated summer water temperatures, allowing juveniles to utilize lower-elevation reaches of Central Valley rivers during outmigration. This life history strategy, combined with the population's relative abundance, has resulted in fall-run Chinook salmon being the primary stock propagated at the five major Central Valley hatcheries.[69] Based on the species' migration ecology, habitat use, and the location of the project site within a potential migratory corridor, there is moderate potential for Central Valley fall-run/late-fall-run Chinook salmon to occur within the project site and vicinity during migration or dispersal periods. Individuals may use aquatic habitats within or adjacent to the project site for passage and transient foraging; however, the project site does not provide suitable spawning or long-term rearing habitat.

[67.] NMFS. 2014. Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-Run Chinook Salman, Central Valley spring-run Chinook Salmon, and the Distinct Population Segment of Central Valley Steelhead. July.

[68.] NMFS.(no date). *Central Valley fall/late fall-run Chinook* [PDF]. NOAA Fisheries. https://www.st.nmfs.noaa.gov/data-and-tools/Salmon_CVA/pdf/Salmon_CVA_Name_Central_Valley_fall-late_fall-run_Chinook.pdf. Accessed July 2026.

[69.] CDFW. 2026. *Chinook salmon: Central Valley fall and late-fall-run Chinook salmon*. https://wildlife.ca.gov/Conservation/Fishes/Chinook-Salmon#central-valley-fall. Accessed July 2026.

Section 3.3.4, page 3.3-44:

Marine

Special-status Fish

The following analysis applies for the following species: green sturgeon - Southern DPS; white sturgeon non-breeding; chinook salmon - Sacramento River Winter-Run ESU non-breeding; Pacific lamprey; longfin smelt - San Francisco Bay-Delta DPS; steelhead - Central California coast DPS non-breeding; steelhead - Central Valley DPS non-breeding; ~~and~~ chinook salmon - Central Valley spring-run ESU non-breeding; and chinook salmon - Central Valley fall/late-fall-run ESU non-breeding.

Appendix C, page C-8:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Oncorhynchus tshawytscha pop. 11 chinook salmon - Central Valley spring-run ESU	FT/ST G5T2Q/S2	Adult numbers depend on pool depth and volume, amount of cover, and proximity to gravel. Water temps >27 C are lethal to adults. Federal listing refers to populations spawning in Sacramento River and tributaries.	Moderate Potential (non-breeding)	Suitable freshwater breeding habitat for the species does not occur within the Project site. However, the Bay habitat within the Project site provides migrating habitat for this species.
Oncorhynchus tshawytscha pop. 13 chinook salmon - Central Valley fall/late-fall-run ESU	None/None G5T3Q/S3 SSC	Populations spawning in Sacramento River and San Joaquin rivers and their tributaries.	Moderate Potential (non-breeding)	Suitable freshwater breeding habitat for the species does not occur within the Project site. However, the Bay habitat within the Project site provides migrating habitat for this species.

Even with these Draft EIR clarification text changes, the analysis and significance conclusion presented in Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-43) of less than significant impacts to wildlife species with implementation of identified mitigation remains valid.

Response to Comment A2-8

Refer to Response to Comment A2-5 for a discussion of how the Draft EIR identifies consultation with CDFW for impacts to State-listed species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A2-9

With regard to Fish and Game Code sections 3503, 3503.5, and 3513 and federal Migratory Bird Treaty Act (MBTA), refer to Draft EIR Section 3.3.3, pages 3.3-29 and 3.3-33 for related regulatory discussions and Impact BIO-1, pages 3.3-44 and 3.3-52 for an impacts discussion that concludes less-than-significant-with-mitigation impacts with regard to State-protected species and native and migratory birds (refer to Mitigation Measures BIO-1(a), BIO-1(c), and AES-1). Refer also to Response to Comment A2-28 to A2-31 for clarifying changes to Mitigation Measure BIO-1(c) addressing impacts to nesting birds. No other changes to the Draft EIR are necessary in response to this comment.

Response to Comment A2-10

White-tailed kite is addressed in the Draft EIR in the Environmental Setting (refer to pages 3.3-17 through 3.3-18) and in the summary of scoping comments received (refer to page 3.3-41). The Draft EIR concludes that although there is a low potential for white-tailed kite to occur in the project site, it is not expected to be affected by the project. Appendix C of the Draft EIR explains why there is a low potential for this species to occur on the project site.

Refer to Response to Comment A2-35 to A2-38 for discussion of impacts related to California least tern, revisions to the Draft EIR regarding California least tern and the conclusion that impacts to this species would be less than significant.

Response to Comment A2-11

The Draft EIR includes a description of the regulatory protections for “fully protected” species in Section 3.3.3 Regulatory Setting, page 3.3-33. Take of fully protected species must be avoided, as incidental take cannot be authorized except with some narrow exceptions, as the comment notes.

White-tailed kite is a fully protected species with low potential to occur on the project site. Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite.

California least tern is also a fully protected species; refer to Response to Comment A2-35 to A2-38 for a discussion of impacts to this species and conclusion that impacts to this species would be less than significant. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A2-12

California state fully protected species with potential to occur within the project site include white-tailed kite and California least tern. These species have low potential to occur within the project site, as described in Draft EIR Appendix C *Supporting Biological Resources Information* and the Draft EIR Environmental Setting (refer to pages 3.3-17 through 3.3-18). As stated in the Draft EIR, no potential adverse impacts to fully protected species, including white-tailed kite and California least tern, from habitat modification and loss of foraging habitat would occur, as the project site is already developed and suitable foraging habitat would continue to be available in the project vicinity. Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite in the Draft EIR. Refer to Responses to Comment A2-28 to A2-31 and A2-35 to A2-38 for clarifying text changes to Draft EIR discussions regarding habitat impacts and avoidance for California least tern. Wildlife movement, which includes migratory behavioral disturbance, is discussed under Impact BIO-4 and impacts would be less than significant. White-tailed kite are non-migratory. California least tern forage in open waters within and surrounding the project site during their migration, thus discussion of impacts to foraging habitat in the Draft EIR (refer to Response to Comment A2-35 to A2-38) also addresses disturbance of migratory behavior. No additional revisions to the Draft EIR are necessary in response to this comment.

Response to Comment A2-13 to A2-14

These comments do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Responses to subsequent comments are provided in Responses A2-14 through A2-43 as appropriate. No further response is required.

Response to Comment A2-15

Impact BIO-1 (refer to pages 3.3-45 through 3.3-46 and 3.3-48 through 3.3-51) concludes less-than-significant-with-mitigation impacts with regard to construction-related hydroacoustic (pile-driving) impacts to aquatic species. The Draft EIR concludes that construction-related hydroacoustic impacts to special-status aquatic species would be less-than-significant-with-mitigation (refer to Mitigation Measures BIO-1(a) and BIO-1(d)). CEQA does not require compensation for temporary physiological or behavioral disturbance. Therefore, compensatory mitigation is not appropriate for hydroacoustic impacts, because such effects are acute, short-term, and best addressed by avoidance, engineering controls, timing, and monitoring as discussed in the Draft EIR. Additional mitigation measures, with regard to potential impacts to aquatic species from pile driving required to secure permits from USFWS, NMFS, CDFW, and SFBRWQCB will be determined in coordination with these regulatory agencies. No Draft EIR changes are necessary in response to this comment.

Response to Comments A2-16 and A2-17

The 1:1 replacement ratio described in the Draft EIR is a minimum baseline commitment to ensure no net loss of jurisdictional waters by the lead agency, City of Berkeley, under CEQA, and is not a fixed or final future permitting-stage outcome. This ratio is substantiated by the in-kind, in-place nature of the proposed mitigation: removal of existing pier piles and decking offsets new net fill and cover within the same water body and habitat type, avoiding the establishment risk, time lag, and functional uncertainty typically associated with off-site or out-of-kind mitigation approaches that warrant higher ratios. The actual mitigation ratio and specifics will be determined during agency permitting based on the final design, the results of a formal jurisdictional and functional assessment, and regulatory agency review. The analysis presented in Draft EIR Section 3.3.4 under Impacts BIO-1 and BIO-3, (pages 3.3-45 through 3.3-51 and 3.3-60 through 3.3-61, respectively) conclude that impacts to special-status aquatic species regarding project cover area would be less-than-significant-with-mitigation (refer to Mitigation Measures BIO-1(a), BIO-1(d), BIO-1(e), BIO-3, and HYD-1), and is, thus, adequate under CEQA. Refer also to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*. No Draft EIR changes are necessary in response to these comments.

Response to Comment A2-18

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging*, which includes a detailed discussion of dredging responsibilities, regulatory oversight, and the distinction between the proposed one-time construction dredging and any future maintenance dredging.

That topical response also includes a revision to the Draft EIR to clarify that no maintenance dredging program is proposed as part of the project at this time, and that any future maintenance dredging would be subject to separate evaluation, permitting, and environmental review, as appropriate. These clarifications do not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR. No further revisions to the EIR are necessary.

Response to Comment A2-19 and A2-20

The Draft EIR identifies construction-related dredging as part of the project in Chapter 2, *Project Description*, on page 2-28. Impacts related to construction dredging are discussed in Section 3.3.4, pages 3.3-45 to 3.3-51. The Draft EIR concluded that construction dredging impacts related to aquatic species and habitat would be less-than-significant-with-mitigation (refer to Mitigation Measures BIO-1(d) and

HYD-1). Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate,* and Section 2.2.15, *Topical Response: Maintenance Dredging*, for discussion of post-construction sedimentation rates and maintenance dredging. No changes to the Draft EIR are necessary in response to these comments.

Response to Comments A2-21 to A2-25

Based on the informal habitat assessment for Crotch's Bumble Bee (CBB) done during a project site reconnaissance survey on September 19, 2024, as noted in Draft EIR Section 3.3.1 (page 3.3-2), suitable habitat for this species within the project site is present but marginal due to high levels of disturbance and limited floral resources. Thus, the species has low potential to occur and, in the absence of new information on potential species presence, that determination has not changed. Project activities would not involve herbicide use and mowing activities during construction. Operational maintenance herbicide use and mowing at the project site would be conducted in accordance with Berkeley Department of Parks, Recreation, and Waterfront policies and would be similar to existing practices.

While impacts to CBB remain less than significant in the absence of mitigation, in response to this request by CDFW and in acknowledgement that there is low potential for CBB to occur, the following mitigation measure requiring a habitat assessment and pre-construction surveys has been added to Draft EIR Section 3.3 *Biological Resources*:

Section 3.3.4, page 3.3-55:

> Mitigation Measure BIO-1(f): Implement CDFW-Requested Measure for Crotch's Bumble Bee Prior to Construction
>
> A formal habitat assessment of the project site landside project disturbance areas shall be performed by a qualified biologist prior to initiating ground disturbing activities to determine if suitable nesting or foraging habitat is present within the project site. The assessment shall include:
>
> - Review of occurrence record data
> - Analysis of foraging, nesting, and overwintering resources
> - Documentation of plant species observed (including what is blooming at the time of the survey and percent cover)
>
> The locations of nesting resources, including rodent burrows, cavities, thatched grasses, brush, rock piles, fallen logs, and manmade structures, shall be mapped during the assessment. Areas adjacent (within 50 feet) to the project site shall also be considered, if accessible, to determine if there is suitable nesting or foraging habitat.
>
> If suitable nesting and foraging resources are detected during the habitat assessment, they will be avoided by a minimum 50-foot buffer, where possible. If avoidance is not possible, protocol-surveys following the CDFW *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) will be conducted to determine if Crotch's bumble bee is present within the project site. A minimum of three visits will be conducted during the colony active season (April – August) and will be spaced 2-4 weeks apart. Surveys will be conducted each year that construction activities occur within suitable nesting habitat, because bumble bees move their nests each year. If no Crotch's bumble bees are detected on the project site, no further mitigation actions will be required. If Crotch's bumble bees are detected, consultation with CDFW will be initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the project site. If full take avoidance is not feasible, the City will apply to CDFW for take authorization under an Incidental Take Permit.

In addition, the following clarifying text changes are made to Draft EIR Section 3.3 *Biological Resources* as follows:

Section 3.3.2, page 3.3-17:

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~four~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site)… No special-status wildlife species were observed during the survey conducted in September 2024.

…

Crotch's Bumble Bee

Crotch's bumble bee occupies open, dry habitats such as coastal scrub, grasslands, chaparral margins, and sparsely vegetated alluvial terraces that support abundant spring and early summer blooming plants. The species relies on diverse nectar and pollen resources. Nesting typically occurs in abandoned rodent burrows or concealed upland cavities with sufficient thatch or loose soil, while overwintering queens select undisturbed, well drained areas.

Crotch's bumble bee has only one known occurrence recorded within five miles of the project site. Suitable habitat on the project site is of low quality because most terrestrial areas of the project site are paved or landscaped with sparse floral resources for foraging. Although small mammal burrows on the project site may provide suitable nesting habitat and floral resources for foraging occur adjacent to the site, the highly developed character of the project site and associated anthropogenic disturbance reduce the availability and connectivity of habitat needed to support the species. Therefore, there is low potential for this species to occur within the project site.

Section 3.3.4, page 3.3-43:

Special-status Wildlife

Crotch's Bumblebee, Northwestern Pond Turtle, Burrowing Owl, Double-Crested Cormorant, Least Tern, and Nesting Birds

Crotch's bumblebee (state candidate endangered), ~~Northwestern~~ northwestern pond turtle (federally proposed threatened, SSC), burrowing owl (state candidate), and least tern (federally endangered, state endangered, and state fully protected) ~~has~~ have a low potential and double-crested cormorant (CDFW Watch List) has a moderate potential to occur in terrestrial portions…during the nesting season.

Crotch's bumblebee has a low likelihood to be present in undeveloped portions of the project site. Based on the low likelihood for this species to occur, the low quality of habitat in the project site, and the distance from the known occurrence of this species, potential impacts to Crotch's bumblebee are less than significant. Nonetheless, the City would implement Mitigation Measure 1(f), as recommended by CDFW. Implementation of this agency-requested mitigation, however, does not change the conclusion that impacts to this species is less than significant without mitigation due to the low likelihood of occurrence.

…

However, implementation of Mitigation Measures BIO-1(a), BIO-1(b), and BIO-1(c) would require a Worker Environmental Awareness Program (WEAP), as well as preconstruction surveys for and avoidance of northwestern pond turtle, burrowing owl, and nesting birds. Biologists responsible for implementing Mitigation Measure BIO-1(a) and other biological mitigation measures would be required to meet any qualifications for approval requirements established by applicable resource agencies through project permits and authorizations. Mitigation Measure BIO-1(a) would include Crotch's Bumble Bee as part of the WEAP; however, this does not change the conclusion that impacts to this species would be less than significant without mitigation….

Section 3.3.4, page 3.3-51:

> **Special-Status Wildlife**
>
> The proposed project would primarily occur within existing developed areas, and would not involve significant new levels of disturbance to suitable Crotch's bumble bee habitat or to the mouth of Strawberry Creek…

These Draft EIR clarification text changes do not change Draft EIR significance conclusions with regard to special-status wildlife species.

Response to Comment A2-26 to A2-27

There is low potential for northwestern pond turtle to occur within the project site, as described in Draft EIR Section 3.3 *Biological Resources*, page 3.3-19 and 3.3-44. However, in response to this comment the following clarification text changes have been made to Draft EIR Section 3.3 *Biological Resources*, Mitigation Measure BIO-1(b)as follows:

Section 3.3.4, Page 3.3-54 and Page 3.3-55:

> Mitigation Measure BIO-1(b): Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction
>
> No less than seven days prior to the start of any construction activities within 500 feet of Strawberry Creek (including staging and mobilization), a City-approved qualified biologist will conduct a preconstruction survey for northwestern pond turtle within suitable habitat on the project site as feasible. If any northwestern pond turtle are identified within the work area, they will be allowed to leave the work site on their own. CNDDB Field Survey Forms will be submitted to the CDFW for all special-status animal species observed.
>
> If any northwestern pond turtles are observed by construction personnel within or adjacent to (within 50 feet) the project site, all work within the vicinity of the observation will be halted and the ~~qualified biologist will be notified immediately to evaluate the occurrence and relocate the animal as necessary.~~ City will contact CDFW immediately for guidance. Only a ~~qualified~~ CDFW-approved biologist will capture and relocate wildlife. Construction personnel are not permitted to handle said animals. If northwestern pond turtles become federally-listed at the time of construction, no individuals shall be handled without approval from USFWS.…

Response to Comments A2-28 to A2-31

There is low potential for burrowing owl to occur at the project site, as described in Draft EIR Appendix C *Supporting Biological Resources Information*, page C-9, which includes the same occurrence information provided in this comment (i.e. the sighting of a burrowing owl 0.7 miles away from the project site). As noted in Appendix C, based on the site conditions evaluated in the Draft EIR, which include poor quality burrowing owl habitat consisting of some ground squirrel burrows in developed and landscaped areas that are subject to heavy recreational use and frequent human disturbance, there is a very low likelihood that burrowing owl would be present within the project site. Thus, the species is unlikely to be impacted by project activities, has low potential to occur, and, in the absence of new information, that determination in the Draft EIR has not changed. However, while impacts to burrowing owl remain less than significant in the absence of mitigation, in response to this CDFW comment and in acknowledgement that there is low potential for burrowing owl to occur, revisions have been made to Draft EIR Mitigation Measure BIO-1(c) as follows:

Section 3.3.4, page 3.3-55 and 3.3-56:

Mitigation Measure BIO-1(c): Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction

Burrowing Owl

Prior to project construction, a qualified biologist will conduct a habitat assessment to determine if potential habitat for burrowing owl is present in or near the project site. If potential habitat is present in or within 500 feet of the project site, a qualified biologist will conduct a pre-construction survey of the project site (plus a 500-foot buffer as access allows) for the presence of burrowing owl. The survey will be conducted no more than 14 days prior to ground disturbing activities and will conform to CDFW guidelines for burrowing owl Take Avoidance Surveys as described in Appendix D of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.[100] A report of pre-construction survey efforts and results will be submitted to the City within 30 days of completion of the survey. The report will include the dates, times, weather conditions, and personnel involved in the survey. Depending on survey results, the report will also include observations of burrowing owl or potential burrows, and the location and habitat description of the observations. If burrowing owl, active burrows, or their sign (i.e., tracks or pellets) are not observed in the project site, no additional measures related to impact avoidance and minimization of the absent species are recommended. If burrowing owl, active burrows, or their sign are observed within the project site, CDFW will be notified and the following measures will be implemented:

- A qualified biological monitor will be present during landside construction on the project site to document burrowing owl observations, burrow statuses, and require that construction activities do not negatively affect burrowing owl. The duration and frequency of monitoring will be determined at the discretion of the qualified biologist and a monitoring report detailing monitoring results will be submitted to the City within 30 days of the completion of project activities or breeding season (February 1 to August 31), if applicable.
- The biological monitor will visually inspect any pipes, debris piles, culverts, or similar structures for burrowing owl before the material is moved, buried, or capped. Open holes and trenches within the project site will be inspected at the beginning and end of each landside construction workday and immediately prior to backfilling. At the end of each such workday, trenches and holes will be ramped so that any animals that may have become trapped in the trench or hole can climb out. The ramp may be constructed of dirt fill or wood planking or other suitable material at an angle no greater than 30-45 degrees. If a burrowing owl is trapped in a trench or hole, work will stop and the qualified biologist will be notified immediately. The burrowing owl will be allowed to escape unimpeded.
- If active burrows are observed on the project site, a non-disturbance buffer will be established restricting all ground-disturbing activities from occurring within the buffer and a qualified biological monitor will be present at the initiation of project activities. The buffer will be established by a qualified biologist and range from 330 ft. to 1,500 ft. depending on project activity, line of sight, and local topography during the breeding season. During the non-breeding season (September 1 to January 31), the buffer will range from 165 ft. to 330 ft. The buffer will be demarcated using brightly colored flagging and may only be reduced at the discretion of a qualified biologist based on the factors listed above and potential use of sound and visual barriers (i.e., hay bales). Removal of the buffer will only occur if a qualified biologist determines burrowing owl are not present in the vicinity and any potential burrows are inactive.
- If active burrow avoidance is infeasible during the non-breeding season or during the breeding season, where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, the City in coordination with a qualified biologist will consult with CDFW to prepare, authorize, and implement a passive

relocation program consistent with Appendix E of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.

- A habitat mitigation plan will be developed in coordination with the City and CDFW for loss of active burrowing owl burrow sites if implementation of a passive relocation plan is necessary and/or burrowing owl are documented to nest on site or within 500 feet of the project site. This would be based upon the portion of the project site that overlaps with the primary foraging area around the burrow site (approximately 500-foot buffer) to be replaced at a minimum 1:1 ratio.

Nesting Birds

Project construction activities, including but not limited to vegetation removal and ground disturbance that result in noise or disturbance affecting potential nesting bird habitat, should commence outside of the nesting season (February 1 through September 15), if feasible. If construction begins outside the nesting season, a nesting bird survey is not required.

If ground disturbing project activities begin within the nesting season (February 1 through ~~August 31~~ September 15), then no more than seven days prior to the initiation of project activities, a nesting bird pre-construction survey shall be conducted by a City-approved qualified biologist within the disturbance footprint, plus a 300-foot buffer for passerines and a 1,000-foot buffer for raptors. During construction within the nesting season, an additional focused survey shall be conducted prior to tree removal to identify active nests with the subject tree(s). If no active nests are observed, no further action would be required. Ground-disturbing project activities that are initiated outside of the nesting season may continue into the nesting season without requiring new nesting bird surveys.

Pre-construction nesting bird surveys shall be conducted by a qualified biologist during the time of day when birds are most active and should be of sufficient duration to reliably conclude presence or absence of nesting birds on the project site and within the designated buffer. A report of the nesting bird surveys results shall be submitted to the City for review and approval prior to clearance for mobilizing equipment. If nests are found, their locations shall be flagged (if possible) and recorded with the use of a GPS unit. Avoidance buffers shall be established around active nests. Depending upon the species, suitable minimum buffers may be 50 feet for non-raptor species and 300 feet for raptor species, or as determined by the qualified biologist in consultation with CDFW based on species sensitivity, construction activities, and other factors.

If active nests are present, all project work shall be conducted outside the established avoidance buffer zone from the nest until it is no longer active. No staging of large equipment shall occur within the avoidance buffer until the qualified biologist confirms that breeding/nesting is complete and all the young have fledged. If buffer zones are determined to be infeasible, a City-approved qualified biological monitor shall be on site to monitor project activities within the avoidance buffer zones to ensure active nests and nesting birds are not impacted. Nesting bird surveys are not required for project activities that occur between September 16 and January 31. A report of all survey results and any proposed avoidance buffers shall be submitted to the City for review and approval.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

[100.] California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. Department of Fish and Game. March 7, 2012. Available at: http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf2 (accessed July 2026).

In addition, the following clarifying text changes have been made to Draft EIR Section 3.3 *Biological Resources*:

Section 3.3.2, page 3.3-18:

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~four~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee

and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site)… No special-status wildlife species were observed during the survey conducted in September 2024.

Burrowing Owl

Burrowing owl occupy open, dry habitats such as grasslands, coastal dunes, salt marsh edges, and sparsely vegetated disturbed sites that support abundant small mammal and insect prey. The species relies on a mix of invertebrates and small vertebrates for foraging, with peak activity at dawn and dusk. Nesting and roosting typically occur in underground burrows—often those excavated by ground squirrels, pocket gophers, or other fossorial mammals—or in artificial burrows and cavities with loose soil for excavation, while nonbreeding individuals favor undisturbed, low-vegetation areas for shelter and foraging.

Although one occurrence has been documented within five miles of the project site and burrowing owls are known to overwinter at César Chávez Park, the project site itself does not provide the habitat conditions required for overwintering. The site lacks open, low-stature annual grassland and protected foraging areas with sufficient insect prey, which are essential for sustaining overwintering individuals.

Adjacent areas, including fragmented grasslands in Shorebird Park and along University Avenue, contain limited open space but do not provide suitable overwintering habitat. While some ground squirrel burrows are present, these grassland areas are routinely mowed for park use and subject to heavy recreational use and frequent human disturbance, which reduces prey availability and limits habitat suitability. In addition, the grassland areas along University Avenue are narrow and linear, lack refuge from disturbance due to regular trail use, recreation, and the presence of dogs, and are exposed to numerous tall perching structures that support hawks and other avian predators.

A migrating or displaced individual could briefly land on the project site or within nearby areas during movement; therefore, this species has a low potential to occur.

Section 3.3.4, page 3.3-51: Special-Status Wildlife

The proposed project would primarily occur within existing developed areas, and would not involve significant new levels of disturbance to suitable Crotch's bumble bee or burrowing owl habitat, or to the mouth of Strawberry Creek…

Refer to Response to Comment A2-21 for additional Draft EIR clarification text changes related to construction impacts related to special status wildlife, including burrowing owls. The Draft EIR clarification text changes in response to this comment do not change Draft EIR significance conclusions with regard to special-status wildlife species. No additional changes the Draft EIR are required in response to these comments.

Response to Comments A2-32 to A2-34

Nesting birds are addressed in the Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-44). Potential impacts to nesting birds are discussed in the Draft EIR, which concludes that impacts would be less than significant with mitigation incorporated (refer to Mitigation Measures BIO-1[a] and BIO-1[c]). Refer to Response to Comment A2-28 to A2-31 for details of the Draft EIR clarification text changes incorporating protocols for protecting nesting birds.

Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite.

Northern harrier is addressed in Draft EIR Appendix C *Supporting Biological Resources Information*, page C-9. It is not expected to occur due to lack of breeding habitat within the heavily developed project site, and absence of open meadows and marshes the harrier prefers as foraging habitat. However, even if

it were to occur on the project site, impacts would be less than significant with implementation of Mitigation Measures BIO-1(a) and BIO-1(c).

Response to Comment A2-35 to A2-38

Suitable breeding habitat for California least tern is not present at the project site, because it lacks large expanses of open, sparsely vegetated sandy or gravel substrates and undisturbed shoreline conditions required for nesting, and is instead characterized by hardened shoreline, deep water, urbanization, and heavy anthropogenic disturbance as described in Draft EIR Appendix C *Supporting Biological Resources Information*, page C-10. There is potential for California least tern to forage over open water within and adjacent to the project site. However, in response to the comment which notes the species has been recorded in CNDDB unprocessed data, and other public comments that note citizen-reporting (eBird) sightings of this species, the potential for the species to occur within the project site has been changed from "not expected" to low in Appendix C, and the following clarification text changes have been made to Draft EIR Section 3.3 *Biological Resources* and Appendix C, *Supporting Biological Resources Information*:

Section 3.3.2, page 3.3-18:

…

- Alameda song sparrow (*Melospiza melodia pusillula*, SSC)
- Least tern (*Sternula antillarum browni,* Federally endangered, State endangered, State fully protected)

Section 3.3.2, page 3.3-19:

Least Tern

California least tern is a small tern with a distinctive black-capped head and is federally endangered, State endangered, and a State fully protected species. This species nests along the California coast and breeds colonially on bare or sparsely vegetated areas.[62] The California least tern nests during summer from Baja California north to the San Francisco Bay. Least terns are migratory and spend winter months in coastal areas of Mexico and Central America. Least terns forage primarily on silversides (e.g., topsmelt), northern anchovies, Pacific herring, and surfperches.[63] This species nests in colonies on bare or sparsely vegetated flat substrates, including beaches, alkali flats, or paved areas.

California least terns have a low potential to forage over open water within and adjacent to the project site. This species has no potential to nest within the project site despite the presence of bare or sparsely vegetated areas due to the heavy recreational use and disturbed nature of the project site.

62. Cornell Lab of Ornithology. 2026. All About Birds. Updated online and accessed at: https://www.allaboutbirds.org/. Accessed June 2026.

63. Burton and Terrill. 2012. Least Tern Literature Review and Study Plan Development prepared for U.S. Army Corps of Engineers. https://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/S%20and%20S/11%20-%20Least%20Tern%20Lit%20Rev%20Study%20Plan%20Report%20Final.pdf (accessed September 2026).

Section 3.3.4, page 3.3-43:

…Impacts to northwestern pond turtle would be potentially significant and Mitigation Measures BIO-1(a) and BIO-1(b) would be required.

California least tern may forage over open water portions of the project site but does not have potential to breed within the project site. Temporary impacts during construction would occur within open water areas, temporarily excluding least tern from a small portion of their greater foraging area,

that is, open water within the San Francisco Bay. Similar foraging habitat is available along the shoreline to the north and south of areas to be temporarily impacted by the project, thus impacts to least tern would be less than significant.

Section 3.3.4, page 3.3-51:

Special-Status Wildlife

… Therefore, impacts on northwestern pond turtle due to operation would be less than significant.

Impacts to California least tern from operation would be minimal, with the ferry operating in open water and the existing use of the project site for recreation would continue with similar levels of activity and disturbance. Wake generated by ferry operation would be consistent with existing vessel operations in the Bay, thus impacts to California least tern foraging habitat due to project operation would be less than significant.

Appendix C, page C-10:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Sternula antillarum browni California least tern	FE/SE G4T2T3Q/S2 FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, land fills, or paved areas.	~~Not Expected~~ Low Potential	There are no known occurrences within five miles, suitable colonial breeding sites are not present, and the Project site is largely developed and disturbed by recreational use. This species may forage over open water in the vicinity of the project site.

These Draft EIR clarification text changes do not change Draft EIR significance conclusions with regard to special-status wildlife species.

Response to Comment A2-39

In response to this comment, the following clarifying text changes have been made to Section 2.5.1, *Waterside*, page 2-6, of the Draft EIR:

The new pier and breakwater would have safety railings, public amenities (fish cleaning station, seating, shade canopy, and security gates). In addition, at the entrance to the pier, the City is proposing a gate that would remain open to the public, except in cases where public safety requires closure, such as during a tsunami evacuation, high wind advisory, or other emergency situations. The proposed pier would be a maximum of 1,080 feet in length and would have a width of 22 feet. The reinforced concrete deck comprising the pier would be an approximately 2-foot-thick slab. Piles for the pier are discussed in Section 2.6.1~~2.7.2~~ below.

The proposed new breakwater would create a safe harbor from the predominant southwesterly wind and waves for ferry vessel charging and boarding on the north side of the new pier. The breakwater would also offer recreational pedestrian access. The proposed breakwater would be approximately 400 feet in length and would have a width of 15 feet. The reinforced concrete deck comprising the breakwater would be an approximately 2-foot-thick slab. Piles for the breakwater are discussed in Section 2.6.1~~2.7.2~~ below.

These text changes are editorial in nature. The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A2-40 to A2-43

Survey results will be provided to permitting agencies (e.g., USACE, CDFW, RWQCB, BCDC, USFWS, and NMFS) as required during permit review and compliance, and any submission to the CNDDB will be handled per CDFW's data-submission and access protocols. While Public Resources Code §21003(e) supports incorporating EIR information into shared databases for future environmental determinations, submitting occurrence data to the CNDDB is an informational action and does not itself mitigate project impacts. Filing fees will be paid upon filing the Notice of Determination, as required by CEQA Guidelines Section 21089.

These comment do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter A3

From: Martien, Lindsay@BCDC <Lindsay.Martien@bcdc.ca.gov>
Sent: Tuesday, April 28, 2026 4:48 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: State Clearinghouse <state.clearinghouse@opr.ca.gov>; arnaarreberg@wildlife.ca.gov; Wines, Brian@Waterboards <Brian.Wines@waterboards.ca.gov>; Pan, Katharine@BCDC <katharine.pan@bcdc.ca.gov>; Ilsley, Olivia@BCDC <Olivia.Ilsley@bcdc.ca.gov>; Ng, Michael@BCDC <michael.ng@bcdc.ca.gov>; Jewett, Yuriko@BCDC <yuriko.jewett@bcdc.ca.gov>; Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>
Subject: BCDC Comments on the Draft EIR for the Berkeley Water Transportation Pier Ferry Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good afternoon Liza,

Please find attached BCDC's comments on the Draft Environmental Impact Report for the proposed Berkeley Water Transportation Pier Ferry Project.

A3-1

Thank you for the opportunity to provide comments.

Please let me know if you have questions or would like to discuss anything further.

Thank you,
Lindsay

Lindsay Martien
Principal Shoreline Development Analyst
Direct: (415) 352-3635 | lindsay.martien@bcdc.ca.gov

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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). A3-2

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). A3-3

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. A3-4

Project Description

Based on the DEIR, the majority of the project would be located within at least two areas of BCDC's permitting jurisdiction: A3-5

- 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)).

A3-5

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).

A3-6

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/.

A3-7

A3-8

A3-9

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.

A3-10

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.

A3-11

Project Description

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

A3-12

- 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;

A3-12

- 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.

A3-12

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.

A3-13

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?

A3-14

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.

A3-14

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.

A3-15

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?

A3-16

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.

A3-17

A3-18

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. A3-19

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. A3-20 A3-21

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. A3-22

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. A3-23

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 A3-24

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].) A3-24 A3-25

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. A3-26 A3-27 A3-28

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. A3-29

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 A3-30

the areas adjacent to the armored rip rap may become more susceptible to erosion as a result of the nearby armoring. A3-30

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? A3-31

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. A3-32

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. A3-33

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. A3-34 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). A3-35 If necessary, please include a mitigation measure that includes an assessment of the pilings that could trigger the State code requirements. A3-36

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. A3-37 A3-38

Would the project: a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? A3-39

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. A3-40

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. A3-41

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. A3-42

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 A3-43

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.

A3-43

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.

A3-44

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.

A3-45

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.

A3-46

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. A3-47 A3-48

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. A3-49 A3-50

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. A3-51

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. A3-52

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. A3-53

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?

A3-54

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.

A3-55

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.

A3-56

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.

A3-57

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/).

A3-58

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.

A3-59

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)?

A3-60

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.

A3-61

A3-62

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.

A3-63

A3-64

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

A3-65

A3-66

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.

A3-66

A3-67

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.

A3-68

Sincerely,

Lindsay Martien

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Letter A3

Commenter: Lindsay Martien, Principal Shoreline Development Analyst, San Francisco Bay Conservation and Development Commission

Date: April 28, 2026

Response to Comments A3-1 to A3-4

These comments do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A3-5

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* for a discussion of BCDC jurisdiction with respect to the project site and based on coordination with BCDC staff.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A3-6

As described in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, the City acknowledges that BCDC will independently review the project's consistency with its governing laws and policies at the time a permit application for the project is brought forth to the Commission for approval. The Draft EIR separately evaluates the proposed project's consistency with San Francisco Bay Plan policies in Table 3.9-1 (BCDC Bay Plan Consistency) under Impact LU-2 in Section 3.9, *Land Use and Planning* (refer to Draft EIR pages 3.9-12 through 3.9-23), including applicable Bay Plan Map 4 policies. The analysis therein concludes that the project would be consistent with applicable Bay Plan policies with implementation of identified mitigation measures for biological resources and hydrology/water quality (refer to Draft EIR page 3.9-23).

The Draft EIR demonstrates that the proposed project is consistent with applicable Bay Plan Map 4 policies for the Berkeley Waterfront. The analysis, significance conclusions, and mitigation measures presented under Impact LU-2 in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment A3-7

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, for a discussion of BCDC jurisdiction with respect to the project site and based on coordination with BCDC staff as well as a revised map.

The City has prepared a consistency analysis with the San Francisco Bay Plan for areas within BCDC jurisdiction in the Draft EIR. Refer to Draft EIR Section 3.9, *Land Use and Planning* (Impact LU-2, pages 3.9-12 through 3.9-23), that concludes land use plan consistency impacts would be less than significant with implementation of Mitigation Measures BIO-1(a) through BIO-1(f), BIO-2, BIO-3, and HYD-1.

No further changes to the Draft EIR are necessary in response to this comment.

Response to Comment A3-8 and A3-9

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, for a discussion of BCDC jurisdiction with respect to the project site and based on coordination with BCDC staff. The project-level map showing impacts within BCDC jurisdiction and the precise location of each project component relative to BCDC jurisdiction will be provided as part of the formal permit application package submitted to the Commission. The Draft EIR includes a project description and

jurisdictional overview to support environmental review; the permit application will contain the detailed, scaled map and GIS layers that BCDC requires for its jurisdictional review and permitting decisions.

To further clarify BCDC jurisdiction, the following text has been added to Section 3.9, *Land Use and Planning*, page 3.9-2:

> ## Current Land Use Designations and Zoning
>
> *Project Site*
>
> The project site has a Berkeley General Plan land use designation of Waterfront/Marina.1 The General Plan describes the Waterfront/Marina as areas intended to maintain and preserve areas of Berkeley adjacent to the Bay for open space, recreational uses, waterfront-related commercial and visitor services, boating, and water transit facilities. The project site has a zoning designation of Unclassified (U). Development within Unclassified areas requires a Use Permit in compliance with Berkeley Municipal Code Section 23.208.020, which governs Use Permits in Unclassified zones. The project site is subject to the Berkeley Marina Use Permit (Permit No. 5567), issued in 1965, which authorizes existing uses and permits implementation of the Marina Master Plan. This permit governs current uses at the Berkeley Waterfront and establishes a framework for future improvements. The project will be required to obtain a new Use Permit for any new use proposed, which includes the use of the pier for the operation of a public ferry. A summary of the permitting process pursuant to Berkeley Municipal Code Section 23.208.020 is provided in Section 3.9.3, Regulatory Framework, below.
>
> Portions of the project site are located within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), pursuant to the McAteer-Petris Act. The City will coordinate with BCDC staff, as appropriate, during permitting to confirm jurisdictional boundaries and applicable regulatory requirements.

The analysis and significance conclusions presented in Section 3.9, *Land Use and Planning*, of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-10

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A3-11

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, for a discussion of BCDC jurisdiction with respect to the project site, an approved jurisdictional map, and coordination with BCDC staff. No additional Draft EIR changes are necessary in response to this comment.

Response to Comment A3-12

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A3-13

Refer to Response to Comments A3-14 to A3-68 for responses to specific comments related to the environmental analyses and mitigation measures.

Response to Comment A3-14

The first discussion paragraph under Impact AES-3 of the Draft EIR refers to a number of specific policies and regulations implemented by the Berkeley General Plan, Berkeley Marina Master Plan, Berkeley Municipal Code, and the San Francisco Bay Plan pertaining to visual resources and scenic quality.

To respond to this comment, the following clarifying text in underline has been added under Impact AES-3, Seawall Drive, first full paragraph on page 3.1-32:

> As shown in Figure 3.1-7, the existing shoreline is characterized by natural elements; specifically, the mature tree canopy provides a soft, variable tree line which largely dominates the view as it contrasts against the sky. The proposed solar panels over the parking area present a distinct, solid horizontal line against the sky that is generally only visible from KVP 4; all other viewpoints discussed herein lack prominent views of the proposed solar panels due to their location and angle of view. Distant structures and development across the Bay are vaguely visible through the series of vertical lines created by the solar support columns. 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. 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 BCDC Public Access Design Guidelines for Shoreline Spaces[10] and 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. For these reasons, impacts would be less than significant.
>
> [10.] San Francisco Bay Conservation and Development Commission (BCDC). 2005. Public Access Design Guidelines for the San Francisco Bay: Shoreline Spaces. https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2023/09/Public-Access-Design-Guidelines-Shoreline-Spaces-PDF.pdf (accessed July 2026).

Environmental impacts associated with visual character or quality of public views are addressed in Impact AES-1, pages 3.1-28 through 3.1-38, and compliance with local regulations governing scenic quality are evaluated in Impact LU-2, page 3.9-12, in Table 3.9-1, page 3.9-19 and 3.19-20, of the Draft EIR. In particular, BCDC San Francisco Bay Plan Consistency is identified in Table 3.9-1. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of visual character, scenic quality, and compliance with local regulations governing scenic quality is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written, and no further revisions to the EIR are necessary beyond the clarifying text included above.

Response to Comment A3-15

The comment references Draft EIR Section 3.1.3, which is in Section 3.1, *Aesthetics.* Consistency with San Francisco Bay Plan policies is addressed in Section 3.9, *Land Use and Planning.* Refer to Draft EIR Section 3.9, *Land Use and Planning* Impact LU-2 (pages 3.9-12 through 3.9-23) that includes a consistency analysis with policies in sections pertaining to Fish, Other Aquatic Organisms and Wildlife (page 3.9-13); Subtidal Areas (page 3.9-14); and Mitigation (3.9-21 to 3.9-22).

The analysis and significance conclusion presented in the Draft EIR remains valid. No Draft EIR changes are necessary in response to this comment.

Response to Comments A3-16 to A3-18

Because the comment does not provide specifics about what dredging restrictions it is referencing, a substantive response is unable to be prepared. Refer to Response to Comments A2-35 to A2-38 for discussion of and Draft EIR clarification text changes with regard to California least tern. No additional Draft EIR text revisions are necessary in response to these comments.

Response to Comment A3-19

The Draft EIR describes the subtidal nearshore habitat within the project site, which consist of mud and sedimentary particles in areas of lower water movement (refer to Section 3.3.3 Environmental Setting, page 3.3-10). No other subtidal habitats occur within the project site. However, in response to this comment, Figure 3.3-2 (Marine Habitat Types Within and Proximate to the Project Site) on page 3.3-9 has been revised for clarification to indicate subtidal nearshore marine habitat, which occurs throughout open water areas within the project site, and distinguish rip rap, pier pilings, and other structures that occur within that marine habitat, as described on page 3.3-10; refer to updated figure below.

Section 3.3, Figure 3.3-2, page 3.3-9:

Figure 3.3-2 Marine Habitat Types Within and Proximate to the Project ~~Footprint~~ Site (Revised)[39]



[39] Figure 3.3-2 has been revised to reflect the updated project footprint and to clarify the marine habitat types and structural features within and adjacent to the project site. The revised figure separately depicts subtidal nearshore marine habitat, riprap, and pier pilings and other structures; updates mapped San Francisco Bay Eelgrass based on BCDC 2020 data; removes the previously shown bathymetric contours; and improves the map extent and inset to enhance the visibility of marine habitat features.

Response to Comment A3-20

The Draft EIR discusses the impacts of ferry operational wake in Section 3.8.4, under Impact HYD-1, page 3.8-33, and concludes that impacts would be less than significant with mitigation (refer to Mitigation Measure HYD-1). For additional discussion of sedimentation and wave climate analysis, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A3-21

The Draft EIR describes the subtidal nearshore habitat within the project site, which consist of mud and sedimentary particles in areas of lower water movement (refer to Section 3.3.3 Environmental Setting, page 3.3-10). No other subtidal habitats occur within the project site. Refer to Response to Comment A3-19 for discussion of and Draft EIR clarification figure changes with regard to the marine habitat maps. In addition, refer to Response to Comment A3-20 for discussion of impacts of ferry operations and Response to Comment A2-19 and A2-20 for discussion of impacts of dredging.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A3-22

Project site oceanographic characteristics related to temperature, sediment dynamics, depth, current velocities, circulation patterns, and tidal range are discussed in the Draft EIR Section 3.8.2, Environmental Setting, pages 3.8-4 to 3.8-7. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of wave dynamics and energy and further discussion regarding sedimentation. In response to this comment, text additions of project site oceanographic characteristics related to salinity and turbidity have been added to Draft EIR Section 3.3.2 Environmental Setting, page 3.3-8, as follows:

Section 3.3.2, page 3.3-8:

> Water temperature in San Francisco Bay ranges from 53 °F to 60 °F. According to 2022 U.S. Environmental Protection Agency (USEPA) Waterbody Reports, water quality in the San Francisco Bay Estuaries watershed is considered a CWA Section 303d impaired waterbody. Salinity in the vicinity of the project site is estuarine and seasonally variable, influenced by tidal exchange and freshwater inflow from the Delta, and typically ranges between 10 to 20 ppt.[38] Ambient levels of turbidity in the San Francisco Bay are naturally elevated and highly variable due to tides, wind, and vessel traffic; resuspension of fine bay mud is common. Water quality is monitored for physical, chemical, and biological factors. The assessment of the water quality is analyzed against USEPA-approved water standards or thresholds, and water quality can either be categorized as good or impaired. The water quality parameters evaluated along the San Francisco Bay shoreline included dioxins, mercury, polychlorinated biphenyls, pesticides, foreign plants and/or animals, and trash. Bathymetric data indicates maximum depth within the project site at the end of the pier is approximately ten feet at mean lower low water (MLLW), and less than five feet at MLLW within the South Sailing Basin (Figure 3.3 2).
>
> [38] Schraga, T., and Cloern, J.E. 2017. Water quality measurements in San Francisco Bay by the U.S. Geological Survey, 1969–2015: Scientific Data, v. 4, Article 170098: 14 p., https://doi.org/10.1038/sdata.2017.98 (accessed July 2026).

Response to Comment A3-23

The Draft EIR includes an analysis of the operational impacts of new lighting on biological resources in Section 3.3.4 under Impact BIO-1 (page 3.3-42 to 3.3-56) and concludes less-than-significant impacts to biological resources as a result of proposed project lighting with implementation of Mitigation Measures AES-1. No Draft EIR changes are necessary in response to this comment.

Response to Comment A3-24

Refer to Response to Comment A3-25 regarding CEQA requirements compared to permitting process. In addition, refer to the errata in Chapter 3 of the Final EIR for changes to the wording of Mitigation Measure BIO-3. No further response is required.

Response to Comment A3-25

The Draft EIR discusses the impacts of pile installation and removal in Section 3.3.4, Impacts Analysis, on pages 3.3-45 through 3.3-51. Impacts due to pile removal for mitigation would be the same as impacts of pile removal during construction of the pier itself, as discussed on page 3.3-61 and 3.3-62. At this stage of project design, the precise location and quantity of fill-removal mitigation cannot be fully defined because it is subject to subsequent regulatory agency reviews. Consistent with CEQA Guidelines §15126.4(a)(1)(B), when specific design-level details are not yet available, the specific details of a mitigation measure may be developed after project approval so long as the lead agency establishes clear performance standards ensuring that the mitigation will be effective once final design information becomes available. The 1:1 replacement ratio described in the Draft EIR is a minimum baseline commitment to no net loss of jurisdictional waters by the lead agency, City of Berkeley, under CEQA, and is not a fixed or final future permitting-stage outcome. The actual mitigation ratio and specifics of exact piles to be removed will be determined during agency permitting based on the final design and regulatory agency review.

The analysis presented in Draft EIR Section 3.3.4 under Impacts BIO-1 and BIO-3, (pages 3.3-45 through 3.3-51 and 3.3-60 through 3.3-61, respectively) concludes that impacts to special-status aquatic species regarding project cover area would be less-than-significant-with-mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[d], BIO-1[e], BIO-3, and HYD-1), and thus adequate under CEQA. No changes to the Draft EIR are necessary in response to this comment.

Response to Comments A3-26 and A3-27

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* which provides clarification that the dredging identified in the Draft EIR is new work dredging, as well as a discussion about future dredging for maintenance of the dredged channel.

The Draft EIR includes information about the construction dredging volumes and plans for dredged material disposal or beneficial reuse. Section 2.6.1, *Construction Activities and Equipment* (subsection *Dredging and Debris Disposal*), on page 2-28 of the Draft EIR describes the extent and volume of dredging required for the proposed project (up to approximately 400,000 cubic yards). As clarified in Section 2.2.15, *Topical Response: Maintenance Dredging,* the City is proposing a one-time dredging event. Regarding plans for dredged material disposal or beneficial reuse, page 2-28 of the Draft EIR provides a summary of the current plan for beneficial reuse. Page 3.7-27 of the Draft EIR in Section 3.7, *Hazards and Hazardous Materials* of the Draft EIR provides additional information about the sediment testing done for the proposed dredging area, as well as where those different dredge units can be disposed.

Response to Comment A3-28

The “expansion of the dredge footprint” in the Draft EIR refers to the expansion relative to the existing U.S. Army Corps of Engineers channel adjacent to the pier. The Draft EIR has conducted an analysis for the new construction-related dredging associated with the proposed project. The Draft EIR evaluates impacts due to construction-related dredging and provides mitigation in Section 3.3.4 under Impact BIO-1 (pages 3.3-45 through 3.3-51). Specifically, Mitigation Measure BIO-1(d) includes a work window of June 1 through November 30 to minimize impacts to special-status fish species during construction dredging. Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* for discussion of maintenance dredging.

Response to Comment A3-29

The comment's concern regarding evolving seismic design standards is noted. The Draft EIR already identifies that the proposed pier and ferry infrastructure would be designed as a Risk Category IV essential facility and would comply with applicable seismic design standards, including the currently effective ASCE 61-14 and the California Building Code. As noted in the comment, ASCE 61-26 is an unpublished guideline that has not been adopted. CEQA requires that an EIR's analysis be based on the regulatory standards and guidelines in effect at the time of the analysis; an unadopted guideline that is subject to review and revision does not constitute an applicable regulatory requirement and is not an appropriate standard against which to evaluate project design. Should ASCE 61-26 be formally adopted prior to the submittal of permit applications, the project's engineering team will incorporate applicable updated requirements through the standard design and permitting process. No revisions to the Draft EIR are required.

Response to Comment A3-30

As described in the Draft EIR Chapter 2, *Project Description*, the proposed project includes in-kind repair of an approximately 300-foot-long segment of shoreline that is currently experiencing localized erosion along the eastern side of the Seawall Peninsula. The improvement would consist of restoration and stabilization of existing shoreline protection using geotextile/geogrid fabric, bedding material, and rock riprap designed to match surrounding shoreline conditions.

In response to this comment, Draft EIR Section 3.5, *Geology and Soils*, Impact GEO-4 (Operation, page 3.5-31) has been revised to clarify the existing shoreline conditions, the nature of the localized erosion identified in the Project Description, and the effect of the proposed shoreline repair on erosion in adjacent shoreline areas as follows:

> In addition, the shoreline around the ~~project site~~ ferry approach area is made of armored rip rap, rather than exposed native soils or unconsolidated shoreline sediments.~~; therefore, there is no soil that could be eroded.~~ As described in Chapter 2, *Project Description*, a localized section of shoreline along the eastern side of the Seawall Peninsula is currently experiencing deterioration of existing shoreline protection and exposure of underlying fill material. The proposed project would repair and stabilize this already-armored shoreline segment through in-kind replacement and reinforcement of existing shoreline protection features. Because the proposed shoreline repair would restore and maintain an existing hardened shoreline condition, rather than introduce new armoring into a previously natural shoreline, the project would not substantially alter shoreline geomorphology, wave reflection patterns, or erosion processes relative to existing conditions. Although shoreline armoring can influence localized erosion patterns in adjacent unarmored areas, the shoreline areas immediately adjacent to the proposed repair are similarly developed and protected with existing shoreline stabilization features. Therefore, the proposed shoreline repair would not substantially increase erosion rates in nearby shoreline areas beyond existing conditions. Finally, the ferry vessels approaching the project site would reduce speed to 8 knots or less when approaching the Berkeley pier boarding float, which would further minimize wake-related shoreline effects.[68] For these reasons, operational impacts on erosion or loss of topsoil would be less than significant.
>
> [68.] 8 knots is equal to approximately 9.2 miles per hour.

The clarification added in response to this comment provides additional information regarding existing shoreline conditions, the localized erosion area identified in the Project Description, and the function of the proposed shoreline repair. The clarification does not alter the impact analysis or significance determination presented in the Draft EIR and does not result in any new or more severe impacts. The analysis and significance conclusion presented under Impact GEO-4 (Soil Erosion or Topsoil Loss), remain valid as written. Accordingly, impacts related to erosion and shoreline stability would remain less than significant. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment A3-31

In response to this comment and related concerns, Draft EIR Section 3.5, *Geology and Soils*, Impact GEO-3 (Liquefaction and Lateral Spreading, page 3.5-30) has been revised to incorporate clarifying text:

Draft EIR Page 3.5-30:

> Based on a groundwater ~~table elevation of~~ level encountered approximately 5 feet below existing ground surface during geotechnical investigations, soil testing results indicated there were discontinuous layers of liquefiable soil within the artificial fill.
>
> […]
>
> The liquefaction analysis of the artificial fill indicated that approximately half of the area may experience liquefaction or cyclic softening in discontinuous layers. Although future sea level rise and corresponding increases in groundwater elevations could increase liquefaction susceptibility over time, the project site is already characterized by shallow groundwater conditions and is mapped within a liquefaction hazard zone under existing conditions. Accordingly, liquefaction hazards associated with shallow groundwater conditions were considered in the geotechnical evaluation and the development of site-specific recommendations for the proposed project. In addition to the incorporation of site-specific recommendations, final engineering design would be required to comply with applicable California Building Code requirements and current geotechnical engineering standards in effect at the time of construction.
>
> […]
>
> The geotechnical report soil stabilization recommendations would be required for all proposed project landside and waterside components
>
> Although the project site is underlain by artificial fill, Young Bay Mud, and other Bay-margin deposits that may be susceptible to liquefaction, settlement, and lateral spreading during a seismic event, the site is suitable for the proposed project provided that site-specific geotechnical recommendations are incorporated into final design and construction. Consistent with Berkeley General Plan Policy S-14, which requires soil investigation and/or geotechnical reports for the project, implementation of recommendations included within the Geotechnical Report would be required as part of project design and prior to operation. The geotechnical report soil stabilization recommendations would be required for all proposed project landside and waterside components. Specifically, the use of deep soil mix would improve weak and potentially liquefiable soils, retaining wall design recommendations would stabilize landside fill areas, pile-supported structures would transfer loads to more competent subsurface materials, and continued geotechnical engineer oversight during construction would reduce risks associated with construction in areas of variable subsurface conditions. Additionally, final engineering design would be required to comply with the regulations described in Section 3.5.3, *Regulatory Framework*, including the California Building Code, International Building Code, and applicable seismic design standards for piers and wharves in effect at the time of construction. Regulatory compliance and implementation of the measures described above would reduce the potential for excessive settlement, lateral spreading, structural instability, or loss of bearing capacity during a seismic event. Therefore, construction and operational impacts related to substantial adverse effects involving seismic-related ground failure and unstable geologic unit risk specific to liquefaction and lateral spreading to less than significant.

These revisions clarify that the referenced groundwater measurement is expressed as a depth below existing ground surface observed during geotechnical investigations, rather than an elevation referenced to a vertical datum. Other elevation references discussed elsewhere in the Draft EIR identify the applicable datum where relevant. This clarification would not change the impact analysis or conclusions regarding liquefaction, lateral spreading, subsidence, or unstable geologic conditions. Impacts would remain less than significant. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment A3-32

Draft EIR Section 3.5, *Geology and Soils*, identifies that the project site is located within a mapped liquefaction zone and that site-specific geotechnical recommendations would be incorporated into project design to address liquefaction and lateral spreading hazards (refer to Section 3.5.2, Environmental Setting, pages 3.5-7 through 3.5-16, and Section 3.5.4, Impact GEO-3, pages 3.5-28 through 3.5-30). However, in response to this comment and related concerns, Draft EIR Section 3.5, *Geology and Soils*, Impact GEO-3 (page 3.5-30) has been revised as described under Response to Comment A3-31.

The clarification made in response to this comment acknowledges that future sea level rise and corresponding increases in groundwater elevations could increase liquefaction susceptibility over time and further explains that existing conditions such as liquefaction hazards associated with shallow groundwater were considered in the geotechnical evaluation and development of site-specific recommendations for the proposed project. This revision is clarifying in nature and does not alter the impact analysis or significance determination presented in the Draft EIR and does not result in any new or more severe environmental impacts. The analysis and significance conclusion presented under Impact GEO-3 (Unstable Geologic Unit Risk), remain valid as written in the Draft EIR. Accordingly, with implementation of these requirements and geotechnical recommendations, impacts related to liquefaction and unstable soils over the life of the project would remain less than significant. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment A3-33

Draft EIR Section 3.5, *Geology and Soils*, describes the existing conditions of the project site and identifies that portions of the artificial fill and underlying soils may be susceptible to liquefaction, settlement, and lateral spreading during a seismic event, and further explains that implementation of site-specific geotechnical recommendations would be required as part of project design and construction (refer to Section 3.5.2, *Environmental Setting*, pages 3.5-1 through 3.5-17, and Impact GEO-3, pages 3.5-28 through 3.5-30), However, in response to this comment, Draft EIR Section 3.5, *Geology and Soils*, has been revised to incorporate clarifying text as specified in Response to Comment A3-31.

The clarification added in response to this comment provides additional information regarding site suitability, the potential effects of seismic-related ground failure, and the manner in which the geotechnical recommendations identified in the Draft EIR would reduce those risks. The revision is clarifying in nature, and as such, does not alter the impact analysis or significance determination presented in the Draft EIR and does not result in any new or more severe impacts. The analysis and significance conclusion presented under Impact GEO-3 (Unstable Geologic Unit Risk), remain valid as written. Accordingly, with implementation of these requirements and geotechnical recommendations, impacts related to unstable soils and seismic-related ground failure would remain less than significant.

Response to Comment A3-34

The City's Design Team is currently advancing the design for the proposed project. As part of the design process, the City's Design Team will be developing plans for demolition of the existing pier. As part of that planning process, the Design Team will need to determine whether wood piles would be considered Treated Wood Waste (TWW). Standard best practice is to conduct a hazardous materials survey prior to developing the final demolition plans and to include information about TWW in the demolition plans. This survey will be prepared as part of the design process.[23]

In response to this comment, the following clarification text changes have been made to Draft EIR Section 3.7, *Hazards and Hazardous Materials*, Impact HAZ-1, page 3.7-28 as follows:

[23] Rivas, Jessica. 2026. Senior Marine Engineer, COWI. Personal communication via phone regarding TWW with Leo Mena, Rincon Consultants, Inc. June 29, 2026.

> However, compliance with existing regulations would minimize the potential risk associated with piles that have been treated with creosote, which is also known as Treated Wood Waste or TWW. TWW at the project site would be identified prior to construction, as part of the design process, via visual inspection for indications of treated wood, such as but not limited to end tags, wood manufacturer stamp codes, discoloration, and/or odor.[45]
>
> [45.] California Department of Toxic Substances Control (DTSC). 2026. "Treated Wood Waste." Via https://dtsc.ca.gov/toxics-in-products/treated-wood-waste/ (accessed June 2026).

The analysis and significance conclusion presented under Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-35

In response to this comment, Draft EIR Section 3.8, *Hydrology and Water Quality*, has been revised to ensure consistency with the discussion of treated wood waste in Section 3.7, *Hazards and Hazardous Materials*. Specifically, Impact HYD-1 in Draft EIR Section 3.8.4, *Impacts Analysis*, page 3.8-29 has been revised to incorporate the following clarification:

> Waterside Construction Surface Water Quality
>
> Construction activities within surface waters have the greatest potential to affect water quality in the San Francisco Bay. Impacts to the San Francisco Bay would be primarily due to construction-related dredging, demolition of the existing pier, and construction of a new pier. In-water construction activities, such as dredging, existing pile removal and new pile installation, and pier deck demolition and construction, as well as any associated sediment disturbance, have the potential to directly affect San Francisco Bay water quality. Some of the existing pier piles, if wooden, could contain hazardous materials, such as creosote, that could be released during demolition and removal activities. Consistent with standard practice, existing wooden piles would be evaluated for the presence of wood preservatives and managed in accordance with applicable requirements, including requirements related to Treated Wood Waste, if applicable, as discussed further in Section 3.7, *Hazards and Hazardous Materials*. Dredging of debris, removal of existing pier infrastructure, and pier installation could resuspend bottom sediments, increasing turbidity in the immediate project vicinity. Elevated turbidity can reduce light penetration, affecting photosynthetic organisms and potentially adversely affecting water quality. Sediment resuspension may also release adsorbed contaminants such as metals, hydrocarbons, or legacy pollutants into the water column, where they can be transported by currents and dispersed to adjacent areas.

A related clarification has also been incorporated into Draft EIR page 3.8-30, as follows:

> The work surface on the barge deck will include a containment basin for creosote, piles, concrete, and any mud or sediment removed during pulling. Upon removal from substrate, the piles will be moved expeditiously from the water into the containment basin. Any sediment accumulated from the pile removal operations ~~will be assumed to contain creosote and~~ will be contained, managed, and disposed ~~offsite in an appropriate landfill~~ of in accordance with applicable federal, State, and local requirements, including any requirements associated with treated wood preservatives identified during pre-construction materials characterization (refer to Section 3.7, *Hazards and Hazardous Materials*).

The revisions described above provide consistency in the discussions of pile removal and TWW management in Sections 3.7, *Hazards and Hazardous Materials*, and 3.8, *Hydrology and Water Quality*. The clarification text does not alter the impact analysis, significance determination, or mitigation measures presented in the Draft EIR. The analysis and significance conclusion presented under Impact HYD-1 in

Section 3.8, *Hydrology and Water Quality*, and Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials*, remain valid as written. No further response is required.

Response to Comment A3-36

Refer to Response to Comment A3-34, which explains that sampling to confirm whether wooden piles are considered TWW would occur as part of the design process. Because the sampling will occur during the design process, consistent with best industry practice, no mitigation would be necessary. The sampling that will be conducted would be to comply with existing regulations. No further revisions to the EIR are necessary.

Response to Comment A3-37

To clarify the regulatory framework described in the Draft EIR, minor revisions have been made to more accurately characterize the legal authority of BCDC and the Bay Plan.

The following clarification text changes have been made to Draft EIR Section 3.8.3, page 3.8-23, as follows:

> *San Francisco Bay Plan*
>
> The San Francisco Bay Plan is the guiding policy document for the BCDC codified by the McAteer-Petris Act. The plan includes policies to ensure water quality in San Francisco Bay is maintained at levels sufficient for the protection and beneficial use of San Francisco Bay. For additional information about pertinent policies, please refer to Section 3.9, *Land Use and Planning.*
>
> BCDC implements the McAteer-Petris Act, a State law governing development within the San Francisco Bay and its shoreline, and administers the San Francisco Bay Plan, which includes policies that are adopted as State regulations.

The analysis and significance conclusions of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-38

Refer to Section 3.8, *Hydrology and Water Quality* (Section 3.8.3, *Regulatory Framework)*, of the Draft EIR, which describes the applicable regulatory setting for the project, including the role of the San Francisco Bay Conservation and Development Commission (BCDC) and the Bay Plan. Draft EIR Section 3.9, *Land Use and Planning*, includes a comprehensive evaluation of project consistency with applicable Bay Plan policies. Including those related to climate change, shoreline protection, water quality, and other Bay resources relevant to the proposed project (refer to Section 3.9.4, *Impacts Analysis*, Table 3.9-1, pages 3.9-12 through 3.9-23). As described therein, the project would maintain consistency with all policies relevant to hydrology and water quality with implementation of Mitigation Measure HYD-1. The City therefore has considered the Bay Plan policies identified by BCDC in preparing the Draft EIR, and acknowledges that BCDC will conduct an independent review of project consistency with applicable Bay Plan policies during its permitting process.

Accordingly, the analysis, significance conclusions, and mitigation measures presented in Section 3.8, *Hydrology and Water Quality*, Section 3.9, *Land Use and Planning*, and related sections of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-39

First, as a matter of clarification, the nearby waters are not impaired. The Draft EIR considered the potential impacts related to hazardous materials in dredged materials in Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials* of the Draft EIR. Pages 3.7-27 and 3.7-28 specifically discusses the

results of sediment sampling and the potential impacts associated with dredging. The conclusions in Impact HAZ-1 in the Draft EIR remains valid as written.

With regard to vessel traffic and turbulence, page 3.8-3 of the Draft EIR acknowledges that the Bay is subject to lots of turbulence with existing vessel traffic.

> The Central Bay is characterized by strong tidal exchange, persistent wind, and complex underwater currents that routinely mobilize fine sediments and contribute to naturally elevated and highly variable turbidity levels. The U.S. Geological Survey has a long-running water-quality monitoring program in San Francisco Bay that tracks turbidity and suspended-sediment concentrations and notes that tidal currents change direction four times daily and wind direction/intensity fluctuate on a daily cycle, contributing to spatial and temporal variability in turbidity throughout the Bay.[4] External factors such as tidal currents, waves, and wind affect water quality alongside freshwater and marine influences. These dynamic hydrodynamic conditions result in frequent resuspension of bottom sediments from wind waves, vessel traffic, and tidal currents, such that background turbidity levels are already influenced by ongoing natural and anthropogenic processes.
>
> [4.] U.S. Geological Survey. 2022. Water quality of San Francisco Bay, California, water years 2020–21 (Fact Sheet 2022–3087). U.S. Department of the Interior. Available: https://doi.org/10.3133/fs20223087 (accessed September 2025).

Refer to Impact HYD-1 in Section 3.8.4, *Impacts Analysis* of the Draft EIR, which addresses potential impacts of increased vessel traffic on Waterside Operation and Surface Water Quality on page 3.8-33 of the Draft EIR. As discussed in the Draft EIR, the "project would minimize propeller-wash–induced turbidity and sediment resuspension through a combination of design, operations, and monitoring measures. The berth and maneuvering basin would be designed with adequate depth and scour protection to dissipate jet energy, and vessels would follow a low-wake approach with posted speed limits and captain training to limit throttle use." The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-40

Refer to Response to Comment A3-39, which provides text from the Draft EIR about how the design of the project would dissipate jet energy for scour protection. The primary effect of propeller wash is localized seabed disturbance and scour in the immediate vicinity of the vessel. Within the navigation channel, localized scour would not adversely affect navigation because it increases, rather than reduces, available water depth. The sediment transport assessment identified sediment deposition and gradual infilling of the dredged channel as the dominant long-term process (refer to Coastal Study, Section 6, *Hydrodynamic and sediment transport*).[24] The propeller wash may locally offset a portion of the sediment accumulation predicted within the channel. The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-41

As described in Section 2.5.1, *Waterside*, on page 2-10 of the Draft EIR, the fish cleaning station would include cold water potable taps, and drain directly into the Bay. Standard covered trash cans and fishing line recycling receptacles would be provided at regular intervals along the pier and breakwater. These amenities are planned for regular maintenance, as discussed in Section 2.7.3 on page 2-32 of the Draft EIR.

[24] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed July 2026).

In response to this comment, the following clarification text changes have been made to Draft EIR Section 3.8.4, *Impacts Analysis,* page 3.8-33, as follows:

> Projects in Berkeley are subject to CalOSHA regulations regarding management of certain hazardous materials. Title 8 of the California Code of Regulations Section 5194, 5531-5608, and 5198 cover the control and management of chemicals, including paints, solvents, fuels, detergents and sludges, and lead. CalOSHA requires testing, monitoring, containment, and disposal of these materials, such that exposure levels do not exceed CalOSHA standards.[53]
>
> The proposed fish cleaning station would be a small amenity with intermittent use, typical of public fishing piers. While the station would include a drain that discharges to the Bay, the volume and frequency of fish cleaning activities would be limited and would not result in substantial degradation of water quality due to consistent flows, dilution and regular tidal flushing. The covered trash receptacles and fishing line recycling stations would promote proper disposal of fish waste and associated materials. These amenities would be regularly serviced to promote usage and maintain sanitary conditions, minimizing the potential for water quality-related impacts to surface waters.
>
> [53.] California Code of Regulations. 2025. Title 8, Industrial relations. Office of Administrative Law. Available: https://www.dir.ca.gov/Counters/t8index.htm (accessed September 2025).

The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8.4, *Impacts Analysis* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-42

Turbidity limits are listed on page 3.8-19 of the Draft EIR in Table 3.8.1: *Water Quality Objectives for Surface Waters.* Additionally, refer to page 3.8-17 which lists turbidity requirements under *Construction Stormwater General Permit* and references Attachment J for specific requirements, including monitoring for turbidity during discharges. BMPs would include, but not be limited to, erosion controls, sediment containment measures, stabilization of disturbed soils, trash management, and spill prevention protocols. Demolition of the closed pier will utilize barges designed to prevent sediment and other material from falling back into the water. All material will be offloaded and stored in an upland staging area. To minimize potential turbidity from pile removal, piles will be removed from the water and into a containment basin on the barge. The pile will not be shaken, hosed-off, left hanging to drip or any other action intended to clean or remove adhering material from the pile. Refer to Impact HYD-1 in Section 3.8.4, *Impacts Analysis*, which specifies measures to minimize turbidity on page 3.8-37, and which commits to monitoring and treatment measures in compliance with the Construction Stormwater General Permit throughout. No further revisions to the EIR are necessary.

Response to Comment A3-43

Refer to Response to Comment A1-17 for a discussion of water quality as it relates to permeable pavement.

Response to Comment A3-44

Refer to Section 2.2.23, *Topical Response: Sea Level Rise,* for a discussion of the sea level rise projections used in the project design.

The City acknowledges the comment's concern regarding the clarity of the statement within Draft EIR Section 2.5.1, *Proposed Project Components* (*Waterside*), indicating that "The project design takes into account projected sea level rise" (refer to Draft EIR page 2-10). In response to this comment and to clarify how SLR was considered in the project design process within the Draft EIR, Section 2.5.1, *Proposed Project Components* (*Waterside*, page 2-10) has been revised as described in Section 2.2.23, *Topical Response: Sea Level Rise*. This revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR.

Regarding BCDC Bay Plan Climate Change Policy No. 2, the City provided a consistency analysis with this policy in Table 3.9-1, Section 3.9, *Land Use and Planning* of the Draft EIR (page 3.9-15). The City also acknowledges that the project will be required to obtain BCDC approvals. Accordingly, the City prepared a Coastal Study including a project-specific sea level rise risk assessment, consistent with applicable BCDC permit requirements. These permitting analyses are intended to support subsequent regulatory review and final project design and are separate from the environmental impact analysis required under CEQA. The Draft EIR contains sufficient information to evaluate the project's potential impacts related to flooding, drainage, erosion, and water quality and to support the conclusions presented under Impact HYD-4. Therefore, the future preparation of additional engineering studies for permitting purposes does not alter the adequacy of the CEQA analysis contained in the Draft EIR.

The Draft EIR evaluated future flooding and sea level rise conditions and disclosed the basis for concluding that impacts related to flooding, drainage, erosion, and water quality would be less than significant. The clarifying text revision described in the Topical Response provides additional information regarding sea level rise adaptation considerations incorporated into the project design but does not change the environmental analysis or significance determinations presented in the Draft EIR. Therefore, the analysis and significance conclusion presented under Impact HYD-4 in Section 3.8, *Hydrology and Water Quality*, of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-45

As discussed in Draft EIR Section 3.8, *Hydrology and Water Quality*, and in Section 2.2.23, *Topical Response: Sea Level Rise*, water levels, tidal elevations, design flood elevations, and sea level rise projections were evaluated using engineering analyses prepared for the project. The use of different vertical datums reflects the fact that certain coastal engineering analyses and regulatory guidance are commonly expressed relative to tidal datums such as MLLW, while other engineering and planning analyses are commonly expressed relative to NAVD88.

In response to this comment, Draft EIR Section 3.8, *Hydrology and Water Quality* has been revised to clarify the relationship between the two vertical datums and to provide a summary conversion table for key tidal elevations. Specifically, the following clarifying text has been added to Section 3.8.2, *Environmental Setting*, at the beginning of the Tides and Currents subsection (Draft EIR pages 3.8-7 and 3.8-8).

Tides and Currents

While the discussion presented herein primarily references the City of Berkeley Mean Lower-Low Water (MLLW) vertical datum, other discussions such as those within Section 3.3, *Biological Resources*, may reference both the North American Vertical Datum of 1988 (NAVD88) and the Berkeley MLLW vertical datum when presenting tidal elevations, flood elevations, and sea level rise projections. For reference, NAVD88 is approximately 0.6 feet below Berkeley MLLW at the project site. Unless otherwise noted, future references to elevations relevant to the project may be presented in both datums to facilitate comparison. Table 3.8-1, below, summarizes representative tidal datums and conversion values applicable to the project site.

Table 3.8-1 Representative Vertical Datum Conversion Values

Datum (NOAA)	NAVD88 (feet)	Berkeley MLLW (feet)
Highest Astronomical Tide (HAT)	+7.8	+8.4
Mean Higher-High Water (MHHW)	+6.2	+6.8
Mean High Water (MHW)	+5.6	+6.2
Mean Sea Level (MSL)	+3.4	+4.0
North American Vertical Datum of 1988 (NAVD88)	0.0	+0.6
Berkeley Mean Lower-Low Water (MLLW)	-0.6	0.0

Datum (NOAA)	NAVD88 (feet)	Berkeley MLLW (feet)
Lowest Astronomical Tide (LAT)	-2.1	-1.6

Source: COWI. 2025. Berkeley Water Transportation Pier Ferry Project: Basis of Design 60% Submittal. December 12.

The Berkeley Waterfront experiences mixed semidiurnal tides, with water levels ranging from approximately +6.8 feet ~~mean lower-low water (~~MLLW~~)~~ during average higher-high tide conditions to about +~~10.3~~ 8.4 feet MLLW ~~under 100-year extreme tide events~~ during Highest Astronomical Tide (HAT) conditions. Extreme Water Level conditions may reach approximately +10.3 feet MLLW during severe storm and coastal flooding events. The design still water level, which accounts for astronomical tides, storm surge, and projected sea level rise through 2075, is estimated at +11.9 feet MLLW.

With the addition of the new Table 3.8-1 described above, the existing Draft EIR Table 3.8-1, *Water Quality Objectives for Surface Waters*, on Draft EIR Page 3.8-19 and Table 3.8-2, *Water Quality Objectives for Groundwater*, on Draft EIR Page 3.8-21 have been renumbered as Table 3.8-2 and Table 3.8-3, respectively, and cross references to these tables on Draft EIR Pages 3.8-18, 3.8-27, 3.8-29, and 3.8-31 have been revised accordingly. The City notes that revision is clarifying in nature and accordingly does not affect the underlying hydrologic or biological analyses, engineering assumptions, impact conclusions, or mitigation measures presented in the Draft EIR. For additional discussion regarding sea level rise projections, design elevations, future flood conditions, and project resilience considerations, please refer to Section 2.2.23, *Topical Response: Sea Level Rise*.

The analysis and significance conclusions presented in Section 3.8, *Hydrology and Water Quality*, and related sections of the Draft EIR remain valid as written. No further revisions are necessary.

Response to Comment A3-46

As discussed in Response to Comment A3-45 and in Section 2.2.23, *Topical Response: Sea Level Rise,* engineering analyses supporting the project distinguish between tidal datums and extreme water level conditions when evaluating flooding hazards, sea level rise, and design elevations.

Refer to Response to Comment A3-45, which includes a revision to Draft EIR Section 3.8, *Hydrology and Water Quality* (page 3.8-7), to clarify that HAT at the project site is approximately +8.4 feet MLLW and that +10.3 MLLW corresponds to an Extreme Water Level condition rather than HAT.

To the extent the comment requests the inclusion of a table comparing the vertical datums, please refer to Response to Comment A3-45. As discussed therein, Draft EIR pages 3.8-7 and 3.8-8 have been revised to clarify the relationship between NAVD88 and Berkeley MLLW and to include Table 3.8-1: Representative Vertical Datum Conversion Values, which presents tidal elevations and datum conversion values applicable to the project site, to improve consistency and facilitate comparison of tidal elevations, flood elevations, and sea level rise projections throughout the Draft EIR. For additional discussion regarding tidal elevations and sea level rise projections considered in the Draft EIR, please refer to Section 2.2.23, *Topical Response: Sea Level Rise*.

The revision in Response to Comment A3-45 is clarifying in nature and does not alter the hydrology, flooding, or sea level rise analyses presented in the Draft EIR. Therefore, the analysis and significance conclusions presented under Impacts HYD-3 and HYD-4 in Section 3.8, *Hydrology and Water Quality*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-47

Draft EIR Section 3.8, *Hydrology and Water Quality*, evaluates flood hazards, tsunami hazards, sea level rise, and risks associated with inundation, and includes that impacts would be less than significant (refer to Figure 3.8-2, Impact HYD-3, and Impact HYD-4). As discussed therein and in Section 2.2.23, *Topical Response: Sea Level Rise,* the project was designed using site-specific coastal engineering analyses that

evaluated future water levels, storm conditions, and sea level rise projections over the 50-year design life of the project.

With respect to the relationship between the project's design and extreme flood events, the 500-year floodplain represents water levels associated with a 0.2 percent annual chance flood event, which corresponds to a 1-in-500 chance of occurring in any given year. While portions of the proposed waterside facilities would be exposed to elevated water levels during such an extreme event, the project has been designed so that the pier, breakwater, piles, gangways, and associated structural components would withstand the water levels and wave forces associated with these conditions. However, the City notes that the operational availability of the ferry terminal during an extreme storm event differs from the structural integrity of the facility. During a 500-year storm event, ferry operations would likely be suspended due to the severe weather conditions, including high winds and elevated wave activity, which would affect navigational safety. Similarly, public access to the pier may be temporarily restricted during such an event. However, these operational interruptions would be temporary and would not indicate structural failure or loss of the facilities, as the pier, breakwater, piles, and other structural components would have sufficient reserve capacity to withstand the wave forces and water levels associated with a 500-year storm event.

It should also be noted that the peak water levels associated with a 500-year storm are expected to persist for a relatively short duration, typically less than four hours. Following passage of the storm and the return of safe operating conditions, the ferry terminal would be capable of resuming operations. Therefore, even in the unlikely circumstance that emergency response activities requiring waterborne access to Berkeley coincided with an extreme storm event, any interruption in service would be temporary and would not represent a substantial long-term loss of emergency transportation capabilities. To provide additional clarification within the Draft EIR, the following text has been added to Section 3.8.4, Impacts Analysis (Impact HYD-4, page 3.8-40):

> The Universal Charging Float battery systems would be housed in smoke-tight, watertight compartments with real-time monitoring, automated shutoff systems, and multiple redundant fire suppression systems, substantially reducing the potential for pollutant release in the event of inundation. Additionally, as depicted in Figure 3.8-3, portions of the project site are located within FEMA-designated 500-year floodplains. However, the proposed ferry terminal includes infrastructure intended to remain structurally resilient during extreme coastal flood events. As described in Section 3.12, *Transportation*, WETA and its contracted operator proactively monitor weather forecasts and U.S. Coast Guard advisories. In the event of an approaching storm, senior staff coordinate with vessel crews to evaluate the safety of continuing ferry service on affected routes. Although ferry operations may be temporarily suspended during severe storm conditions such as a 500-year flood event due to navigational safety concerns, the pier, breakwater, piles, and associated structural elements have been designed to accommodate water levels and wave forces associated with extreme flood events, as the project's coastal engineering analyses considered future sea level rise and coastal flooding conditions over the life of the project. Therefore, any operational interruption associated with extreme storm or flooding events would be temporary and would not be expected to result in a substantial long-term loss of emergency transportation or evacuation capabilities, nor would any operational interruption indicate structural failure of the proposed facilities.

For additional discussion regarding future sea level rise conditions, flood elevations, project resiliency, and adaptation considerations, refer to Section 2.2.23, *Topical Response: Sea Level Rise*.

The above revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR. Therefore, the analysis and significance conclusions presented under Impact HYD-4 in Section 3.8, *Hydrology and Water Quality*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-48

Refer to Response to Comment A3-47 regarding operation of the ferry terminal with sea level rise.

Response to Comment A3-49

Refer to Section 3.8.2, *Environmental Setting*, under the *Flood Hazard Areas* discussion and Figure 3.8-3, *Floodplains Overlapping with and Adjacent to the Project Site*, of the Draft EIR. As noted by the comment, Figure 3.8-3 depicts both FEMA Zone VE and Zone AE flood hazard areas in the vicinity of the project site. The existing narrative primarily focuses on the Zone VE portion of the project site because the proposed pier, ferry terminal, breakwater, and other waterside facilities are located within San Francisco Bay and are therefore associated with coastal flood hazards and wave action represented by Zone VE. However, portions of the surrounding shoreline and adjacent lands surrounding the project site are mapped within FEMA Zone AE, which represents areas subject to inundation by the 1-percent-annual-chance flood event where Base Flood Elevations (BFEs) have been established.

The City agrees that acknowledgement of the nearby Zone AE areas would improve consistency between the text and Figure 3.8-3. Accordingly, the following clarification text has been added to Section 3.8.2, *Environmental Setting* (page 3.8-11):

> 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. Zone VE areas have a 26 percent chance of flooding over a 30-year period.[29] As also shown on Figure 3.8-3, portions of the shoreline and surrounding areas adjacent to the project site are mapped as FEMA Zone AE, which identifies areas subject to inundation from the 1-percent-annual-chance flood event where Base Flood Elevations (BFEs) have been established. While the proposed waterside project components are primarily associated with the Zone VE flood hazard area, nearby shoreline areas include both Zone AE and Zone X flood hazard designations. FEMA Flood Insurance Rate Maps identify BFEs for the mapped Zone VE and Zone AE areas adjacent to the project site. The BFE for Zone VE ranges from approximately 12 to 13 feet and the BFE for adjacent Zone AE areas is approximately 10 feet. These BFEs represent the estimated water surface elevation associated with the 1-percent-annual-chance flood event and are used for floodplain management and project design purposes. Further offshore, the San Francisco Bay is designated as open water, which is not considered a special flood hazard area.[30]
>
> [29.] FEMA. 2026. Flood Map Service Center. Available: https://msc.fema.gov/portal/search?AddressQuery=Berkeley%20marina (accessed February 2026).
>
> [30.] FEMA. 2026. Flood Map Service Center. Available: https://msc.fema.gov/portal/search?AddressQuery=Berkeley%20marina (accessed February 2026).

This revision is clarifying in nature and does not alter the flood hazard analysis, impact conclusions, or mitigation measures presented in the Draft EIR. Therefore, the analysis and significance conclusions presented under Impacts HYD-3 and HYD-4 in Section 3.8, *Hydrology and Water Quality*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-50

In response to this comment, refer to Response to Comment A3-49, which revises Section 3.8.2, *Environmental Setting* (page 3.8-11) to clarify the FEMA flood zones and BFEs applicable to the project site.

Because BFEs are established through FEMA floodplain mapping and do not alter the flood hazard characterization evaluated in the Draft EIR, the addition of this information is clarifying in nature. To the extent the comment requests additional discussion regarding future flooding conditions, sea level rise, or coastal flood resilience, please also refer to Section 2.2.23, *Topical Response: Sea Level Rise*.

Response to Comment A3-51

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about wave action and sediment transport patterns. Wave disturbance coefficients were calculated at key locations including the ferry berths, pier, and plaza. This analysis was specifically designed to quantify how the breakwater reduces wave agitation at the ferry berths and shoreline. The modeling results confirm that a minimum 300-foot breakwater configuration provides sufficient sheltering for both ferry berths, minimizes wave exposure, and achieves nearly the same reduction in wave-induced downtime as the longer 400-foot breakwater. Without a breakwater, the terminal would experience notable wave-induced operational downtime, particularly during late spring and summer months when southwesterly winds generate higher wave activity. With the 300-foot breakwater, monthly average downtime remains below 2 percent for all months throughout the year, including the most energetic wave periods.

Response to Comment A3-52

In response to this comment, the following text has been added to Draft EIR Section 3.9.3, Regulatory Framework, within Section 3.9, *Land Use and Planning* (page 3.9-4):

> *BCDC San Francisco Bay Plan*
>
> In compliance with the McAteer-Petris Act, BCDC prepared the first San Francisco Bay Plan in 1968 which was transmitted to the California Legislature and the Governor in 1969. BCDC amends the Bay Plan over time to address regional needs. The San Francisco Bay Plan includes policies to guide future uses of the Bay and the shoreline. The Plan aims to protect the Bay from unnecessary filling, promote public access, and ensure sustainable development. It designates priority use areas for water-oriented activities, such as ports and recreational facilities, and establishes environmental safeguards to preserve the Bay's natural resources. The Plan also includes specific policies for shoreline protection, habitat restoration, and climate resilience, ensuring that land use and planning decisions support ecological health and community needs. Pertinent policies are identified and addressed in detail under Impact LU-2 within this EIR section.
>
> Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.9.3, *Regulatory Framework*, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law.

The above revision is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.9, *Land Use and Planning*, of the Draft EIR. The analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-53

As described in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* the City acknowledges that BCDC will independently review the project's consistency with its governing laws and policies at the time a permit application for the project is brought forth to the Commission for approval. The Draft EIR addresses this nuance on page 3.9-12 under Impact LU-2 in Section 3.9, *Land Use and Planning*. To provide additional clarity, page 3.9-12 of the Draft EIR has been revised as follows:

> Given the project location within 100 feet of the San Francisco Bay shoreline, the BCDC San Francisco Bay Plan would be applicable in terms of land use planning. BCDC will determine whether the proposed project is consistent with the McAteer-Petris Act and Bay Plan policies. Such determinations are made by BCDC on a case-by-case basis when considering permit applications. As part of this process, BCDC will conduct an independent review of the project's consistency with its governing laws and policies and may impose conditions or require project modifications to ensure

compliance. To the extent that consistency with these laws and policies is subject to CEQA review, ~~T~~the City's evaluation of project consistency with applicable BCDC San Francisco Bay Plan policies is discussed in Table 3.9-1.

The above revision is clarifying in nature and does not alter the analysis or significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, of the Draft EIR. The analysis, significance conclusion, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-54

In response to this comment, the following text has been added to Draft EIR Section 3.11.3*, Regulatory Framework*, within Section 3.11, *Recreation* (page 3.11-8):

BCDC San Francisco Bay Plan

The San Francisco Bay Plan, developed by BCDC, serves as a comprehensive framework for managing the Bay and its shoreline. The Plan emphasizes the importance of preserving and enhancing public access to the Bay, including the development of parks, marinas, beaches, and fishing piers. It aims to balance environmental preservation with recreational opportunities, ensuring that the Bay remains a valuable natural asset for both current and future generations. The Plan establishes policies and identifies priority use areas to guide development within BCDC's jurisdiction, including the "Waterfront Park, Beach" designation, which applies to portions of the project site. By guiding development and conservation efforts, the Plan supports the creation of recreational spaces that contribute to the overall quality of life in the Bay Area. Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.11.3, *Regulatory Framework*, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. The BCDC San Francisco Bay Plan includes the following policies related to recreation and public access: …

The above revision is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR. The analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-55

For discussion concerning existing recreational demand and construction period impacts on recreation access, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

While public access is an important consideration for project planning and community use, temporary access disruptions during construction are not an environmental impact under CEQA, unless they result in a physical deterioration of a recreational resource. As discussed in Draft EIR Section 3.12, *Transportation* (page 3.12-17), the City of Berkeley regulates encroachment on roadways through a permitting process that considers potential effects on roadways and includes requirements for traffic control plans. Any potential effects on the roadway system during construction would be minimized through implementation of the construction-related traffic control plan. As described in Draft EIR Chapter 2, *Project Description,* Section 2.6.2 (pages 2-28 to 2-29), project construction is expected to occur in phases. A traffic control plan would be implemented in any given phase to maintain recreational access to the maximum extent feasible. In addition, the City of Berkeley maintains standards relating to pedestrian access during construction projects, which would require safe and accessible paths of travel for pedestrians throughout the construction period. Prior to the beginning of construction, the contractor will be required to implement the traffic control plan. Adopted standards require that recreational and vehicular access be maintained during construction to the maximum extent feasible. Accordingly, construction traffic control

plans would maintain, to the maximum extent feasible: (1) vehicular and recreational access to the South Cove area; (2) vehicular access along University Avenue to Seawall Drive; and (3) access to the Bay Trail and adjacent recreational areas. Pedestrian access along Seawall Drive and the shoreline would be maintained except when actual construction of the Bay Trail was occurring, and pedestrian detours would be provided during those periods. These access provisions are a required component of construction permitting and are not discretionary measures. While final construction staging and circulation routes will be determined by the contractor in coordination with the City, the City's permitting process and standards for maintaining vehicular and pedestrian access to the maximum extent feasible during construction would ensure that no permanent or substantial adverse physical effect on recreations resources would occur. Accordingly, temporary access disruptions during construction would not constitute a significant impact under CEQA.

In response to this comment, Section 3.11, *Recreation* of the Draft EIR has been revised to include the following clarifications on pages 3.11-16 and 3.11-17. Draft EIR page 3.11-16 has been revised as follows:

> Direct impacts on parks due to construction would be limited to the installation of a wayfinding signage in Shorebird Park. These potential impacts would be minor, as the construction would be completed using hand tools, would last one day, and would not require the closure of Shorebird Park. For these reasons, direct impacts on parks would be limited; however, there is the potential for construction to result in indirect impacts on recreational resources located near the project site, such as air quality and noise impacts due to use of construction equipment.
>
> Construction activities associated with the proposed project would be phased and managed to maintain recreational access to the Berkeley Waterfront to the maximum extent feasible. During construction, temporary access constraints may occur in localized areas used for staging or active work. However, the City would implement access management practices, including maintaining access where feasible, providing temporary detours around active work areas, and installing temporary signage and wayfinding to direct recreational users to available areas of the waterfront, consistent with the City's construction permitting requirements and traffic control standards.

In addition, Draft EIR page 3.11-17 has been revised to include a similar clarification:

> While construction of the proposed project may temporarily influence recreational users to seek alternative park facilities, the Berkeley Waterfront area spans approximately 100 acres with multiple access points at other locations that would not be affected by construction staging. In addition, although access routes may be temporarily modified, construction staging and sequencing would be organized, to the maximum extent feasible, to minimize disruption to public access while maintaining safe construction operations. Therefore, project construction would not preclude recreation at the Waterfront to such an extent that recreational facilities would physically deteriorate or new recreational facilities would be needed.

The revisions above are clarifying in nature and do not alter the analysis presented under Impact REC-1, nor would they result in an increased level of impact significance. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment A3-56

Refer to Response to Comment A3-54, which includes revisions to the EIR to indicate that potions of the project site are within a "Waterfront Park, Beach" priority use area. The revision in Response to Comment A3-54 is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR. The analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-57

In response to this comment, subsection 3.11.3, *Regulatory Framework*, *State Regulations*, in Section 3.11, *Recreation*, page 3.11-8, second paragraph, of the Draft EIR has been revised as shown in strikeout/underline:

McAteer-Petris Act

The McAteer-Petris Act, enacted in 1965, established the San Francisco Bay Conservation and Development Commission (BCDC) to address public concerns about the future of San Francisco Bay. The Act empowers BCDC to regulate development and fill within the Bay, requiring that changes promote public access and recreational opportunities. This provision mandates comprehensive planning through the San Francisco Bay Plan, which includes requirements for parks and recreational areas to enhance public enjoyment of the Bay. Additionally, the Act empowers BCDC to issue and deny permits for projects within its jurisdiction, balancing development projects with environmental preservation and public access. In addition, Chapter 7 of the McAteer-Petris Act describes 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. The South Sailing Basin and Marina are designated San Francisco Bay Water Trail sites.

The analysis and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No further revisions to the EIR are required.

Response to Comment A3-58

In response to this comment, Subsection 3.11.2, Environmental Setting, Berkeley and State Park Facilities Adjacent to the Project Site, South Sailing Basin, page 3.11-6 of the Draft EIR has been revised as shown in strikeout/underline:

South Sailing Basin

The South Sailing Basin, located immediately south and southeast of project site is identified as a Water/Recreational use in the Marina Master Plan (refer to Figure 3.11-2).[16] The South Sailing Basin is a designated San Francisco Bay Water Trail site.[17] Three public docks, located south of University Avenue and south of the sailing club facilities, and south of the project site provide public access to the water for small boats (sail, windsurf, wing, kayak, canoe, paddleboard, etc.) and swimming. The Cal Sailing Club and the Cal Adventures Center utilize the public access docks for sailing and other water recreation activities in the South Sailing Basin.

16. Berkeley, City of. 2003. Berkeley Marina Master Plan. https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Marina-Master-Plan 1.pdf (accessed September 2024).

17. San Francisco Bay Conservation and Development Commission (BCDC). 2026. Berkeley Marina Small Boat Launch. https://sfbaywatertrail.org/trailhead/berkeley-marina-small-boat-launch (accessed September 2026).

Subsection 3.11.2, Environmental Setting, Berkeley and State Park Facilities Adjacent to the Project Site, Berkeley Marina Basin, page 3.11-5 of the Draft EIR has been revised as shown in strikeout/underline:

Berkeley Marina Basin

The Berkeley Waterfront is an approximately 125-acre area west of I-80 in the City of Berkeley. The Berkeley Marina Basin refers to a subset of the Berkeley Waterfront north of the project site that includes the main boat harbor with approximately 1,000 recreational boat slips (Figure 3.11-2). In 1937, Berkeley built the original yacht harbor (i.e., the Marina Basin) in the Waterfront area. In the

1960s, the City participated in regional planning efforts to develop an East Bay Shoreline for recreation and public access. During this period, the City decided to re-develop the existing yacht harbor of 1937 into the modern Berkeley Marina Basin that exists today.[11] The predominant activity at the Berkeley Marina Basin Main Harbor involves the operation of boat slips for up to 1,000 recreational sailboats, as well as other activities such as dinner cruises, commercial charter boats for sightseeing and fishing, sailing lessons and dragon boat canoe racing. The Marina is a designated San Francisco Bay Water Trail site.[12]

[11.] Berkeley, City of. 2024. Draft Waterfront Specific Plan for the City of Berkeley Public Tidelands Area. Available: https://berkeleyca.gov/sites/default/files/documents/BWSP_Draft_2024-11-08.pdf (accessed September 2024).

[12.] San Francisco Bay Conservation and Development Commission (BCDC). 2026. Berkeley Marina Boat Ramp. https://sfbaywatertrail.org/trailhead/berkeley-marina-ramp/ (accessed September 2026).

The analysis and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No further revisions to the EIR are required.

Response to Comment A3-59

The Draft EIR identifies relevant Bay Plan transportation and public access policies and evaluates project consistency with those policies within Table 3.9-1 under Impact LU-2 in Draft EIR Section 3.9, *Land Use and Planning* (refer to Draft EIR pages 3.9-17 through 3.9-19). The analysis therein concludes that the project would maintain consistency with the Bay Plan with incorporation of mitigation (refer to Draft EIR page 3.9-23).

In response to this comment, Section 3.12, *Transportation* (subsection 3.12.3, *Regulatory Framework*, page 3.12-11), of the Draft EIR has been revised to include reference to Bay Plan policies as follows:

BCDC San Francisco Bay Plan

The San Francisco Bay Plan, developed by BCDC, serves as a comprehensive framework for managing the Bay and its shoreline. The Plan emphasizes the importance of preserving and enhancing public access to the Bay, including the development of parks, marinas, beaches, and fishing piers. It aims to balance environmental preservation with recreational opportunities, ensuring that the Bay remains a valuable natural asset for both current and future generations. The Plan establishes policies and identifies priority use areas to guide development within BCDC's jurisdiction, including the "Waterfront Park, Beach" designation, which applies to portions of the project site. By guiding development and conservation efforts, the Plan supports the creation of recreational spaces that contribute to the overall quality of life in the Bay Area. Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.12.3, *Regulatory Framework*, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. Refer to Table 3.9-1 within Section 3.9, *Land Use and Planning*, of this EIR, which identifies the relevant BCDC San Francisco Bay Plan policies applicable to transportation and public access considerations at the project site.

The above revision is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.12, *Transportation*, of the Draft EIR. The analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-60

Impact TRA-3 in Section 3.12, *Transportation* of the Draft EIR (page 3.12-22) states the following:

University Avenue and Seawall Drive Design and Use Safety

The project would include improvements along University Avenue and Seawall Drive. As described in further detail in Chapter 2, *Project Description*, these improvements would not change the overall circulation of these roadways but, rather, would improve the roadways compared to existing conditions. The proposed project includes new facilities for transit, bicycle, and pedestrian users. The proposed project includes features to separate pedestrians and bicyclists from vehicles, compared to existing conditions. In addition, the improvements to AC transit bus stops would follow similar existing configurations and would not create any new safety hazards. This would minimize geometric design hazards for all types of transit utilizing the project site. In addition, the roadway design would be subject to the City of Berkeley Roadway Design Standards.

The proposed project would introduce a new use, compared to existing conditions. Bicyclists, pedestrians, transit users, and motorists would bike, walk, take the bus, and drive to the project site to access the ferry service. While this would be a new use compared to existing conditions, people already access the site via bus, bike, walking, or car. The proposed project would include safety features that would overall improve safety, including crosswalks, wayfinding signage, and bicycle/pedestrian facilities separated from roadways.

There are several reasons that no design conflicts were identified for this intersection. The design of the AC Transit bus route in this area was developed in consultation with AC Transit to remove potential conflicts with different user groups. It was determined that this layout of through lanes, stopping lanes and bus loading lanes would provide for the most effective paths of travel for each user group. Figure 2-10, University Avenue Improvements (4 of 4) of the Draft EIR (page 2-17) identifies a blue passenger drop off zone, orange bus stop and loading area, and green cycle track and path of travel. In addition, this would enhance an existing throughfare as AC Transit currently travels through this area; this upgrade to the bus loading zone would accommodate a greater number of users, while also providing separated paths of travel for vehicles, bicycles, and pedestrians. The 15-mile per hour speed limit in this area would continue and additional signage and wayfinding would be introduced to designate travel ways for each user group. For these reasons, no impacts with regard to a geometric design feature or incompatible use were identified. The analysis and significance conclusion presented under Impact TRA-3 in Section 3.12, *Transportation*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-61

As discussed in Response to Comment A3-60, the City developed roadway design in collaboration with AC Transit to address potential circulation conflicts among different user groups. Refer also to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* for a discussion of how the City addresses circulation conflicts. BCDC will independently evaluate the project for consistency with San Francisco Bay Plan policies related to circulation as part of its permit review process. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment A3-62

The design of the Project incorporates projected circulation routes for different user groups under various use scenarios and has been developed in consultation with AC Transit and Cyclists user groups, as well as extensive public feedback. Refer also to Response to Comments A3-60 and A3-61. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment A3-63

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* concerning the unimproved water access near 199 Seawall Drive and other water access points, which are separate from the area where ferries will operate.

The proposed ferry terminal would be located on the north side of the existing Berkeley pier. This location is well away from any conflict with the current existing swimming and board sailing launch points for the Berkeley Marina. No revisions to the EIR are necessary.

Response to Comment A3-64

Refer to Section 2.2.2, *Topical Response: Alternatives*, which describes the City's process in conducting an Alternatives analysis, consistent with CEQA and how it considered alternative locations.

Response to Comment A3-65

Refer to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*.

The 2008 EIS/EIR considered an alternative next to the Berkeley Fishing Pier. Because this alternative was substantially similar to the concept identified in the proposed project, it was not considered further.

The 2008 EIS/EIR considered an alternative off Gilman Street. Different versions of this alternative would not change the conclusions made in the Draft EIR that this alternative would increase not decrease environmental impacts (page 5-26). Given the geography of the shoreline, there is no alternative location near the foot of Gilman Street that would avoid locating the alternative within Eastshore State Park, which is an area that is more ecologically sensitive than the proposed project site. In addition, locating a ferry terminal within an established park presents the potential for the project to be deemed infeasible if the project is funded with federal Department of Transportation funds, which is expected in the future. Once U.S. Department of Transportation funds are obtained, the project will be required to comply with Section 4(f) requirements. Under Section 4(f) of the U.S. Department of Transportation Act, agencies must select an alternative that completely avoids using protected public parks, historic sites, or wildlife refuges unless that alternative is deemed infeasible or imprudent. Because other alternative sites have been found to be feasible and prudent (i.e., the proposed project site), an alternative off Gilman Street is not expected to be feasible, pursuant to Section 4(f) requirements.

The 2008 EIS/EIR considered an alternative near Buchanan Street. This alternative location is in Albany, outside of the City's jurisdiction. The basis for considering but rejecting it from further evaluation can be found on page 5-26 to 5-27 of the Draft EIR, under the bullet "Locations outside of the City of Berkeley." Potential different versions of this alternative would not change the fact that it is outside of the City's jurisdiction and would not change the conclusions in the Draft EIR.

The purpose of Draft EIR Section 5.9, *Alternatives Considered but Rejected*, is to identify the principal reasons certain alternatives were not carried forward, rather than provide a project-level impact analysis of each conceptual alternative considered during planning. See CEQA Guidelines Section 15126.6(c), which provides that an EIR need only "briefly describe the rationale for selecting the alternatives to be discussed," and "briefly explain the reasons underlying the lead agency's determination." The Draft EIR provides those reasons for each alternative discussed in Section 5.9, including jurisdictional considerations, consistency with project objectives, environmental constraints, and other feasibility considerations. The Draft EIR therefore provides an adequate description of the alternatives screening process and the basis for the City's determinations. Accordingly, the analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment A3-66

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

Response to Comment A3-67

Refer to Section 2.2.2, *Topical Response: Alternatives,* which describes the City's process in conducting an Alternatives analysis, consistent with CEQA and how it considered alternative locations. The 199 Seawall Drive location studied in the 2008 Berkeley/Albany Ferry Terminal Study Draft EIS/EIR and referenced in this comment is located "in the cove behind Hs Lordships Restaurant" (Section 2.8, page 2-43)." This 'cove' is the South Cove Sailing Basin, and locating a ferry terminal in this location would not only significantly increase the area and volume of dredging required due to the ferry vessel route (40,000 cubic yards of bay mud within the cove itself) but would also introduce conflicts with the recreational uses of the South Cove Sailing Basin. Since the 2008 Berkeley/Albany Ferry Terminal Study Draft EIS/EIR was published, no dredging of the South Cove Sailing Basin has occurred. As such, the estimates for additional dredging from that document are considered conservative for existing conditions, since additional sedimentation within the South Cove Sailing Basin has occurred over the past 18 years.

Furthermore, the proximity to existing recreational resources, including existing water access would present greater potential impacts to recreational access, which could be inconsistent with policies in the Bay Plan.

As a whole, the 199 Seawall Drive alternative site, which is within the South Cove Sailing Basin, would present more environmental impacts through increased dredging footprint and volume and greater potential conflicts with recreational users. Because this alternative would not reduce significant environmental impacts, it has been considered but rejected in the Draft EIR.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment A3-68

These comments are nonsubstantive in nature and do not raise a significant environmental issue. No further response is required.

Letter A4

From: Hernandez, Melissa@DOT <Melissa.Hernandez@dot.ca.gov>
Sent: Tuesday, April 28, 2026 2:08 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: State.Clearinghouse@lci.ca.gov; Luo, Yunsheng@DOT <Yunsheng.Luo@dot.ca.gov>
Subject: Comment Letter for Berkeley Water Transportation Ferry, DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Liza,

Thank you for the opportunity to review the DEIR for the Berkeley Water Transportation Pier Ferry Project. Please find attached our comment letter for this project. A4-1

Please let me know if you have any questions.

Thank you,

Melissa Hernandez
Associate Transportation Planner
Caltrans, District 4 | Community Planning

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

April 28, 2026

SCH #: 2025040995
GTS #: 04-ALA-2025-01036
GTS ID: 36151
Co/Rt/Pm: ALA/80/R6.899

Liza McNuity, Project Manager
City of Berkeley Parks, Recreation, and Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

Re: Berkeley Water Transportation Pier Ferry — Draft Environmental Impact Report (DEIR)

Dear Liza McNuity:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Berkeley Water Transportation Pier Ferry Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the February 2026 DEIR. A4-2

Please note this correspondence does not indicate an official position or approval by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project would demolish portions of the closed pier, new public pier, new breakwater that provides pedestrian access and recreational amenities, recreational amenities, ferry infrastructure, dredging, new public plaza, improvements to University Avenue and Seawall Drive, a portion of the planned Bay Trail Extension, new landscaping, new wayfinding signage, utility connections, and operation of zero-emission electric passenger ferry service. A4-3

Air Quality/Noise

Air Quality, Section 3.2-21& 3.2-24 pgs. 154 & 157: Please update the Bay Area Air District (BAAD) May 2017 CEQA Air Quality Guidelines to the newer 2022 guidelines, criteria, and thresholds (*link*). A4-4

Noise, Section 3.10-24 pg. 497 – Waterside, "*Implementation of Mitigation Measure NOI-1…would reduce construction noise levels by up to 20 dBA for demolition*": per A4-5

Table 3.10-16, reduction due to mitigation should be 10dBA (A-weighted decibels) as opposed to 20dBA. A4-5

Climate Resilience
Please keep Caltrans updated on the project as it advances. Caltrans is interested in improving resilience to the particularly vulnerable southbound Interstate (I)-80 and as a result will participate in ongoing Regional Shoreline Adaptation Plan (RSAP) coordination with the cities of Albany, Berkeley, and Emeryville. A4-6

For any questions or concerns, please reach out to the Climate Change Branch at D4_ClimateResilience@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate Transportation Planner via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov. A4-7

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

Letter A4

Commenter: Yunsheng Luo, Branch Chief of Local Development Review, Office of Regional and Community Planning, California Department of Transportation (Caltrans) District 4

Date: April 28, 2026

Response to Comment A4-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A4-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A4-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A4-4

The Bay Area Air District 2022 CEQA Air Quality Guidelines were used for purposes of the Draft EIR air quality analysis and the respective significance thresholds. The general methodology for assessing air quality impacts has not changed between the 2017 version and the 2022 version of these guidelines. The following clarification text revisions have been made to the Draft EIR:

Section 3.2, page 3.2-21:

> This analysis uses the Bay Area Air District ~~May 2017~~ 2022 CEQA Air Quality Guidelines to evaluate air quality. Air pollutant emissions generated by project construction and operation were estimated using the California Emissions Estimator Model (CalEEMod), version 2022.1. CalEEMod uses project-specific information, including the project's land uses, square footage for different uses (e.g., restroom building and parking), and location, to model a project's construction and operational emissions. The analysis reflects the construction and operation of the proposed project as described under Section 2, Project Description.

Section 3.2, page 3.2-24:

> The Bay Area Air District ~~May 2017~~ 2022 *CEQA Air Quality Guidelines* include project-level thresholds for construction-related and long-term operational emissions of air pollutants. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. Construction emissions associated with plan implementation are discussed qualitatively to evaluate potential air quality impacts.
>
> For health risks associated with TAC and $PM_{2.5}$ emissions, the Bay Area Air District ~~May 2017~~ 2022 *CEQA Air Quality Guidelines* state a project would result in a significant impact if ~~the~~ any of the following thresholds are exceeded:

These changes to the Draft EIR are simply for textual clarification purposes; therefore, no additional air quality modeling and analysis is required. The Draft EIR air quality significance thresholds, impact analysis conclusions, and mitigation measures remain valid as written.

Response to Comment A4-5

As explained on page 3.10-24, a 10 dBA reduction is only applicable to construction phases that include use of pile driving equipment (i.e., demolition and pile installation) and a 20 dBA reduction is applicable for all other phases (i.e., dredging and construction of waterside infrastructure and amenities). Table 3.10-16 appropriately applies these decibel reductions to the respective construction phases. No further revisions to this table are necessary.

However, the text on page 3.10-24 has been clarified as follows:

> Implementation of Mitigation Measure NOI-1, including the use of temporary noise barriers, would reduce construction noise levels by up to 20 dBA for ~~demolition,~~ dredging~~,~~ and construction of waterside infrastructure and amenities (excluding pile driving equipment).[18,19] For construction phases which include the use of pile driving equipment (e.g., demolition and pile installation), ~~S~~shrouding of pile driving equipment would attenuate noise levels by 10 dBA or more.
>
> 18. Bies, David A, Hansen, Colin H., Howard, Carl Q. 2018. Engineering Noise Control, Fifth Edition.
>
> 19. Harris, Cyril M. 1991. Handbook of Acoustical Measurements and Noise Control.

These text changes are clarifying in nature. The analysis and significance conclusions presented in Impact NOI-1 in Section 3.10, *Noise* of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A4-6

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A4-7

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter O1

From: Cal Sailing Commodore <commodore@cal-sailing.org>
Sent: Monday, March 16, 2026 7:40 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Perry Fier Project Updates

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Liza,

My name is Shreyas Chand. I'm the Commodore (Chairman of the Board of Directors) for the Cal Sailing Club. I made a comment at the meeting this eveinng regarding the Draft EIR. We plan to make a larger written comment, but in the meantime would like to request getting process updates to this email. O1-1

Thank you as well for your professional running of the meeting this evening and accepting public comment.

Finally, as I also mentioned at the meeting, I want to extend an invitation to the project team to engage with our organization and use us as a resource as part of this process. CSC's membership holds a diverse range of views on the project, and as a club we take no position for or against the ferry project as a whole. However, we are fully invested in ensuring that our programs, and recreational users are well considered in the pier ferry project as existing stakeholders (CSC for well over half a century!) in the waterfront.

Best,
Shreyas Chand
Commodore
Cal Sailing Club
124 University Ave
https://www.cal-sailing.org/ O1-2

P.S. If you have never visited or availed of CSCs programs, please do consider checking us out. We have our first open house on April 5th and will be offering free sailboat rides to the public from 1PM to 3PM.

Letter O1

Commenter: Shreyas Chand, Commodore, Cal Sailing Club

Date: March 16, 2026

Response to Comment O1-1

The City has added the comment's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Response to Comment O1-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter O2

From: Geoffrey Lomax <glomax@lmi.net>
Sent: Wednesday, April 8, 2026 6:20 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: WOM Berkeley <WOMBerk22@gmail.com>
Subject: DRAFT EIR Comments Berkeley Ferry

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Comments Attached:



https://www.womberkeley.org/

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

DRAFT EIR Characterized by Inadequate and Misleading Transit Impact Analysis

Summary:

The Draft EIR[1] fails to adequately analyze the cumulative adverse impacts imposed by the project on the region's ailing public transportation infrastructure.[2] The EIR acknowledges (but does not estimate) the impacts of drawing commuters from BART, AC Transit and existing WETA service (Jack London to San Francisco). Additionally, the document lacks clear evidence supporting the revenue and fare recovery projections. Ridership estimates appear speculative and are not supported by available data; in fact, the projections contradict existing evidence and longstanding experience. Collectively, these omissions obscure the fact that 80% of ferry operations may require public subsidies at the expense of existing transit options.

O2-1

O2-2

O2-3

O2-4

Regional Public Transportation is Ailing:

[1] https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project

[2] According to the Legislature: "New methodologies under the California Environmental Quality Act [were] needed for evaluating transportation impacts that are better able to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations." https://lci.ca.gov/ceqa/sb-743/faq.html

O2-1

Between new infrastructure and capital costs for ferry services the initial project expenditure are approximately $125 M. City of Berkeley infrastructure projects have consistently experienced 20-50% cost overruns. The project would consume financial resources that would otherwise be available to existing systems that are under financial strain as evidenced by:

- A recent $590 M emergency loan to maintain existing public transportation operations;
- BART incurring a $350-400 M deficit and projecting service cuts up to 70%;
- AC Transit projecting a $74 M deficit in 2026-27;
- High operating costs resulting in proposed fare increases for all ferry routes.

The addition of new overhead costs from the proposed project will create additional a majority strain to the existing transportation infrastructure.

O2-5

The high costs for this project will adversely impact existing public transportation by consuming federal, state, regional and local resources that would otherwise be available to existing systems experiencing operating deficits.

O2-6

Failure to Document Impacts on Existing WETA Service, AC Transit and BART:

The EIR acknowledges (but does not estimate) the impact of drawing commuters from BART and AC Transit:

> *It is anticipated that most of these trips are not new trips, and were originally headed to San Francisco by driving across the Bay Bridge. Some of these trips might have shifted from commuters previously taking BART and Transbay bus services. [3.12-20 DRAFT EIR]*

O2-7

There is no evidence presented to suggest the project will substantially reduce driving trips across the Bay Bridge. Anecdotally, there are a range of social determinants that limit trip reduction potential. For example, comparatively limited



"on the hour" ferry schedules may not provide the time flexibility many working family members require.

A plausible scenario is that a majority ridership will result from existing WETA, AC Transit and BART commuters switching services. Switching by existing commuters seems particularly probable for bicycle-carrying customers. Thus, one new heavily subsidized service will be pulling critical operating revenue from existing subsidized services. WETA routinely surveys its ridership and this "switching" hypothesis could be tested utilizing existing survey platforms. O2-7

The EIR should provide more robust (including survey-based) estimates on the financial impact to existing WETA (Jack London), AC Transit and BART revenues resulting from existing transit users switching services. O2-8

Farebox Revenue Assumptions Defy Operational Experience:

The draft cites the WETA Berkeley Ferry Service Business Plan which projects:

> *Ridership forecasts and fare assumptions for new weekday and weekend ferry service between Berkeley and San Francisco generates farebox revenue that covers approximately 52 percent of operating costs in the tenth year of service*
> [WETA Berkeley Ferry Service Business Plan p40.]

No ferry route has achieved greater than 44% other than Vallejo to San Francisco. Across all routes system wide farebox recovery in 2023-2025 was 24% of operating expenses. [Monthly Budget Report FY 2024/25] O2-9

This 24% figure is not evenly distributed across the system. Rather ridership and farebox recovery are dominated by the Vallejo Service. The comparative success of this service is likely related to the fact that riders have more limited public transportation options. Routes shared with BART and AC Transit do not exceed 23% revenue recovery, and half are less than 10% fare recovery.

Route	Fare Revenue		Projected Ridership	
	Total	% of Total	Total	% of Total
Alameda/Oakland Ferry Service	$ 3,231,470	23%	744,045	29%
Alameda Harbor Bay Ferry Service	$ 1,107,843	8%	256,567	10%
Alameda Seaplane Lagoon Ferry Service	$ 1,549,173	11%	359,194	14%
Vallejo Ferry Service	$ 6,232,208	44%	795,359	31%
South San Francisco Ferry Service	$ 698,795	5%	102,627	4%
Richmond Ferry Service	$ 1,245,745	9%	307,881	12%
Total	**$ 14,065,234**		**2,565,673**	

O2-9

Source:Fiscal Year 2024-25 Budget

The proposed project farebox revenue assumptions lack substantial evidence, contradict existing history and should be recalculated and presented in this EIR. Based on ridership experience, the proposed service would require ongoing subsidies on the order of 80% of operating costs, further exacerbating the adverse impacts on established transit options also requiring subsidies.

O2-10

Speculative Ridership Estimates:

Overall ridership estimates also appear speculative. For example, the Technical Memorandum supporting the ridership estimates states:

> *Assuming that an individual rider is taking a round trip, then the 1,910 total rides would represent 955 unique riders taking a round trip between Berkeley and San Francisco.* [Technical Memorandum Page 1]

O2-11

Given the alternative transit options (BART, AC Transit, carpool) and the constrained ferry schedule, there is a high likelihood that unique riders may choose split mode travel. This option may be particularly attractive for individuals who do not park at the proposed site and cyclists who can utilize all three options without the need to return to a specific destination.

The business plan also suggests the project will *get San Francisco residents / students to jobs / class in Berkeley* [WETA Berkeley Ferry Service Business Plan

O2-12



p26.] It seems highly improbable that individuals traveling from San Francisco to UC Berkeley or Berkeley City College would shift from a mode of transit (BART) that disembarks 1-5 minutes from campuses to a mode that arrives in the Berkeley Marina.

O2-12

The EIR should survey existing commuters from Jack London to San Francisco to determine the extent there is split mode travel. Distinctions should be made between those utilizing automobiles, public transit and bicycles.

O2-13

Submitted by:
Geoffrey Lomax - Contact Person
Berkeley Resident and regular WETA commute passenger
glomax@lmi.net

On behalf of Within Our Means Berkeley https://www.womberkeley.org/

Letter O2

Commenter: Geoffrey Lomax, Contact Person and Berkeley Resident, Within Our Means Berkeley

Date: April 8, 2026

Response to Comment O2-1

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. No further response is required.

Response to Comment O2-2

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. No further response is required.

Response to Comment O2-3

Regarding the comments about revenue and fare recovery, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

Regarding the comments about ridership, refer to Table 2-4 in Chapter 2, *Project Description* on page 2-31 of the Draft EIR for discussion about ridership estimates. The ridership estimates used in the Draft EIR are not speculative; they are directly sourced from WETA's March 2022 Berkeley Ferry Service Business Plan. The projections were used in the EIR as a reasonable forecast of anticipated ridership. Ridership estimates will be updated regularly in tandem with WETA updates to their Business Plan and long range planning about the feasibility and implementation of new routes. No revisions to the EIR are necessary. No further response is required.

Response to Comment O2-4

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-5

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-6

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-7

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to reductions in vehicle tips, transit-to-transit mode shifts, and how WETA onboard surveys were used in the analysis. No further response is required.

Response to Comment O2-8

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. No further response is required.

Response to Comment O2-9

Regarding the comments about revenue and fare recovery, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility.* This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-10

Regarding the comments about revenue, fare recovery, and subsidies, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility.* This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-11

Refer to Response to Comment O2-3 for discussion about ridership projections. While ferry users could choose a different mode of travel on their return journey, this would not materially affect the findings or conclusions of the EIR. No further response is necessary.

Response to Comment O2-12

As described in Chapter 5, *Economic Development Opportunities*, of the WETA Berkeley Ferry Service Business Plan, the proposed ferry service is intended to improve access between Berkeley and San Francisco for a variety of trip purposes, including employment, education, recreation, and special events. The Business Plan specifically acknowledges that successful ferry operations would depend on coordination with transit, shuttle, bicycle, and pedestrian connections between the terminal and destinations throughout Berkeley (refer to Business Plan pages 31-34).

The comment does not provide evidence demonstrating that the Business Plan's discussion of potential employment and educational travel demand is incorrect. Accordingly, no revisions to the Draft EIR are required. The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O2-13

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to how WETA onboard surveys were used in the analysis, as it relates to mode split. Refer also to Section 2.2.20, *Topical Response: Parking,* for additional discussion regarding parking and transportation demand considerations.

The analysis and significance conclusions related to transportation and VMT remain valid as presented in the Draft EIR. No revisions are required.

Letter O3

From: Amaya Williams-Segovia <amaya@eastshorepark.org>
Sent: Tuesday, April 21, 2026 6:12 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: CESP Comments Re Berkeley Ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

I am attaching a comment letter from Citizens for East Shore Parks (CESP) in regards to the Berkeley Water Transportation Pier Ferry Project Draft EIR. O3-1

Best,
Amaya

Amaya Williams-Segovia
Deputy Manager
Citizens for East Shore Parks
P.O. Box 6087, Albany, CA 94706
www.eastshorepark.org | (510) 524-5000

Citizens for East Shore Parks

Mail: P.O. Box 6087, Albany, CA 94706 Office: 1604 Solano Avenue, Albany, CA 94707
Ph: 510.524.5000 | cespmanager@eastshorepark.org | www.eastshorepark.org

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Rich Walkling

Executive Director:
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April 21, 2026

Liza McNulty, PE, Project Manager

Parks, Recreation & Waterfront Development

2180 Milvia Street, 3rd Floor

Berkeley, CA 94704

Via Email Only:

lmcnulty@berkeleyca.gov

Subject: Citizens for East Shore Parks (CESP) Comments on Berkeley Water Transportation Pier Ferry Project Draft EIR

Dear Ms. McNulty,

Citizens for East Shore Parks (CESP) has the following comments on the Draft Environmental Impact Report (DEIR) regarding the proposed Berkeley Ferry Terminal. CESP was founded in 1985 to create shoreline parks along the East Bay shoreline. Its initial major campaign was to create the McLaughlin Eastshore State Seashore. CESP is very concerned about both the environmental impacts from any proposed activity on the East Bay shoreline and also the impacts on recreational use and access. CESP has the following comment after reviewing the DEIR. O3-1

<u>The Ferry Would Cost Far Less If located in the Berkeley Marina</u>

It appears from various analyses that the proposed project will cost around $170 Million, but that is not disclosed in the DEIR. The Richmond ferry, which requires a $9 per rider subsidy for every $1 of fare, cost $20 Million to build. The O3-2

estimate for the ferry located at the Berkeley Marina is around $20 Million. The cost figures are not included anywhere in the DEIR. O3-2

The Reduction of Vehicle Miles Traveled (VMT) is Miniscule and Does Not Justify the Cost of the Project

The 2003 URS WTA EIR which looked at expansion of entire system had this to say about VMT's:

> "As shown in Table 3.12.8, the total regional VMT for the No Project Alternative will increase by 33.7 percent over the baseline, while the total regional VMT for the Proposed Project would increase by 33.6%. (Section 3.12.2.2 Impacts and Mitigation p. 435 of pdf)"

That is a .07% decrease in VMT. It states further:

> "The largest reductions in VMT occur in counties where ferries are competing with congested highway facilities, such as San Francisco, San Mateo, and Marin. However, an increase in drivers accessing transit is expected due to increases in VMT in the vicinity of terminals to ferry ridership at new terminals." (as discussed in Impact T-1).

O3-3

And:

> "The Proposed Project would have a total regional VMT of 0.07% less than the No Project Alternative. While the overall percentage reduction may seem small, it may reduce peak hour volumes on the Bay Bridge by almost a lane's worth of traffic."

The reduction of .07% at the projected cost would result in funds diverted from BART and Bus Transit agencies which would probably have a greater reduction in VMTs. In any case, the DEIR does not address this issue at all. O3-4

Parking

There are only 729 parking spaces in close proximity to the proposed terminal. The ferry is expected to have capacity for the day of 1600 departing riders. Hence, more than likely all parking will be taken up by ferry riders in the morning commute with no parking spaces for daytime users of the park area. Moreover, there will be a charge for parking. Furthermore, there was no analysis O3-5 O3-6

of commuters parking further away adjacent to the Meadow in the McLaughlin Eastshore State Park or around the DoubleTree hotel.

The DEIR did not analyze parking at these other locations or the potential impact on the McLaughlin Eastshore State Park.

O3-6

Dredging

Analyses show that there would be a need for on-going periodic dredging for the channel for the ferry. This is around 400,000 cubic yards. There is no analysis of the impacts of this on-going dredging.

O3-7

Sea Level Rise and RSAP Issues

The sea level rise the DEIR uses is 1.6 feet by 2075. Not 6.6 or 7 feet by 2100. The DEIR states that the landside features and pier would be built to protect to that 1.6 level. But this sea level rise does not address the potential impacts of the 6.6 sea level rise which should have been included and used.

O3-8

Impacts on Biological Resources

The DEIR states that the Least Tern was not sighted and thus not a concern. But we have reports now that there have been sightings sufficient for it to be evaluated for impacts as a changed circumstance.

O3-9

Furthermore, the DEIR relies on the prior Programmatic EIR (PEIR) done in 2003 that stated that whale strikes in the Bay were not an impact that required analysis for impacts. Yet, the current information is that Whale sitings in the Bay have grown over the years and strikes have also increased. This changed circumstance was not analyzed in the DEIR.

O3-10

The DEIR consistently maintains that in the construction phase any environmental impacts can be mitigated to less than significant. It also maintains that in the operational phase the ferry will not have impacts on biological resources.

O3-11

Seawall Impact Issues

The DEIR did not analyze the impacts that seawalls will have beyond the immediate location based. Nor was there an analysis of wave action on the adjacent park lands such as "Cesar Chavez" Park and the McLaughlin Eastshore State Seashore. O3-12

The Environmentally Superior Alternative is Alternative 4

This is a reduced landside facility. The main objection in the DEIR to this alternative is the reduction in not enhancing public access and recreation. While this alternative has allegedly less public access than the Preferred Alternative, the DEIR did not address the major deficiencies and reduction in recreational access that would result as discussed in James McGrath's letter of March 27, 2026, which is incorporated herein by reference. As the environmentally superior alternative, it should be the alternative for the site if a ferry is to operate out of Berkeley. O3-13

Sincerely,

Arthur Feinstein
CESP Board President

Norman La Force
CESP Vice President

Letter O3

Commenter: Arthur Feinstein, Board President, and Norman La Force, Vice President, Citizens for East Shore Parks

Date: April 21, 2026

Response to Comment O3-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O3-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the Marina Basin Alternative from further evaluation.

Response to Comment O3-3

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the reduction of Vehicle Miles Traveled (VMT).

With regard to use of the 2003 WETA EIR, the Berkeley Water Transportation Pier Ferry Draft EIR did not rely on the VMT estimates provided in 2003 and instead conducted a VMT analysis for this project, refer to Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR (pages 3.12-20 to 3.12-21).

The systemwide VMT figures cited in the comment are drawn from the 2003 WETA EIR, which evaluated expansion of ferry service across the entire Bay Area transit system. For this project, VMT significance is evaluated under Section 3.12, *Transportation* Impact TRA-2, consistent with CEQA Guidelines Section 15064.3, which requires project-specific evaluation and considers net change in Total VMT attributable to the project rather than a systemwide percentage metric. As explained in Section 2.2.27, *Topical Response: VMT,* many project-generated trips substitute for longer-distance automobile travel across the Bay Bridge, resulting in a net reduction in VMT even where some riders access the terminal by automobile.

The analysis and significance conclusion presented under Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment O3-4

The proposed project is implementation of new ferry service. The EIR does not have an obligation to evaluate a different project of increasing other transit use in the region. The EIR evaluates VMT as discussed under Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR. The analysis remains valid as written. No revisions to the EIR are necessary.

Response to Comment O3-5

The estimate of 1600 departing riders referenced by the comment appears to be based on total passenger trips rather than unique riders. As described in Draft EIR Section 2.7.1, *Operational Scenario and Ridership*, the ridership projections presented in Table 2-4 represent total trips. For example, the projected 1,910 weekday trips in the first year of service would represent approximately 955 unique round-trip riders, assuming a rider travels from Berkeley and returns the same day (refer to Draft EIR page 2-31). Refer to Section 2.2.20, *Topical Response: Parking*, regarding adequate parking supply. No further response is necessary.

Response to Comment O3-6

Refer to Section 2.2.20, *Topical Response: Parking.* The comments raise concerns about the introduction of parking fees, which would change access to the Berkeley Waterfront, which is currently no cost at some lots. The City acknowledges this concern. The imposition of parking fees, however, does not impose an environmental impact that need be analyzed. Furthermore, the Parking and TDM Plan demonstrates that the Berkeley Waterfront has the capacity to accommodate both ferry patrons and recreational users. No further response is necessary.

Response to Comment O3-7

The Draft EIR identifies construction impacts due to construction dredging in Section 3.3.4, under Impact BIO-1 on pages 3.3-45 to 3.3-51. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate,* and Section 2.2.15, *Topical Response: Maintenance Dredging,* for discussion of post-construction sedimentation rates and maintenance dredging. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O3-8

Refer to Section 2.2.23, *Topical Response: Sea Level Rise,* for a discussion of the sea level rise projections used in the project design.

Response to Comment O3-9

Refer to Response to Comment A2-35 to A2-38 for discussion of and Draft EIR clarification text changes with regard to California least tern. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O3-10

In Draft EIR Section 3.3.4 under Impact BIO-1, pages 3.3-52 through 3.3-54, vessel strikes are analyzed as a known source of mortality for whales and are evaluated with regard to the project's incremental contribution to this risk in the context of existing San Francisco Bay vessel operations, which includes substantial commercial, recreational, and ferry vessel operations. This is not a changed circumstance. Refer to Response to Comment O7-13 for additional discussion of whale strikes. In addition, refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* and Section 2.2.28, *Topical Response: Whale Strike*. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O3-11

As shown on page 3.10-32 of the Draft EIR, construction noise impacts were determined to be Significant and Unavoidable, even with implementation of mitigation; therefore, this comment is inaccurate in stating that impacts were found to be less-than-significant. The Draft EIR evaluates biological resource impacts due to project construction and operation in Section 3.3, *Biological Resources* (subsection 3.3.4, *Impacts Analysis*, pages 3.3-40 through 3.3-66), and concludes that impacts would be less than significant or less than significant with implementation of mitigation (Refer to Mitigation Measures BIO-1, BIO-2, BIO-3, HYD-1 and AES-1). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O3-12

The project does not include seawalls as part of the project description. However, an approximately perpendicular-to-pier breakwater is included as part of the project description. For discussion of wave climate and breakwater effects, including areas beyond the project site, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate.* No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O3-13

As discussed in Draft EIR Section 5.8, *Alternative 4: Reduced Landside Facilities Alternative* (pages 5-19 through 5-24), Alternative 4 was developed to evaluate whether environmental impacts could be reduced by eliminating several proposed landside improvements, including the public plaza, Bay Trail Extension, cycle track, renovated Seawall Drive parking lot, electric vehicle charging infrastructure, and certain transit-related improvements. As disclosed in the Draft EIR, these modifications would result in reduced construction activity and reduced impacts in several resource areas relative to the proposed project.

The Draft EIR also evaluates the effects of Alternative 4 on attainment of project objectives. As described in Section 5.8, Alternative 4 would not meet the project objective of enhancing public access and recreational opportunities at the Berkeley Waterfront to the same degree as the proposed project because it would eliminate or substantially reduce several public access, recreational, bicycle, pedestrian, and visitor-serving improvements. Specifically, the Draft EIR states that Alternative 4 would not provide the proposed Bay Trail Extension, cycle track, public plaza, or several other amenities intended to expand recreational opportunities and public access to the waterfront. For further discussion regarding the formulation of project objectives as they relate to the development of project alternatives, please refer to Section 2.2.2, *Topical Response: Alternatives* (Sub-Section Project Objectives). For additional discussion regarding alternatives, including the criteria used to develop and evaluate alternatives and alternatives considered but rejected from detailed analysis, such as the no-ferry-service pier alternative, please refer to Section 2.2.2, *Topical Response: Alternatives*.

The comment's preference for Alternative 4 is noted. CEQA does not require selection of the environmentally superior alternative; rather, it requires disclosure and evaluation of the environmental consequences of the proposed project and reasonable alternatives. The Draft EIR identifies and compares the environmental impacts and objective attainment of all alternatives to inform decision-makers. Refer to Draft EIR Sections 5.8, *Alternative 4: Reduced Landside Facilities Alternative*, and 5.10, *Environmentally Superior Alternative*. Nevertheless, this comment has been included in the Project record provided to City decision makers for consideration. No revisions to the Draft EIR are necessary in response to this comment.

Letter O4

PARKS, RECREATION AND WATERFRONT COMMISSION

City of Berkeley

Liza McNulty, PE
Capital Improvement Program Manager
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RE: Parks, Recreation and Waterfront Commission — Formal Comments on the Draft Environmental Impact Report, Berkeley Water Transportation Pier Ferry Project (State Clearinghouse No. 2025040995)

Comment Deadline: April 28, 2026, 5:00 p.m.

Formal Comments on the Draft EIR

The Parks, Recreation and Waterfront Commission submits the following formal comments on the Draft EIR for the Berkeley Water Transportation Pier Ferry Project. These comments are organized by topic area and are intended for inclusion in the public record and response in the Final EIR. The Commission requests written responses to each comment pursuant to Public Resources Code Section 21104 and CEQA Guidelines Section 15088. O4-1

Section A: Project Delineation and Description

Comment A-1: Incomplete Project Description — Universal Charging Float

EIR Section 2.5.1 and Figure 2-4 (footnote 5) describe the proposed Universal Charging Float (UCF) as a key piece of ferry infrastructure, noting it would feature a 1.351 MWh Echandia battery weighing approximately 47,554 pounds. However, Figure 2-4 states that "the UCF has not yet been designed" and that "UCF dimensions may differ from what is shown" in renderings. The UCF is not included in the project renderings. O4-2

The EIR should disclose the UCF's size, configuration, placement, and operational characteristics, analyze the associated environmental impacts, and identify appropriate mitigation measures.

Comment A-2: Marina Master Plan Consistency Requires Clarification

The 2003 Berkeley Marina Master Plan governs permitted uses at the project site (EIR Section 3.9.2). The Plan restricts new development to replacing and remodeling existing commercial and non-profit facilities, with limited expansion on a case-by-case basis. The Plan does not identify a commercial ferry terminal as a permitted use. EIR Section 3.9.4 (Impact LU-2) evaluates the project against individual Master Plan policies but does not analyze whether a commercial ferry terminal is a permitted use under the Plan's development restrictions. The EIR should provide that analysis. O4-3

Section B: Parks and Open Space Impacts

Comment B-1: Significant and Unavoidable Recreation Impacts Lack Recreation-Specific Mitigation

EIR Section 3.11.4 (Impact REC-2) finds significant and unavoidable construction impacts on the surrounding recreational environment. The mitigation measures listed for this impact are drawn entirely from other chapters (noise, air quality, biology, etc.) and none specifically addresses the loss of recreational access during construction. The EIR should identify construction-period mitigation measures that directly address recreational displacement, including maintenance of access to adjacent parks, wayfinding for recreational users, and scheduling protocols to reduce disruption during peak use periods. O4-4

Comment B-2: Impacts on Existing Recreational Fishing Are Inadequately Analyzed

EIR Section 3.11.4 (Impact REC-1) identifies the restoration of pier fishing as a project benefit but does not analyze how fishing activities will coexist with the gated ferry boarding areas described in Section 2.5.1. The EIR should demonstrate how the pier layout accommodates recreational fishing alongside ferry operations and should address construction phasing to minimize the period during which no pier fishing access is available. O4-5

Comment B-3: Construction Noise Mitigation Does Not Address Named Adjacent Parks

EIR Section 2.2 identifies the project site as immediately adjacent to several heavily used parks and recreational facilities, including the waterfront park (referred to in the EIR as César E. Chávez Park), Horseshoe Park, Shorebird Park, Marina Mall, Adventure Playground, and portions of the Bay Trail Extension.

EIR Section 3.10.4 (Impact NOI-1) and Section 3.11.4 (Impact REC-2) confirm that construction noise, particularly pile driving, would exceed applicable Berkeley Municipal Code thresholds at sensitive receptors. Mitigation Measure NOI-1 requires a Construction Noise Management Plan but does not reference any of the named adjacent parks or require park-specific protections. NOI-1 should be revised to include park-specific protections for each adjacent park. O4-6

The EIR should disclose the expected construction noise levels at each park with those protections in place.

Section C: Environmental and Biological Impacts

Comment C-1: Eelgrass Survey Findings Must Be Disclosed and Mitigated

EIR Section 3.3 concludes that no eelgrass is currently present within the project site based on baywide inventories from 2003, 2009, and 2014. However, Figure 3.3-2 identifies areas of potential eelgrass habitat within the project footprint, and no site-specific eelgrass delineation survey has been conducted. Eelgrass beds in San Francisco Bay constitute Essential Fish Habitat under the Magnuson-Stevens Act (EIR Section 3.3). O4-7

The EIR should require a pre-construction eelgrass delineation survey, analyze potential impacts, and identify mitigation measures addressing NOAA Essential Fish Habitat consultation requirements. O4-7

Comment C-2: Ferry Wake and Vessel Disturbance Impacts on Waterbirds and Shorebird Park

EIR Section 3.3 concludes that ferry wake would be "consistent with existing vessel operations" and finds operational biological impacts less than significant. This conclusion is not supported by any quantitative wake comparison, species-specific assessment, or analysis of foraging disruption along the transit corridor. The vessel approach speed protocol referenced in the analysis was designed for water quality and turbidity, not biological protection. O4-8

The EIR should provide a quantitative operational biological impact analysis that addresses the combined disturbance from vessel operations — including wake, noise, lighting, vehicle traffic, and passenger activity — on foraging and roosting waterbird populations, special-status fish, and marine mammals along the transit corridor.

Comment C-3: Jurisdictional Waters Compensatory Mitigation Baseline Needs Clarification

EIR Section 3.3 (Mitigation Measure BIO-3) requires compensatory mitigation for impacts to jurisdictional waters at a 1:1 ratio, to be achieved through demolition of portions of the existing pier, but defers the supporting mitigation plan entirely to a post-approval process. CEQA requires that mitigation measures be sufficiently defined to allow meaningful evaluation prior to project approval. O4-9

The EIR should include a preliminary calculation comparing the footprint of new fill against proposed demolition to demonstrate the 1:1 ratio is achievable, clarify whether the ratio applies to piling area, deck area, or both, and specify whether the mitigation plan will be subject to public review and agency approval prior to construction.

Comment C-4: Tree Removal Analysis Is Inadequate and Mitigation Is Undefined

EIR Section 3.3 (Impact BIO-5) discloses that approximately 39 of 61 trees on the project site would be removed, but the analysis is limited to confirming that no coast live oaks are among the trees to be removed and that a removal permit will be obtained. The EIR should provide a tree-by-tree inventory identifying each tree proposed for removal by species, diameter at breast height (DBH), condition rating, or location in order to enable the public to evaluate whether individual trees qualify for protection under Berkeley Municipal Code Chapter 12.44. O4-10

The EIR does not address the functional recreational role of the trees proposed for removal. The EIR should analyze whether removal of the Seawall Drive tree canopy would change wind exposure conditions at the South Sailing Basin and whether those changes would affect the safety of recreational water users, and identify appropriate mitigation measures. O4-11

The EIR defers the Urban Forestry Unit’s replacement evaluation entirely to post-approval, stating only that “it is expected that some replacement would be required” (EIR Section 3.3). O4-12

Unlike other biological resource impacts addressed in this EIR, Impact BIO-5 includes no standalone mitigation measure for tree removal. The proposed replacement list is identified in the project description (EIR Section 2.5.3) but is not incorporated into any mitigation measure, commitment, or condition of approval. The EIR should be revised to identify protected trees, potential impacts from their removal and appropriate mitigation measures. O4-12

Section D: Operational Impacts on the Multi-Use Recreation Area

Comment D-1: Ferry Wake Impacts on Non-Motorized Watercraft and Open-Water Swimmers Not Analyzed for Operations

EIR Section 3.11.4 notes that the Berkeley Marina serves kayaks, sea kayaks, sailboards, paddleboards, and windsurfers, and that open-water swimmers use the waters around the marina coves. EIR Section 3.11 does not identify open-water swimming in its baseline characterization of existing recreational uses, a baseline adequacy issue under CEQA Guidelines Section 15125. O4-13

EIR Section 3.11.4 concludes that ferry wake "would not be noticeable within the context of the Berkeley Waterfront area and existing sailboat, motorized boats, and other recreational craft use." This conclusion is not supported by any quantitative wake height or wake energy analysis at locations where swimmers and non-motorized watercraft users are present. The vessel speed protocol referenced in Section 3.11.4 is analyzed in Section 3.8.4 for turbidity and sediment resuspension, not for physical safety effects on people in the water. This is a permanent operational impact that will exist for the life of the project. O4-14

The EIR should provide quantitative wake analysis for all recreational use locations, including locations used by open water swimmers. The EIR should also identify the physical effects of ferry wake on water conditions at kayak launch areas and sailboard launch zones. Vessel speed protocols should be adopted as mitigation measures to protect the safety of each recreational user group. O4-15

Comment D-2: Maritime Security Exclusion Zone Impacts on Recreational Access Are Not Addressed

The EIR does not address operational access restrictions that may arise from Maritime Transportation Security Act (MTSA) compliance. Under 33 CFR § 105.200, passenger vessel facilities serving vessels of 150 gross tons or more are subject to security zone requirements that can extend 25 to 100 meters into surrounding waters. The EIR does not identify the gross tonnage of the proposed ferry vessels and therefore cannot determine whether MTSA requirements apply. The EIR should disclose the gross tonnage of the proposed vessels, determine whether MTSA security zone requirements are triggered, and if so, analyze the impact of those zones on recreational water access adjacent to the terminal. O4-16

Comment D-3: Operational Noise from Terminal Activities Is Not Adequately Analyzed

The parks proximate to the ferry terminal and approach roadways are sensitive uses. EIR Section 3.10.4 analyzes operational noise and does not assess impacts on adjacent parks, including Shorebird Park and the Bay Trail corridor, as distinct noise-sensitive receptors. O4-17

The EIR's construction noise analysis applies a residential threshold to Shorebird Park pursuant to Berkeley General Plan Policy EM-47, acknowledging parks as noise-sensitive receptors (Section 3.10.4, footnote 14). Tables 3.10-13 and 3.10-15 show Shorebird Park closer to the project site than Skates on the Bay.

The EIR should provide a cumulative operational noise impact analysis for Shorebird Park and the Bay Trail corridor applying appropriate outdoor recreational noise compatibility standards, and identify appropriate mitigation measures. O4-18

Comment D-4: Terminal Lighting Impacts on Adjacent Parks and Nesting Wildlife Not Analyzed

EIR Section 3.1.4 (Impact AES-4) finds light and glare impacts less than significant, citing DarkSky-compliant fixtures, photocell controls, and timers. The project site is immediately adjacent to Shorebird Park, which provides nesting and foraging habitat for sensitive shorebird species. The EIR should analyze the impact of artificial light at night (ALAN) from terminal operations on nesting shorebirds and identify ALAN as a separate operational impact category. O4-19

Comment D-5: Sea Level Rise Operational Adaptation Not Adequately Addressed

EIR Section 3.8.4 and the project's coastal study (COWI, December 2025, cited in EIR footnote 7) confirm that the pier, breakwater, and plaza are designed to accommodate approximately 1.6 feet of sea level rise by 2075. The EIR classifies the pier as a Risk Category IV Essential Facility with a design life of approximately 50 years (EIR Section 2.5.1). The California Coastal Commission's Sea Level Rise Policy Guidance (November 2024) recommends that critical infrastructure use a planning horizon of 100 years or greater, and the 2024 OPC Sea Level Rise Guidance recommends evaluating Intermediate, Intermediate-High, and High Scenarios to assess a spectrum of potential impacts. By 2100, the 2024 OPC Guidance projects statewide sea level rise between 1.6 and 3.1 feet under Intermediate to Intermediate-High scenarios, with higher amounts under High scenarios. O4-20

The EIR should provide a 100-year analysis of impacts to the pier, breakwater and landside infrastructure under the Intermediate-High and High SLR scenarios as recommended by the 2024 OPC Guidance, and identify appropriate mitigation measures.

_____

Allan Abshez
Chair, Parks, Recreation and Waterfront Commission
City of Berkeley

For questions, contact: Parks, Recreation & Waterfront Department, City of Berkeley, 2180 Milvia Street, 3rd Floor, Berkeley, CA 94704. Comments must be received by 5:00 p.m., April 28, 2026. Submit to: lmcnulty@berkeleyca.gov

Letter O4

Commenter: Allan Abshez, Chair, Parks, Recreation, and Waterfront Commission

Date: March 11, 2026

Response to Comment O4-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O4-2

This comment references a footnote to Figure 2-4. As a matter of clarification, this footnote is meant to refer to the figure and not the entire Project Description. The Draft EIR describes the Universal Charging Float (UCF) in several places. Pages 2-10 to 2-11 of the Draft EIR provide an overview of the UCF and page 2-27 describes the piles associated with the UCF. Throughout the Draft EIR, the analysis considers the potential impacts associated with the installation of the UCF. For example, Section 3.3, *Biological Resources* considers the impacts from the installation of piles associated with installing the UCF and Section 3.7, *Hazards and Hazardous Materials* considers the potential impacts related to accidental release of hazardous chemicals.

To clarify the level of detail and ensure consistency with the environmental analysis, the following text change has been made to Section 2.5.1, page 2-11 of the Draft EIR:

> In addition, the UCF would include a fire suppression system for the batteries comprised of a primary fire suppression (direct foam injection system), secondary fire suppression (aerosol fire suppression), and tertiary fire suppression (freshwater deluge system). Although the final engineering design and dimensions of the UCF are not yet complete, this EIR evaluates a conservative maximum design envelope that includes all major structural, electrical, and safety components. The final UCF configuration, dimensions, and layout would be determined during final design and permitting but would not exceed the scope or introduce impacts beyond those analyzed in this EIR.

Additionally, in response to this comment, the following clarifying text change has been made to Figure 2-4, Footnote 5, on page 2-8 of the Draft EIR:

> The project would include a Universal Charging Float or UCF featuring a 1.351 MWh Echandia battery weighing approximately 47,554 pounds. The UCF has not yet been designed and is not included in this rendering. UCF dimensions may differ from what is shown in this rendering; however, the environmental analysis in this EIR assumes a conservative maximum design envelope that encompasses potential variations in size, equipment, and operation.

The Draft EIR discloses the UCF's function, anticipated components, placement, and operational characteristics at a level sufficient to support a conservative environmental analysis under CEQA. Accordingly, the analysis and significance conclusions presented in the Draft EIR remain valid as written, and no additional mitigation measures are required. No further revisions to the EIR are necessary beyond the clarifications provided above.

Response to Comment O4-3

The statement that the Berkeley Marina Master Plan establishes a list of permitted land uses at the project site is not accurate. The Berkeley Marina Master Plan provides a long-term vision, guiding principles, policies, and capital improvement strategies for the Berkeley Marina. To the extent that the Marina Master Plan contains applicable goals, principles, and policies relevant to the proposed project, Draft EIR Section 3.9.4, *Impacts Analysis*, evaluates the proposed project's consistency with those provisions and concludes that the project would be consistent with the applicable principles and policies,

including those related to preservation and enhancement of public access, recreational opportunities, pedestrian and bicycle facilities, infrastructure improvements, and water-oriented recreational uses (refer to Impact LU-2, Table 3.9-4, pages 3.9-29 through 3.9-33).

Regarding the specific claim that the proposed ferry terminal is not a permitted use at the project site, Draft EIR Section 3.9.2, *Environmental Setting*, explains that the project site has a Berkeley General Plan land use designation of Waterfront/Marina and a zoning designation of Unclassified (U). The Draft EIR further explains that development within the Unclassified District is governed by Berkeley Municipal Code Section 23.208.020 and that the proposed project would be required to obtain a Use Permit for operation of a public ferry (refer to page 3.9-2). Accordingly, while the Marina Master Plan provides guidance regarding the future development and management of the Berkeley Marina, it is not the regulatory mechanism that establishes which uses are permitted at the project site. Accordingly, the Draft EIR adequately addresses applicable land use designations, zoning regulations, permitting requirements, and consistency with the Berkeley Marina Master Plan. For further discussion of land use plan consistency as it pertains to the proposed project, refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O4-4

With regard to Impact REC-2, refer to Section 2.6.2, *Construction Schedule* in Chapter 2, *Project Description* of the Draft EIR (pages 2-28 and 2-29). For additional discussion of the concerns raised by this comment, refer to Response to Comment A3-55, which includes revisions to the Draft EIR Section 3.11, *Recreation*, regarding construction phase maintenance of recreational access to the maximum extent feasible, temporary detours and wayfinding measures, and the limited potential for construction activities to disrupt recreational use of the Berkeley Waterfront.

The revisions described in Response to Comment A3-55 are clarifying in nature and do not alter the analysis presented under Impact REC-1, nor would they result in an increased level of impact significance. The analysis and significance conclusions presented therein remain valid as written, and no further revisions are required.

Response to Comment O4-5

Recreational fishing is referenced throughout the recreation discussion with regard to the Berkeley Municipal Pier, Berkeley Marina Basin, McLaughlin Eastshore State Park, San Francisco Bay, and Additional Facilities. Refer to Section 3.11.2, *Environmental Setting* in Section 3.11, *Recreation*, on pages 3.11-4 to 3.11-7 of the Draft EIR. While the comment is correct that shoreline fishing will be curtailed during construction of the proposed project, recreational fishing activities will be restored on the new pier.

To the extent the comment is concerned with construction phasing, refer to Response to Comment A3-55, which revises Section 3.11, *Recreation*, of the Draft EIR to clarify the analysis of temporary construction-related impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1. The analyses and significance conclusions presented in the Draft EIR remain valid as written, and no further revisions are necessary.

Response to Comment O4-6

Refer to Section 2.2.8, *Topical Response: Construction & Operation Noise at Nearby Parks,* for a discussion about the potential noise at these parks.

Response to Comment O4-7

The National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP; 2014) recommends no net loss of eelgrass habitat function but does not address impacts to potential eelgrass habitat [emphasis added]. As identified in Section 3.3 *Biological Resources*, eelgrass is not within the project site and would not be affected by implementation of the project.

Finally, 250 meters is the adopted threshold for potential impacts to eelgrass.[25] No documented occurrences of eelgrass have been reported less than 1,000 feet from the project site. Therefore, the proposed project is not expected to impact eelgrass habitat function. No revisions to the EIR are necessary.

Response to Comment O4-8

The Draft EIR addresses operational impacts, including ferry operational noise and lighting, to special status fish and marine mammals in Section 3.3.4, under Impact BIO-1, pages 3.3-52 through 3.3-54, Refer to Response to Comment O7-17 for discussion of and Draft EIR clarification text changes addressing ferry operations impacts on waterbirds. Impacts from ferry vessel operational wake are discussed under Impact BIO-3, page 3.3-61. Impacts to aquatic species movement from operational noise are discussed under Impact BIO-4, page 3.3-64. These various related ferry vessel operational impacts were determined to be less than significant in the Draft EIR. In addition, refer to Section 2.2.11, *Topical Response: Ferry Operations,* for further discussion of vessel interaction with aquatic species and Section 2.2.4, *Topical Response: Biological/Underwater Noise*, and Section 2.2.28, *Topical Response: Whale Strike*, for discussion of effects of vessel speed on aquatic species.

Revision of the EIR to add a full, quantitative operational analysis of every combined disturbance pathway (wake, noise, lighting, vessel, and passenger activity) is not warranted under CEQA, because the project's incremental increase in ferry vessel operation is small relative to existing Bay vessel operational levels. In addition, comment claims of population-level effects are speculative without site-specific exposure and demographic data such as the frequency, duration, and spatial overlap of foraging areas with project vessel wake envelopes under actual operating conditions and demographic data, including local abundance, seasonal residency patterns, foraging success rates, and survival or reproductive metrics for the affected species. No Draft EIR changes are necessary in response to this comment, beyond the clarifying revisions made in Response to Comment O7-17.

Response to Comment O4-9

Preparation of a fully developed, site-specific mitigation plan requires final design information and jurisdictional determinations that are not yet available. Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, as well as Response to Comment A1-10 for further discussion about how Mitigation Measure BIO-3 is not deferred mitigation under CEQA. In addition, refer to the errata in Chapter 3 of the Final EIR for changes to the wording of Mitigation Measure BIO-3.

Response to Comment O4-10

Draft EIR Section 3.3.4 under Impact BIO-5 on page 3.3-65 addresses the proposed removal of trees against the City-determined Specific CEQA Threshold (page 3.3-45): whether the project would "Remove, damage, or replace trees designated as protected by the City of Berkeley Tree Ordinance, including coast live oak trees and any trees growing in or on any street, parking strip, public square, park or playground." Under Impact BIO-5, the Draft EIR concludes that, with City approval of the tree removal permit, impacts related to conflicts with local policies or ordinances protecting trees would be less than significant. A detailed, tree-by-tree inventory is not necessary for CEQA assessment purposes but may be prepared and

[25] USACE and EPA 2011 Programmatic EFH Conservation Measures for the LTMS Program Agreed-upon by USACE, EPA, and NMFS https://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/LTMS%20EFH%20full%20signed%20agreement%20FINAL%206-9-2011.pdf, Accessed June 18, 2026.

reviewed through the City's separate permitting process, which is the appropriate venue for determining individual tree protection status and compliance with Chapter 12.44 of the Berkeley Municipal Code. No changes to the EIR are necessary in response to this comment.

Response to Comment O4-11

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Wind Shelter Effects of Tree and Berm Removal), for discussion concerning CEQA and potential changes to wind patterns. No revisions to the EIR are required, and no mitigation measures are warranted.

Response to Comment O4-12

The Draft EIR addresses the proposed removal of trees and consistency with the Berkeley Municipal Code in Section 3.3.4 under Impact BIO-5, page 3.3-65 and concludes a less-than-significant impact. CEQA requires the Draft EIR to disclose potential impacts and identify feasible mitigation, but it does not require the document to duplicate other regulatory processes that already govern technical details like tree-replacement ratios. Under the Berkeley Municipal Code, the City Urban Forestry Unit, not the Draft EIR, determines which trees are protected and what replacement is required. In addition, the list of trees to be removed in the Draft EIR Project Description does not need to also be incorporated as mitigation in the Draft EIR Biological Resources section, as potentially significant environmental impacts were not identified with respect to the protection of trees and, thus, mitigation is not required. No changes to the Draft EIR are necessary.

Response to Comment O4-13

Section 3.11, *Recreation* of the Draft EIR identifies swimming as an existing recreational use within the project site throughout Section 3.11.2, *Environmental Setting*. Refer to Draft EIR pages 3.11-6 and 3.11-7, which describe swimming as a primary recreational activity occurring throughout the San Francisco Bay and describes the South Sailing Basin, public docks located south of University Avenue and the sailing club facilities, and the rocky shoreline at the southernmost point of the 199 Seawall peninsula as resources supporting recreational swimming. The Draft EIR accordingly considers potential impacts to the existing recreational use of swimming under Impact REC-1, and concludes that impacts would be less than significant (refer to Draft EIR pages 3.11-16 through 3.11-20).

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O4-14

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, regarding the Coastal Study analysis of wave climate and potential changes near the proposed ferry terminal, including at the South Cove Sailing Basin. As part of the project design process, the City's Design Team (COWI) carried out hydrodynamic and sedimentation modeling using a two-dimensional hydrodynamic and sediment transport model to assess currents, wave-driven transport, and long-term sediment deposition within the dredged areas. The model was calibrated against historical survey data from the Berkeley Marina. The modeling effort accounts for wind conditions, tidal forcing, regional hydrodynamic conditions, and site-specific bathymetry.

In response to comments concerning ferry wake conflicts with water-based recreation, pages 3.11-19 and 3.11-20 of the Draft EIR has been revised to clarify the discussion of ferry operations, existing recreational uses, and the applicability of Berkeley Municipal Code Section 6.20.180. The text revisions addressing these topics are provided in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

The text changes presented under Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* are clarifying in nature,

and do not result in a change to the Impact REC-1 significance conclusion presented in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O4-15

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, which provides clarifications regarding vessel speed protocols, and to Response to Comment O4-14, which provides information about the Coastal Study. The text change presented in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* is clarifying in nature and does not result in a change to the Impact REC-1 significance conclusion presented in the Draft EIR.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O4-16

The comment's discussion of Maritime Transportation Security Act (MTSA) requirements conflates provisions that are not applicable to the proposed project. 33 CFR Part 105 (Maritime Security: Facilities) applies to certain facilities, including those serving passenger vessels carrying more than 150 passengers, and establishes requirements related to Facility Security Plans, restricted access areas, and operational security procedures. These regulations do not establish or require fixed "security zones" extending 25 to 100 meters into surrounding waters, as stated in the comment.

The proposed Berkeley ferry terminal would be operated by the Water Emergency Transportation Authority (WETA), which already complies with applicable MTSA and U.S. Coast Guard requirements at its existing ferry facilities. These requirements involve operational and administrative security measures (e.g., access control, screening, and coordination with vessel security plans) rather than establishment of large, permanent exclusion areas in surrounding waters.

With respect to vessel characteristics, ferry vessels similar to those proposed for the project (e.g., Dorado-class electric ferries) have a gross tonnage of approximately 96, which is below the 150 gross tonnage threshold referenced in the comment. Accordingly, the specific trigger cited by the comment is not applicable to the project.

Section 3.11, *Recreation* of the Draft EIR (pages 3.11-14 through 3.11-24) evaluates potential impacts to water-based recreational uses, including boating and shoreline access. The analysis considers the physical footprint of the terminal, docking operations, and navigation safety requirements, and concludes that the project would not substantially reduce recreational access or use of surrounding waters.

To the extent that operational safety buffers or standard navigational practices would be implemented (as is typical for any ferry terminal), these would be limited in spatial extent and duration and would not preclude continued recreational use of adjacent waters.

The analyses and significance conclusions presented under Impact REC-1 in Section 3.11, *Recreation*, and throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment O4-17

Refer to Section 2.2.8, *Topical Response: Construction & Operation Noise at Nearby Parks,* for a discussion about the potential noise at these parks.

Response to Comment O4-18

Refer to Section 3.10.5 of the Draft EIR, which includes an analysis of cumulative noise impacts, including from operation of the project. The conclusions in this analysis would apply to nearby parks and recreational resources.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O4-19

The Draft EIR addresses impacts to nesting birds as a result of operational lighting in Section 3.3.4, under Impact BIO-1 on page 3.3-52 and concludes that impacts would be less than significant. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar to existing conditions and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy mitigation requirements. Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for discussion of operational nighttime lighting. No Draft EIR changes are necessary in response to this comment.

Response to Comment O4-20

Refer to Section 2.2.23, *Topical Response: Sea Level Rise,* for a discussion of the sea level rise projections used in the project design.

Letter O5

From: John Bauters <jbauters@gmail.com>
Sent: Monday, April 27, 2026 8:05 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; michael.ng@bcdc.ca.gov
Subject: Sierra Club Comment Letter: Berkeley Waterfront Transportation Pier Ferry Project DEIR, State Clearing House #2025040995

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

The Sierra Club thanks the City of Berkeley for the opportunity to provide written comment on the DEIR for the proposed Berkeley Waterfront Transportation Pier Ferry Project. O5-1

Attached, please find the following:

- Sierra Club DEIR Comment letter dated April 27, 2026
- *Effects of Ferry Traffic on Migratory Birds of San Francisco Bay*
- Slideshow for *Effects of Ferry Traffic on Migratory Birds of San Francisco Bay*

O5-2

Thank you for your time and consideration of our feedback. Should you have any questions, please do not hesitate to contact us.

Sincerely,

John J. Bauters, Chair
Sierra Club San Francisco Bay Chapter

--
The strength of a nation is measured by the least of its people.

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April 27, 2026

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Via Email: lmcnulty@berkeleyca.gov

Re: Berkeley Waterfront Transportation Pier Ferry Project DEIR
State Clearing House #2025040995

Dear Ms. McNulty:

The Sierra Club values the health of San Francisco Bay, its resources and its communities in the face of sea level rise ("SLR") and appreciates the opportunity to respond to the draft EIR for the above-referenced project ("the project"). O5-3

Our primary concern is what we see as an overdependence upon the 2003 Programmatic EIR (2003 FEIR, CEQA No. 2001112048). Any EIR that is 23 years old raises the problem of outdated information. This is especially so for EIRs prepared for sites that are experiencing SLR. As you will see below, there have been many new studies that address SLR as well as new studies on issues such as ferry impacts to diving ducks, and the unexpected potential for wave energy to impact shorelines distant from the specific shoreline in question. O5-4 O5-5

We address these issues and others below in hopes that the DEIR will be amended to address these issues and provide appropriate mitigations for any identified impacts.

Potential Impacts on the Endangered California Least Tern

The Draft EIR states in section 3.3-41 that the California least tern ("CLT") is "not expected to occur within the project site, nest in the vicinity, or to be affected by the project". The Appendix states: "There are no known occurrences within five miles, suitable colonial breeding sites are not present, and the Project site is largely developed and disturbed by recreational use." O5-6

A perusal of EBird will reveal a number of sightings of CLTs in the project area in the last year. The DEIR should acknowledge their presence. While the CLT's closest breeding site is at Alameda Point, it is quite possible that the terns are looking for food (small fish) in the project area. Will the frequent ferry service be an impediment to such feeding activities? The DEIR should consider these issues.

Potential Impacts to Diving Ducks (Scaup and Scoter)

Attached, please find several documents discussing potential impacts of ferries on Bay diving duck populations. These duck populations have been experiencing significant population declines in the Bay as illustrated in these documents. The SF Bay Joint Venture *"San Francisco Bay State of the Birds 2025"* publication also makes this point. That study shows that diving duck populations have significantly declined in the North and Central Bays, both sites of active ferry service, while the South Bay, with little or no ferry service, has seen no significant declines. O5-7

The studies on ferry impacts to diving ducks makes it clear that ferry service already impacts significant amounts of diving duck habitat. This new ferry service, with a proposed high frequency of service, may have similar impacts especially since the studies showed that the ducks abandon habitats when there is frequent service. Since these are rapidly declining species the DEIR should analyze this issue and suggest appropriate mitigations.

Potential Impacts of New Breakwater

The DEIR recognizes that hard-edged structures in the Bay such as breakwaters and levees can reflect wave energy onto adjacent shorelines but concludes that the project's proposed breakwater is adjacent to protected, hardened shorelines and thus will not cause erosional impacts to those features. However, a recent study (*Economic evaluation of sea-level rise adaptation strongly influenced by hydrodynamic feedbacks, Michelle A. Hummela, Robert Griffin, Katie Arkema, and Anne D. Guerry, PNAS 2021 Vol. 118 No. 29 e2025961118)* has concluded that wave energy can be reflected not only onto adjacent shorelines but also to distant shorelines, depending upon bay currents and other features. For example, O5-8

> *"Although there are large potential benefits from avoided flood damage behind protective infrastructure in the San Francisco Bay Area, this analysis shows that these benefits can come at a cost to other shoreline communities, both nearby and in other parts of the bay. The increase in baywide inundation volume and external damages that results from the protection of a single OLU can be as large as 36 million m3 and $723 million, respectively."*

The DEIR fails to address impacts on the nearby adjacent unarmored shorelines and wetlands such as the Emeryville Crescent and Albany Mudflats.

Furthermore, the DEIR does not consider the fact that as the sea rises and there is an increase in extreme storms those wave energies may increase in intensity and pose problems even for hardened shorelines. The DEIR should analyze these issues to determine if they pose the threat of significant impacts to shorelines. O5-9

Failure to address Americans with Disability Act (ADA) Requirements

Disability rights are recognized as an essential part of environmental justice. The DEIR acknowledges this fact by including one reference to disability in the following supporting document:

> Berkeley, City of. 2025. Berkeley Water Transportation Pier Ferry Environmental Justice Existing Conditions and Constraints Technical Study. October 15. Prepared by Rincon Consultants.
> https://berkeleypierferryproject.com/wp-content/uploads/2026/02/Berkeley_2025_BWTPF-Environmental-Justice-Technical-Study.pdf
> Last accessed: April 23, 2026
>
> 3.2.6 Equity Priority Communities As a part of Plan Bay Area 2050, MTC mapped out Equity Priority Communities (EPCs), formerly known as "Communities of Concern." EPCs are census tracts that have a significant concentration of underserved populations, such as households with low incomes and people of color. Other factors, such as English proficiency, **disability status**, vehicle availability, and rent costs also help to define these areas. Page 22

O5-10

The DEIR itself, however, lacks detailed information on how the project intends to comply with the Americans with Disabilities Act ("ADA"). Without such information it is impossible to determine if the project will in fact comply with the ADA. For example, a search of the DEIR found zero results for the terms: Blind; Braille; Deaf. The search showed only two results for the term wheelchair:

> This facility features walking trails, the 1.25-mile **wheelchair** accessible perimeter trail, an off-leash dog park, protected nature area, picnic areas, and wildlife viewing areas. Page 3.11-6
>
> AB 43, also known as Traffic Safety, allows local government agencies to reduce vehicle speeds to accommodate vulnerable users such as pedestrians, bicyclists, seniors, and **wheelchair** users to improve traffic safety. Page 3.12-9

Examples of similar project descriptions with more useful information are provided below:

> San Francisco Bay Ferry
> https://sanfranciscobayferry.com/accessibility/
> Last accessed: April 23, 2026
>
> Availability of Staff Boarding Assistance
> Wheelchair accessible ramps, doorways and Handles
> Information on how to make a Request for Reasonable Modifications

O5-11

Website Accessibility - Meets Web Accessibility Initiative (WAI) standards
Availability to a Complaint Resolution Officer (CRO)
Posted ADA Complaints Form on website

Golden Gate Ferry
https://www.goldengate.org/ferry/accessibility/
Last accessed: April 23, 2026

Pre-boarding assistance information
Wheelchair accessible restrooms
Information provided on wheelchair lifts
Availability of disabled seating
Advisory Committee on Accessibility

O5-11

In order to adequately inform the public and decisionmakers, the instant DEIR needs to analyze and address these ADA issues with specificity.

Potential Impacts to Social Equity

The DEIR should analyze the equity impacts of the proposed parking management strategy.

Page 24 of the Berkeley Transportation Demand Management ("TDM") Plan states "Based on the estimated ferry ridership and mode share, there will be a peak weekday demand for 421 vehicle parking spaces. With the implementation of TDM measures identified in the Berkeley Waterfront Parking and TDM Toolkit (see Appendix B), demand for parking in the ferry terminal lot could be reduced by between 8% and 15%, resulting in a demand for between 356 and 389 parking spaces each day." But the DEIR does not provide a thorough analysis of the equity impacts of implementing such a TDM Plan.

O5-12

The DEIR indicates that the proposed project would replace approximately 404 existing parking spaces with between 400 to 450 new parking spaces. While the City's analysis frames the project's primary purpose to reduce VMT by converting transbay automobile trips into electric ferry trips, the current analysis lacks a detailed evaluation of whether the addition of parking capacity, or even the maintenance of high parking volumes, acts as an inducement for more vehicle trips to the Berkeley Waterfront.

O5-13

The EIR should analyze whether increasing the parking supply to up to 450 spaces will encourage more users to drive to the terminal rather than utilizing the proposed multimodal improvements, such as the raised cycle track on University Avenue or upgraded AC Transit bus facilities. The document currently notes that "parking scarcity alone does not constitute a significant impact on the environment," yet it fails to adequately explore the inverse: whether parking abundance undermines the project's stated objective of "reducing the use of single-occupancy vehicles."

O5-14

The EIR should evaluate an alternative or variant that specifically reduces or removes parking to determine if such a change would result in a higher mode shift to active transportation and transit. While Alternative 4 (Reduced Landside Facilities) omits parking lot upgrades, it also omits essential transit and bicycle infrastructure. The analysis should instead consider whether prioritizing landside space for transit and recreation, while restricting parking, would further decrease VMT and associated mobile-source noise and air quality impacts. Specifically, the EIR should consider whether subsidizing improvements or operations that enhance connectivity to other transit systems such as AC Transit would improve overall transit ridership and further reduce the demand for parking spaces. The AC Transit 51B route is among the highest for ridership in the region and serves as an important link for underserved and under-resourced community members who access the shoreline and its parks via this service.

O5-15

O5-16

On pages 5-6 of the transportation demand management analysis in Appendix F in the Draft EIR, the report states that more than 15% of parking spaces are anticipated to be available during most hours of the day under both Year 1 and Year 15 project conditions, even without parking management or TDM systems. As recently as January 2026, the City of Berkeley has considered an annual parking pass of $500 for recreational parking, the equivalent to less than $2/day. While hourly rates are also proposed, the EIR does not sufficiently consider or address how annual parking passes such as those proposed by the City of Berkeley could negatively impact social equity for underserved community members, decrease the availability of parking for recreational visitors, and undermine the objectives of reducing vehicle traffic.

O5-17

The DEIR Fails to Address Carbon Emissions

The DEIR fails to adequately address the carbon emissions generated by ferry operations. If electric ferries with the required capacity become available, will the source of electricity be 100% renewable? For that reason, the efficiency of the proposed ferries should be presented as BTUs per passenger mile and should be compared to alternative ways to cross the Bay--BART, bus, and automobile.

O5-18

Moreover, so far as the Sierra Club is aware there is no 250- passenger electric ferry available in the United States. The DEIR does not address the carbon emissions from diesel ferries if WETA is unable or unwilling to obtain electric ferries. Berkeley cannot require WETA to use electric powered ferries. Consequently, one can reasonably conclude that WETA could use diesel powered ferries with greater emissions than an electrically powered ferry. The DEIR, however, does not address this possibility.

O5-19

Energy Efficiency and VMT Reductions

The 2003 FEIR discusses energy efficiency, as required by Public Resources Code Section 21100(b)(3). The analysis in that document presents energy use by transit modes using a metric of BTUs per passenger mile. That analysis showed that ferries use nearly 10 times as much energy as buses, and about 90 times as much energy as BART. The draft EIR includes no discussion of energy efficiency and assumes that all ferry passengers would be drivers at present, rather than

O5-20

O5-21

considering the number that might be diverted from current bus and BART crossings of the Bay. This result is despite the dedicated marketing efforts of WETA for exactly that purpose. Energy is of sufficient import to merit addition of an appendix in the CEQA Guidelines. Despite those guidelines and project scoping comments on the need to update the energy efficiency analysis, the EIR fails to address this issue or include a CO2 emission comparison. Consequently, the DEIR analysis is inadequate and should be revised accordingly in any final document. O5-21 O5-22

Changed Circumstances and Dredging Impacts

The Final Program EIR by the Water Transit Authority "Expansion of Ferry Transit Service in the San Francisco Bay Area" was completed in June of 2003. While a programmatic FEIR prepared twenty-three years ago *may* still be used for preparation of a draft EIR for one of the projects contemplated in that document, it is essential to update the parts of that document that may no longer be accurate. The subject DEIR relies on that FEIR for its consideration of environmental impacts, particularly operational impacts, but does not update the analysis to address the many significant differences between the project described in that document and the current proposal. Where those changes may constitute "changed circumstances" under the California Environmental Quality Act, or increased severity of impacts including cumulative impacts, the current EIR is required to analyze and disclose those changes and impacts and include feasible mitigation measures. Where there are conflicts between that adopted document and the current proposal, those conflicts may rise to the level of significant impacts. The DEIR does not address changed circumstances and, perforce, does not then address potential impacts from those changed circumstances. O5-23 O5-24

Changed Project Description

For example, the WTA 2003 Final EIR contemplates a very different project for expanding service to Berkeley and includes mitigation measures that the current document has ignored. In describing the regional system, the 2003 Final EIR makes it clear that only limited dredging will be required, and only for the Rodeo/Hercules service. The current proposal for Berkeley includes a proposal for up to 400,000 cubic yards of dredging. The rationale behind the Final EIR proposal can be found in this language from page 2-2:

> *"…only the Hercules/Rodeo terminal would require additional dredging for implementation.* ***All other terminal sites*** *proposed for expanded ferry service* ***are within existing ports or marinas****."* (emphasis added)

O5-25

The 2003 FEIR clearly contemplated a terminal site in Berkeley that would not require dredging. The 2003 FEIR only contemplated ferries with relatively low draft requirements (approximately 7 feet) and that they would not be deeper than those at existing marinas and ports. The 2003 FEIR also provided that the vessels contemplated for the Berkeley Ferry coming into the Marina would require little or no dredging for initiating Berkeley ferry service. This faulty assumption can be found on page 2-6, where it indicates that the vessels that would be used would be "relatively shallow draft." The 2003 FEIR also concluded that a Berkeley marina terminal would only require

13,260 cubic yards of construction dredging—not the 400,000 cubic yards proposed in the current draft EIR. O5-25

This is particularly relevant to the current proposal, which is fundamentally different from that contemplated in the 2003 FEIR. Likewise, it is a substantial change from what was considered in the existing Berkeley Marina Master Plan, dated June 1, 2003, which also contemplated ferry service only inside the Marina. Consequently, the current proposal falls under the changed circumstances provisions of CEQA because it entails a different location that would require extensive dredging. Yet no discussion of those changes can be found in the DEIR, and the discussion of the environmental effects of dredging is brief and conclusory and not adequately addressed in the DEIR. O5-26

The Draft EIR understates the potential environmental impacts associated with dredging, sediment disturbance, pile installation, and long-term maintenance activities in San Francisco Bay. These activities occur within a highly sensitive estuarine ecosystem already under stress from habitat loss, contamination, and declining fish populations. The analysis should be revised and recirculated with a more complete assessment. Specific issues concerning dredging are discussed below. O5-27

1. **Dredging Impacts Are Potentially Significant and Should Not Be Dismissed as Temporary**

The Draft EIR concludes in Impact HYD-5 that construction-related sediment resuspension and short-term turbidity would be less than significant because impacts would be temporary and localized. This conclusion is not adequately supported. O5-28

Dredging in San Francisco Bay can result in:

- **Destruction of benthic habitat** through removal of sediments and organisms living on the bay floor O5-29
- **Increased turbidity**, reducing light penetration and interfering with fish feeding, respiration, and migration behavior O5-30
- **Release of contaminants**, including heavy metals and other pollutants historically trapped in Bay sediments O5-31
- **Disruption of fish and wildlife**, particularly sensitive and listed species already under severe population stress O5-32
- **Alteration of local hydrodynamics and sediment transport patterns** O5-33

Even if some effects are temporary, repeated or cumulative disturbances in a stressed estuarine system may still be significant under CEQA. O5-34

2. **Endangered and Sensitive Species Require Stronger Analysis**

The Draft EIR should specifically evaluate potential dredging impacts to listed and special-status species including Delta smelt, Longfin smelt, salmonids, herring, marine mammals, and shorebirds such as the Western snowy plover. O5-35

Historically, dredging and in-water construction have caused entrainment, habitat disruption, turbidity impacts, and noise disturbance. The EIR should not rely on generalized statements of negligible impact without project-specific biological evidence. O5-36

3. **Maintenance Dredging Must Be Analyzed** O5-37

The City has reportedly stated that the project would not require maintenance dredging. That assumption appears unsupported. In Bay environments, suspended sediments naturally settle in deeper basins, and structures such as breakwaters or terminal features can reduce wave energy and create depositional zones that accelerate shoaling. Since maintenance dredging is reasonably foreseeable, CEQA requires disclosure and analysis now. The Draft EIR should evaluate: O5-38 O5-39

- Frequency and likely volume of maintenance dredging
- Disposal or reuse locations for dredged material
- Repeated habitat disturbance
- Noise, turbidity, and contaminant resuspension from recurring operations
- Cumulative long-term ecological effects

O5-40

4. **Missing Bathymetric and Sedimentation Data**

The Draft EIR lacks sufficient technical information regarding:

- Existing bathymetry of the proposed dredge area
- Before-and-after bathymetric conditions
- Historical sedimentation rates
- Sediment transport modeling
- Shoaling projections under future sea level rise conditions

O5-41

Recent marina bathymetric studies and historic dredging records should be incorporated to establish a scientifically credible baseline.

5. **Alternatives to Conventional Pile Driving Should Be Required**

Where piers or foundations are proposed, the EIR should evaluate alternatives such as **helical piles/piers**, which may substantially reduce environmental harm compared with impact hammer pile driving.

Potential benefits include: O5-42

- Lower greenhouse gas emissions than concrete-intensive systems
- Reduced noise and vibration impacts to fish and marine mammals
- Less sediment disturbance
- Minimal excavation spoils
- Smaller construction footprint
- Potential removability and recyclability

This is especially relevant given the DEIR's own mitigation measure BIO-1(d) concerning pile-driving avoidance measures for fish and marine mammals. O5-42

6. **BCDC and Bay Policy Standards Require Avoidance First**

In addition to meeting the "fully mitigated" CEQA standard of avoidance, minimization and mitigation, the project must be evaluated consistent with policies of San Francisco Bay Conservation and Development Commission and the McAteer-Petris framework, which prioritize: O5-43

1. Avoidance of adverse impacts to Bay resources
2. Minimization to the greatest extent practicable
3. Compensation only for unavoidable impacts

Mitigation cannot substitute for poor siting, excessive dredging, or unnecessary fill. O5-44

Potential Impacts to Whales from Changed Circumstances

Since the adoption of the FEIR in 2003, there have been changes in the sensitivity of the marine environment that might be affected by a new service and substantial dredging. The original 2003 FEIR concluded that whale strikes were unlikely but would be significant if they occurred.

Whale visits to San Francisco Bay have become much more frequent, with clear evidence that whales are feeding in the Bay driven by climate change driven disruptions in Arctic food supplies and the need to feed themselves and their young. Over 100 gray whales were sighted between 2018 - 2025 entering the bay, with only 4 appearing to be return visitors. According to the National Oceanic and Atmospheric Association, 18% of gray whales that enter the SF Bay die there, with fast moving boat traffic and resulting strikes being a primary cause. Slaathaug *JM, Lane RS, Keener W, Pérez A, Flannery M, Webber MA, Grimes A, Wilkin AM, O'Hern JE, Duignan PJ, Calambokidis J and Crocker DE (2026) Gray whales (Eschrichtius robustus) in San Francisco Bay experience high mortality and have limited affiliation to known foraging groups. Front. Mar. Sci. 13:1775666. doi: 10.3389/fmars.2026.177566* O5-45

Whale strikes are identified as a significant impact in the 2023 FEIR but considered rare—a conclusion that is no longer tenable. As ferries are some of the fastest and most frequent watercraft on the Bay, and gray whales keep a low profile particularly in low visibility conditions including fog, this is a significant concern as Gray Whale populations have dropped by 50% since 2016. https://www.theguardian.com/us-news/2026/apr/15/gray-whales-san-francisco-bay

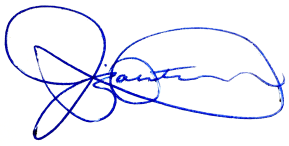
Yet the current draft EIR makes no effort to analyze the impacts which could be cumulatively if not individually significant. No consideration of this as a changed circumstance is included in the draft EIR. O5-46

Summary

Because the Draft EIR omits key data, fails to address changed circumstances and increased severity of impacts, and generally understates foreseeable ecological impact from project dredging, construction, operations and maintenance – the conclusions of less-than-significant impact are premature and unsupported. A revised environmental analysis consistent with CEQA, the San Francisco Bay Long Term Management Strategy, South Bay Plan and BCDC mitigation policies is necessary before decision-makers and the public can make an informed judgment regarding the project. O5-47

Thank you for your attention to our concerns over the deficiencies in the environmental review of valuable resources potentially impacted by the project. O5-48

Sincerely,



John J. Bauters, Chair
Sierra Club San Francisco Bay Chapter

CC: San Francisco Bay Conservation and Development Commission
Sierra Club California

Encl: *Effects of Ferry Traffic on Migratory Birds of San Francisco Bay*
Slideshow, *Effects of Ferry Traffic on Migratory Birds of San Francisco Bay* O5-49

16. Takekawa, John, Natalie R. Wilson, Susan W. De La Cruz, and Jane O. Anfinson USGS Western Ecological Research Center, San Francisco Bay Estuary Field Station,

john_takekawa@usgs.gov

EFFECTS OF FERRY TRAFFIC ON MIGRATORY WATERBIRDS IN THE SAN FRANCISCO BAY

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

On-board ferry surveys were used to determine how waterbirds responded behaviorally to the passage of a commuter ferry. Observers recorded the behavioral response (fly, dive, swim, alert posture) of waterbirds and their distance from the ferry. Surf scoters (*Melanitta perspicillata*), lesser and greater scaup (*Aythya affinis* and *A. marila*), and western and Clark's grebes (*Aechmophorus occidentalis* and *A. clarkii*) were the most abundant species found across all ferry routes, with diving ducks representing the most abundant guild. Behavior response distances ranged from 50-500 m for grebes, 30-900 m for scoters, and 60-500 m for scaup. Most waterbirds showed a behavior response within 300 m, and we used that distance to estimate the zone within which birds were affected. In addition, we used GPS tracking to determine that variation in the path of the ferries was usually 200 m. Thus, we calculated a total effect area along a ferry route from their sum or a distance of 500 m. Affected areas ranged from 2.44 to 75.75 km^2 and included 0.07-14.26 km^2 of shoals preferred for foraging (<4 m deep).

O5-49

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

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

EFFECTS OF FERRY TRAFFIC ON MIGRATORY WATERBIRDS IN THE SAN FRANCISCO BAY



John Y. Takekawa, Natalie R. Wilson, Susan W. De La Cruz, and Jane O. Anfinson

USGS Western Ecological Research Center
Vallejo, California

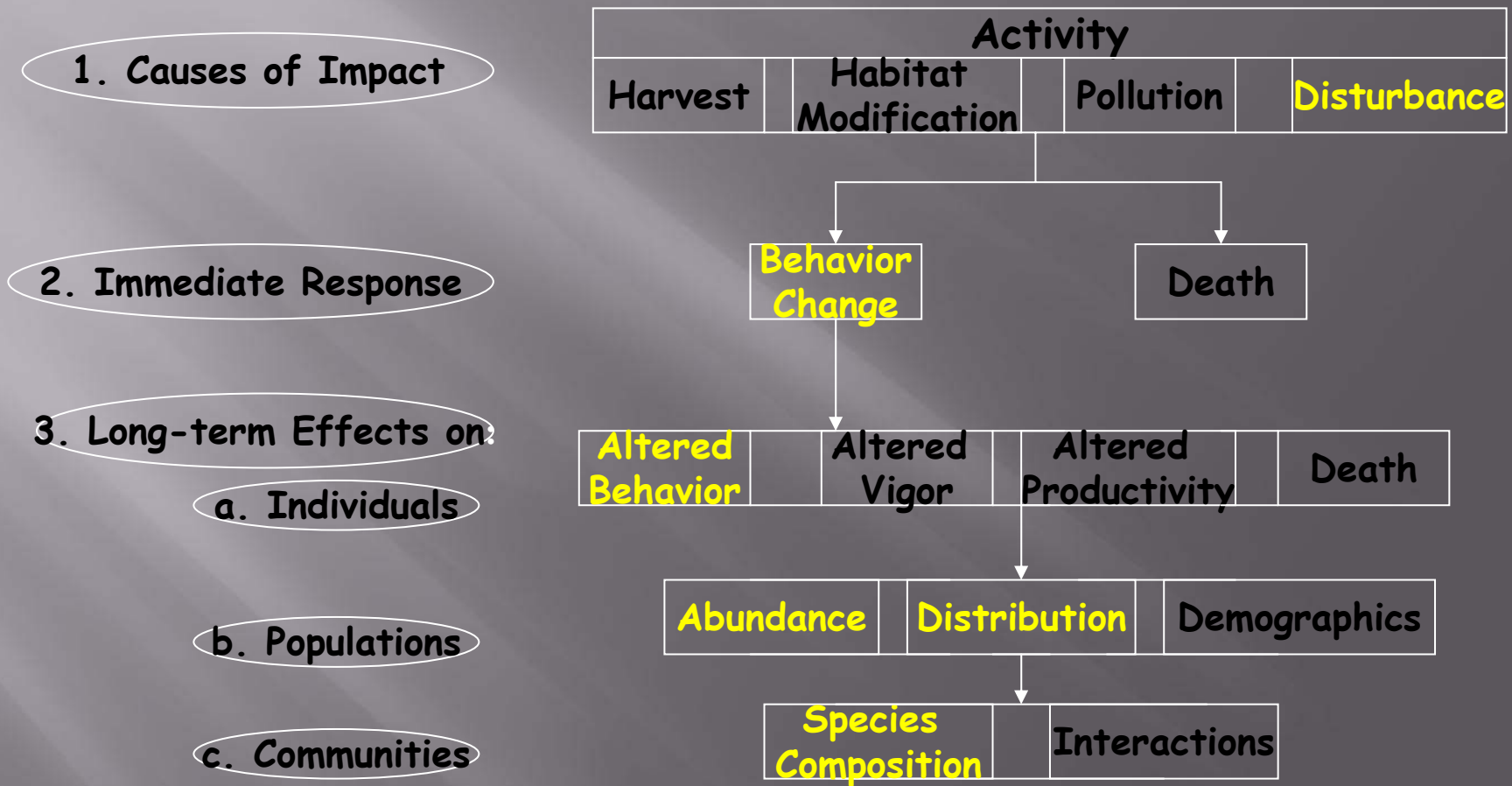
USGS

Acknowledgments



- USGS Western Ecological Research Center
- Water Emergency Transit Authority
- Golden Gate Audubon (A. Feinstein)
- Ferry Operators

Wildlife Response to Recreational Activities (adapted from Knight and Cole, 1995)



Generalizations about disturbance of waterbirds

(J. Evens, ARA)

- Larger birds are less tolerant of than smaller ones (Rodgers and Schwikert 2003, Fernandez-Juricic *et al*. 2002)
- Larger flocks flush at greater distances than smaller flocks or individuals
- Flight distance is correlated positively with flock size and species diversity. Flight distances longer for species that are foraging (Mori et al. 2003, ARA 2008)
- Waterbirds may relocate to less profitable areas or emigrate to compensate for disturbance



Waterbirds susceptible to disturbance by watercraft

- Solitary nesting birds
- Colonial nesting birds
- Flocking shorebirds
- Rafting waterbirds









(J. Evens, ARA)

Rafting waterfowl: divers and dabblers

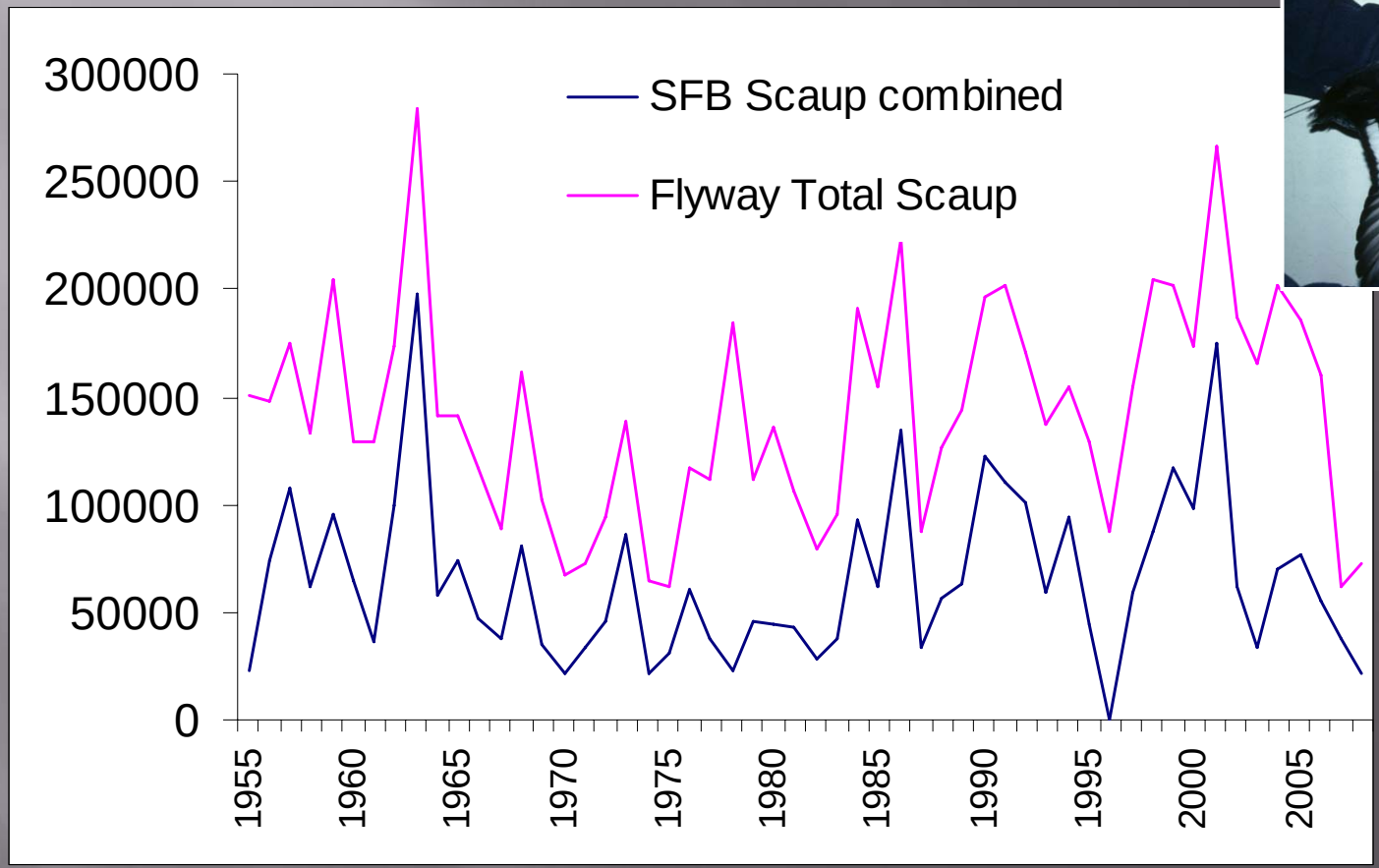
- Majority occur in SFB during the winter (Oct-Apr)
- Diving birds are most numerous on open water, dabblers on vegetated wetlands
- Divers are found in flocks (rafts) concentrated at the mouths of tributaries, bays and coves
- Scaup and scoters combined comprised 87 percent of waterfowl on open water, 45% of lower Pacific Flyway

San Francisco Bay Waterfowl – Open Water

- Mid-winter aerial surveys from 1970-1991 averaged 425,000 waterfowl present in mid-January
- Mid-winter waterfowl surveys 1992-2007 exclusive of 1996) averaged 182,800 birds
- Numbers of waterfowl decreased 25% from the 1950s until 1990 (Takekawa *et al*. 2000)
- Waterfowl continue their downward trend from 300,000 in the late 1980s (Accurso 1992) to 184,200 (SE ±65,700) from 1992-2007

Midwinter Index for Greater and Lesser Scaup combined, 1955-2008

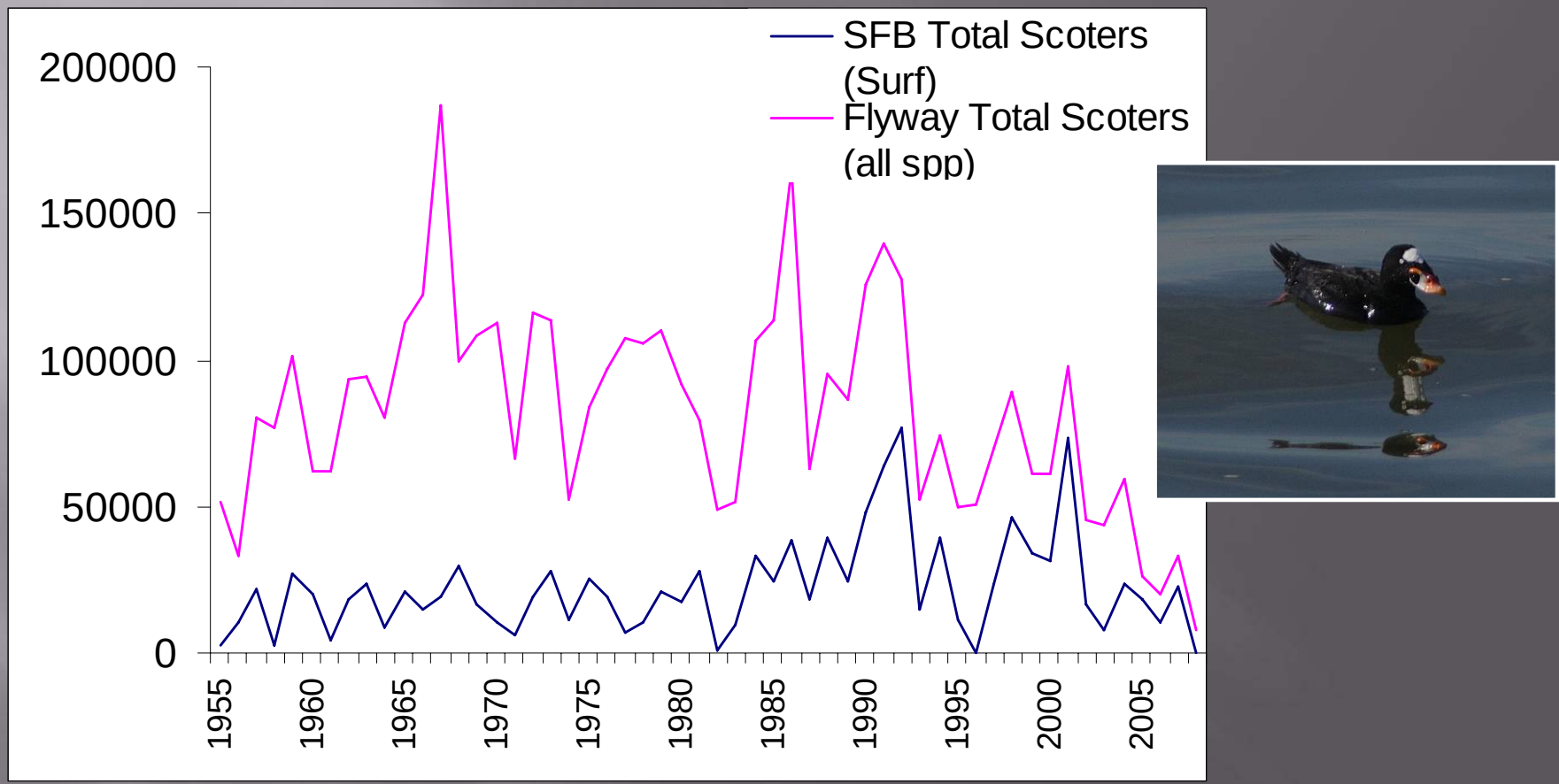




- Winter average 44% of lower Pacific Flyway scaup

* 1996 No SFB Data

Midwinter Index for Surf Scoters, 1955-2008



- Winter average 42% of lower Pacific Flyway scoters

* 1996 No SFB Data

SFB FERRIES



► OBITUARIES A19 ► EDITORIAL A20 ► OPINION A21

San Francisco Chronicle

BAY AREA

AND CALIFORNIA

★★★★★ SECTION A PAGE 15 Thursday, August 22, 2002

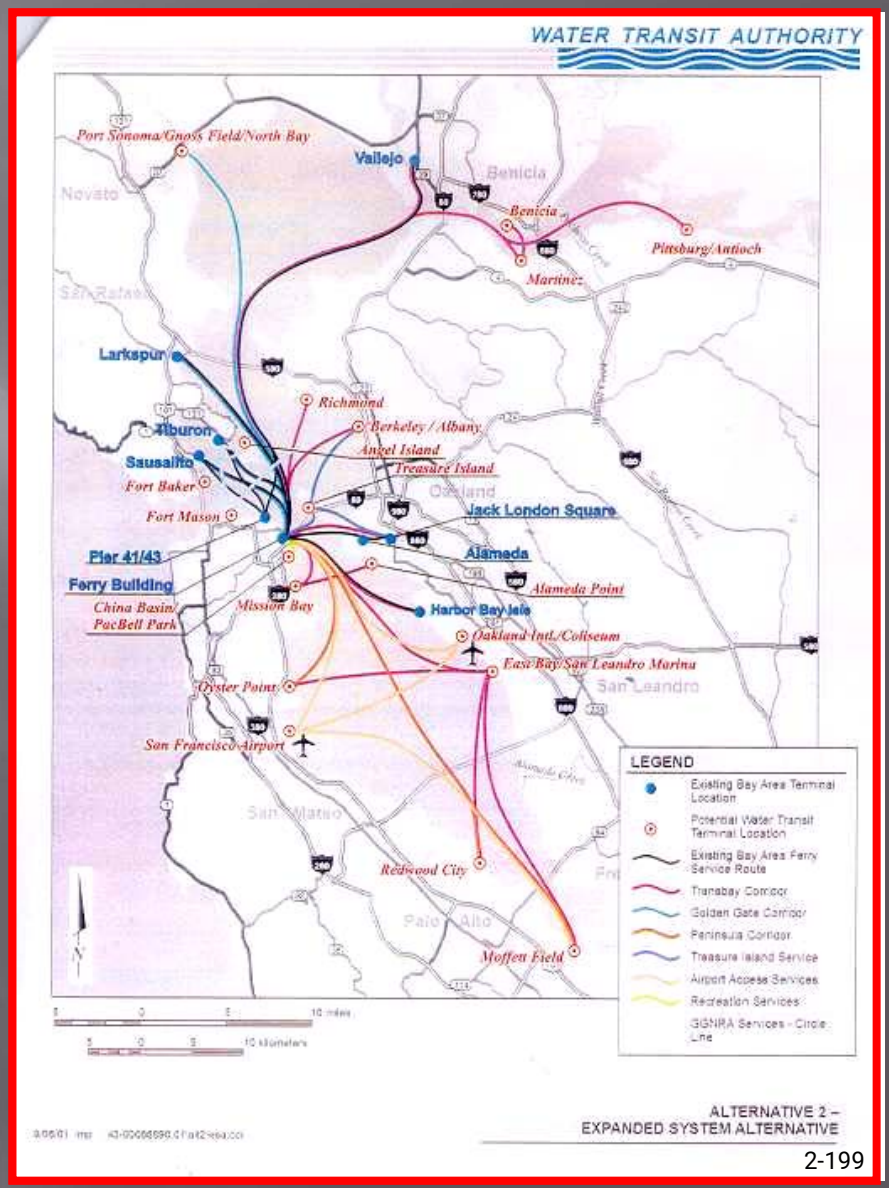
The proposed regional ferry system, according to Water Transit Authority officials, would carry 12 million passengers a year by 2025.

$662 million, 10-year plan to make bay a ferry capital

A businessman and a bicyclist board the ferry Mendocino just before departure from the San Francisco Ferry Building dock.

Proposal would add 7 routes and use less-polluting vessels

Resource Concerns:
Open Water Disturbance
Displacement Effects
Habitat Erosion



Objectives



1. Conduct ferry surveys in San Francisco Bay to assess species-specific buffer distances.

2. Examine waterbird avoidance of watercraft in land-based surveys at selected areas.

3. Document distribution of waterbirds along ferry routes with aerial surveys.

I. Ferry Surveys-- Existing Ferry routes, Distances, Travel times, and Round Trips

(Inventory of Bay Area Water Transit Services and Facilities, July 2001, Pacific Transit Mgmt. Oakland)

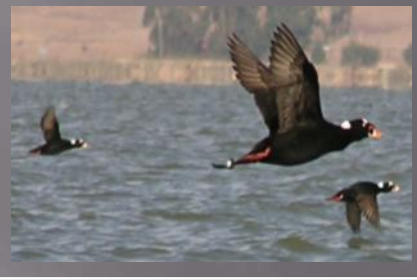


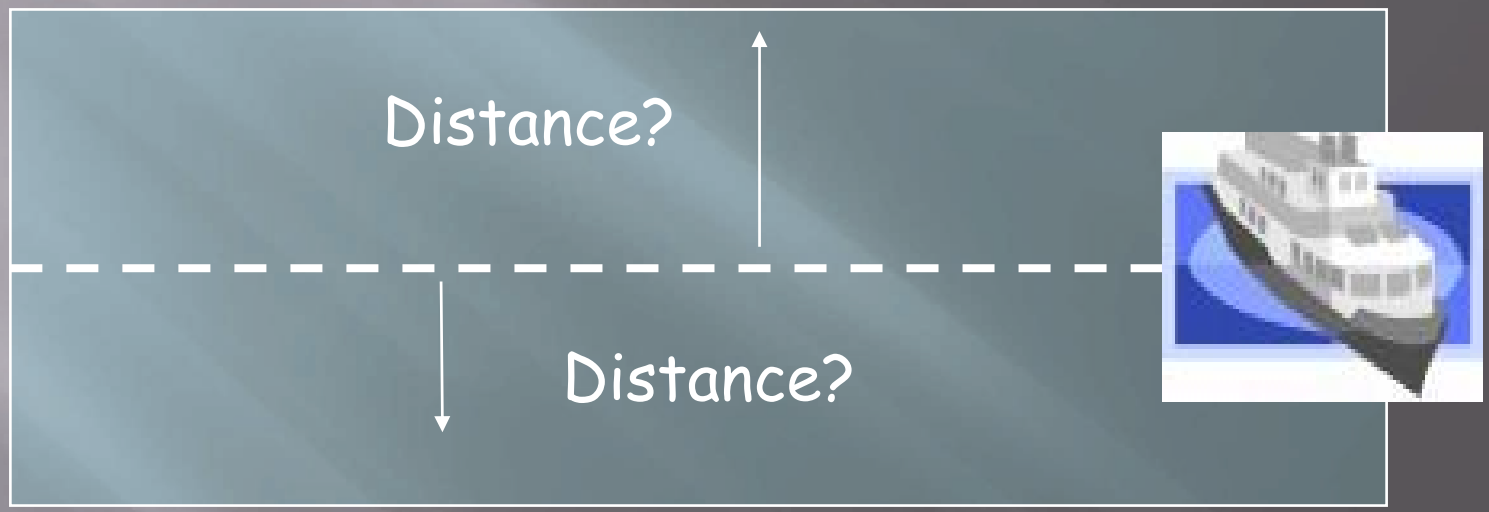
Existing Ferry Route[1]	Dist (km)	Minimum Time (min)	Round Trip (min)	First trip of day (winter) Wday	First trip of day (winter) Wend	Daily Round Trips (current)
Larkspur-SFFB	20.3	30	70	550	940	21
Sausalito-SFFB	9.4	25	70	710	1120	9
Tiburon-P41	7.7	20	70	1100	940	7
Tiburon-SFFB	7.7	20	50	600	920	7
Vallejo-SFFB	43.2	55	120	600	900	11
Ala/Oak/SFFB/P41	10.1	Ala-SFFB: 20 Oak-SFFB: 30	65	600	900	13
Ala-Harbor Bay-SFFB	13.9	25	60	630	None	6

•[1]SSFB = San Francisco Ferry Building. P41 = Pier 41, Fisherman's Wharf, San Francisco.

I. Disturbance Response - Behavior

Flight Response





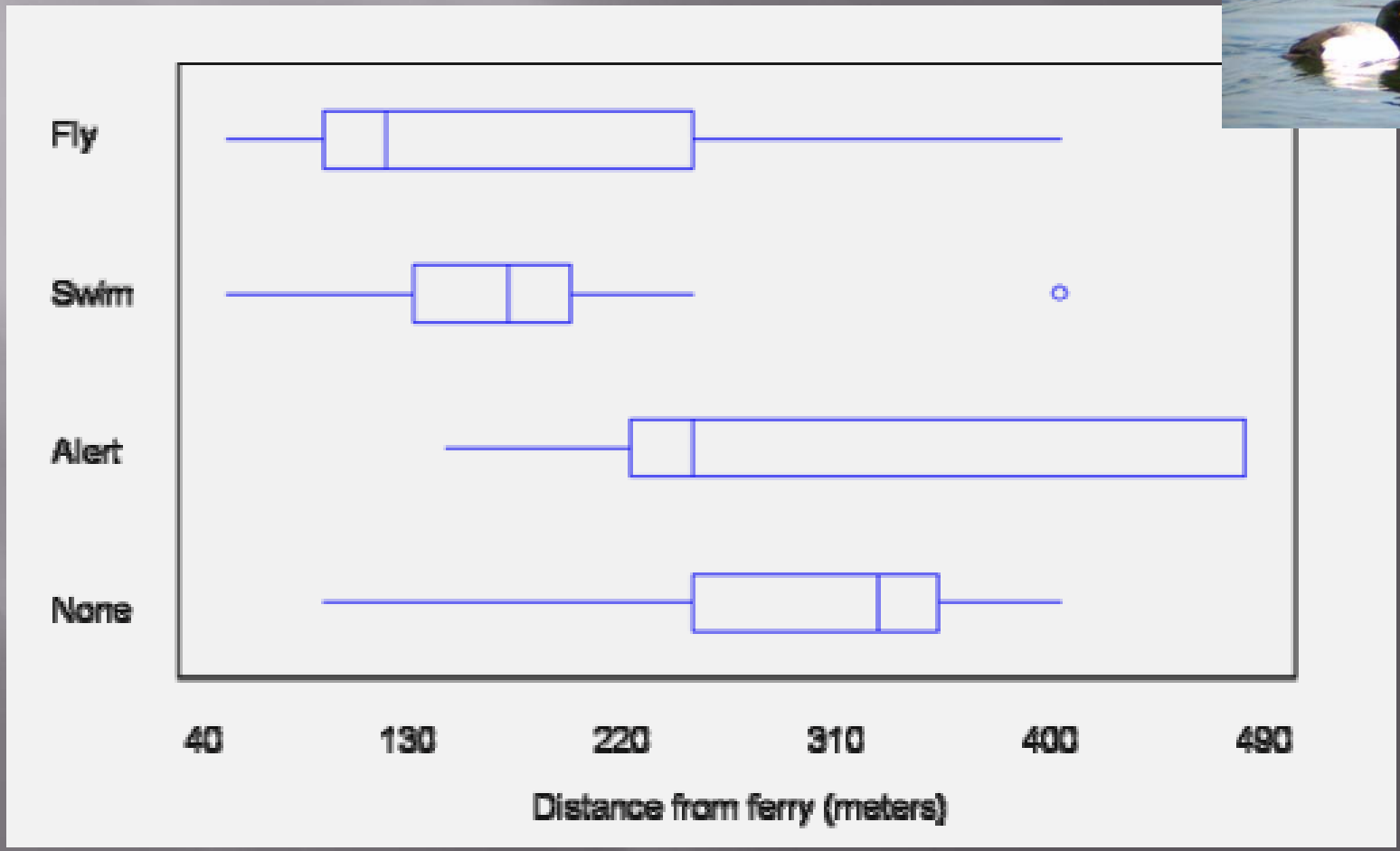


Diving Response

I. Disturbance Response – Behavior

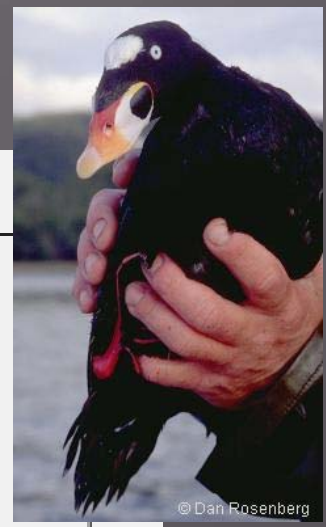
Scaup

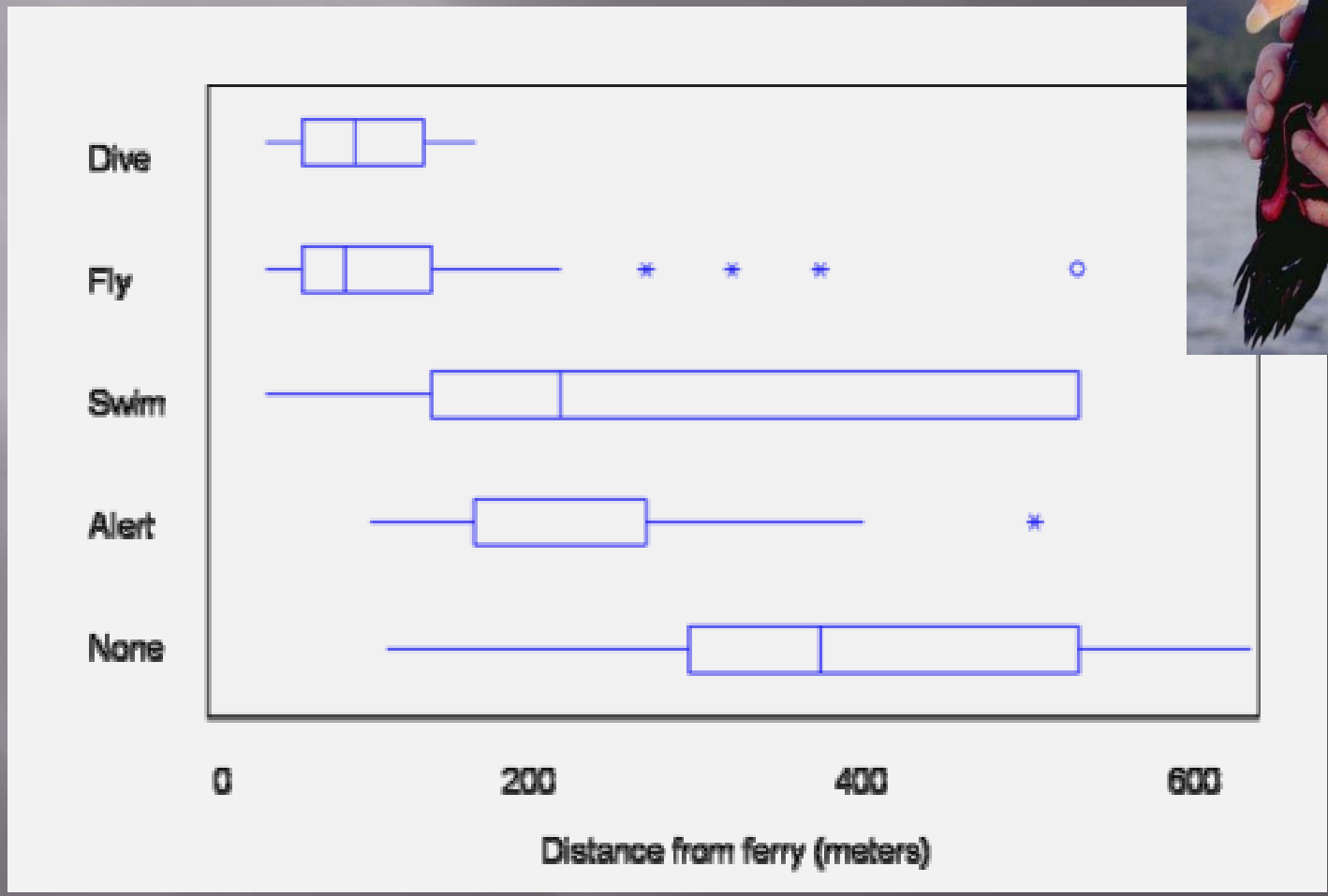




I. Disturbance Response – Behavior

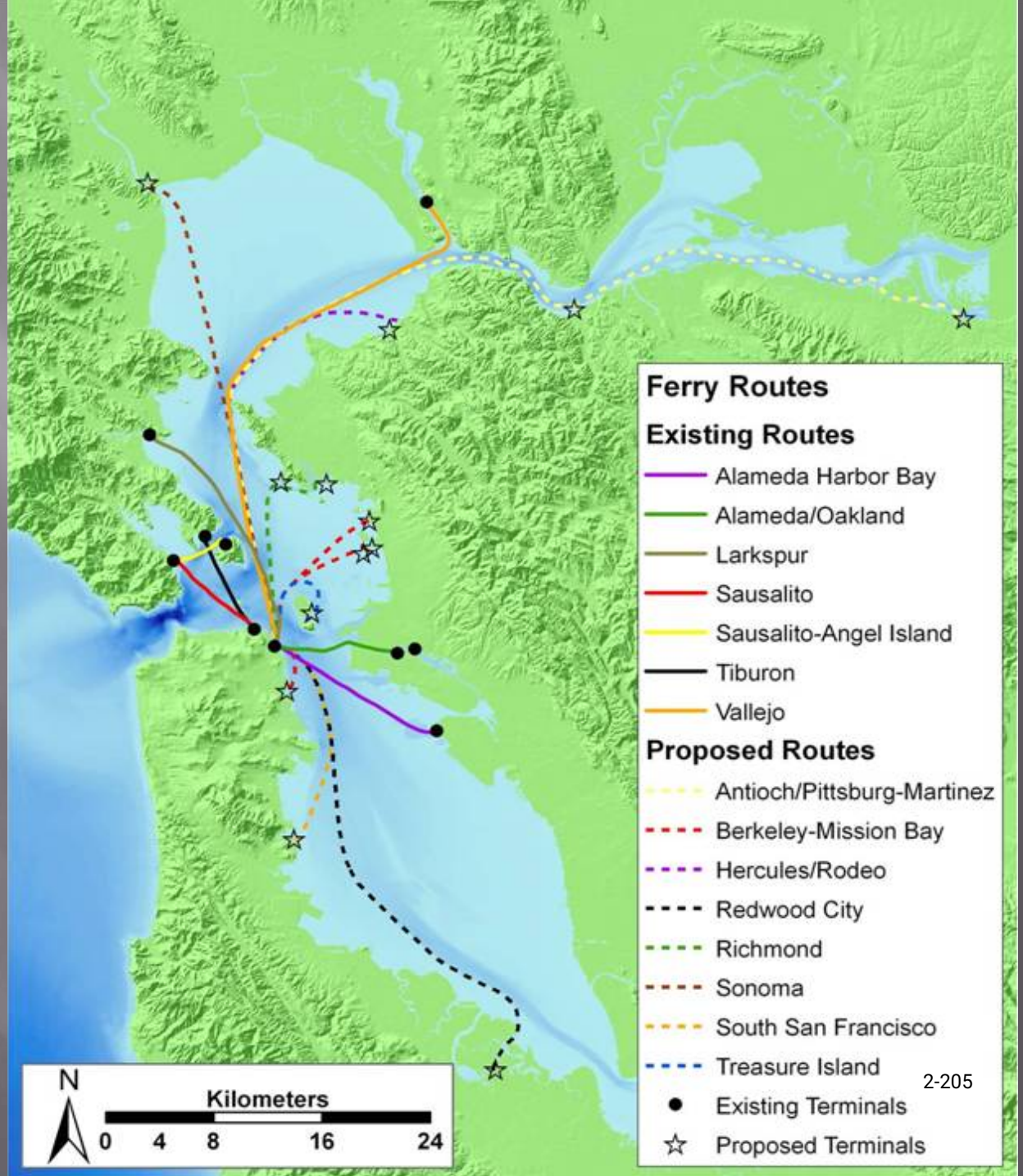
Scoter





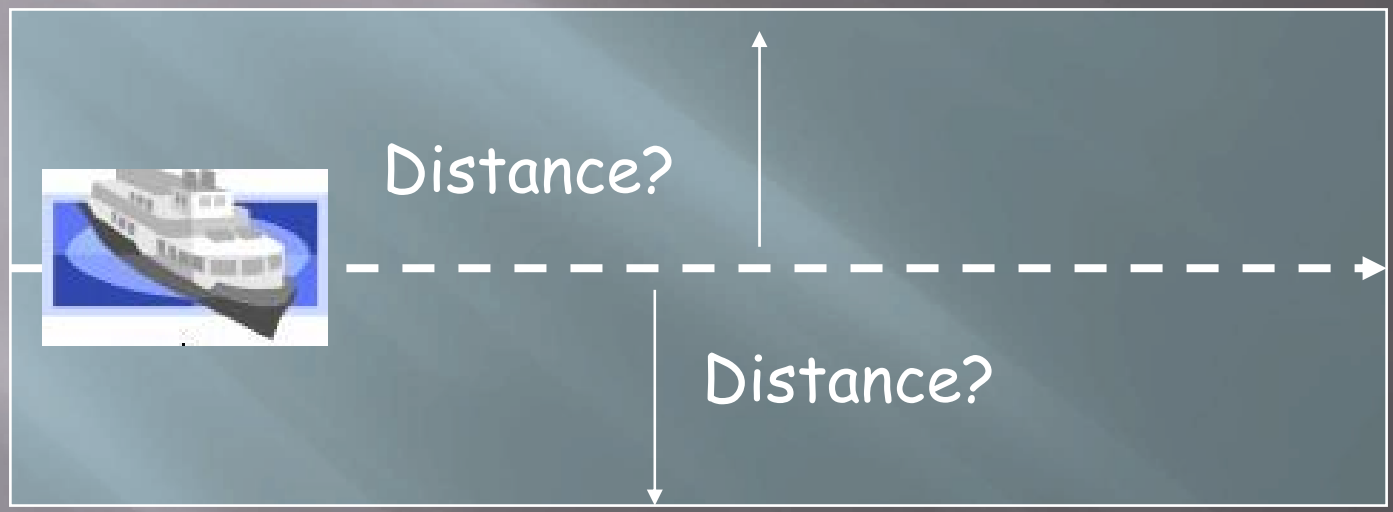
II. Ground Surveys – at selected locations along routes





IIa. Disturbance Response – Abundance

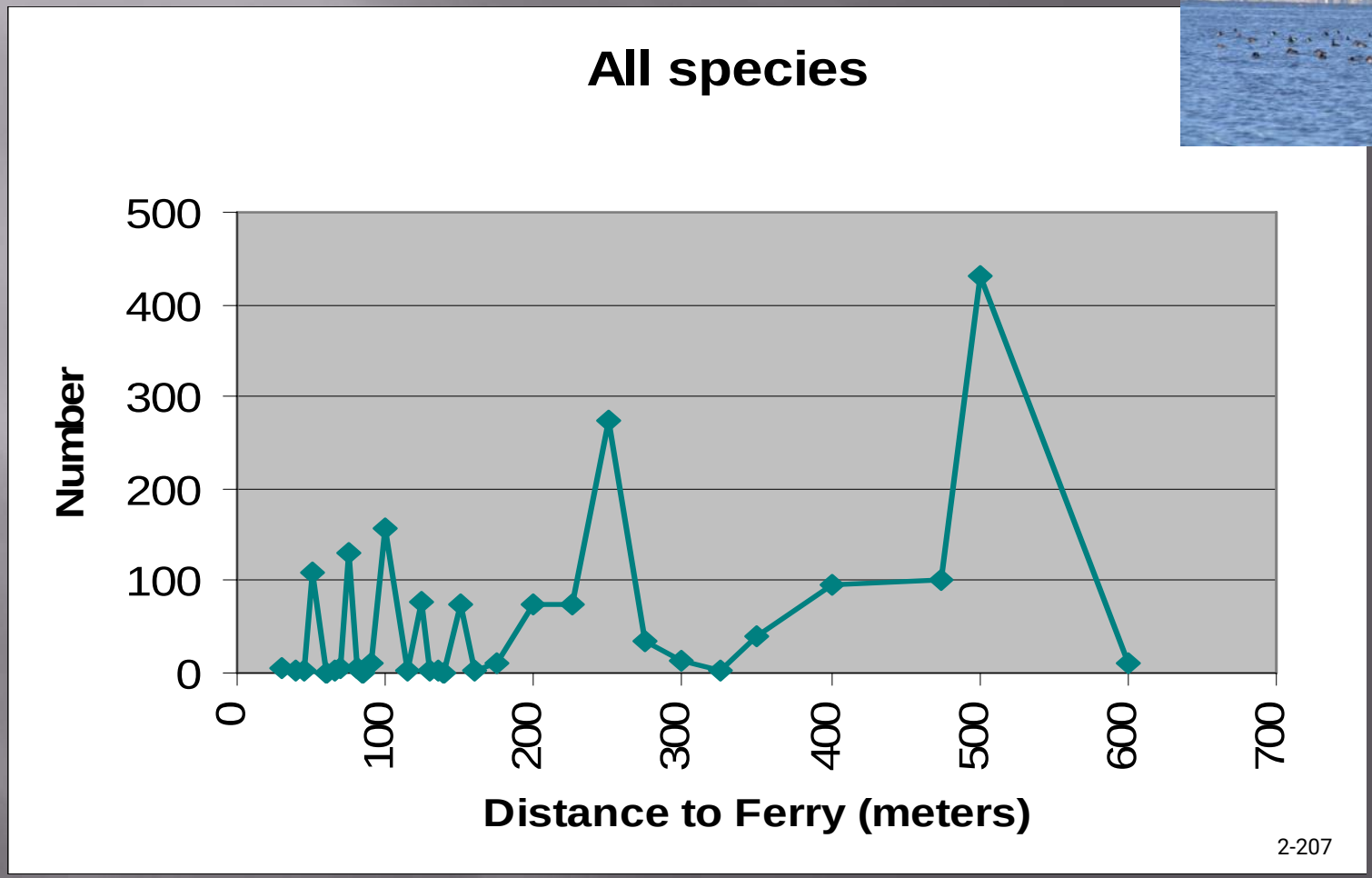






IIa. Disturbance Response – Abundance
closer to ferry route, fewer birds





IIb. Disturbance -- Duration

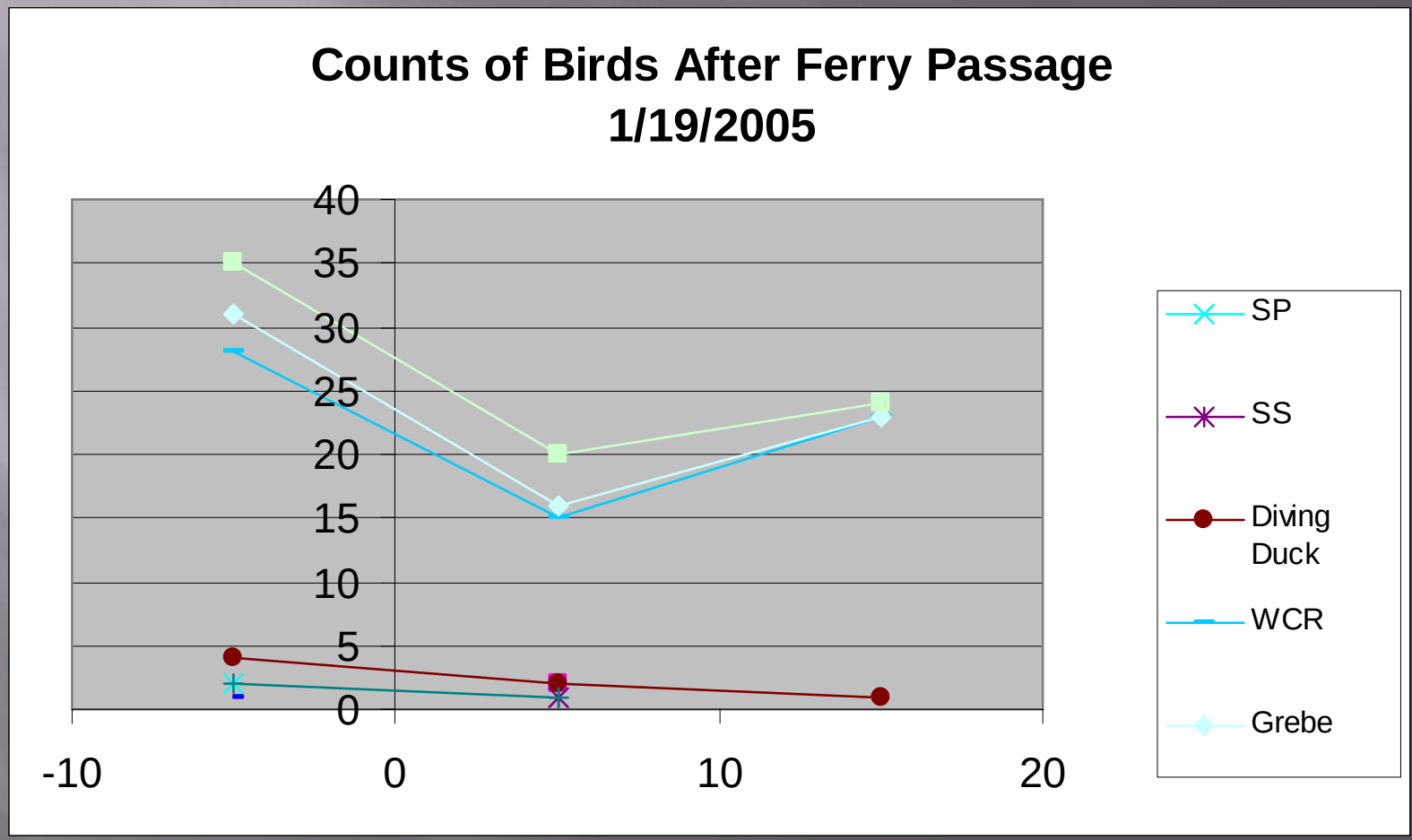


Elapsed Time?

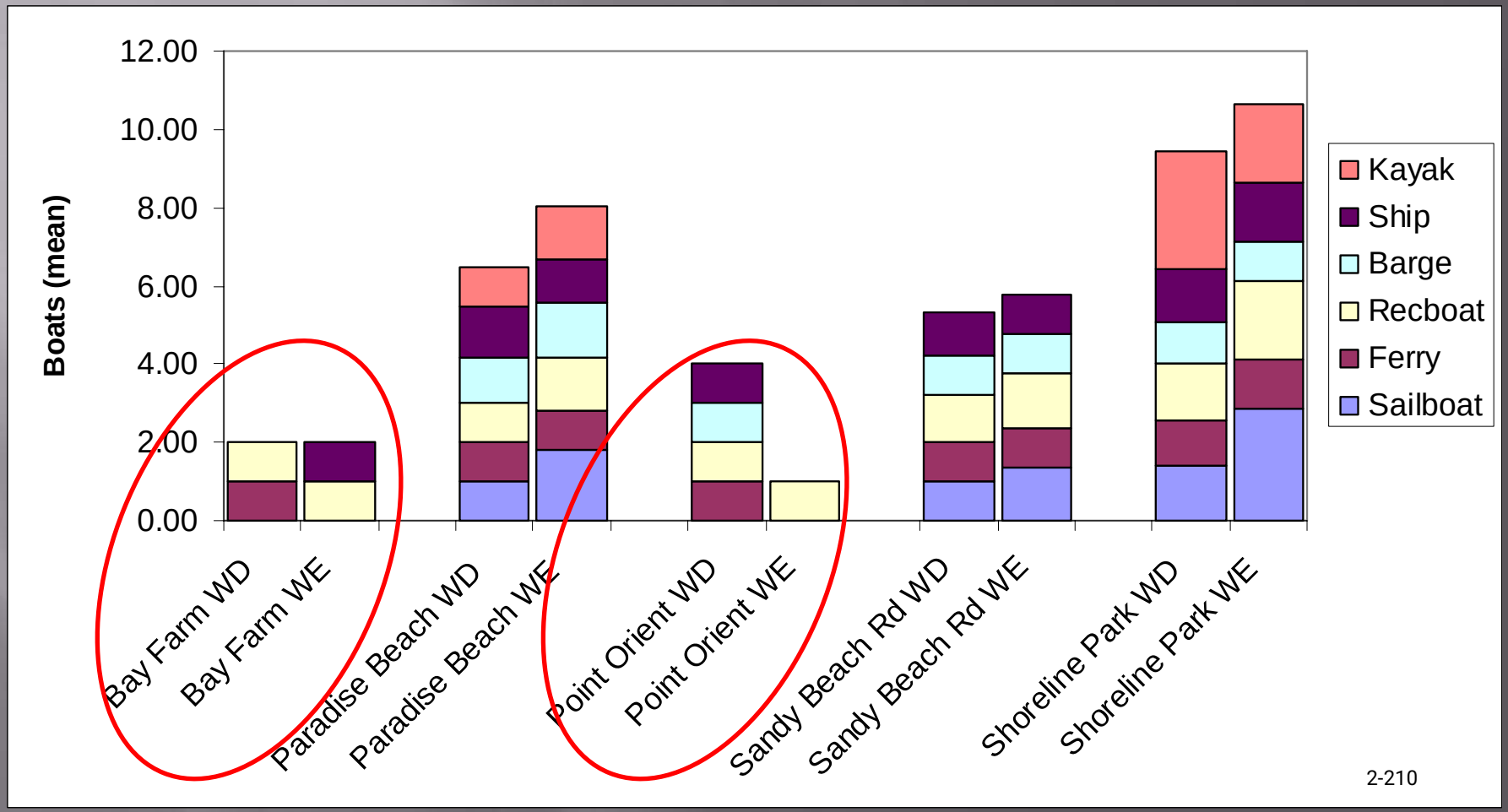




IIb. Disturbance – Duration
Paradise Beach
Birds decrease as ferry passes, then increase

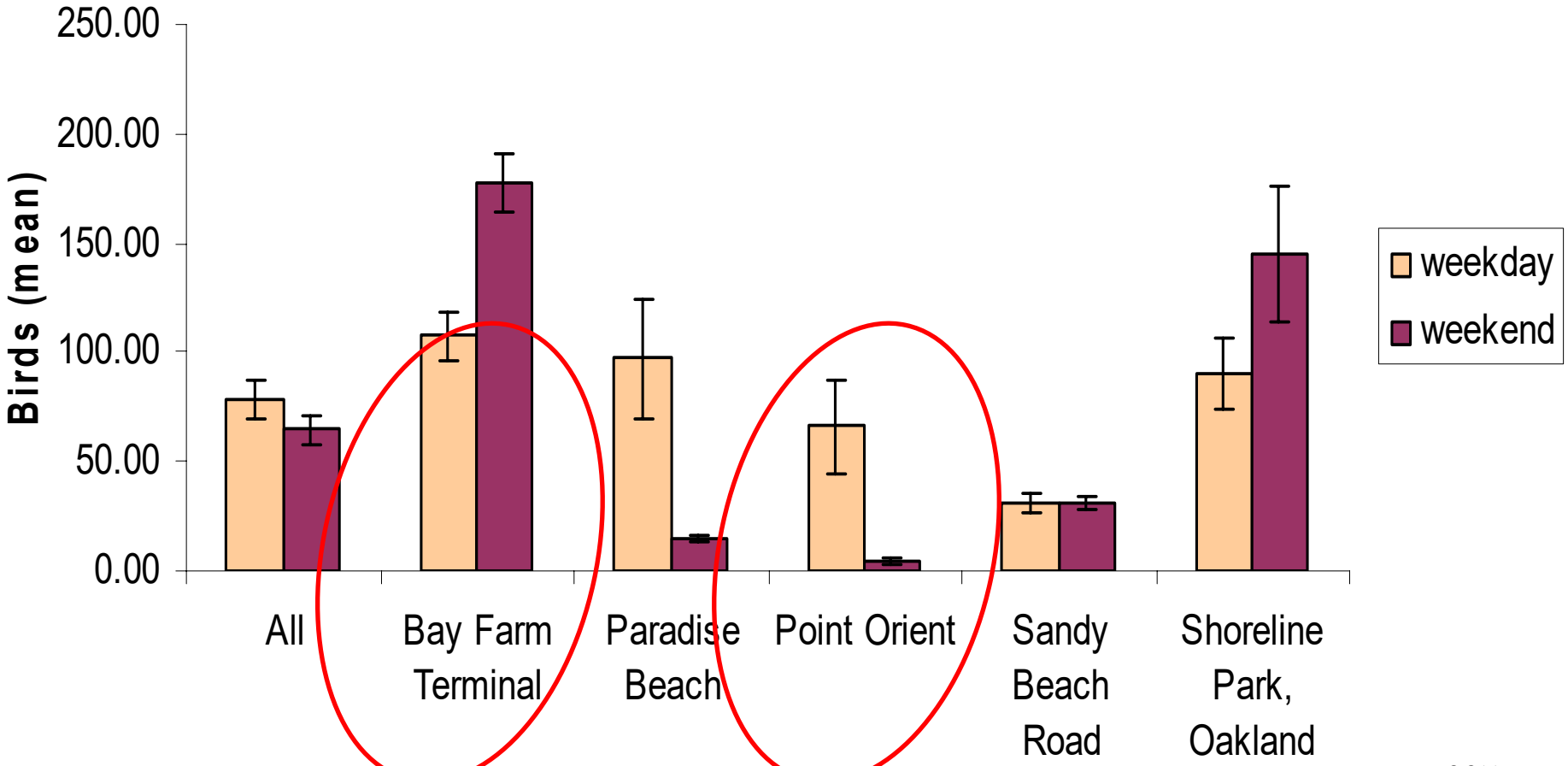


IIb. Disturbance -- Duration
Boats – WeekDay, WeekEnd



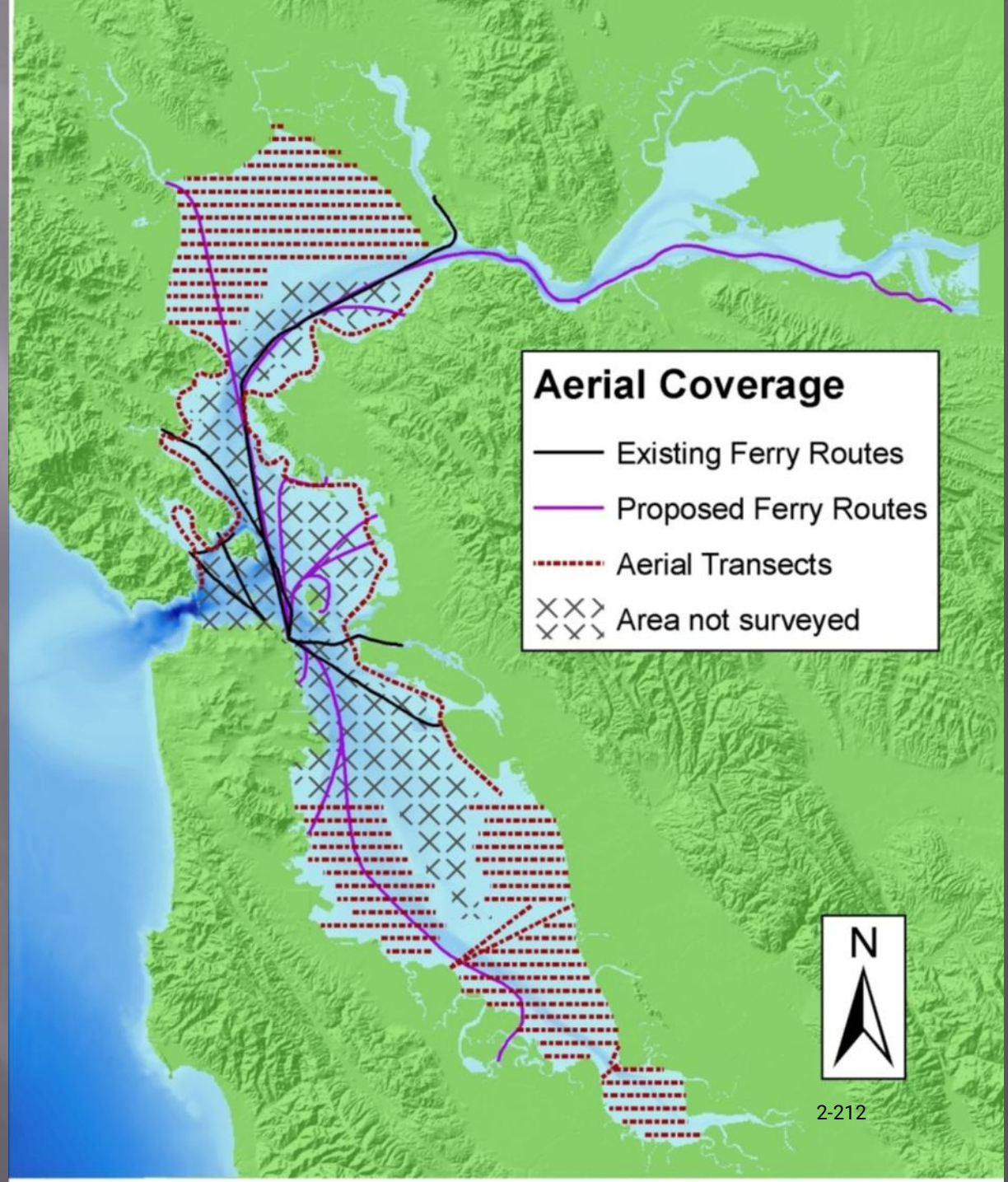
IIb. Disturbance -- Duration

Birds Response varies by site- WeekDay, WeekEnd



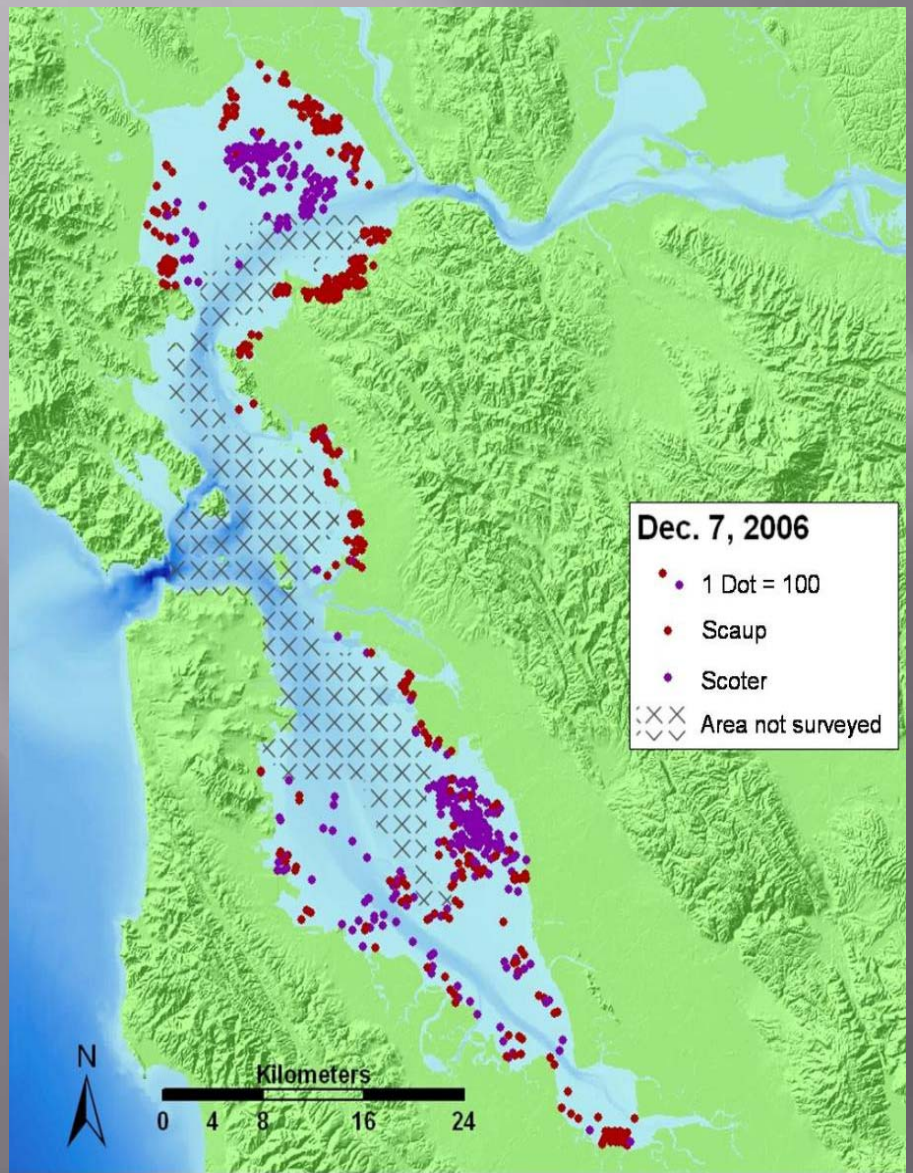
III. Aerial Surveys –

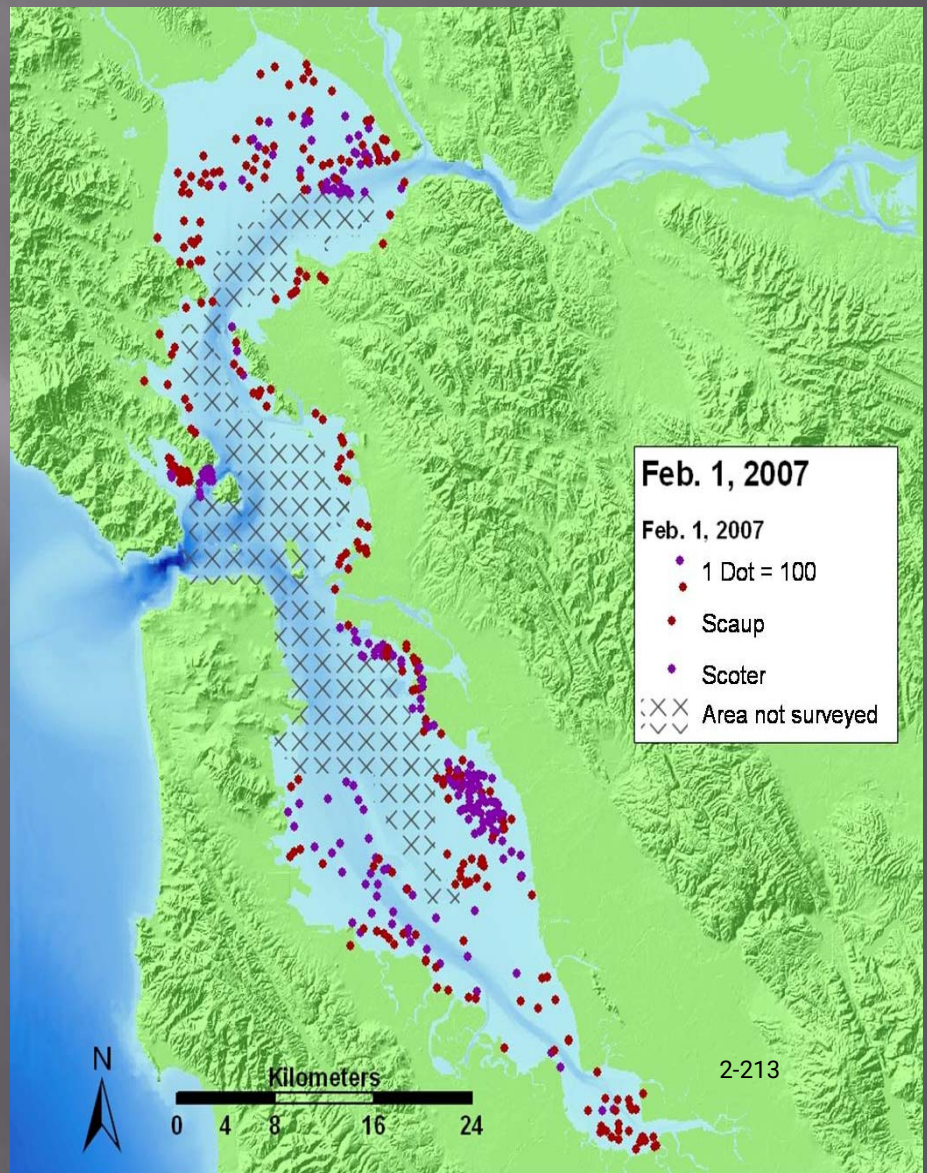
augmented midwinter survey during early and late winter months



III. Disturbance – Distribution

Species may move or emigrate to avoid disturbance

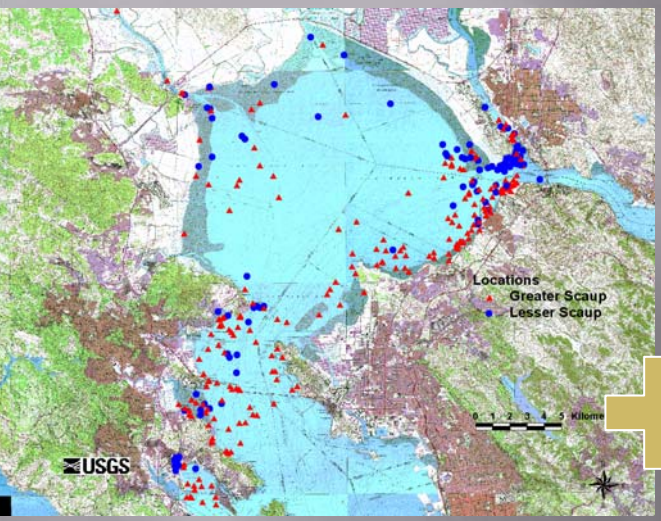


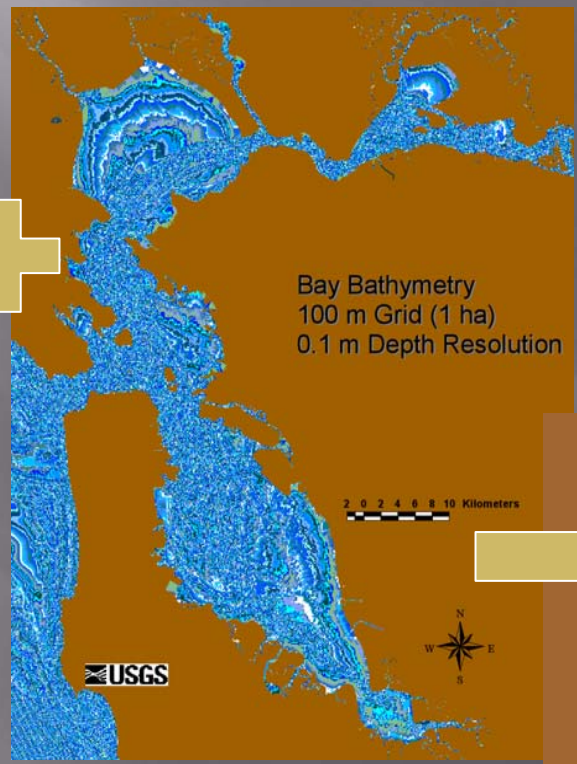


Measuring the Habitat Effect – Buffer Zones

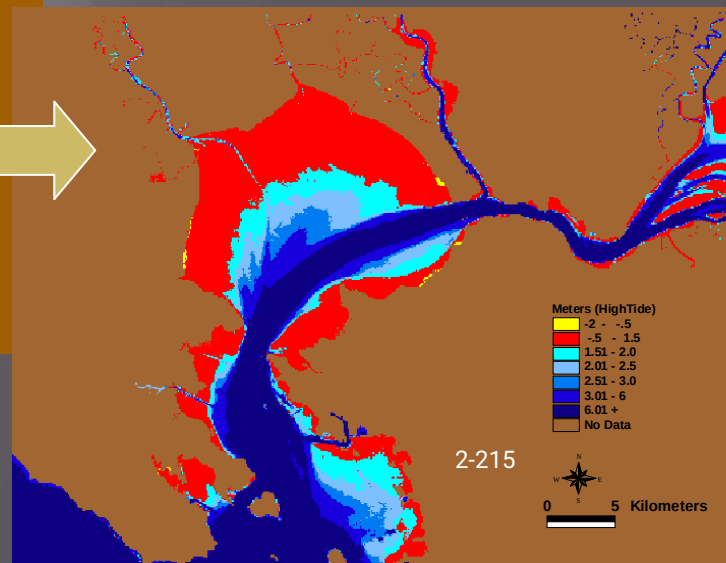
- **Buffer zones based on observed flush distances (mean plus one SD: after Rodgers and Schwikert 2003)**
- **Add 40 m to minimize agonistic responses and to account for mixed species (Thompson and Thompson 1985, Gutzwiller et al. 1998)**
- **Buffer zones should be based on the species most sensitive to disturbance (scaup)**
- **"One size fits all" approach for management: "a buffer zone of 250 meters from areas of high-use by rafting waterbirds as a quideline for minimizing the impacts of non-motorized watercraft on rafting waterbirds" (Evens 2008)**

Include importance of shoals for foraging divers







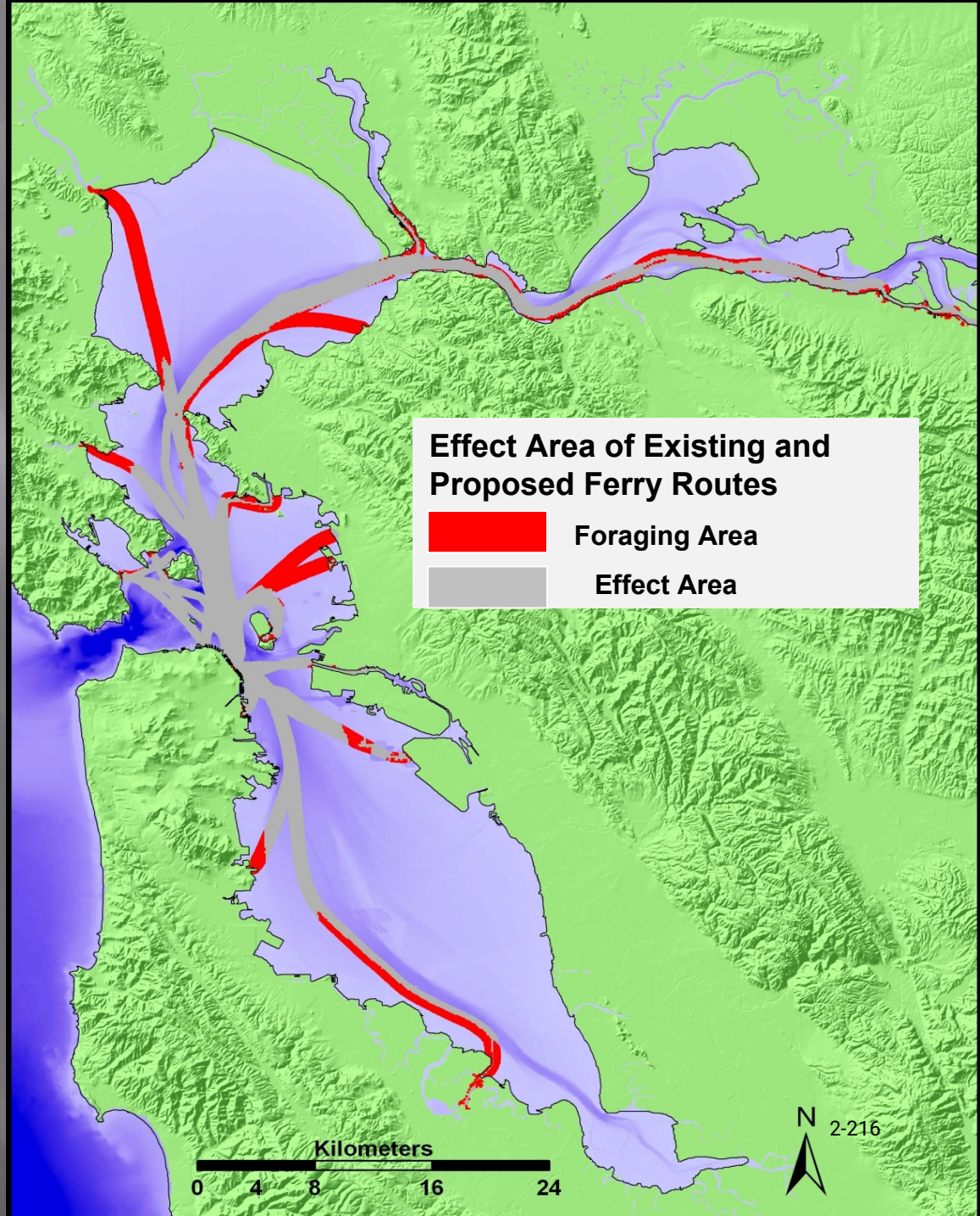


III. Disturbance Zone –

2.4-65.0 km^2 including 0.07-4.6 km^2 of foraging areas.

Proposed routes will affect 4.3-75.8 km^2

USGS



Conclusions

- Diving birds alter their behavior in response to commuter ferries
- Response distance depends on species but is typically 300 m for scoters
- Duration of the disturbance with ferry passage is difficult to measure, given habituation occurs early in the winter
- Disturbance zones suggest indirect loss of habitat several km^2 of open water habitats

Potential Means to Reduce Disturbance Effects?

Establish Estuarine Protected Areas

- Establish undisturbed foraging and resting areas



Letter O5

Commenter: John J. Bauters, Chair, Sierra Club San Francisco Bay Chapter

Date: April 27, 2026

Response to Comments O5-1 to O5-3

Refer to subsequent Response to Comments for responses to the specific comments raised. This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O5-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for discussion related to the use of the 2003 WETA EIR in the Draft EIR. The 2003 WETA EIR is a programmatic analysis of ferry service expansion in the San Francisco Bay Area, while the 2026 proposed project Draft EIR is a project-level analysis for a specific and separate Berkeley pier ferry project not tiered from the 2003 WETA EIR. No further response is required.

Response to Comment O5-5

Responses to subsequent comments are provided in Responses O5-6 through O5-49 as appropriate. No further response is required.

Response to Comment O5-6

The comment states that the Draft EIR incorrectly concludes that the California least tern would not occur within the project site or be affected by the project and requests that the EIR consider this species.

Refer to Response to Comment A2-35 to A2-38 for discussion of and Draft EIR clarification text changes with regard to California least tern. Refer also to Section 2.2.11, *Topical Response: Ferry Operations,* for discussion of ferry service impacts to biological resources. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-7

Refer to Response to Comment O7-17 for discussion of and Draft EIR clarification text changes with regard to waterbirds. Refer to Section 2.2.11, *Topical Response: Ferry Operations*, for discussion of vessel interaction with aquatic species. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-8

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for discussion of wave climate and breakwater effects beyond the project site. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-9

A project objective stated in Draft EIR Section 2.3 is to: “Minimize environmental impacts by considering existing infrastructure and sea level rise projections.” The Draft EIR further discusses sea level rise and requirements of the Berkeley Local Hazard Mitigation Plan and Regional Shoreline Adaptation Plan (Section 3.5.3 Regulatory Framework on page 3.5-22, and Section 3.8.3 Regulatory Framework on page 3.8-21, respectively). Sea level rise concerns are addressed in Draft EIR Section 3.8.4 under Impact HYD-4, page 3.8-40 and under Impact HYD-5, page 3.8-42, concluding that impacts related to sea level rise on shorelines would be less than significant. Refer also to Section 2.2.23, *Topical Response: Sea Level*

Rise, for discussion of analysis done to inform project design as related to sea level rise and Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for discussion of wave energy impacts within the project site and beyond. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-10

Because CEQA focuses on and requires analysis of physical environmental impacts, ADA requirements are not explicitly discussed in CEQA documents. The Draft EIR evaluates transportation, circulation, and access-related physical environmental effects consistent with CEQA requirements. While these analyses may overlap conceptually with accessibility considerations, the EIR's purpose is not to determine compliance with ADA standards. ADA requirements are addressed through project design.

Nonetheless, please refer to the 2024 Berkeley Water Transportation Pier Ferry Project Basis of Design Report, which was made available during the public review period of the Draft EIR.[26] As noted in this report, the ferry landing's passenger boarding system, including the gangway, float, ramps, and platform will be designed and constructed to ADA codes and standards. The proposed fish cleaning station will also have an ADA compliant stainless steel table and sink for public use.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O5-11

Refer to Response to Comment O5-10 for more information about this topic. No further discussion is required.

Response to Comment O5-12

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is addressed under CEQA and equity concerns.

Response to Comment O5-13

While it is true that an increase in parking, relative to existing conditions, could result in a greater number of vehicle trips, the Draft EIR concluded in Impact TRA-2 in Section 3.12, *Transportation* (pages 3.12-20 to 3.12-21) that VMT impacts would be less than significant. In fact, as explained in Impact TRA-2, the project is expected to result in an overall reduction in regional VMT. While the proposed project would increase the number of parking spaces, relative to existing conditions, the City has also identified TDM measures, as part of its Parking and TDM Plan, that would help decrease the number of vehicle trips to the Waterfront. The analysis and significance conclusion presented under Impact TRA-2 in Section 3.12, *Transportation*, of the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment O5-14

Refer to Response to Comment O5-13 for a discussion about how transportation impacts would remain less than significant, even if the project would increase the number of parking spaces relative to existing conditions.

Response to Comment O5-15

Refer to Section 2.2.2, Topical Response: Alternatives (subsection Alternatives Dismissed) for a discussion related to how the City determined which Alternatives to consider in its analysis. As explained in that Topical Response, the City need not consider alternatives that do not lessen a significant environmental impact. As explained in Response to Comment O5-13, the proposed project would result in

[26] Available: https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_BWTPF-Basis-of-Design-60-Submittal.pdf

less than significant transportation impacts. An alternative that reduces parking would not lessen a significant environmental impact, and the City would not be required to analyze it under CEQA. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is necessary.

Response to Comment O5-16

Refer to Response to Comment 05-15 for a discussion of the CEQA requirements to address alternatives. The proposed project includes improvements to bus facilities that would serve AC Transit route 51B, including improving facilities to allow for future expansion (see Chapter 2, *Project Description* page 2-12). The project is implementation of ferry service, which would have a net benefit on transit service in the region.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment O5-17

The City of Berkeley has the ability to establish parking fees independently of this project; the parking pass referenced in this comment is not the subject of this EIR.

Refer to Section 2.2.20, *Topical Response: Parking.* Issues related to parking pricing (such as removing existing annual passes or establishing new fee structures) are potential policy decisions that may be implemented by the City as part of project operations or broader waterfront management. Such policies are not part of the CEQA project description, are not environmental impacts under CEQA and further are not required to ensure the Waterfront can accommodate all users. CEQA focuses on physical environmental effects, and social or economic considerations such as user cost are not treated as environmental impacts unless they result in a physical change in the environment. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O5-18

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, for a discussion of how the proposed project includes, and the Draft EIR analyses assume, installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source. GHG and energy impacts, including the source of electricity were discussed in Draft EIR Section 3.6.4 *Energy Sources*.

In addition, refer to Response to Comment P36-115 for a full discussion of why the BTU-per-passenger comparison is not necessary. The CEQA significance thresholds for GHG and energy consumption do not have a BTU per passenger mile threshold nor do they require the comparison of project emissions to alternative project options. Further, Draft EIR Alternatives (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected as they did not meet the project objective of provision of zero emission ferry service between Berkeley and San Francisco. The analysis in the Draft EIR accurately analyzes GHG and energy emissions with respect to CEQA and Bay Area Air District thresholds, demonstrates that electrical consumption would be from 100 percent renewable energy sources from 2030 throughout the lifetime of the project, and incorporates the emissions from the two years of non-100 percent renewable electricity consumption into the analysis (refer to methodology discussion on Draft EIR page 6.3-31). Therefore, the Draft EIR GHG emissions and energy significance conclusions remain the same, and no Draft EIR changes are necessary in response to this comment.

Response to Comment O5-19

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, for a discussion of how the proposed project includes, and the Draft EIR analyses assume, installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source.

WETA currently has 150-passenger and 400-passenger electric ferry projects currently funded and/or under construction. The Draft EIR provides an analysis for a 250-passenger vehicle, which is consistent with the assumptions in the *WETA Berkeley Ferry Service Business Plan 1.0* prepared in March 2022 and available https://sanfranciscobayferry.com/project/berkeley-ferry-project/. The fact that 250-passenger ferries are not currently available does not mean that non-electric ferries would be operated as part of the proposed project. WETA is under contract with several developers to build and implement electric ferries to transition the San Francisco Bay ferry fleet to a 100 percent electrified fleet.

Therefore, additional air quality modeling and analysis is not required. The Draft EIR air quality significance conclusions and mitigation measures remain the same, and no Draft EIR text changes are necessary in response to this comment.

Response to Comment O5-20

As described in the Draft EIR, the proposed project differs substantially from the 2003 project because it would utilize battery-electric ferry vessels and shore-based charging infrastructure, which fundamentally changes the project's energy characteristics. While the Draft EIR incorporates portions of the 2003 WETA EIR by reference pursuant to CEQA Guidelines Sections 15150 and 15152, it does not rely on that document for project-specific analysis. The Draft EIR provides current, project-specific analysis of the proposed electric ferry system, including energy use. As such, the diesel-based energy intensity comparisons presented in the 2003 WETA EIR are not applicable to the proposed battery-electric ferry operations evaluated in this Draft EIR. Section 2.7.2, *Energy Source and Consumption* (Page 2-31), of the Draft EIR describes the project's electrical demand, charging requirements, and operational profile, while energy demand and related utility impacts are evaluated in Sections 3.6 (*Greenhouse Gas Emissions and Energy*, Impact GHG-2) and 3.14 (*Utilities and Service Systems,* Impact UTIL-1*)*. Unlike the diesel-based ferries evaluated in 2003, the proposed vessels would operate using grid-supplied electricity stored in onboard batteries and the Universal Charging Float (UCF). As a result, energy consumption is not directly comparable to prior analyses based on fossil fuel use and BTUs per passenger-mile.

CEQA does not require an EIR to demonstrate that a proposed project is more energy-efficient than other transportation modes or to replicate comparative metrics such as BTUs per passenger-mile. Rather, CEQA requires analysis of a project's energy demand and potential for wasteful, inefficient, or unnecessary consumption of energy resources (CEQA Guidelines Appendix G). The Draft EIR provides this analysis and evaluates the project's electrical energy demand, infrastructure requirements, and operational efficiency. Based on this analysis, the project would not result in wasteful or inefficient energy use, particularly given its use of zero-emission electric propulsion and modern vessel technology (refer to Impact GHG-2 and GHG-3 of the Draft EIR, pages 3.6-43 to 3.6-46).

The Draft EIR adequately evaluates the project's energy demand and efficiency consistent with current CEQA requirements. Comparisons to diesel-based ferry energy intensity metrics presented in the 2003 WETA EIR are not applicable to the proposed battery-electric ferry system. The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-21

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts.

Response to Comment O5-22

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, and Response to Comment P36-115 for a discussion of why the BTU-per-passenger comparison for energy use is not necessary. The CEQA significance thresholds for GHG and energy consumption do not have a BTU per passenger mile threshold nor do they require the comparison of project emissions to alternative project options. Furthermore, Draft EIR Alternatives (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected as they did not meet the project objective of provision of all-electric ferry service between Berkeley and San Francisco. The analysis in the Draft EIR accurately analyzes GHG and energy emissions with respect to CEQA and Bay Area Air District thresholds. Therefore, the Draft EIR GHG emissions and energy significance conclusions remain the same, and no Draft EIR changes are necessary in response to this comment.

Response to Comments O5-23 and O5-24

The comment discusses the 2003 WETA EIR and states that the Draft EIR does not provide an updated analysis to account for changed information since the 2003 WETA EIR.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for discussion related to the use of the 2003 WETA EIR in the Draft EIR.

Response to Comment O5-25

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

The 400,000 cubic yards of dredging is based on the current best available information, and based on the latest engineering for the project. In this Draft EIR, the City has analyzed the environmental impacts associated with the dredging of 400,000 cubic yards.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O5-26

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR. A supplemental analysis of the potential impacts from dredging approximately 400,000 cubic yards is not needed because the Draft EIR already analyzes the potential impacts from dredging 400,000 cubic yards.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-27

The Draft EIR evaluates impacts due to dredging and pile installation in Section 3.3.4 under Impact BIO-1 on pages 3.3-45 through 3.3-51, and concludes that such construction impacts would be less than significant with implementation of mitigation (refer to Mitigation Measure BIO-1[d]). Additionally, dredging would result in only short-term temporary impacts to water quality and benthic infaunal communities. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* for a discussion of

sedimentation; refer to Section 2.2.15, *Topical Response: Maintenance Dredging*, regarding operational impacts. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O5-28

Refer to Response to Comments O5-29 through O5-34 for responses to the specific concerns addressed in the comment.

Response to Comment O5-29

The Draft EIR considers potential impacts on benthic habitat. Refer to Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR (page 3.3-45 to 3.3-46), which found impact to benthic organisms to be less than significant with the implementation of Mitigation Measure HYD-1. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-30

The Draft EIR considers potential impacts on fish from turbidity. Refer to Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR (page 3.3-45 to 3.3-46), which found impact to fish due to turbidity, to be less than significant with the implementation of Mitigation Measure HYD-1. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-31

The Draft EIR considers potential impacts associated with potential hazardous materials in dredged materials. Refer to Impact HAZ-1 in Section 3.7 *Hazards and Hazardous Materials* (page 3.7-27) of the Draft EIR, which includes a summary of the results of sediment sampling conducted in the area where dredging would occur. Page 3.7-27 of the Draft EIR identifies that concentrations of various parameters do not exceed California or Federal hazardous waste criteria. The analysis and significance conclusion presented under Impact HAZ-1 in Section 3.7 *Hazards and Hazardous Materials* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-32

The Draft EIR considers potential impacts on special-status species from dredging. Refer to Impact BIO-1, in Section 3.3, *Biological Resources* of the Draft EIR (pages 3.3-46, 3.3-48, and 3.3-50) for a discussion related to dredging impacts on special-status species. Impact BIO-1 found that impacts on special-status species from dredging would be less than significant with the implementation of Mitigation Measures BIO-1(a), BIO-1(b), and HYD-1. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-33

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about dredging and sediment transport patterns and Section 2.2.15, *Topical Response: Maintenance Dredging*, regarding analysis of maintenance dredging.

Response to Comment O5-34

Refer to Response to Comments O5-29 through O5-33 for a response to the specific issues raised by the commenter.

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging*, which discusses how potential future maintenance dredging is addressed in the Draft EIR.

Response to Comment O5-35

The Draft EIR evaluates construction impacts due to dredging on sensitive species, including longfin smelt, chinook salmon, steelhead, marine mammals, and special-status birds in Section 3.3.4 under Impact BIO-1 on pages 3.3-45 through 3.3-51, and concludes that impacts would be less than significant with implementation of mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[c], BIO-1[d], BIO-1[e], and HYD-1). Delta smelt and western snowy plover are not expected to occur in the project site. Draft EIR Appendix C *Supporting Biological Resources* provides reasoning for why western snowy plover is not expected to occur. Delta smelt is not included in Appendix C because the species did not come up in database searches. Its range is currently limited to the Sacramento-San Joaquin River Delta,[27] although historically could be found in the upper San Francisco Estuary, including western San Pablo Bay near Napa and Sonoma counties. Recent population declines related to multiple factors, including drought, reduced availability of freshwater inputs, and increases in water temperatures, among other factors, have led to continued decline of this species.[28] Additionally, dredging would result in only short-term temporary impacts to water quality and benthic infaunal communities. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of sedimentation and Section 2.2.15, *Topical Response: Maintenance Dredging*, regarding maintenance dredging. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O5-36

The Draft EIR addresses project-specific impacts to special-status species, whether directly or via habitat change, due to dredging and in-water construction in Section 3.3.4 under Impact BIO-1 (pages 3.3-45 through 3.3-51) and concludes that impacts would be less than significant with implementation of mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[c], BIO-1[d], BIO-1[e], and HYD-1). Additionally, the Draft EIR discusses the natural high turbidity of waters in the San Francisco Bay in Section 3.8.4 under Impact HYD-1, page 3.8-30, and concludes that given waters in the project site are subject to pronounced fluctuations due to tidal action, wind-driven waves, and regional sediment transport. Project-related turbidity would not be expected to measurably increase local or regional turbidity beyond existing conditions and, thus, impacts would be less than significant. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of sedimentation and Section 2.2.15, *Topical Response: Maintenance Dredging,* regarding maintenance dredging. Finally, Draft EIR analysis of project-specific construction-related noise impacts on species is presented under Impact BIO-1 (page 3.3-45 through 3.3-51) and concludes less than significant with mitigation (refer to Mitigation Measures BIO-1[a] and BIO-1[d]). No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O5-37

Regarding maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion about how any future dredging for maintenance of the dredging channel is addressed in CEQA.

[27] USFWS. Delta smelt (*Hypomesus transpacificus*) Range. Available: https://www.fws.gov/species/delta-smelt-hypomesus-transpacificus/map (accessed August 2026).

[28] Moyle, P.B., L.R. Brown, J. R. Durand, J. A. Hobbs. 2016. Delta Smelt: Life History and Decline of a Once-Abundant Species in the San Francisco Estuary. *San Francisco Estuary and Watershed Science*. Available: https://doi.org/10.15447/sfews.2016v14iss2art6 (accessed August 2026).

Response to Comment O5-38

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about sediment settlement patterns.

Response to Comment O5-39

Regarding maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion about how any future dredging for maintenance of the dredging channel is addressed in CEQA.

Response to Comment O5-40

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* which discusses how potential future maintenance dredging is addressed in the Draft EIR.

Response to Comment O5-41

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about the bathymetric and sedimentation data, historical sedimentation rates, sediment transport modeling, and projections that informed both the design of the project and the Draft EIR.

Response to Comment O5-42

As discussed in Draft EIR Chapter 5, *Alternatives*, CEQA requires evaluation of a reasonable range of project alternatives capable of attaining most of the project's basic objectives while potentially reducing environmental impacts. CEQA does not require evaluation of every conceivable engineering design variation. For additional discussion of the range of alternatives evaluated, their related assumptions, and alternatives considered but dismissed from detailed analysis in the Draft EIR, please refer to Section 2.2.2, *Topical Response: Alternatives*.

To the extent that the comment specifically requests evaluation of helical piles, the City's licensed professional coastal engineers considered the feasibility of alternative foundation systems during project design. However, helical piles are generally used in marine environments as anchoring systems for floating facilities rather than as the primary vertical support system for large fixed pier structures. Due to their relatively small cross section, helical piles have limited axial and lateral load capacity when extending above the mudline to support substantial structures. As a result, helical piles would not provide the axial capacity needed to support gravity loads associated with the proposed pier and breakwater, nor would they provide the lateral capacity required to resist seismic, wave, wind, berthing, and other marine loading conditions applicable to the project.[29] Because helical piles are not a feasible foundation system for the proposed project, the City did not evaluate them as a separate project alternative. Instead, the Draft EIR evaluates the environmental effects of the feasible pile-supported marine structures proposed for the project and includes measures, including Mitigation Measure BIO-1(d), to avoid and minimize biological impacts associated with pile installation activities (refer to Draft EIR page 3.3-55).

Accordingly, the analysis and conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O5-43

The analysis supporting this document is consistent with CEQA requirements and incorporates the avoidance, minimization, and mitigation sequencing that aligns with BCDC's policy framework. As

[29] Rivas, Jessica. 2026. Senior Marine Engineer, COWI. Personal communication via email regarding helical piles with Leo Mena, Senior Environmental Planner, Rincon Consultants. June 24, 2026.

described throughout Section 3.3, *Biological Resources*, of the Draft EIR, the project will be required to obtain a permit from BCDC. No further response is required.

Response to Comment O5-44

Regarding the comments about siting and unnecessary fill, as discussed in Section 5.9, *Alternatives Considered but Rejected*, of the Draft EIR, the City considered different off-site alternatives, but ultimately rejected them. Refer to Section 2.2.2, *Topical Response: Alternatives*, for more information on this topic. Under existing conditions, fill has already been placed at the project site for the existing pier. The City has chosen a site where the majority of the fill being placed would be in-kind replacement of fill already in the Bay. In fact, there is likely an environmental benefit from this in-kind replacement, given that the project would replace wood piles, which were likely treated with creosote (refer to page 3.7-28 of the Draft EIR). Additionally, the City considered two alternatives to the proposed project, Alternatives 2 and 3, that would reduce fill. These alternatives will be considered by City decision makers when they decide whether to certify the Final EIR and approve the project.

Regarding the comment about excessive dredging, the amount of dredging that would occur for the project site would be the minimal necessary to maintain safe operations. The City's Design Team has prepared a Coastal Study to determine the minimum necessary dredging and fill for the project.[30]

The analysis and significance conclusion in the Draft EIR remains valid as written. Specifically, the City's mitigation measure for impacts related to fill (Mitigation Measure BIO-3 in Section 3.3, *Biological Resources*), as well as the design of the project including, dredging, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-45

As discussed in Draft EIR Section 3.3.4 under Impact BIO-1, pages 3.3-52 through 3.3-54, vessel strikes are a known source of mortality for whales, and the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor use, which includes substantial commercial, recreational, and ferry vessel operational levels, was determined to be less than significant. Refer to Response to Comment O7-13 for additional discussion of whale strikes. In addition, refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, and Section 2.2.28, *Topical Response: Whale Strike*. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-46

Cumulative impacts to whales and other aquatic species with potential to be present in San Francisco Bay are discussed in Draft EIR Section 3.3.5, pages 3.3-67 through 3.3-69, and were determined to be less than significant. Refer to Responses to Comments O5-45 and O7-13 for additional discussion of whale strikes. In addition, refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, and Section 2.2.28, *Topical Response: Whale Strike.* No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-47

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR is sufficient from a CEQA perspective. Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* for more discussion concerning land use planning and consistency with BCDC policy. Please note that Section 3.3, *Biological Resources*, of the Draft EIR, explains that any fill associated with the project would be subject to the *Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region* referenced in this comment. Also refer to Response to Comments O5-6 through O5-46 for responses to specific comments raised in the comment letter. No further response is required.

[30] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study. Prepared for City of Berkeley. December.

Response to Comment O5-48

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O5-49

Inasmuch as the individual comments contain reference to these materials and pose comments on the Draft EIR's analysis, responses to these attachments are included within the specific responses to the comment letter. No further response is required.

Letter O6

From: Laura Walsh <lwalsh@savesfbay.org>
Sent: Tuesday, April 28, 2026 4:46 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Allison Chan <allison@savesfbay.org>
Subject: Save the Bay Comments on DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Ms. McNulty,

Please see attached Save the Bay's comments on the DEIR for the Berkely Pier with Ferry Access Project. Happy to discuss anytime. O6-1

Thank you,
Laura W.

Laura Walsh
POLICY MANAGER
Lwalsh@savesfbay.org | 510-463-6869 | www.saveSFbay.org
Pronouns: she, her

Protect and Restore San Francisco Bay
For People and Wildlife

SAVE THE BAY

April 28, 2026

Liza McNulty
City of Berkeley Parks, Recreation, & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, California 94704

RE: Comments on the Draft Environmental Impact Report (EIR) for the Berkeley Water Transportation Pier Ferry Project

Dear Ms. McNulty:

Save The Bay appreciates the opportunity to submit comments regarding the Draft Environmental Impact Report (EIR) for the Berkeley Water Transportation Pier Ferry Project. Save The Bay protects and restores San Francisco Bay for people and wildlife, as we have for 65 years. To comply with state laws and regulations, this environmental review process must include a comprehensive analysis of the project impacts and assess a reasonable range of alternatives to inform the public and agency decision-making. O6-1 O6-2

The DEIR fails to analyze a project alternative that would place the ferry terminal within the existing marina basin that is already served by a dredged channel, which would not require dredging approximately 400,000 cubic yards of material for a federal navigation channel and a new turning basin. The DEIR includes insufficient justification for excluding analysis of that marina alternative, so its designation of Alternative 4 as the environmentally superior option cannot reasonably be supported. The final EIR should compare the impacts of dredging a new channel with any dredging required to deepen or maintain the existing channel to the marina basin. O6-3

Additionally, in its treatment of potential San Francisco Bay Trail extensions and upgrades to be included in the final project, the Draft EIR prioritizes avoidance of temporary construction impacts over the long-term environmental benefits of integrated public transit and public access to the Bay. Completing the Bay Trail is a regional priority, and closing all gaps in the Bay Trail in this area would *increase* the environmental, transportation and recreational benefits of the project, facilitating more bike-to-ferry connections and more users of this section of the trail. O6-4

To summarize, The EIR should analyze a Marina Basin Alternative and fully evaluate Bay Trail improvements, as outlined below.

The Need for a True Analysis of the Marina Basin Alternative O6-5

The Draft EIR incorrectly rejects analysis of a Marina Basin alternative with a brief mention of operational preferences rather than providing a thorough comparison of benefits and impacts.The

EIR analysis should compare a Marina Basin alternative with project alternatives that are adjacent to the Berkeley Pier.

O6-5

A thorough analysis of the Marina Basin option and comparison with other alternatives studied should clearly and quantitatively state the difference in project impacts to habitat and species, as well as the recreational and access benefits of each project. A legally adequate CEQA analysis will support the statutory mandates for the San Francisco Bay Conservation and Development Commission, Regional Water Quality Control Board, and other permitting agencies to determine whether the ferry project meets their requirements for minimizing Bay fill, complying with authorized uses of the shoreline, maximizing beneficial uses of the waters of the state, protecting endangered and threatened species and their habitat, providing maximum feasible public access, and other standards.

O6-6

The DEIR presents the benefits of new amenities that could be added within the scope of the preferred alternative, but fails to acknowledge that Bay swimmers, windsurfers and other recreational users of the waterfront would benefit from no-changes made to existing access. It also assumes that without the sword design pier option, a pier would no longer be needed in the area. Each project alternative analyzed should instead indicate clearly what public access components 1) remain undisrupted, 2) stand to benefit from the alternative, and 3) are not otherwise affected by the alternative.

O6-7

Evaluate the Long-Term Benefits of Bay Trail Improvements in Any Project Alternative

The EIR should include a more comprehensive study of public recreation and access impacts, including acknowledgement that the DEIR's Alternative 4 would eliminate the Bay Trail extension, the public plaza and the cycle track. A Marina Alternative would not necessarily have the same impacts on existing public recreation and access. The Draft EIR's treatment of Alternative 4 also incorrectly assumes that it is environmentally superior in reducing temporary construction-related impacts but increasing long-term impacts to air quality, greenhouse gas emissions, and transportation.

O6-8

The EIR should present the same impact analysis for a Marina Alternative and other alternatives and should not exclude Bay Trail improvements simply because they would impose temporary construction impacts. The EIR should include analysis of how project alternatives would advance or set back the "Transit First" policies and the regional goals of Plan Bay Area 2050, which seeks to build complete street networks and modernize trail facilities to reduce regional Vehicle Miles Traveled and greenhouse gas emissions that contribute to climate change.

O6-9

Conclusion

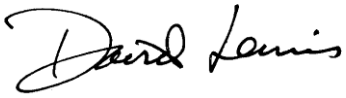
The City of Berkeley should address deficiencies in the DEIR by including a comprehensive impact and alternatives analysis of a Marina Basin terminal option. The preferred alternative must minimize the dredging and fill of the San Francisco Bay while maximizing long-term

O6-10

public access, recreation and sustainable transit benefits through improvements to the Bay Trail. We thank you for the opportunity to comment on this important project.

O6-10

Sincerely,



David Lewis
Executive Director
Save The Bay

Letter O6

Commenter: David Lewis, Executive Director, Save The Bay

Date: April 28, 2026

Response to Comment O6-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O6-2

The Draft EIR includes a comprehensive analysis of environmental impacts (refer to Chapter 3, *Environmental Impact Analysis*) and a reasonable range of alternatives (refer to Chapter 5, *Alternatives*). For a discussion about why the Draft EIR is adequate, refer to Section 2.2.5, *Topical Response: CEQA Adequacy*. For a discussion of the assumptions used to formulate the alternatives evaluated in the Draft EIR and alternatives that the City has dismissed, refer to Section 2.2.2, *Topical Response: Alternatives*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-3

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation. The analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-4

The City acknowledges the importance of the San Francisco Bay Trail as a regional recreational and transportation resource and agrees that enhancing public access and non-motorized connections is a key benefit. With respect to the comment's suggestion that additional Bay Trail extensions or upgrades should be included as part of the project, CEQA requires an EIR to evaluate the environmental impacts of the proposed project as defined by the lead agency and a reasonable range of alternatives (CEQA Guidelines Section 15126.6). The Draft EIR includes Bay Trail improvements that are within the project's defined scope. Expanding the project to include additional Bay Trail segments is beyond the currently defined scope and would constitute a different or expanded project. To the extent that additional Bay Trail segments could be constructed in the future through separate projects, those improvements would be subject to their own environmental review and permitting processes. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion about why the In-Marina Ferry Terminal Alternative was rejected from further evaluation by the City.

Response to Comment O6-5

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-6

This comment reiterates regulatory agency permitting requirements and does not speak to the adequacy, significance conclusions, or mitigation in the Draft EIR. The Draft EIR acknowledges that the proposed project is subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), the San Francisco Bay Regional Water Quality Control Board (RWQCB), and other responsible and permitting agencies. As described in Draft EIR Chapter 2, *Project Description*, and throughout the relevant sections of Chapter 3, *Environmental Impact Analysis*, the City of Berkeley will obtain all necessary permits and approvals from such agencies prior to commencement of construction activities.

Compliance with agency-specific requirements will be confirmed through the separate respective permitting processes. Such permits will include conditions that ensure the project meets applicable regulatory standards before project construction begins. No Draft EIR changes are necessary in response to this comment.

Response to Comment O6-7

The Draft EIR acknowledges that different users of the Berkeley Waterfront may have different preferences regarding existing conditions and future improvements. Consistent with CEQA, however, the Draft EIR evaluates the recreational features proposed as part of the project against the environmental baseline and analyzes the recreational effects of the proposed project and alternatives. As discussed in Draft EIR Section 5.5, Alternative 1: *No Project Alternative*, the No Project Alternative would not include the reconstructed pier, ferry-related public access improvements, public plaza, Bay Trail Extension, cycle track, or other recreational amenities included in the proposed project (refer to Draft EIR pages 5-3 through 5-9).

The purpose of the alternatives analysis is to evaluate the environmental consequences and objective attainment of reasonable alternatives, not to determine individual recreational preferences. The recreational consequences within the CEQA context of each alternative are described in Draft EIR Chapter 5, *Alternatives*, and the recreational benefits associated with the proposed project are evaluated in Draft EIR Section 3.11, *Recreation*, which acknowledges existing recreational uses and determines that the proposed project would result in a net increase in recreational opportunities (refer to Impact REC-1). Individual user or organizational preferences and concerns are matters for decision-makers to consider when determine whether or not to approve the project.

Insofar the comment refers to existing water access at the project site at 199 Seawall Drive, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which notes that access to this site would be maintained under the proposed project.

The analysis and conclusions presented in Chapter 3, *Environmental Impact Analysis*, and Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-8

Draft EIR Section 5.8, *Alternative 4: Reduced Landside Facilities Alternative* (pages 5-19 through 5-24), expressly identifies the landside improvements that would be eliminated under Alternative 4, including the Bay Trail Extension, public plaza, cycle track, bus facilities, improvements to University Avenue and Seawall Drive, and associated parking lot enhancements. The Draft EIR further acknowledges that Alternative 4 would provide fewer public access and recreational benefits than the proposed project and would not meet the project objective of enhancing public access and recreational opportunities at the Berkeley Waterfront to the same extent as the proposed project.

Section 5.10, *Environmentally Superior Alternative*, of the Draft EIR also evaluates environmental impacts associated with Alternative 4 across all resource areas analyzed in Chapter 5, including air quality, greenhouse gas emissions, transportation, recreation, and land use (refer to Draft EIR pages 5-28 through

5-31). As described in Table 5-2, *Comparison of Alternatives*, the Draft EIR compares the relative effects of Alternative 4 against the proposed project and the other alternatives, including resource areas where the reduced landside improvements would result in reduced environmental benefits relative to the proposed project (refer to Draft EIR pages 5-29 and 5-30). The determination of the environmentally superior alternative presented in Draft EIR Section 5.10 is based on a comparative evaluation of the alternatives as a whole and not solely on temporary construction-related impacts.

The comment's views regarding the relative merits of Alternative 4 compared to the proposed project are acknowledged. The Draft EIR discloses the tradeoffs associated with Alternative 4, including both reduced environmental impacts and reduced public access, recreation, bicycle, pedestrian, and transportation improvements, thereby providing decision-makers with information necessary to evaluate the alternatives. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-9

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation. As discussed throughout the Draft EIR, one of the project's basic objectives is to provide efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. The Draft EIR evaluates the project's transportation and greenhouse gas impacts in Section 3.6, *Greenhouse Gas Emissions and Energy*, and Section 3.12, *Transportation*, and compares the ability of each alternative to attain project objectives in Chapter 5, *Alternatives* (refer to Sections 5.5 through 5.10). These same impacts are analyzed for Alternatives 1 to 4 in Chapter 5, *Alternatives* of the Draft EIR. The City further notes that the In-Marina Ferry Terminal Alternative was not rejected because of temporary construction impacts associated with Bay Trail improvements. Rather, it was rejected because it would not meet most of the project objectives, would be infeasible (operational and navigational), would not reduce environmental impacts, and would increase environmental impacts on recreation.

The analysis and conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-10

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation. Chapter 5, *Alternatives*, of the Draft EIR evaluates the environmental tradeoffs associated with the proposed project and reasonable alternatives, including differences in public access, recreation, transportation, and environmental effects. The City's conclusions regarding the alternatives analysis are supported by the information presented in the Draft EIR.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Letter O7

From: CCCR <cccrrefuge@gmail.com>
Sent: Tuesday, April 28, 2026 4:39 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Citizens Committee to Complete the Refuge comments regarding the Berkeley Water Transportation Pier Ferry Project DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Please find attached a comment letter submitted on behalf of the Citizens Committee to Complete the Refuge (CCCR) regarding the Berkeley Water Transportation Pier Ferry Project DEIR.
We would appreciate acknowledgement of receipt of our comment letter. We also request that we be kept informed of future opportunities to review and provide comments on this project.

O7-1

Respectfully submitted,
Carin High
CCCR

Citizens Committee to Complete the Refuge

P.O. Box 23957, San Jose CA 95137 Email: cccrrefuge@gmail.com www.bayrefuge.org

Sent via electronic mail only

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

April 28, 2026

Re: Berkeley Waterfront Transportation Pier Ferry Project DEIR, State Clearing house #2025040995

Dear Ms. McNulty,

These comments are submitted on behalf of the Citizens Committee to Complete the Refuge regarding the *Draft Environmental Impact Report (DEIR) for the proposed Berkeley Waterfront Transportation Pier Ferry Project*. Our comments are focused on the impacts and proposed mitigation measures for biological resources. We support and incorporate by reference the comments submitted by the Sierra Club, Golden Gate Bird Alliance, and comments submitted by Erin Diehm regarding potential impacts to marine mammals, birds and fish. O7-1

The City of Berkeley's proposed project includes the following elements: O7-2

- Construction of a new pier 1,080-feet in length and 22-feet wide
- A 400-foot breakwater that is 15-feet in width
- Ferry boarding infrastructure that includes two 120-feet long and 10-feet wide gangways that would allow passengers to board via two boarding floats that are 135-feet long and 42-feet wide
- Development of a new public plaza at the pier entrance
- New pedestrian amenities
- Upgraded transit facilities
- Renovation of existing parking areas with permeable pavement and solar canopies
- Installation of new utility connections
- Shoreline repair consisting of approximately 300-feet length of rock rip rap slope protection
- Approximately 400,000 cy of initial dredging to support ferry operations
- Removal of existing piles and installation of new piles as described in Table 2-1

Table 2-1 Summary of Proposed Piles[20]

Location	Pile Type	Number of Piles
Landside/Shoreline Retaining Wall	24-inch Steel Pipe Pile	46
UCF Guide and Donut Piles	36-inch Steel Pipe Pile	18
Pier, Landing Platform, and Breakwater	24-inch Octagonal Prestressed Concrete Pile	227
Breakwater	48-inch x 14-inch Concrete Sheet Pile	125

O7-2

- Weekday/weekend/special event ferry service from Berkeley to San Francisco/Mission Bay and weekend/special event ferry service from Berkeley to Larkspur.

Based upon our review of the information provided in the DEIR and the 2003 Final Program Environmental Impact Report, Expansion of Ferry Transit Service in the San Francisco Bay Area prepared for the Water Transit Authority (2003 WTA EIR), we have the following substantive concerns:

- The DEIR places heavy reliance on the 2003 WTA EIR and fails to acknowledge and analyze the substantial change in circumstances for a number of special status species that occur within San Francisco Bay that could be adversely impacted by the proposed ferry routes. The environmental impacts to these species must be identified, analyzed and mitigation measures must be proposed. O7-3
- The impacts of the weekend and special event route from Berkeley to Larkspur Landing were not analyzed in the 2003 WTA EIR, thus the 2003 WTA EIR cannot be relied upon for identification, analysis or mitigation measures, and must be reviewed under the current DEIR. O7-4
- The DEIR fails to identify the frequency of future maintenance dredging or the anticipated volume and areal extent of maintenance dredging. O7-5

These, and other significant concerns, must be addressed prior to certification of the Environmental Impact Report (EIR) for the proposed project. O7-6

Commentors:

CCCR, with a membership of 2,000, has an ongoing history of interest in wetlands protection, wetlands restoration and wetlands acquisition. Our senior members were part of a group of citizens who became alarmed at the degradation of the Bay and its wetlands. We joined together, and with the support of Congressman Don Edwards, requested that Congress establish the Nation's first national wildlife refuge in an urban setting. The process took seven long years and in 1972 legislation was passed to form the San Francisco Bay National Wildlife Refuge ("Refuge"). We turned to Mr. Edwards again, and in 1988 (the first year he submitted it), his legislation to double the size of the Refuge was signed into law. The Refuge now bears his name in honor of his efforts. O7-7

CCCR has taken an active interest in the protection of the habitats and species that occur within San Francisco Bay, and the local, regional, state and federal regulations and policies that protect the Bay.

Substantial Change in Circumstances Since the 2003 WTA EIR: O7-8

The DEIR fails to acknowledge that substantial changes have occurred for a number of sensitive/special-

status species occurring within San Francisco Bay that could be adversely impacted by the proposed ferry routes. The DEIR fails to adequately identify or analyze the direct, indirect and cumulative impacts of ferry traffic to marine mammals and sea ducks. The DEIR fails to analyze or propose mitigation measures to reduce the adverse impacts of ferry operations to sensitive/special-status species.

California Code of Regulations Title 14, § 15162 (a) requires that additional environmental review occurs if:

> "(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;" [emphasis added]

O7-8

Or:

> "(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
>
> (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
> (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;" [emphasis added]

Berkeley to Larkspur Ferry Route Not Analyzed in the 2003 WTA EIR:

The 2003 WTA EIR did not analyze a Berkeley to Larkspur ferry route. The direct, indirect, and cumulative impacts to biological resources that might occur from operation of a ferry along this route were not identified or analyzed and as such, mitigation measures were not proposed.

O7-9

Impacts to Gray Whales Inadequately Analyzed:

The 2003 WTA EIR includes Impact B-15 High-speed ferries could potentially strike gray whales in San Francisco Bay, and acknowledges the "increase in gray whale sightings in San Francisco Bay." The 2003 WTA EIR attributes this increase to the fact that the "gray whale population in the Pacific has returned to historic levels." The 2003 WTA EIR states:

> "…Since there have been no recorded whale strikes, whales are likely not migrating perpendicularly to ferry routes but are probably feeding at preferred locations and likely are actively avoiding ferry vessel routes…As alluded to above, no documented collisions between gray whales and any type of vessel have occurred in San Francisco Bay (Cordero 2001)." [emphasis added]

O7-10

A recent paper by Slaathaug et al[1] reports that the Eastern Northern Pacific population of gray whales has declined by 52% since 2016, and suggests that increased gray whale sightings within San Francisco

[1] Slaathaug JM, Lane RS, Keener W, Perez A, Flannery M, Webber MA, Grimes A, Wilkin AM, O'Hern JE, Duignan PJ, Calambokidis J and Crocker DE. 2026. "*Gray whales (Eschrichtius robustus) in San Francisco Bay experience high mortality and have limited affiliation to known foraging groups*." Front. Mar. Sci. 13:1775666. doi: 10.3389/fmars.2026.1775666

Bay may reflect a response to climate change and food availability, rather than an increase in population numbers – "…As food webs are impacted, some species have moved into areas of increased human activity, encountering anthropogenic hazards." Disturbingly, the authors report that for the period from 2018-2025, 30 of 70 whale carcasses necropsied displayed "blunt and/or sharp force trauma consistent with vessel strike" as a cause of death. This represents a significant change in circumstance from the conclusion provided in the 2003 WTA EIR.

The authors state:

> "This work confirms that gray whales entering SF Bay are highly susceptible to vessel strike mortality and highlights a crucial need to identify and implement adaptive management strategies to mitigate injuries and mortality as whales continue to utilize novel habitat."

O7-10

And conclude:

> "The prevalence of vessel strike mortality and additional evidence of sub-lethal vessel interactions <u>emphasize the crucial need for research and management to prioritize understanding and mitigating vessel interactions in SF Bay. Adaptive management strategies such as dynamic or presence-induced slow speed zones can be valuable in reducing vessel strike mortality</u> (Allen and Garmestani, 2015; Holling et al., 1978; Laist et al., 2014; Reeves, 2022). Protecting this population along its migratory corridor as it contends with a changing environment will be critical for the species' ability to rebound from its current decline." [emphasis added]

The 2003 WTA EIR Mitigation B-14.1, mentions the National Marine Fisheries Service (NMFS) minimum distance guidance of 100 yards for whales, and notes that the guidance does not consider potential boat speeds. The mitigation measure does not explicitly require that the minimum distance for whales be adhered to.

O7-11

Mitigation B-15.1 from the 2003 WTA EIR requires that:

> "Ferry operators shall be aware of the potential for whales entering the Bay and should know how to spot whales at the surface. The USCG reports whale sightings and distance to vessels when they receive a report of a whale sighting. Ferry captains shall be made aware of these reports and exercise diligence when a whale sighting has been reported. The ferry system shall implement a program of informing ferry operators of whale sightings and locations. For example, if one captain sights a whale, it should be reported through a network to all other captains. Operators should be informed or reminded during seasonal periods of heightened whale activities or presence. If whale sightings continue to increase in the Bay, having dedicated lookouts on board or other detection equipment could be warranted, especially during certain times of the year. Devices (such as sound-generating equipment) used to scare whales from the area may be considered intentional harassment by NMFS and would not likely be allowed."

O7-12

And Mitigation B-15.2 requires that "Ferries shall be equipped with a whale detection system such as forward-looking sonar. Such a system is currently under development and being tested on a NOAA vessel in Cape Cod Bay."

Neither of Mitigations B-15.1 or B-15.2 describe protective requirements beyond whale detection, e.g. a required decrease in speed, distance set-back, area avoidance, etc.

Due to the declining Eastern Northern Pacific gray whale population, the increasing frequency with which gray whales are entering and transiting the Bay, and in light of the significant increase in whale ship strike mortality, we urge that additional mitigation measures be analyzed and implemented such as "dynamic or presence-induced slow speed zones," to ensure the impacts of ferry operation (described in this DEIR) is reduced to a level that is less than significant. O7-12

The Berkeley Water Transportation Pier Ferry Project Administrative Record (https://berkeleypierferryproject.com/) includes a Memorandum dated February 18, 2026 from Tom Hall, Director of Operations and Tim Hanners, Director of Project Delivery & Engineering San Francisco Bay Ferry (WETA), to Liza McNulty, Capital Improvement Program Manager, City of Berkeley, "*Marine Mammal Protection & Whale Avoidance*." If the Operational Measures at #3 are proposed to be incorporated as mitigation measures, they should have been included as such within the body of the DEIR for public review and comment:

> "The following operational measures shall be observed by all vessel operators: mandatory second bridge watch at speeds exceeding 30 knots; mandatory second bridge watch when exceeding 10 knots anywhere in the Bay whales are known to be present via visual observation or regional information sharing; logging of all watch assignments and avoidance actions; speed reduction to 10 knots if an observed whale cannot be given a buffer of at least half of a nautical mile; real-time communication of observations with Vessel Traffic Service (VTS) and the Marine Mammal Center (MMC); avoidance of natural haul-out sites with 100–250 meter buffers; and crew training on whale detection and response procedures." [emphasis added]

O7-13

Can a ferry traveling at speeds exceeding 30 knots effectively avoid a whale strike? This is an important question, especially since gray whales like to cruise low in the water, only briefly coming to the surface.[2]

The DEIR must identify, analyze and propose mitigation measures for significant direct, indirect and cumulative impacts to gray whales resulting from ferry operation, not just impacts associated with the construction of the proposed ferry terminal.

Impacts to Harbor Porpoises and Bottlenose Dolphins Inadequately Analyzed:

The 2003 WTA EIR only mentions the harbor porpoise once stating, "Other marine mammal species that have been seen occasionally in the Bay include the humpback whale (*Megaptera noveangliae*), harbor porpoise (*Phocoena phocoena*), northern elephant seal (*Mirounga angustirostris*), Steller sea lion (*Eumetopius jubatus*), northern fur seal (*Callorhinus ursinus*), and less frequently, the southern sea otter (*Enhydra lutris*)." [emphasis added] The bottlenose dolphin isn't mentioned at all. The word "dolphin" is mentioned under Mitigation B-14.1 that describes the NMFS Guidance regarding minimum avoidance distances: O7-14

[2] SF Gate. 3.31.2026. "*Windsurfer collides into whale in SF Bay as multiple wash up dead.*" https://www.sfgate.com/bayarea/article/gray-whale-death-22162140.php Accessed 4.2.2026. O7-13

NMFS Guidelines

Animal or Sensitive Site	Minimum Distance
Whales	91 meters (100 yards)
Pinnipeds (seals and sea lions)	46 meters (50 yards) in water 91 meters (100 yards) from haul-out sites
Dolphins	46 meters (50 yards)

The DEIR notes that "There are several occurrences [of harbor porpoise] recorded in the entrances of San Francisco Bay," and that "There is a moderate potential for individuals to migrate, forage, and transit within the project site." The only impacts identified, analyzed and for which mitigation measures are proposed, are construction related. No impacts or mitigation measures are proposed from ferry operation and as noted above, none were identified or proposed in the 2003 WTA EIR.

Keener and Clinton, 2019[3] note, "Porpoises are now seen regularly at locations much farther inside the Bay, such as Raccoon Strait, and near, Angel, Alcatraz, and Treasure Island. Passengers on the commuter ferries have seen them as far south as the San Francisco-Oakland Bay Bridge." And Stern et al confirm that their study[4] "…demonstrated that harbor porpoises now use SF Bay habitat on a daily basis across all months of the year."

The DEIR cannot rely on the 2003 WTA EIR for the identification and analysis of impacts to the harbor porpoise resulting from ferry operations. In addition, the DEIR must propose mitigation measures to reduce the impacts of ferry operations to the harbor porpoise to a level that is less than significant. The DEIR should include in its analysis of impacts, electric ferry noise impacts that may adversely affect foraging efficacy of the harbor porpoise. Smith et al[5] report: O7-14

> "The second component to consider is the potential for electric motors and power electronics to create significant levels of high-frequency tonal noise. These tones arise from the pulse width modulation (PWM) used to control the motor, and this was the source of the high-frequency tonal noise in the study of Gaggero *et al.* (2024). This high frequency tonal noise produced by electric outboards may therefore be of concern for high-frequency hearing specialists, such as harbour porpoises *(Phocoena phocoena),* which have best hearing in the range of approximately 10 to 140kHz (Kastelein *et al.,* 2017), and have been documented to elicit strong behavioral responses (Dyndo *et al.,* 2015; Wisniewska *et al.,* 2018) and be at an increased risk of auditory masking (Beedholm *et al.,* 2025) during exposure to the high-frequency signals produced by a vessel." [emphasis added]

Similarly, Gaggero et al[6] make the following observation for bottlenose dolphin:

> "This seems to suggest that the EB [electric boat] use does not provide any benefit from the

[3] Keener, William and Larry Clinton. 2019. "*Harbor Porpoise Comeback*." https://www.sausalitohistoricalsociety.com/2019-columns/2019/12/25/harbor-porpoise-comeback. Accessed 4/25/2026.
[4] Stern, S. Jonathan, William Keener, Isidore D. Szczepaniak, and Marc A. Webber. 2017. "*Return of Harbor Porpoises (Phocoena Phocoena) to San Francisco Bay.*" Aquatic Mammals 2017, 43(6) 691-702, DOI 10.1578/AM.43.6.2017.691
[5] Smith, Tom A., Charlotte R. Findlay, Andrea Grech La Rosa, and Peng Wu. 2026. "*A comparative study of underwater radiated noise from electric and conventional boats.*" Journal of Acoust. Soc. Am. 159 (3): 2388-2397
[6] Gaggero, Tomaso, Enrico Armelloni, Antonio Codarin, Carola Chicco, Maurizio Spoto, Carlo Franzosini, Saul Ciriaco, Marta Picciulin. 2024. "*Electric boat underwater radiated noise and its potential impact on species of conservation interest.*" Marine Pollution Bulletin 199 (2024) 115937 pp. 1-10

> underwater noise pollution point of view, in comparison with the more common CEBs [combustion engine boats]. However, EB, when it is in use, generates evident tonal components reaching a level of 130 dB re 1µPa, one of which overlaps with the best hearing frequency of the bottlenose dolphin (40 kHz). These tonal sounds have frequencies similar to those used by odontocetes for echolocation-based foraging and navigation, although bottlenose dolphin communication exploits a wider variety of frequency range, from the low to the high frequencies (Boisseau, 2005). [emphasis added]
>
> … This paper therefore demonstrates that the common sense for which electric boats are more silent (as it is perceived by humans' sensitivity to noise) may be proved wrong for some species of marine mammals. This claims for further studies to better evaluate if the EB noise represents a stressor for the marine species that have high frequency specialised hearing, such as the bottlenose dolphin." [emphasis added]

O7-14

While the findings of both of these studies were based on smaller vessels, the impacts of electric ferries on harbor porpoises and dolphins requires further analysis to determine whether there are significant impacts to the use of echolocation by these species for foraging and for communication, and whether these impacts can be mitigated.

Impacts to Waterbirds Inadequately Analyzed:

The potential for adverse impacts to waterbirds on the Bay from Project ferries must be analyzed in the DEIR. Impact B-11 of the 2003 WTA EIR states, "Ferry traffic could disturb roosting, rafting, and foraging waterfowl in the Bay," and acknowledges that waterfowl are "sensitive to the noise level, speed, size, and visual effects of traveling vessels, and generally react to this disturbance by flushing (taking flight away from the area of disturbance)." The EIR also acknowledged that:

O7-15

> "The projected ferry routes for the Proposed Project would bisect shallow areas of the Bay that are used as foraging and roosting areas for diving birds, particularly surf scoter, canvasback, lesser and greater scaup, and ruddy duck," and that "An increase in the frequency of flushing of waterfowl flocks would be considered potentially significant."

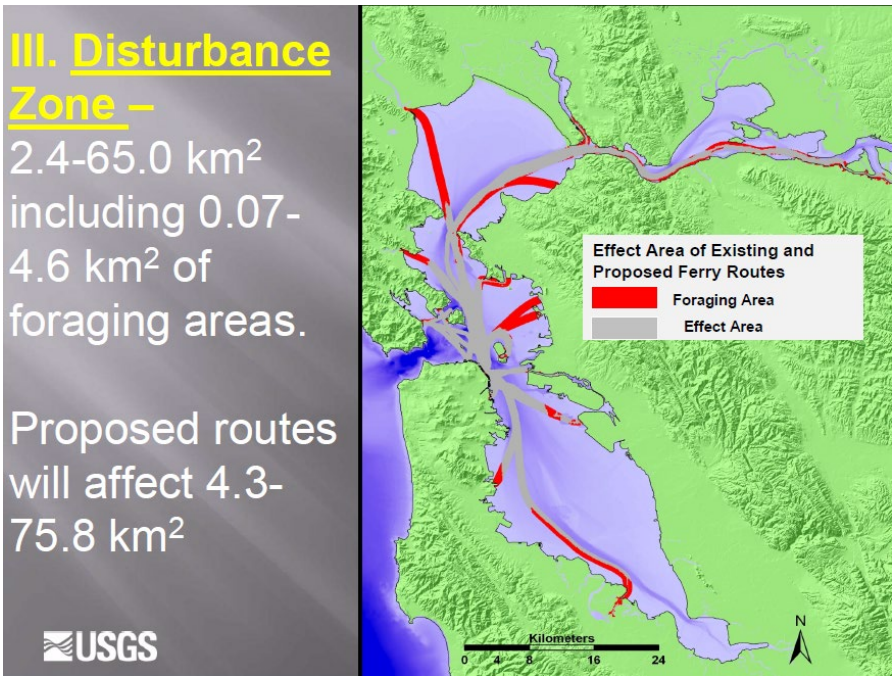
Mitigation B-11.1 states, "Ferry routes shall be consolidated within common corridors, travel down deeper channel areas as much as possible, and choose the shortest routes across shallow areas to leave as much undisturbed shallow open-water habitat as possible."

However, Mitigation B-11.2 defers development of additional specific mitigation measures to an undisclosed later date, without providing any minimum standards, "Response of waterfowl to new ferry routes in shallow North and South Bay roosting, rafting, and foraging habitat shall be evaluated. Evaluation could include observations of ferry operations and waterfowl responses by an authority such as the Point Reyes Bird Observatory (PRBO)." [emphasis added] Yet incomprehensibly concludes, "Impact After Mitigation: This impact would be considered less than significant after implementation of Mitigations B-11.1 and B-11.2." The current DEIR cannot rely upon the 2003 WTA EIR to address the impacts of ferry operations on waterbirds.

O7-16

The effects of ferry traffic on waterbirds present on bay waters was studied by U.S.G.S. biologists who

presented their findings at the 2008 South Bay Salt Pond Restoration Project South Bay Science Symposium[7]. A slide from their presentation is provided below:



Presentation slide from Takekawa et al. 2008. Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay. South Bay Salt Pond restoration Project South Bay Science Symposium 2008: Research and Restoration of the South Bay, 25 Sept. 2008.

The 2025 San Francisco Bay State of the Birds Report[8] indicates significant population decreases for the period of 1989-2024, in the North and Central Bay open water represented predominately by Lesser and Greater Scaup and by Scoters. Scaup had a bay-wide annual decline of -2.6%, while Scoter had a bay-wide annual decline of -7.5%. According to the report these trends "mirror larger declines in the Pacific Flyway and continentally." Audubon California reports[9], "*Forty to fifty percent of the Pacific Flyway's Surf Scoter population is believed to overwinter in San Francisco Bay…Over the past 50 years, however, their populations have declined across their range by 50-60%.*" O7-16

Larsen and Laubek[10] studied the effects of high-speed ferries on wintering sea ducks in the Kattegat Sea, Denmark. Their study identified the following impacts of high-speed ferries to sea ducks (Common Eiders and Common Scoters):

> "The impacts of high-speed ferries on sea ducks may be divided into three main categories: i) changes in habitat, ii) disturbance and iii) collision risk. Changes in habitat by high-speed ferries may occur where the ferries pass through shallow waters, through the physical effect of the underwater waves generated by the combined effect of the hull and the water jet, on the

[7] Takekawa et al. 2008. Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay. South Bay Salt Pond restoration Project South Bay Science Symposium 2008: Research and Restoration of the South Bay, 25 Sept. 2008. Abstracts of oral and poster presentations. https://www.southbayrestoration.org/science/2008symposium/2008Symposiumpresentations/presentations/Takekawa%20et%20al_Effects%20of%20Ferry%20Traffic%20on%20Migratory%20Waterbirds%20in%20the%20San%20Francisco%20Bay%20.pdf

[8] San Francisco Bay State of the Birds Technical Report. 2025. https://sfbaystateofthebirds.org/wp-content/uploads/2026/01/FINAL_SF-Bay-State-of-the-Birds-Technical-Report_011626.pdf

[9] Audubon California. N.d.) Birds: Surf Scoter. https://ca.audubon.org/birds-0/surf-scoter

[10] Larsen, J.K. and Laubek, B. (2005). Disturbance effects of high-speed ferries on wintering sea ducks. Wildfowl. 55. 99-116. https://wildfowl.wwt.org.uk/index.php/wildfowl/article/view/1176/1176

bottom substrate (Dahl & Kofoed-Hansen 2003). Changes in substrate composition may in turn affect the benthic fauna on which sea ducks depend. Sailing, like many other human activities, is a source of disturbance to birds. A boat passing through a sea-duck site will cause a temporary displacement of birds and a change in activity pattern within a corridor along the route travelled. Depending on the frequency of disturbance and the ability of birds to compensate for the resultant loss of feeding time, and the concomitant increase in energy expenditure, this may lead to a loss of feeding habitat. Finally, high-speed ferries may pose a collision risk to sea ducks. The speed at which a high-speed ferry travels leaves limited reaction time for sea ducks located in the ferry's immediate path, which might be especially critical during feeding bouts, when sea ducks spend much time underwater, or when visibility is reduced. Birds may collide with the ferry or, when attempting to escape by diving, become caught in the underwater turbulence." [emphasis added]

O7-16

These studies raise significant concerns regarding the potential negative impacts of the proposed ferry service transiting the San Francisco Bay – questions that must be answered through the environmental review:

- What are the potential long-term direct, indirect, and cumulative impacts to diving duck and other waterbirds (i.e., Double-crested Cormorant) populations, and their use of foraging areas from disturbance caused by 28 daily trips of high-speed ferries between San Francisco Bay and Berkeley during the week and 14 daily trips on the weekend, and 12 daily trips of high-speed ferries between Berkeley and Larkspur on the weekends, plus an unspecified number of special event trips for each of the two routes?

O7-17

- Could the repeated flushing response to ferry disturbance result in decreased body condition of diving ducks due to disruption of critical feeding and roosting behaviors. Repeated flushing in response to disturbance requires an expenditure of energy that may have negative impacts on energy stores for migration or reproduction (i.e., will the birds have sufficient energy store to reach their breeding ground and once there, will they have sufficient energy to successfully reproduce?). Scoters have a low reproductive rate so any negative impacts on breeding success will have negative repercussions at the population level.

O7-18

- Could the substrate disturbance of the high-speed ferry in adjacent shallower waters have negative impacts on benthic invertebrates – i.e. diving duck food supply?

O7-19

Dredging:

- The DEIR fails to provide the location of the ferry turning basin on any of the project figures. Please provide this information along with an estimate of the areal extent of the turning basin.

O7-20

- The DEIR does not mention maintenance dredging. Does the City have an estimate of the volume of material that will need to be dredged and the frequency with which maintenance dredging will be needed?

O7-21

- There has been an exponential increase in the estimated volume of material that will need to be dredged between the 2003 WTA EIR (13,260 cy), the 2008 Draft EIS/EIR Berkeley/Albany Ferry Terminal Study (150,000 cy) and the current DEIR (400,000 cy). This is yet another example of the change in circumstances that has occurred since the 2003 WTA EIR.

O7-22

Consideration of the Use of Helical Piles:

- The proposed project would install approximately 416 concrete or steel piles of various width and shape. The installation would require impact pile driving, resulting in potential significant adverse impacts to wildlife. For aquatic species there are numerous mitigation measures proposed that may or may not reduce the adverse impacts to a level that is less than significant, including soft-start and ramp-up procedures, utilization of a sound/bubble curtain, etc. to address noise and vibratory impacts. In addition, there are turbidity concerns that could result in reduced visibility, impaired foraging ability, and clogged gills in fish. We urge the City to analyze the use of helical piles to assess whether the reduction in construction time, reduction in noise, vibration and turbidity offset the higher initial costs. O7-23

Incomplete List of Species Within the Project Vicinity:

- The DEIR dismissed the occurrence of the state fully protected White-tailed Kite within the project vicinity despite the fact that there are numerous reports of the species occurring at Shorebird Park as recently as March 2026 on iNaturalist, YouTube videos of a White-tailed Kite nest with adults feeding nestlings at Cesar Chavez Park in May 2020, and an eBird observation of an individual carrying nesting material within the project boundary in April 2026. White-tailed Kite should be added to the list of species with a high likelihood of occurring within the project vicinity. O7-24
- Similarly, the DEIR does not include the federally listed threatened California Least Tern, reported on eBird at Berkeley Marina-bayside in May of 2023. O7-25
- There are numerous reports of Brown Pelican from Berkeley Marina-bayside from April 26, 2026 and other adjacent locations, including April 13, 2026 at Shorebird Park, and February 2026 at the Berkeley Pier. O7-26
- The longfin smelt is listed as having a high potential to occur within the project site. The EIR should give special consideration of mitigation measures necessary to adequately protect this species, as well as green sturgeon, white sturgeon, and winter-run Chinook salmon given the significant declines in the population numbers for all of these species. O7-27

Specifications of Electric Ferries to be Used Should be Provided:

- Information regarding the speed at which the electric ferries can travel should be provided in EIR. O7-28
- Analysis of the potential impacts of speed/different acoustic signatures on marine mammals and rafting sea ducks should be provided, to assess whether additional mitigation measures should be proposed to ensure the adverse impacts of electric ferry operations are less than significant for these suites of species. O7-29

Observation of the Conversion from Diesel Engines to Electric Ferries in the state of Washington:

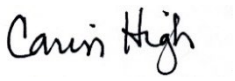
- Several news articles have circulated regarding the delay in converting from diesel to electric engines due to rising costs. We recognize the Washington State ferries are much larger as they transport cars and large vehicles. Is it certain that the ferry service proposed for the Berkeley Ferry Terminal will in fact be based on electric ferries? If not, additional analysis must be conducted to identify impacts of diesel engines on air quality, biological resources, water quality, hazardous materials, and energy consumption. O7-30

Conclusion:

Based upon our review of the information provided in the 2003 WTA EIR and the change in circumstances for biological resources of the Bay, it is evident that the analysis of impacts of ferry operations on biological resources of the Bay, and the mitigation measures that were (or were not) proposed to ensure those impacts were reduced to a level that is less than significant, are clearly inadequate. We urge that this be rectified and that the public is provided the opportunity to review and provide comments on any changes made before the Final EIR is released and certified. O7-31

Thank you for the opportunity to provide comments. We request that we be notified of any future opportunities for review and comment on this project. O7-32

Respectfully submitted,



Carin High, CCCR Co-Chair

Letter O7

Commenter: Carin High, Co-Chair, Citizens Committee to Complete the Refuge

Date: April 28, 2026

Response to Comment O7-1 and O7-2

These comments do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O7-3

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Refer to Response to Comments O7-24 to O7-27 for responses to specific species raised in the comment letter.

Response to Comment O7-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Regarding the Berkeley to Larkspur route, although WETA's Berkeley Ferry Service Business Plan, Version 1.0 does identify weekend service to Larkspur, additional project planning would be needed to provide this service. Specifically, while the range of proposed electric ferry vessels allow for service to San Francisco, the range may not yet allow for service to Larkspur. In addition, additional infrastructure would be necessary to dock electrical ferry vessels in Larkspur. For these reasons, the City has removed the Berkeley to Larkspur service from the Project Description of the EIR. For these reasons, the Berkeley to Larkspur route is not reasonably foreseeable, and would be subject to additional environmental review if and when it were to be proposed for implementation.

Specifically, Draft EIR Section 2.7.1, Operational Scenario and Ridership (page 2-30), has been revised as follows.

> A conceptual plan for ferry service has been provided in the 2022 San Francisco Bay Area Water Emergency Transportation Authority (WETA) Berkeley Ferry Service Business Plan, Version 1.0.[24]This is a living document and updates to the Business Plan and contemplated ferry service will be ~~captured~~ described in future updates. The following ferry operation is proposed in the current Berkeley Ferry Service Business Plan, Version 1.0:
>
> 1. WETA would operate two 250-passenger electric zero-emission vessels on the weekday route between Berkeley and San Francisco.
> 2. Weekend service would operate ~~a single 250-passenger vessel to Larkspur and~~ a single 250-passenger vessel to San Francisco.
> 3. At least three round-trip services would be completed during peak hours for the Berkeley/San Francisco weekday service, pursuant to WETA Board-adopted standards.
> 4. The Berkeley-San Francisco service would travel 6.7 miles between the Berkeley Ferry Terminal and the San Francisco Ferry Terminal. The total one-way travel time would be 25 minutes, door-

to-door. Weekday peak-direction headways[25] would be approximately 35 minutes. Weekend headways would be 70 to 110 minutes, depending on the time of day.

5. ~~The Berkeley-Larkspur service would travel 11.8 miles between the terminal at the Berkeley Marina and the Larkspur Ferry Terminal. The one-way travel time would be 35 minutes, door-to-door. Weekend headways would be 90 to 150 minutes, depending on the time of day.~~
6. Special event service may operate between Berkeley and San Francisco or Mission Bay (e.g., for events at the Chase Center or Oracle Park or future events at the Berkeley Marina)~~, as well as between Larkspur and Berkeley~~.

[24.] WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. March 17, 2022. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf (accessed August 2024).

[25.] A headway refers to the time interval between successive ferry departures.

Draft EIR Table 2-4 (page 2-31) has also been revised to remove references to Larkspur as follows:

Table 2-4 Daily Ridership Projections (trips)

Destination	Weekday	Weekend Day	Special Events
Projected First Year of Service			
San Francisco	1,910	1,367	209
Mission Bay[1]	2,106	1,503	209
~~Larkspur[2]~~	~~–~~	~~515~~	~~104~~
Estimated Fifteenth Year of Service[1]			
San Francisco	2,110	1,510	230
Mission Bay[1]	2,320	1,660	230
~~Larkspur[2]~~	~~–~~	~~580~~	~~115~~

[1] Total trips (including stop at San Francisco Ferry Terminal) (i.e., ridership estimate is additive of Berkeley to San Francisco passengers)

~~[2] Weekend service only~~

[2.] Ridership projections were developed after the onset of the COVID-19 pandemic using pre-pandemic ridership assumptions and demand data that were adjusted to reflect pandemic-related changes in travel behavior, fare structures, and ferry service demand.

Source: WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. March 17

The removal of the Berkeley-Larkspur route reduces the scope of project operations analyzed in the Draft EIR and does not result in any new significant environmental impacts or a substantial increase in the severity of any previously identified impact. Rather, the revised project description reflects a more conservative operational scenario than that analyzed in the Draft EIR. Therefore, the Draft EIR's impact analyses, significance conclusions, and mitigation measures remain valid, and the clarification does not constitute significant new information pursuant to CEQA Guidelines Section 15088.5.

Response to Comment O7-5

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* and Section 2.2.15, *Topical Response: Maintenance Dredging,* for discussion of post-construction sedimentation rates and maintenance dredging. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-6

Refer to Response to Comments O7-1 through O7-5 and O7-7 through O7-32 for responses to specific issues raised in the comment letter. As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective.

Response to Comment O7-7

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O7-8

The Draft EIR is based on a comprehensive literature and database review and on project-specific technical studies. Specifically, the Draft EIR biological resources analysis in Section 3.3.2, Environmental Setting, pages 3.3-3 through 3.3-24, relied on current agency databases and peer-reviewed literature (including State and federal species occurrence records, CNDDB/CDFW data, NOAA/USFWS records, eBird and other observational databases, and the 2003 WETA EIR), together with recent field surveys. That review informed the Draft EIR conclusions about species presence, habitat suitability, and the likely magnitude of project-level effects.

The Draft EIR evaluates impacts to marine mammals and special-status birds from project construction and operation in Section 3.3.4 under Impact BIO-1, pages 3.3-45 through 3.3-51, and Impact BIO-4, pages 3.3-63 through 3.3-62, and concludes that impacts would be less than significant or less than significant with implementation of mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[c], BIO-1[d], BIO-1[e], and HYD-1). Cumulative impacts on biological resources are evaluated in Draft EIR Section 3.3.5, pages 3.3-67 through 3.3-69 and concluded to be less than significant. Refer to Response to Comment O4-8 for further discussion of operational impacts on marine mammals. Refer to Response to Comment O7-17 for discussion of and Draft EIR clarification text changes with regard to waterbirds. Refer to Section 2.2.11, *Topical Response: Ferry Operations,* for discussion of vessel interaction with aquatic species. Refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* and Section 2.2.28, *Topical Response: Whale Strike,* for discussion of effects of vessel speed on aquatic species. Finally, there are no new circumstances or new, substantial information that affects the aforementioned significance conclusions in the Draft EIR or triggers the need for additional environmental planning review. The analysis and significance conclusions in the Draft EIR remain valid. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-9

Refer to Response to Comment O7-4.

Response to Comment O7-10

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 52 to 54), the analysis acknowledges that vessel strikes are a known source of mortality for gray whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor, which includes substantial commercial, recreational, and ferry vessel operational levels. In addition, refer to Response to Comment O7-13 for discussion regarding the potential occurrence of whale strike and Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for discussion regarding change in circumstances with respect to whale strike and inclusion of new related information in the Draft EIR. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-11

This comment refers to general guidelines from NMFS for avoidance of whales protected under the Endangered Species act and/or the Marine Mammal Protection Act included in the 2003 WETA EIR. Draft

EIR Section 3.3.4 under Impact BIO-1(pages 3.3-45 through 3.3-51) discusses establishment of buffer distances to create safe zones, which exceed 100 yards, based on NMFS guidelines that allow calculation of thresholds to avoid injury and harassment of marine mammals from noise produced by various construction activities. Construction impacts would be less than significant with implementation of Mitigation Measure BIO-1(d), which establishes safe zones based on these thresholds. Draft EIR Section 3.3.4(page 3.3-54) discusses project operation impacts to marine mammals and the Mitigation Measures in the 2003 WETA EIR requiring best practices to reduce the potential for whale strikes and concludes that impacts would be less than significant impacts. Refer to Response to Comment O7-13 and Section 2.2.28, *Topical Response: Whale Strike*, for further discussion of whale strikes. In addition, refer to Section 2.2.11, *Topical Response: Ferry Operations*, for discussion of vessel interaction with aquatic species and Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for discussion of effects of vessel speed on aquatic species. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-12

In Draft EIR Section 3.3.4 under Impact BIO-1, pages 3.3-52 through 3.3-54, vessel strikes are analyzed as a known source of mortality for whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor, which includes substantial commercial, recreational, and ferry vessel operational levels. Refer to Response to Comment O7-13, Section 2.2.1, Topical Response: 2003 WETA EIR Applicability, and Section 2.2.28, *Topical Response: Whale Strike*. Since significant impacts are not concluded in the Draft EIR, there is no need for additional mitigation. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-13

The 2003 WETA EIR, Implementation and Operations Plan, Mitigation and Monitoring Plan, and the Memorandum mentioned in the comment is described on page 3.3-38 of the Draft EIR. The project analyzed in the Draft EIR addresses impacts of ferry operations and refers to WETA policies and mitigation measures in place for operation of ferry routes in the San Francisco Bay. As described on page 3.3-53 of the Draft EIR, WETA works closely with the Marine Mammal Center to develop a protocol to protect whales and other marine mammals and reflects ongoing technological advances, current scientific understanding, and updated NOAA guidance to ensure that its implementation of 2003 WETA EIR Mitigation Measures 15.1 and 15.2 is as robust as possible. In addition, refer to Section 2.2.1, Topical Response: 2003 WETA EIR Applicability, and Section 2.2.28, *Topical Response: Whale Strike*. Since significant impacts are not concluded in the Draft EIR, there is no need for additional mitigation. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-14

The Draft EIR identified moderate potential for harbor porpoise and bottlenose dolphin to occur in Section 3.3.2, Environmental Setting, pages 3.3-20, 3.3-23, and 3.3-24. Project construction and operational impacts to marine mammals, including these two species, were evaluated in Section 3.3.4 under Impact BIO-1, pages 3.3-48 through 3.3-54, and the Draft EIR concludes that impacts would be less than significant or less than significant with implementation of mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[c], BIO-1[d], BIO-1[e], and HYD-1). In addition, refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise*, and Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability.* No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-15

The proposed increase in project-related operational ferry trips would be incremental relative to existing vessel operational levels in San Francisco Bay. Asserting a direct population-level impact (including foraging and roosting for diving birds) from the project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration

success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4, Impacts Analysis under Impact BIO-4, pages 3.3-63 through 3.3-62, and concludes that impacts would be less than significant. Refer to Response to Comment O7-17 for discussion of and Draft EIR clarification text changes with regard to waterbirds. Refer to Section 2.2.11, *Topical Response: Ferry Operations*, for discussion of vessel interaction with aquatic species. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O7-16

Refer to Response to Comment O7-15.

Response to Comment O7-17

Most diving ducks and other waterbird species in San Francisco Bay are not considered special-status under CEQA, because they are common, widespread, and not listed as threatened, endangered, or otherwise protected under federal or State endangered species acts or CDFW special-status criteria. Thus, such species are not evaluated individually as special-status species in the Draft EIR. The Central Bay already supports dense commercial, recreational, and ferry operational levels; the Draft EIR compares the incremental ferry operations of the project to this existing baseline rather than to an undisturbed Bay. Refer to Response to Comment O7-8 for further discussion of waterbirds in the Draft EIR. In response to this comment the following discussion has been added to Section 3.3.4 under Impact BIO-4, page 3.3-64:

Section 3.3.4, page 3.3-63:

> Marine
>
> Operation of ferry vessels would occur at the water surface level, with some incremental increase in ferry boat noise and lighting within the project ~~area~~ vicinity. The project proposes to operate two ferry vessels with regular service to San Francisco ~~and weekend service to Larkspur~~, which ~~are both~~ is an active shipping port~~s~~ with existing recreational and ferryboat use. Therefore, the project would represent an incremental increase in existing boat trips on the Bay.
>
> Temporary disturbance from ferry operations would be localized and intermittent, affecting only a small portion of the broad open-water foraging and roosting areas used by migratory and wintering birds in San Francisco Bay. The project's operational corridor represents a minor fraction of the available bay habitat, and similar foraging and roosting sites occur immediately north and south of the corridor. Because displacement events would be shorter and birds can move to adjacent habitat with comparable resources, the loss of usable foraging or roosting area is expected to be temporary and minimal.
>
> Special-status fish and marine mammals, specifically whales, are likely habituated to existing levels of boat trip levels and would avoid new ferry boat service….

This clarification text change does not change the significance conclusions in the Draft EIR. In addition, refer to Section 2.2.11, *Topical Response: Ferry Operations,* for discussion of ferry vessel operational impacts related to aquatic species. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O7-18

Refer to Response to Comment O7-17 for a discussion related to diving ducks. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O7-19

Refer to Response to Comment O7-17 for a discussion related to diving ducks. No Draft EIR changes are necessary in response to this comment

Response to Comment O7-20

The dredging location within the project site, including the proposed ferry turning basin, is identified in Figure 2.2, page 2-3 of the Draft EIR. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-21

The Draft EIR includes an estimated maximum one-time construction dredging volume of 400,000 cubic yards in Chapter 2, *Project Description*, page 2-28. Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion of how maintenance dredging is addressed in the EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-22

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

The 400,000 cubic yards of dredging is based on the current best available information, and based on the latest engineering for the project. In this Draft EIR, the City has analyzed the environmental impacts associated with the dredging of 400,000 cubic yards.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O7-23

Refer to Response to Comment O5-42 for discussion of helical piles and why they are not feasible for this project. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-24

Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-25

Refer to Response to Comment A2-35 to A2-38 for Draft EIR clarification text changes addressing California least tern and related impacts. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-26

The Draft EIR focuses its special-status species evaluation on taxa that are currently listed or otherwise designated as special-status by federal, State, or recognized conservation lists, and on species for which the project site provides suitable habitat. Special-status species are defined in Draft EIR Section 3.3.2, Environmental Setting, page 3.3-17. Brown pelican was delisted under both the federal and California Endangered Species Acts in 2009 because the populations were found to be recovered based on the best scientific and commercial data.[31] Recovery means that the species is no longer in danger of extinction or likely to become so within the foreseeable future. Following delisting, the brown pelican remained a fully

[31] Removal of the Brown Pelican (*Pelecanus occidentalis*) From the Federal List of Endangered and Threatened Wildlife; Final Rule, 50 Fed. Reg. 59444 (Nov. 17, 2009) (to be codified at 50 CFR §17.11(h)). Available at: https://www.federalregister.gov/documents/2009/11/17/E9-27402/endangered-and-threatened-wildlife-and-plants-removal-of-the-brown-pelican-pelecanus-occidentalis. Accessed on September 25, 2026.

protected species under California Fish and Game Code (CFGC) until 2023, when its fully protected species status was also removed by State Bill 147. Species that have been formally delisted or that lack current regulatory special-status are not treated as special-status species under CEQA. The decisions by wildlife regulatory agencies to remove more stringent species protections were made specifically because this species is no longer "rare." Rare is defined under CCR 15380(b)(2) as existing in small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens or that the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the federal Endangered Species Act. Brown pelican is rated as a species of low conservation concern on the Continental Concern Score by Partners in Flight, further indicating that this species is no longer rare, as defined by CCR 15380(b)(2).[32,33] Brown pelican is still protected under CFGC Section 3503 and the MBTA, and any impacts to this species would be less than significant via implementation of Mitigation Measures BIO-1(a) and BIO-1(c). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-27

The Draft EIR evaluated impacts to longfin smelt, green sturgeon, white sturgeon, and winter-run Chinook salmon in Section 3.3.4 under Impact BIO-1, page 3.3-45, and concludes that impacts would be less than significant with implementation of Mitigation Measures BIO-1(a) and BIO-1(d). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-28

Refer to Section 2.2.11, *Topical Response: Ferry Operations*, for a discussion of how vessel speeds are addressed in the EIR, consistent with CEQA.

Response to Comment O7-29

Refer to Response to Comment for O7-8 for discussion of potential impacts of ferry operations to marine mammals and rafting waterbirds. In addition, refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for discussion of ferry operational noise impacts related to marine species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-30

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, for a discussion of how the proposed project includes and the Draft EIR analyses assume installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source.

Response to Comment O7-31

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

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[32] Partners in Flight. 2024. Avian Conservation Assessment Database, version 2024. Available at http://pif.birdconservancy.org/ACAD. Accessed on September 25, 2026.

[33] State of North America's Birds. 2016. Conservation Status Assessment. Available at: https://www.stateofthebirds.org/2016/overview/methods/?_gl=1*13yb9a1*_gcl_au*MTE3NjM1Nzc3NC4xNzgzMDM2Mjgw*_ga*MjA2NDYwODg1OS4xNzA3MjYyMzIw*_ga_QR4NVXZ8BM*czE3OTAzNTI2OTEkbzQ5JGcxJHQxNzkwMzU0ODUwJGoxNSRsMCRoMTcxOTk1OTcxOQ. Accessed on September 26, 2026.

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective.

Response to Comment O7-32

The City has added the commenter's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Letter O8

From: Memo Gunay <memo.gunay@cal-sailing.org>
Sent: Tuesday, April 28, 2026 1:59 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: excom@cal-sailing.org
Subject: Cal Sailing Club comment on the Draft Environmental Impact Report

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Please find attached our public comments on the **Draft Environmental Impact Report (EIR)** for the Berkeley Water Transportation Pier Ferry Project. O8-1

Best regards,
Cal Sailing Club

April 28, 2026

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

lmcnulty@berkeleyca.gov

Re: Comments on the Draft Environmental Impact Report — Berkeley Water Transportation Pier Ferry Project

Dear Ms. McNulty and the Project Team,

On behalf of the Cal Sailing Club (CSC) Board of Directors, we welcome the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Berkeley Water Transportation Pier Ferry Project. CSC has long called the Berkeley waterfront home, and we see exciting potential upsides in environmentally friendly developments that make the Bay more accessible to Berkeley residents and visitors — including our own members. We appreciate the City's sustained effort to advance this project, and the community engagement to shape it. O8-1

CSC's membership holds a range of views on the project, and as a club we take no position for or against it. We do, however, share a collective interest in ensuring that the EIR provides a thorough analysis of potential impacts on the waterfront's recreational uses. The South Sailing Basin and its environs are the foundation of our educational and recreational programs, and a number of physical and environmental questions about the project's effects on that area do not appear to be fully addressed in the Draft EIR. We raise these as areas where we believe additional analysis would strengthen the document and lead to better outcomes for everyone. O8-2

Requests for Additional Environmental Analysis

1. **Parking Access for Recreational Users**

   CSC members, volunteers, and guests depend on nearby parking to participate in sailing, windsurfing, kayaking, and paddleboard programs. Many participants carry equipment that cannot easily be transported via transit. The Draft EIR acknowledges a net reduction in available parking spaces but does not appear to fully assess the downstream effect on recreational users who rely on that capacity. O8-3

   Specifically, the Draft EIR's analysis in Chapter 3, Environmental Impact Analysis, states that "parking scarcity alone does not constitute a significant impact on the environment" and that the EIR "has found no secondary environmental impacts related to parking" (see page 3-11 and Section 3.9, Land Use and Planning, Table 3.9-1, BCDC Bay Plan Consistency discussion).

However, the BCDC San Francisco Bay Plan policy on Recreation and Public Access states that "facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons" and that "shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking." While the Draft EIR references the City's forthcoming Parking and TDM Plan (cited at footnotes 19 and 20 of Section 3.9), neither that plan nor the EIR itself appears to quantitatively evaluate whether the shared-use parking strategy will preserve adequate access for equipment-dependent recreational users such as CSC's members. O8-4

Section 3.11, Recreation, identifies CSC and Cal Adventures as users of the South Sailing Basin public docks (page 3.11-6) and lists construction staging at the Skates/N Lot and Parking Lot M as potentially reducing parking availability (Impact REC-1, page 3.11-16). However, the operational analysis does not address the long-term displacement of recreational parking by ferry commuter demand. It is important to recognize that even if there is a "net increase in recreational facilities that do not currently exist," (Impact REC-1, page 3.11-16), the "impacts related to a substantial physical deterioration of existing recreational facilities," are indeed very significant to users of those facilities. O8-5

The Final EIR must explicitly evaluate impacts on recreational parking in compliance with the 2025 San Francisco Bay Plan, which calls for "conveniently located areas where vehicles can be parked for more than short periods of time" at waterfront recreational facilities. If ferry ridership is projected to increase demand for parking beyond current capacity, the EIR should identify mitigation measures that preserve adequate access for recreational users. O8-6

2. **Wind Shadow Effects from Peninsula and Berm Changes**

The South Sailing Basin benefits from wind shelter provided by the existing landforms along Seawall Drive. This sheltered area is essential to CSC's instructional programs: it allows beginners to develop sailing and windsurfing skills in a protected environment before venturing into the more exposed and therefore challenging Bay. Any changes to the berm, tree height, or peninsula geometry could alter this wind shadow in ways that are difficult to reverse. O8-7

The Project Description (Section 2.5.2, page 2-18) explains that the project would remove the existing vegetated berm at the Seawall Drive parking lot along with approximately 40 trees, including Monterey Cypress, Monterey Pine, and other species (page 2-22). Replacement plantings of 50 to 70 new trees are proposed, but these would be 24-inch box trees that would take years to reach the canopy height of the mature trees being removed. Section 3.1, Aesthetics (page 3.1-31), acknowledges that the removal of these trees and berm would change the visual character of the Seawall Drive corridor, replacing "organic shapes and softened skyline with geometric forms and engineered materials," but the Draft EIR does O8-8 O8-9 O8-10

not evaluate the functional recreational impacts of these landform changes on wind exposure in the adjacent South Sailing Basin.

The Final EIR should specifically evaluate whether proposed modifications to these landforms would materially affect wind conditions in the South Sailing Basin, and if so, on what timescale vegetation or other mitigations might restore that shelter.

O8-10

3. **Siltation and Sediment Transport**

   Construction activities and alterations to the pier footprint, new breakwater, and adjacent shoreline have the potential to disturb sediment and affect siltation patterns in the South Sailing Basin. The Draft EIR does not appear to include a thorough analysis of sediment transport under the proposed project.

   The Draft EIR addresses dredging-related turbidity in Section 3.8, Hydrology and Water Quality (pages 2-28 and 3.8-30), noting that up to 400,000 cubic yards of material would be dredged and that turbidity from dredging "diminishes to background levels within a radius of approximately 600 feet within one tidal cycle." However, this analysis focuses on water quality in the immediate dredging zone and does not evaluate longer-term sediment redistribution to the South Sailing Basin. Similarly, Section 3.5, Geology and Soils (Impact GEO-4, page 3.5-31) addresses ferry wake and erosion but concludes impacts are less than significant based on the armored rip-rap shoreline, without analyzing sediment deposition patterns in the South Sailing Basin. The new 400-foot breakwater could alter wave energy and current patterns in the project vicinity, which could redirect sediment transport toward or away from the basin's shallow areas.

   We request that the Final EIR assess whether construction or long-term ferry operations could alter siltation or erosion rates in the South Sailing Basin, and if so, what mitigation measures would be employed. Siltation could affect the navigability of the basin's shallow-water areas, which are used for beginner instruction and non-motorized watercraft.

O8-11

We recognize that these questions may require additional technical study, and we offer CSC's institutional knowledge of the South Sailing Basin and its conditions as a resource to the project team. We look forward to reviewing the responses to these comments in the Final EIR and hope to see proposed changes that benefit the entire Berkeley waterfront community.

O8-12

Thank you for your consideration.

Respectfully,

Cal Sailing Club Executive Committee
Cal Sailing Club
124 University Ave, Berkeley, CA 94710

Letter O8

Commenter: Executive Committee, Cal Sailing Club

Date: April 28, 2026

Response to Comment O8-1 and O8-2

These comments do not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O8-3

Refer to Section 2.2.20, *Topical Response: Parking,* which discusses parking considerations under CEQA, the evaluation of secondary physical effects related to parking, parking availability, and the City's parking management approach for managing both ferry patrons and recreational users. Refer also to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*, regarding equipment-dependent recreational activities and access needs.

The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.12, *Transportation*, and related sections of the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment O8-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is addressed under CEQA, as well as how the project would provide sufficient parking for all users.

Response to Comment O8-5

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is addressed consistent with CEQA.

To the extent the comment is concerned with construction staging, refer to Response to Comment A3-55, which revises Section 3.11, *Recreation*, of the Draft EIR to clarify the analysis of temporary recreational impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1. The comment suggests that are impacts related to a substantial physical deterioration of existing facilities but does not provide information about what existing facilities they are referring to, nor any evidence to how existing facilities would be degraded as a result of the project.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the EIR are necessary.

Response to Comment O8-6

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, parking availability and convenience are not environmental impacts under CEQA in themselves. The Draft EIR evaluates potential secondary physical impacts associated with parking and concludes that project implementation would not result in significant adverse impacts related to recreational access.

To the extent the comment's concerns relate to the BCDC San Francisco Bay Plan, the Draft EIR evaluates consistency with applicable Bay Plan policies in Section 3.9, *Land Use and Planning*, including policies related to shoreline access, parking, and recreation. The analysis concludes that the project would maintain and enhance public access to the waterfront through a combination of retained and reconfigured parking, active transportation improvements, public transit access, and new recreational

amenities (refer to Impact LU-2). Because no significant parking-related environmental impact has been identified, mitigation is not required under CEQA. For further discussion of project consistency with BCDC Bay Plan policies, please refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*.

The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.12, *Transportation*, and related sections of the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment O8-7

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Wind Shelter Effects of Tree and Berm Removal), for discussion concerning CEQA and wind. No further response is required.

Response to Comment O8-8

The proposed project would provide replacement trees where appropriate consistent with Berkeley's Municipal Code and practices of Berkeley's Urban Forestry Unit, as stated on Draft EIR page 3.3-65 of Section 3.3, *Biological Resources.* No further response is required.

Response to Comment O8-9

This statement provides context for the comment but does not identify issues with the adequacy of the aesthetics analysis, significance conclusions, or mitigation measures in the Draft EIR. Therefore, no further response is required.

Response to Comment O8-10

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Wind Shelter Effects of Tree and Berm Removal), for discussion concerning CEQA and wind. No further response is required.

Response to Comment O8-11

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about sediment transport and siltation impacts on the South Cove Sailing Basin.

Response to Comment O8-12

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter O9

From: Whitney Grover <wgrover@goldengatebirds.org>
Sent: Tuesday, April 28, 2026 2:41 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Glenn Phillips <gphillips@goldengatebirds.org>
Subject: Comments on the Berkeley Pier with Ferry Access Project DEIR

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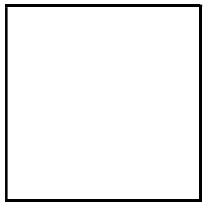
Hello Liza McNulty,

Please see the attached comments from Golden Gate Bird Alliance on the DEIR for the Berkeley Pier with Ferry Access Project. O9-1

Thank you,

Whitney Grover
(She/Her)

Director of Conservation
Golden Gate Bird Alliance
2150 Allston Way, Suite 210
Berkeley, CA 94704
wgrover@goldengatebirds.org
Phone: 510-319-7137



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www.goldengatebirdalliance.org

April 28, 2026

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
lmcnulty@berkeleyca.gov

RE: Comments on the Draft EIR for the Berkeley Pier with Ferry Access Project

Dear Liza McNulty,

Thank you for the opportunity to provide public comment on the Draft Environmental Impact Report (DEIR) for the Berkeley Pier with Ferry Access Project, as required by the California Environmental Quality Act (CEQA). Please see the detailed list of comments below. Our primary concern is the lack of study of wintering waterbirds, especially rafting and foraging terns, grebes, and ducks. The environmental impacts of construction and ferry operation on those birds and their open-water habitat was not sufficiently addressed in the DEIR. O9-1

Golden Gate Bird Alliance is a non-profit organization whose mission is to inspire people to protect Bay Area birds and our shared natural environment. For over 100 years we have been a leader in bird conservation and habitat protection. Our 7,000 members and supporters envision a world where birds, wildlife, and all people flourish together. O9-2

Impacts to Wintering Waterbirds

The DEIR is deficient in outlining impacts and mitigation related to the offshore wintering habitat for many bird species including state and federal Special Status Species as well as species experiencing population declines in the Bay Area. **A single land-based survey date in September is insufficient to understand the ecology and species composition, let alone the environmental impacts to these species from pier construction phases and later ferry operations.** The Biological Resources table in Appendix 2 is incomplete without consideration of overwintering presence. Disturbance from construction or ferries is shown to flush waterbirds from their roosting and foraging grounds[1]. Local habitat changes at one location on a migratory flyway can have significant impacts to larger populations of waterfowl[2]. O9-3

[1] Takekawa, John, Natalie R. Wilson, Susan W. De La Cruz, and Jane O. Anfinson. 2004. Effects Of Ferry Traffic On Migratory Waterbirds In The San Francisco Bay. USGS Western Ecological Research Center, San Francisco Bay Estuary Field Station. john_takekawa@usgs.gov

[2] De Felipe, M., J. A. Amat, J. L. Arroyo, R. Rodríguez, and C. Díaz‐Paniagua. 2024. Habitat Changes at the Local Scale Have Major Impacts on Waterfowl Populations Across a Migratory Flyway. Global Change Biology 30:e17600.

California Least Terns (*Sernula antillarum browni*) are in fact present and foraging in and adjacent to the project site, primarily in the months of May through August. While the DEIR is correct in that there is not suitable nesting habitat for this species in the project site, there is very suitable habitat for foraging as demonstrated by the birds currently using it according to eBird observations,[3] likely commuting from the Alameda nesting colony. Without consideration of the impacts of both construction and ferry operations on this sensitive state and federally listed Endangered species and its foraging patterns and habitat in the Berkeley off-shore area, this project should not proceed. O9-4

Additionally, the following species are present in the project site throughout the winter and are listed by US Fish and Wildlife Service or California Department of Fish and Wildlife[4] as species of special conservation concern: Ruddy Duck, Western Grebe, Clark's Grebe, Elegant Tern, Caspian Tern, Osprey, California Gull, California Brown Pelican, and Common Loon. While their designation is specific to their nesting habitat, these birds overwinter and forage in the open bay, in the project area. Their critical overwintering habitat is key to their survival. The DEIR identifies thresholds of significance as impacts that "result in direct take or habitat removal or alteration for candidate, sensitive, or special-status species." The pier construction and ongoing ferry operations would absolutely result in habitat removal and alteration for California Least Tern as well as these special-status species. O9-5

In addition to these species with special designation, an analysis of Christmas Bird Count and eBird data show dramatic declines in these species' populations in the greater Bay Area over the last 50 years: Greater Scaup, Lesser Scaup, Surf Scoter, Bufflehead, Common Goldeneye, and Western Sandpiper. All are present in abundance in the project site during winter.

The DEIR does outline mitigation strategies for protecting and surveying for nesting birds, including avoiding terrestrial construction during the bird breeding season which we were happy to see. However, breeding habitat is only one important part of a bird's life cycle and overwintering habitat is also critical for protecting migratory birds. This project should not proceed without further study of overwintering offshore birds during construction and ferry operation, and outlining appropriate mitigation measures. O9-6

2003 PEIR Out of Date

The 2003 Programmatic EIR (PEIR) for Expansion of Ferry Transit Service in the San Francisco Bay Area, prepared for the Water Transit Authority, lacks alignment with current San Francisco Bay ecological science. There have been substantial changes in the ecology of the Bay since 2003, including declines in multiple wintering and migratory bird populations as outlined above as well as increased presence of multiple whale species. Increased Ferry use in the Bay, including an added ferry terminal in Berkeley as part of this project, calls for a new PEIR based on the changing conditions in species presence and the overall ecology of the San Francisco Bay. These changing conditions and species declines, O9-7

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[3] Cornell Lab of Ornithology, eBird Database. Search for "Least Tern" in "Berkeley, CA", "Year-round, 2023-2025". Access Date April 27,2026. https://ebird.org/map/leater1?neg=true&env.minX=-122.33870601654053&env.minY=37.85575902097897&env.maxX=-122.2884521484375&env.maxY=37.87429132666366&zh=true&gp=false&ev=Z&excludeExX=false&excludeExAll=false&mr=1-12&bmo=1&emo=12&yr=range&byr=2023&eyr=2025 O9-4

[4] California Natural Diversity Database (CNDDB). April 2026. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA. O9-5

GOLDEN GATE BIRD ALLIANCE
2150 Allston Way, Suite 210 Berkeley, California 94704
phone 510.843.2222 *fax* 510.361.0140 *web* www.goldengatebirdalliance.org

including dabbling open water ducks like Surf Scoter, are also well documented in the recently published San Francisco Bay State of the Birds Report[5].

O9-7

Lighting Impacts to Birds and Wildlife

Impact AES-4 in the DEIR outlines lighting impacts of the project and suggests using Dark Sky approved lighting fixtures. We strongly encourage this mitigation measure and support the use of Dark Sky approved lighting in all projects including this one. The impacts of artificial lighting at night are beyond aesthetic for birds, nocturnal insects, and other wildlife. The cumulative light from urban environments, skyglow, has shown to be a top predictor for bird migration stopover frequency[6], putting the birds at risk of collision[7] and predation. Mitigation measure AES-1 should be adopted to prevent these impacts.

O9-8

Based on the project design it seems there will be significantly more lighting fixtures than currently in place, both on the land in the parking area and on the new pier. In addition to ensuring the fixtures are Dark Sky approved, we also recommend following the Dark Skies principles for responsible outdoor lighting[8] which asks that lighting be only as bright as absolutely necessary, and only on when necessary.

Thank you for your time and consideration.

Sincerely,



Glenn Phillips
Executive Director

---

[5] San Francisco Bay State of the Birds Report. 2026. https://sfbaystateofthebirds.org/

O9-7

[6] Horton, K. G., J. J. Buler, S. J. Anderson, C. S. Burt, A. C. Collins, A. M. Dokter, F. Guo, D. Sheldon, M. A. Tomaszewska, and G. M. Henebry. 2023. Artificial light at night is a top predictor of bird migration stopover density. Nature Communications 14:7446.

[7] Lao, S. 2012. Investigating The Effects Of Weather, Artificial Lighting, And Polarized Light On Bird-Building Collisions In The Downtown Area Of A Major U.S. City. Oklahoma State University.

O9-8

[8] https://darksky.org/resources/guides-and-how-tos/lighting-principles/

GOLDEN GATE BIRD ALLIANCE
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phone 510.843.2222 *fax* 510.361.0140 *web* www.goldengatebirdalliance.org

Letter O9

Commenter: Glen Phillips, Executive Director, Golden Gate Bird Alliance

Date: April 28, 2026

Response to Comment O9-1

Refer to Responses to Comments O9-3 through O9-8 for a discussion of waterbirds and the evaluation of potential impacts to aquatic bird species. No further response is required.

Response to Comment O9-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O9-3

A reconnaissance-level field survey, when combined with targeted database and literature review and the application of standard CEQA avoidance/minimization measures, provides sufficient, project-specific information to map and evaluate potential species habitats and sensitive biological resources to support CEQA impact analysis. CEQA requires enough information to evaluate environmental effects and to adopt feasible mitigation; it does not require exhaustive scientific research or the generation of new baseline science beyond what is necessary to make an informed determination. The "biological resources table in Appendix 2" is in fact a table titled *Special Status Animal Species in the Regional Vicinity of the Project Site* in Appendix C (pages C-7 through C-12) and evaluates the potential to occur of all special-status species with known occurrence records in standard database searches described in Draft EIR Section 3.3.1, Introduction, page 3.3-1. If overwintering birds did not meet the definition of a special-status species under CEQA, as defined in Section 3.3.2, Environmental Setting, page 3.3-17, they were not included in the table in Appendix C. Refer to Responses to Comment O7-17 and P46-4 for details of Draft EIR clarification text changes related to waterbirds, including offshore wintering birds, and the Pacific Flyway, respectively. No further revisions to the EIR are necessary. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O9-4

Refer to Response to Comment A2-35 to A2-38 for details of the Draft EIR clarification text addition changes related to California least tern. No additional changes to the Draft EIR are necessary in response to this comment.

Response to Comment O9-5

Refer to Response to Comment A2-35 to A2-38 for details of the Draft EIR clarification text changes related to California least tern. Ruddy duck, western grebe, Clark's grebe, elegant tern, Caspian tern, osprey, California gull, and California brown pelican, are not CDFW species of special concern. Common loon is a species of special concern, and osprey and elegant tern are CDFW Watchlist species. These species had no occurrence records in the standard nine USGS 7.5-minute quadrangle search of the California Natural Diversity Database (CNDDB) including the project site and, thus, were not considered in the Draft EIR. California is outside the breeding range for common loon, which is limited to northern North America, from Alaska and much of Canada south into the northern United States, with clear, fish-rich lakes in boreal and near-arctic regions. Elegant tern nests in large colonies on beaches, and there is no suitable breeding habitat within the project site or its vicinity given the high anthropogenic disturbance in the vicinity of the project site. Osprey are not known to nest at the Berkeley Marina according to the Golden Gate Bird Alliance-run website SFBayOspreys.org, and prefer to build nests off the ground in treetops, cliffs, or elevated human-built structures. There is low potential for common loon, osprey, and

elegant tern to forage over open water or roost on trees or structures within and adjacent to the project site. In response to this comment, potential for these species to occur within the project site have been added as low in Appendix C, and the following clarification text changes have been made to Draft EIR Section 3.3, *Biological Resources* and Appendix C, *Supporting Biological Resources Information*:

Section 3.3.4, page 3.3-18:

Special-status Wildlife Species

Fifty-one ~~Forty-seven~~ (~~47~~ 51) terrestrial special-status wildlife species were assessed for their potential to occur within the project site (Appendix C), of which 12 ~~seven~~ have the potential to occur within the terrestrial portions of the project site. One species, double-crested cormorant (*Nannopterum auritum*, CDFW Watch List), was determined to have a moderate potential to occur and is discussed in further detail below.

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~five~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site), are not discussed further because they are unlikely to be affected by the project:

- Crotch's bumble bee (*Bombus crotchii*, State candidate endangered)
- Northwestern pond turtle (*Actinemys marmorata*, federally proposed threatened, State species of special concern [SSC])
- Cooper's hawk (*Accipiter cooperii*, CDFW Watch List)
- Burrowing owl (*Athene cunicularia*, State candidate)
- Common loon (*Gavia immer*, SSC)
- Brant (Branta bernicla, SSC)
- White-tailed kite (*Elanus leucurus*, State fully protected)
- Alameda song sparrow (*Melospiza melodia pusillula*, SSC)
- Osprey (*Pandion haliaetus*, CDFW Watch List)
- Least tern (*Sternula antillarum browni*, Federally endangered, State endangered, State fully protected)
- Elegant tern (*Thalasseus elegans*, CDFW Watch List)

Appendix C, page C-9:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Falco peregrinus anatum American peregrine falcon	FD/SD G4T4/S3S4	Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures. Nest consists of a scrape or a depression or ledge in an open site.	Not Expected	There are two known occurrences within five miles; however, suitable cliffs or tall buildings are not present.
Gavia immer common loon	None/None G5/S1 SSC	Breeds in northern freshwater lakes in Canada and the northern United States, migrates to coastal waters or large southern lakes in winter. Frequents bodies of water that are extensive, fairly	Low Potential	No recorded occurrences within five miles, however winter habitat is present in open water in the vicinity of the project site.

		deep, and produce quantities of large fish.		

Appendix C, page C-10:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Nannopterum auritum double-crested cormorant	None/None G5/S4 WL	Colonial nester on coastal cliffs, offshore islands, and along lake margins in the interior of the state. Nests along coast on sequestered islets, usually on ground with sloping surface, or in tall trees along lake margins.	Moderate Potential	There are no known occurrences within five miles, and the Project site is largely developed and disturbed by recreational use; however, this species is known locally to nest on man-made structures.
Pandion haliaetus osprey	None/None G5/S4 WL	Ocean shore, bays, freshwater lakes, and larger streams. Builds large nests in tree-tops or tall structures within 15 miles of a good fish-producing body of water.	Low Potential	There are no recorded occurrences within five miles. Suitable foraging habitat is present over open water within the project site. There are suitable trees and tall structures for nesting within the project site, but due to high anthropogenic disturbance and no documentation of nests, it is unlikely that ospreys would nest in the project site.
Rallus obsoletus obsoletus California Ridgway's rail	FE/SE G3T1/S2 FP	Salt water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Not Expected	There are two known occurrences within five miles; however, suitable marsh habitats are not present and the Project site is largely developed and disturbed by recreational use
Riparia riparia bank swallow	None/ST G5/S3	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Not Expected	There are no known occurrences within five miles, suitable river banks are not present, and the Project site is largely developed and disturbed by recreational use.
Rynchops niger black skimmer	None/None G5/S2 SSC	Nests on gravel bars, low islets, and sandy beaches, in unvegetated sites. Nesting colonies usually less than 200 pairs.	Not Expected	There are no known occurrences within five miles, suitable gravel bars and beaches are not present, and the Project site is largely developed and disturbed by recreational use.
Sternula antillarum browni	FE/SE G4T2T3Q/S2 FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches,	~~Not Expected~~ Low Potential	There are no known occurrences within five miles, suitable colonial breeding sites are not present, and the Project site is largely

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
California least tern		alkali flats, land fills, or paved areas.		developed and disturbed by recreational use. This species may forage over open water in the vicinity of the project site.
Thalasseus elegans elegant tern	None/None G5/S3 WL	Nests on open, sandy undisturbed beaches and on salt-evaporating pond dikes (San Diego) in association with the Caspian tern. There are three known breeding colonies in San Diego Bay, Los Angeles Harbor, and Bolsa Chica Ecological Reserve. Outside of breeding season they can be found along the Pacific coast, from California, all the way into South America. They eat mostly small schooling fish and the northern anchovy is their primary prey.	Low Potential	There are no known occurrences within five miles, suitable breeding sites are not present. This species may forage over open water in the vicinity of the project site.

Regardless of these clarification text changes, the analysis and significance conclusion presented under Impact BIO-1 in Section 3.3.4 Biological Resources Impacts Analysis, page 3.3-43 of the Draft EIR remains valid. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O9-6

Refer to Response to Comment O7-8 for discussion of project construction and operation impacts to waterbirds, which include overwintering species, and their respective habitat. Refer to Response to Comment O9-3 for discussion of CEQA requirements with regards to additional scientific studies. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O9-7

The comment discusses the 2003 WETA EIR and states that the Draft EIR does not provide an updated analysis to account for changed circumstances, specifically concerning biological resources.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment O9-8

Construction lighting impacts to terrestrial wildlife are discussed in Draft EIR Section 3.3.4 under Impact BIO-1, page 3.3-44, and were determined to be less than significant with implementation of Mitigation Measure AES-1. Lighting impacts to terrestrial wildlife during project operation are discussed under Impact BIO-1, page 3.3-51, which concludes that, because lighting added as part of the project would be designed in accordance with City ordinance and would be similar to existing levels of lighting already present on the project site, impacts would be less than significant. For further discussion of nighttime lighting and its effects on the shoreline, refer to Section 2.2.18, *Topical Response: Nighttime*

Lighting/ALAN. In response to this comment the following clarification text change has been added to Section 3.3.4 under Impact BIO-1, page 3.3-51:

Section 3.3.4, page 3.3-51:

> **Special-Status Wildlife**
>
> […]
>
> Impacts on nesting birds, including double-crested cormorant, from operation would also be minimal. Any additional lighting added as part of the project, as discussed in *Section 3.1, Aesthetics,* under Impact AES-4, would be designed in accordance with City ordinance, and would be similar to existing levels of lighting present on the project site. The ferry would operate in open water, and the existing use of the project site for recreation would continue with similar levels of activity and disturbance. Wake generated by ferry operation would be consistent with existing vessel operations in the Bay and not result in disturbance to nesting or roosting habitats above the existing shoreline riprap armoring. Therefore, impacts on migratory and nesting birds due to operation would be less than significant.

This clarification text change does not result in changes to the Draft EIR significance conclusions.

Letter O10

From: Camille Antinori <camilleantinori@gmail.com>
Sent: Tuesday, April 28, 2026 11:03 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment on Berkeley Pier-Ferry Draft Environmental Impact Report (DEIR)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Berkeley Waterfront Community Coalition would like to submit the attached public comment on the Draft Environmental Impact Report (DEIR) for the Berkeley Water Transportation Pier Ferry Project (due today April 28, 2026 at 5 pm). Thank you in advance for your time in reviewing the comments. Please let us know if we can clarify anything in the document.

O10- 1

BWCCDEIRCOMMENTSFINAL.pdf

A confirmation of timely receipt would be most appreciated.

Best regards,

Camille Antinori
On behalf of Berkeley Waterfront Community Coalition

Date: **April 28, 2026**
To: **Liza McNulty, PE, Project Manager**
City of Berkeley, Parks, Recreation, and Waterfront Department
2180 Milvia, 3rd Floor
Berkeley, California 94704
From: **Berkeley Waterfront Community Coalition**
Re: **Berkeley Water Transportation Pier Ferry Draft EIR Comments**

Berkeley Waterfront Community Coalition (BWCC) is a nonprofit organization formed under the auspices of Berkeley Partners for Parks, a 501(c)3 organization. Its founding members seek to preserve and expand access for a diverse public to enjoy the waterfront and share ideas for supporting this unique urban shoreline. BWCC's mission is to develop projects that raise awareness of the waterfront, enhance a sense of community, and support the waterfront's role in providing affordable public access to blue- and greenspace amenities to the region and beyond. BWCC submitted scoping comments in response to the City of Berkeley's (COB) Notice of Preparation (NOP) in May 2025 for the Berkeley Water Transportation Pier Ferry project (the "project"). Below, we are pleased to submit comments to the City of Berkeley's Draft Water Transportation Berkeley Pier Ferry Environmental Impact Report, made available Friday, February 27, 2026 (~3pm). We submit these comments to inform the city that this Draft Environmental Impact Report (DEIR) is inadequate under the California Environmental Quality Act (CEQA), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, §15000 et seq. (CEQA Guidelines).

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This letter is submitted along with the reports/linked attachments prepared by BWCC, EBOWS, Placer.ai through COB's license managed by Visit Berkeley tourist bureau, and public comments on elements of the project. We also list references to studies which bear on the health and equity benefits of bluespace - areas near bodies of water like lakes, oceans and rivers - and the importance of those needs in California as they relate to the waterfront area in the vicinity of the project. We respectfully refer the city to those, both here and throughout these comments, for further detail on our comments.

O10-4

We request that the city reply to each of the comments in this letter and prepare and recirculate a new and adequate DEIR. O10-5

I. Overview of principal deficiencies

The DEIR, as prepared, contains fundamental deficiencies that undermine its usefulness as an informational and decision-making document under CEQA. The project setting, description, and baseline conditions are incomplete and, in key respects, inaccurate. These shortcomings permeate the entire analysis and compromise the evaluation of environmental impacts relative to baseline conditions. The DEIR fails to incorporate readily available data necessary to characterize existing recreational use in and around the project area, and the impact analyses frequently ignore, misstate, or omit relevant evidence available at the time of the Notice of Preparation, including any meaningful cumulative impact assessment. Moreover, the DEIR provides no credible evidentiary basis for its conclusion that the project would result in a net increase in recreational activity along with less-than-significant impacts. On the contrary, available evidence indicates that the proposed ferry project would reduce public access to the waterfront and increase the cost of bluespace recreation. None of these impacts, nor the inconsistencies of the project, can be discerned from reading the DEIR. O10-6 O10-7 O10-8

The stated need for the project—beyond basic pier restoration—is not substantiated, calling into question the adequacy of the project objectives and the resulting range of alternatives, which are either improperly rejected or insufficiently analyzed. Many sections of the DEIR justify impacts or project as a whole based on obtaining a recreational pier, with the Water Emergency Transportation Authority (WETA) ferry expansion plan for Berkeley as the only option, with the ferry service almost incidental, for achieving this objective. The DEIR poses too narrow a framing for this objective. Moreover, as this letter notes, the ferry component of the project as framed in the DEIR and related documents not fully integrated into the DEIR introduces significant environmental impacts. It has a potential for significant environmental impacts, if the DEIR had included required CEQA information with analysis. Many of the project's recreational improvements as claimed by the DEIR will occur in the baseline scenario, and feasible alternatives exist for pier replacement/restoration claimed by the project based on historical patterns and recent documentation. The DEIR's rationale for rejection or noninclusion of these feasible alternatives is missing or cursory. O10-9 O10-10 O10-11

With regard to each of CEQA's substantive requirements—a complete and stable project description, a thorough analysis of significant impacts, identification of feasible and enforceable mitigation measures, an analysis of a reasonable range of alternatives—the DEIR falls short. As a result, the DEIR fails to meet CEQA's O10-12

fundamental purpose of providing disclosure to the public of the project's environmental effects.

O10-12

Finally, as context for any consideration of overriding significant impacts, we present evidence demonstrating a lack of substantial economic benefits and the presence of adverse social impacts, further undermining any claim of overriding considerations. Rather, the DEIR relies on unsubstantiated claims of increased economic and social benefits for justification at several points.

O10-13

II. DEIR fails to provide adequate project description

An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[1] On the other hand, "[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input."[2] "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives ... ."[3]

O10-14

Further, "[t]he project description must contain (1) the precise location and boundaries of the proposed project; (2) a statement of the objectives sought by the proposed project, including the underlying purpose; (3) a general description of the project's technical, economic, and environmental characteristics; and (4) a statement briefly describing the intended uses of the EIR."[4]

A. Electric ferry - no vessel specifications

The cover photo of the DEIR shows a sailboat alongside the pier, a pier with recreational extension, but no ferry. The project objective is to put in a zero-emission ferry. The operational details in Section 2.7 call for a 250-passenger ferry. However, we were not able to identify an electric ferry model of 250-passengers. WETA is building

O10-15

[1] Washoe Meadows Community v. Department of Parks & Recreation (2017) 17 Cal.App.5th 277, 287 quoting Citizens for a Sustainable Treasure Island v. City and County of San Francisco (2014) 227 Cal.App.4th 1036, 1052; South of Market Community Action Network v. City and County of San Francisco (2019) 33 Cal.App.5th 321, 332.

[2] San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 655.

[3] Id.

[4] South of Market Community Action Network, 33 Cal.App.5th at 332 citing CEQA Guidelines, § 15124; see also 14 Cal. Code Regs. (C.C.R.) § 15124(a) [An EIR must include a project description that provides "the precise location and boundaries of the proposed project."]

O10-14

three 150-seat electric ferries and two 400-passenger ferries[5]. BWCC members note that the 150-passenger electrics would probably only have the range for Treasure Island to San Francisco, and the 400-passenger boats could possibly manage the entire route. The diesel-powered Bay Breeze vessel class at 97' length overall does carry 250 passengers.[6]

O10-15

The DEIR does not identify which vessel WETA is planning to use at the Berkeley marina. The project description cannot be based on hypothetical concepts that may come to fruition in the future, but must be based on **existing technology** and contractual plans at the time of the NOP scoping call. To properly understand the environmental impact, the EIR must provide specifications of the electric vessel it plans to use.

O10-16

Further, it must provide specifications on infrastructure to serve an electric ferry vessel in an emergency. Alternative transportation across the Bay in an emergency is in the scope of the project and is one objective. It must specify electrification infrastructure to withstand natural disasters. It should also specify whether and to what extent the electric ferry service will be able to handle emergency vehicles and emergency personnel. If the city cannot perform this request, then it must change references to electric ferries as constituting only **hypothetical scenarios** not in the foreseeable future, and omit any project outcomes that rely on electric ferries.

O10-17

B. Missing information on level of ferry service

City of Berkeley documents describe the project as a large-scale commuter ferry with fourteen roundtrips or 28 crossings during weekdays (Large-Scale Ferry Feasibility Study, City Council Work Session, Tuesday, December 7th, 2021) and thirteen departures or 26 crossings to SF and Larkspur on weekends. This information is not provided in the DEIR. Operational details give a generic WETA minimum systemwide standard for peak weekday service: "At least three round-trip services must be completed during peak hours for the Berkeley/San Francisco weekday service, per WETA Board-adopted standards." With three roundtrips in the morning and three in the evening peak hours, this implies only 12 crossings during weekdays and none on the weekends. The DEIR characterizes the ferry as recreational. However, the WETA Berkeley Ferry Service Business Plan Version 1, a CEQA and DEIR planning document, (WETA Berkeley Ferry Service)

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[5] See https://sanfranciscobayferry.com/reef/ and https://www.bairdmaritime.com/passenger/ferry/san-francisco-bay-ferry-to-introduce-new-fleet-of-all-electric-vessels-starting-in-2026)

[6] See https://www.nicholsboats.com/portfolio/project/bay-breeze.

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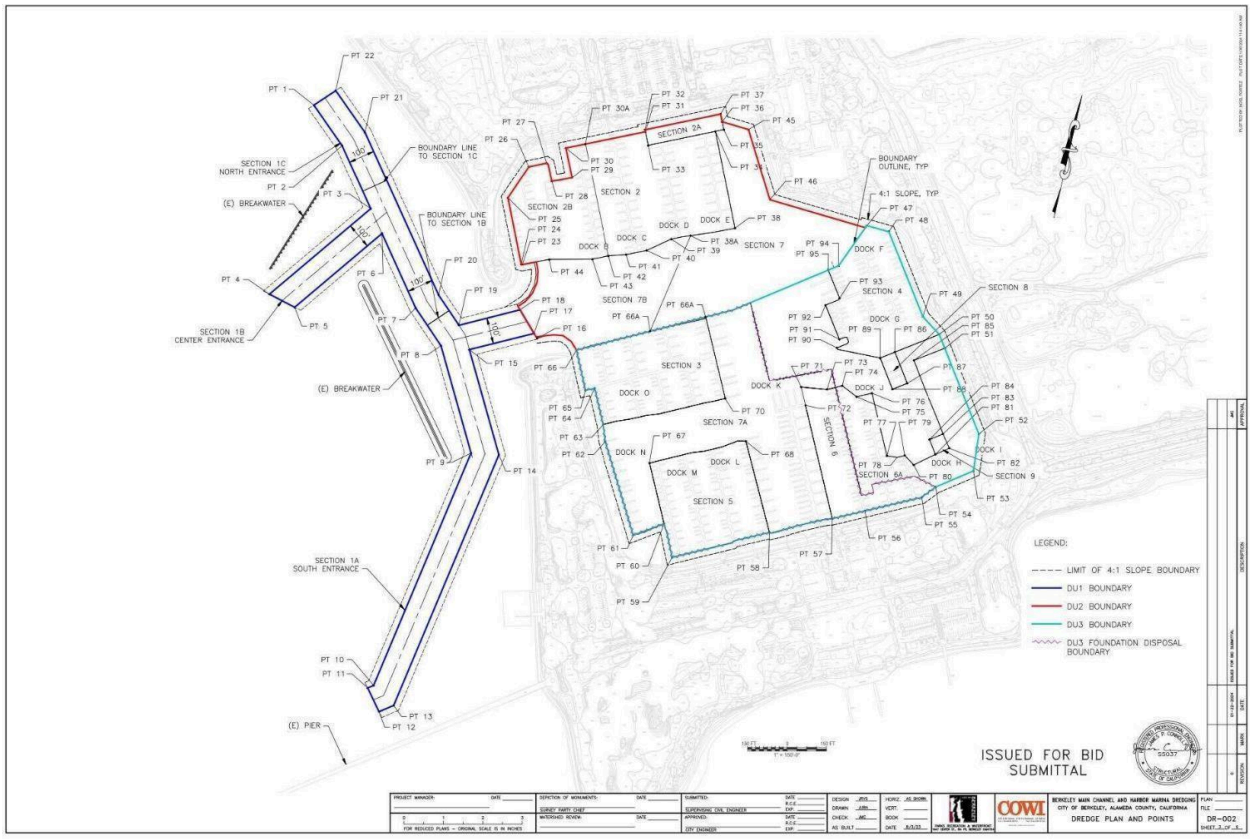
includes on page 58 of the pdf and Appendix B. Table 1 - service assumption of 8 AM peak direction and 6 AM reverse direction trips plus 6 PM peak direction and 8 reverse direction trips for the two vessels allocated to the service, for a total of 28 trips per day. Other City of Berkeley presentations have also included this same schedule. The lack of an approximate schedule within the DEIR itself makes it impossible to calculate marginal and cumulative environmental impacts. The current DEIR should be rescinded and re-issued whereby service schedule assumptions consistent with planning documents are provided. O10-19 O10-20

C. Project transportation demand management omitted

Transportation demand management (TDM) to accommodate ferry patron traffic to the waterfront has been developed for the project and serves as a key design feature for the landside elements of the project. The COB has hired various consultants to address this project element. Both the latest draft of the Kittelson study and the Nelson-Nygaard studies address parking needs for the ferry, with the Kittelson study (link includes both Berkeley WTPF Baseline Parking Conditions, February 28, 2025 and the Water Transportation Pier-Ferry Project Parking and TDM Plan, March 7, 2025) as the most recent document. The DEIR partially integrates aspects of the Kittelson study in reference to mitigation measures, e.g. bicycle and bus facilities, but it does not include in the project description the project elements that call for the mitigation measures. The description should indicate clearly that across planning documents that the majority of ferry patrons arrive by car versus all other transit options, even with mitigation measures. The bulk of landside project features call for shifting land use from recreational public access to ferry patron parking. The Kittelson study estimates 421 ferry patron parking spaces needed versus the 250 currently accommodated in the project design. The needed 421 spaces reduces to 356-389 with the mitigation measures and 42 more with paid parking, still exceeding allotted spaces. This information bears on impact analysis throughout the document, such as for VMT estimates, noise, emissions, land use planning, and recreation. The current DEIR does not make this apparent. The full details of the TDM should be included in the project description and analysis along with descriptions of TDM enforcement and administration methods.[7] O10-21 O10-22

[7]A waterfront benefits district plan has been discussed: CONSENT CALENDAR January 18, 2022 TO: Honorable Mayor and Members of the City Council FROM: Councilmember Rashi Kesarwani (Autho. To the extent this is still intended as part of the ferry TDM strategy, this plan should also be included in the project description and any mitigation measures.

D. New dredging activity described as one-time maintenance



Dredging area map for Berkeley Marina project as described in the maps and technical specification issue for January 2024 Bid Submittal (Marina Dredging 24-11644-C Plans.pdf).

O10-23

BWCC submitted scoping comments pointing out that the NOP project description characterized **project dredging as maintenance** despite the project area not ever having been dredged. Maintenance has occurred in the marina and marina entrance channel but this is not the project area. We reiterate our NOP scoping comments: The area proposed for the ferry route includes a federal navigation channel under the Army Corps of Engineers. However, the channel is not dredged by the Corps, as it is not considered a critical navigational location, nor has it been dredged. The area proposed for the ferry dock is **new dredging**. The Berkeley marina was partially dredged under a recent Berkeley Marina maintenance dredging project. The area described in technical specifications for bid submittals is below. Note that this area was not fully dredged.

O10-24

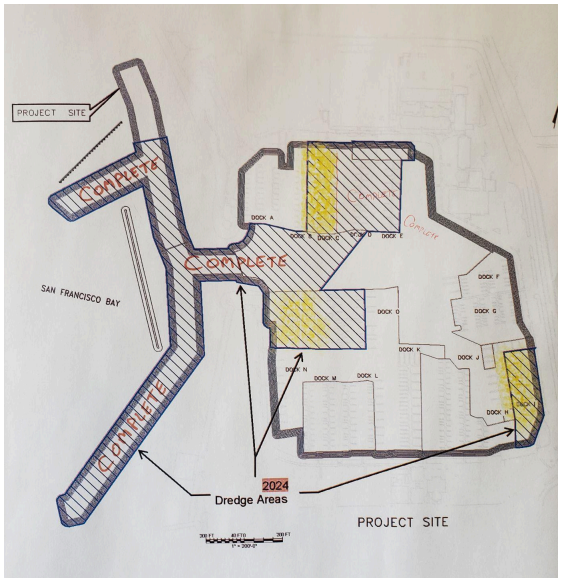


Image from Berkeley harbormaster office for the Berkeley Marina maintenance dredging shows areas actually dredged under this past effort.

O10-25

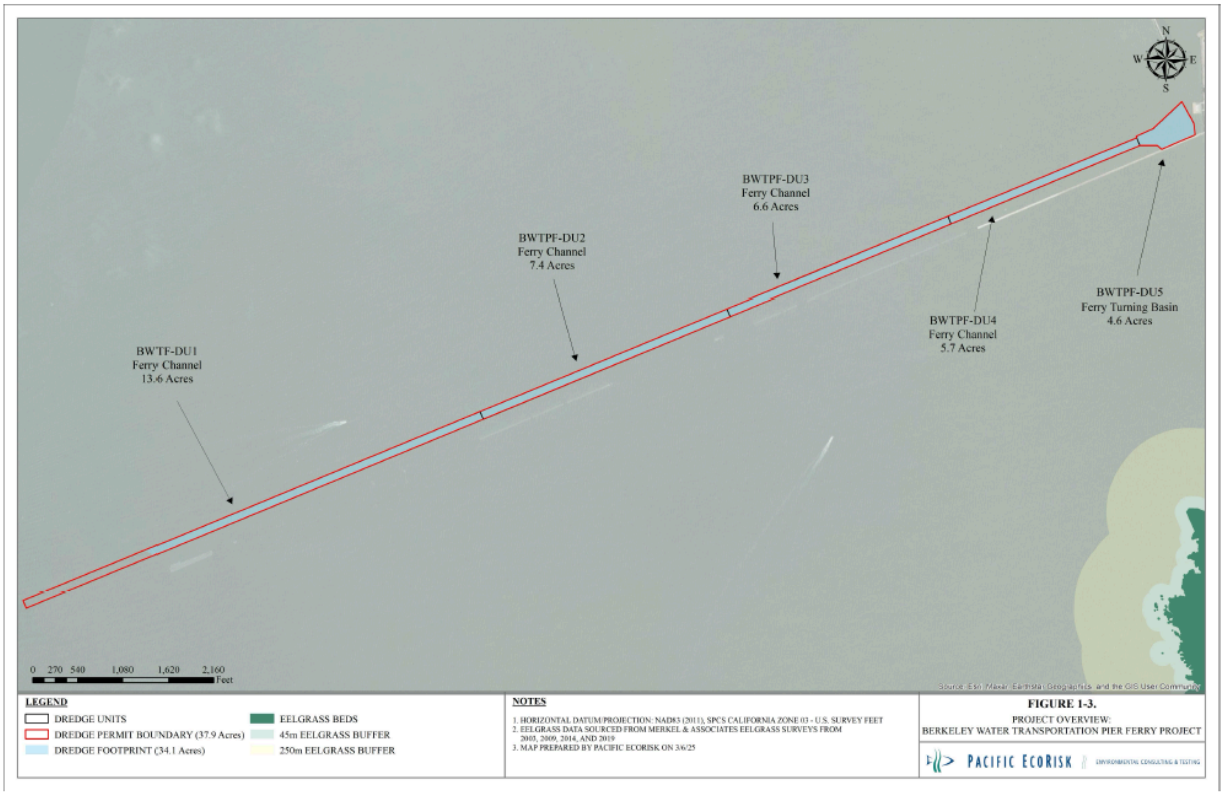
The area intended to be dredged as envisioned under the current Project is orders of magnitude larger, indicated in the images below. There is no overlap in the Berkeley Marina dredging event except for a small section inshore. There is also no footprint overlap with any other dredging project past or present. Section 15125 of CEQA also says (3) An existing conditions baseline **shall not include hypothetical conditions**, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline. In this case, any broader plans for dredging cannot be used as a baseline (as basis to claim maintenance dredging), even if it was permitted.

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The project's dredging images (below) are from April 2025, prior to issuance of NOP and similar to actual NOP maps. The inshore "well" for the ferry terminal and turning basin and the new navigational channel for the ferry (required for the ferry only) have not been dredged. The Army Corp of Engineers website[8] shows the Berkeley Marina dredging project in 2024 where dredging was solely focused inside the Marina and Marina entrances.

O10-27

[8] https://www.spn.usace.army.mil/Missions/Regulatory/Public-Notices/Article/3655212/spn-2005-299690-berkeley-Marina-dredging/



Areas required to be dredged and staged under the WETA ferry.

O10-28

With the new breakwater design, siltation potential exists on top of existing siltation patterns. To provide context, the Task 2.1 Berkeley Marina Dredging Needs Technical Memo by Moffat and Nichol written for the Berkeley Marina Specific Plan, April 21, 2021, states that: "The average rate of sediment accumulation in the Harbor Basin is approximately 0.05' per year and the rate at the harbor entrance is approximately 0.1' per year. There are some locations at the harbor entrance which accumulate sediment at a faster rate – closer to 0.2' per year." For this reason, the marina has been dredged periodically. From this same report, we know Maintenance Dredging Permits issued to the City of Berkeley for maintenance dredging of the marina are as follows:

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- 02/1973 dredging 5,000 Cubic Yards (CY)
- 08/1991 dredging 73,000 CY apparently from the harbor entrance
- 02/2005 dredging < 500 CY Dock H-I apparently to repair revetment
- 04/2006 dredging < 8,750 CY Dock A-C associated with dock replacement

With the 2025 dredging, the range of maintenance dredging events is 14-19 years. Comparable information for the Project is not provided, even though breakwater and

ferry terminal infrastructure added beyond the footprint of the existing pier would imply greater siltation rates. O10-29

Any dredging for the ferry project should be considered new dredging and then ongoing new maintenance dredging and treated as such under the rules and regulations of BCDC, CEQA, the Army Corps of Engineers and any other agency overseeing dredging in the Bay. It should also note that navigational channel dredging is not necessary but exists solely for the needs of the project. Then, the current DEIR should be rescinded and re-issued whereby all environmental impacts are re-assessed in light of this new information for both construction and long-term dredging over the life of the project. O10-30 O10-31



Areas required to be dredged and staged under the WETA ferry. O10-32

E. Areas of Known Controversy ignores substantial community input on environmental, recreational, social and economic impacts of the project

While the Areas of Known Controversy section of a DEIR may contain a brief summary of issues raised by agencies and the public, this DEIR unduly omits the range and depth of controversy that contributed to an understanding of the project. Simultaneously, it overstates the level of meaningful community input integrated into the planning process. We note briefly here a more elaborated statement of public comment brought forward with evidence bearing on the DEIR, and as evidence itself of public concerns. O10-33

First, the project website hosted by the city contains documents with more extensive issues than those summarized in the DEIR:

- Focus groups 1-3 in 2021: meetings conducted to **prevent discussion** of the no-project alternative or recreational pier / no-ferry alternative. Comments note the amenity-only value of the ferry.
- Community workshop #1 in 2021: financial viability, post-pandemic work and business patterns, feasibility of site location; impact on recreational character of waterfront, value of current open space uses.
- Community workshop #3 and breakout sessions in 2021: project does not generate revenue for the Marina Fund; lack of data to support aspirations for secondary economic benefits of ferry to waterfront and BerkeleyPier ferry community feedback.
- Questionnaire #1 2021: Survey of 377 Berkeley residents noting amenity use rather than commuter use of a ferry; domination of cars as **mode of travel to the ferry**; Larkspur as second most desired destination although ferry project only offering weekend service for this destination; support of paid parking for ferry patrons only; comments on expanded recreation facilities around a recreational pier; fishing amenities as most often requested amenity for a recreational pier; noting existence of current recreational activity and scope for expansion of these activities. Most respondents lived within two miles of the project area. O10-34
- Pier Ferry community feedback: land use conversion from recreational public access to transit parking; Measure L consistency; call for reasonable range of alternatives to include recreation-only pier for sensitive environment; feasibility data; conflicts with existing uses; inquiries on Government Code 65302 for physical changes to areas; historical sources of federal funding for pier-only options as alternative

Second, a petition signed by 950 individuals in November 2022 and sent to city council and staff asked the city to coordinate the Berkeley Marina Area Specific Plan (later referred to as the Waterfront Specific Plan) with the WETA ferry and pier project, both of which implicate land use decisions and environmental impacts in the same area. O10-35

Planning processes for the project and BMASP/WSP were held where **the public was directed not to discuss the pier** in the BMASP meetings. O10-35

Third, in 2025, the city altered its State Coastal Conservancy (SCC) grant specifications for paving the South Cove West lot by converting the lot from a "free public resource that provides enhanced equitable access to waters of San Francisco Bay…" (quote from COB grant application) to a paid parking lot consistent with the project's transportation demand management plan for ferry patrons arriving by car. Through a public records act request and ensuing email communications, the SCC could not provide the basis to justify that the conversion remained consistent with equitable access criteria (documents available upon request). No local nonprofits or the Parks, Recreation and Waterfront Commission were notified of the proposal before it was placed as an action item on a COB city council agenda. The paid parking plan in the south lots in the vicinity of the ferry and within the ferry TDM met with strong negative Berkeley citizen response. See approximately **600 written comments in opposition sent to the city**, linked in Attachments. O10-36

Finally, a September 2022 preliminary summary report sent to the city and available here reported that over half of Berkeley shoreline fishers randomly selected for survey analysis expressed the view that a ferry at a restored recreational area would conflict with fishing, due to safety and regulations, congestion and scaring off fish, reducing the recreational experience. O10-37

The DEIR should expand its reference to areas of known controversy to assist decisionmakers in this land use decision as it offers evidence bearing on all aspects of the project: environmental, social, economic, environmental equity, and feasibility. O10-38

III. DEIR fails to establish an accurate project setting or baseline.

A. DEIR has incomplete baseline and environmental settings.

The baseline descriptions of the area and vicinity of the project and environmental settings throughout the DEIR are incomplete. As such, they do not provide a reference for near and long-term cumulative impacts. O10-39

1. CEQA requirements revisited

Baseline descriptions and environmental settings under CEQA §15125 - Environmental Setting state that: O10-40

> (a) **An EIR must include a description of the physical environmental conditions in the vicinity of the project.** This environmental setting will

normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. **The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.**

(1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. **Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.** O10-40

…

(c) Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the **full environmental context.**

(d) The EIR shall **discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans.** Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the coastal zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

2. Gaps in the existing environmental conditions

a. Section 3-1 omits current and reasonably foreseeable projects and conditions, rendering cumulative impact analysis incomplete

O10-41

The following conditions exist or do so in the foreseeable future but are not included in the DEIR, rendering marginal and cumulative impact analysis inadequate, contrary to CEQA standards:

- COB and TSA Holdings LLC (TSA) are in option agreement negotiation for a 45-year ground lease.[9] Currently, TSA Holdings personnel have access to the site for environmental studies, design and engineering work, permitting work and can make city-approved repairs. This agreement provides the following[10]:
  - Renovate and reopen HsLordships facility to the public
  - Repave Seawall Lot as well as Seawall Drive
  - Extend Bay Trail pedestrian and bike paths
  - Allocate 150 spaces of the 199 Seawall Lot exclusively to TSA Holdings for customer use.

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- D&E docks under construction during May 2025 are about to reopen, providing new 79 large boat slips initially with a total of 94 planned. This project brings greater recreational activity, as well as greater vehicle traffic and access demand to the waterfront in the vicinity of the project area.

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- East Dock in the South Sailing Basin was closed in February 2025 due to needed repairs but reopened in September 2025 after the NOP was issued.

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- Parking lots South Cove East, South Cove West and J&K lots are to become paid parking lots, converted from free public lots, by COB Resolution, June 2025.

O10-45

- COB recently passed the Safe Streets (Measure FF) committing $15m for 14 years to increasing bike paths in the city. This information should be noted as a description of alternative bike recreation facilities enhanced nearby.

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DEIR attributes bike and pedestrian path development in the future only to the adoption of this project. Yet, the Bay Trail bike and pedestrian paths, running through nine counties rimming the SF Bay, are typically funded as standalone projects.

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[9] Option Agreement with TSA Holding Group, LLC for 199 Seawall Drive; ANNOTATED AGENDA BERKELEY CITY COUNCIL MEETING Tuesday, January 27, 2026 6:00 PM; City Real Property: Leases and license Agreements.

[10] Lease states: "In addition to renovation of the leased premises, the Ground Lease requires TSA to complete a value of $17 million in off-site improvements, which includes improvements and maintenance of the entire Seawall Parking Lot, portions of the Bay Trail and Seawall Drive, or other Waterfront areas. In exchange for the off-site improvements, TSA is granted 150 exclusive-use parking stalls at the Seawall Lot for 45 years, the initial lease term. With improvements as required by this lease agreement, the 199 Seawall Lot is anticipated to have between 430-450 total parking spaces, pending final design."

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The initial Bay Trail and South Basin Bay Trail extension in the Berkeley waterfront (2014 onward) were **standalone projects funded primarily by non-COB funds**. The city already has an option agreement with TSA Holdings to build the Bay Trail in the waterfront on the south peninsula. This project should be **treated as a baseline and not contingent on the project**. Without the current DEIR project, permitting pathways may differ, but bike trail and pedestrian pathway development plans would continue. O10-48

These realized and foreseeable conditions must be included in the baseline and environmental settings discussions in the DEIR across impact categories to assess the cumulative impacts of the project, where CEQA requires looking at all projects, plans and activities for an area under review. O10-49

b. Failure to provide recreational baseline

BCDC scoping comments requested specific baseline information: " …please note that the Bay itself functions as a recreational facility …The EIR should document the recreational uses in and around the Project site, identify the service area and service population for the recreational facilities serving those uses…" Further specifics about the intent of this scoping comment can be found in the minutes of the two DRB meetings. BWCC also requested adequate baseline analysis in its scoping comments. O10-50

The DEIR asserts this information is provided elsewhere, but does not include a complete or quantitative inventory. We note (others have too) that, instead, on page 3.11-15 of the EIR, the city selectively quotes from the BCDC scoping letter, eliding the part about documenting the recreational uses. It then claims that Section 3.10.2 covers such uses. This is clearly a typo. Section 3.10 covers noise. There is a section in the discussion of recreation that provides only a general description of recreational activities without establishing the intensities at different locations, or applying **Bay Plan Policy Recreation Policy 3A-7**, which provides **protection for all existing recreational uses and establishes that such uses shall be "easily available from parking reserved for the public."** O10-51

The DEIR does not provide a quantitative inventory, map the spatial distribution of uses, or evaluate regional demand or intensity of use. It omits the role of nonprofit community-based recreational programs and the value of existing activities. Among other impacts, the project proposes to eliminate nearly all public parking such that this baseline information would be critical for impact analysis and determining consistency with other plans relevant to the DEIR. This omission is inconsistent with CEQA requirements. A full inventory and documented methodology for assessing recreational use must be included. O10-52

c. Incomplete spatial description of the integrated land–water recreational system O10-53

The DEIR does not adequately describe the interconnected recreational system that defines the project area. It omits the scale and connectivity of Cesar Chavez Park,

Shorebird Park, Horseshoe Park, Adventure Playground, Seawall Drive shoreline recreation areas, and McLaughlin Eastshore State Park units (North Basin Strip, Berkeley Meadow, Berkeley Beach, Brickyard Cove). This results in an incomplete spatial baseline that understates the functional integration of land and water recreation. O10-53

The DEIR does not consistently define recreational areas. Figure 3.11-1 (p. 3.11-2) includes Aquatic Park lagoon waters in its definition of park, increasing the number normally inferred as land acreage and ostensibly not including the park water areas of the waterfront. The DEIR notes that the park acreage ratio is 34.5 acres per 1000 residents. This number should be **recalculated** using consistent metrics. It either has to redo the figure and acreage ratio to be only land or both land and water, then treat the waterfront area's land and water acreage consistently with other city parks. Under the Berkeley Municipal Code definition of the marina 6.20.010 Definitions | Berkeley Municipal Code, these water areas are substantially larger and support extensive, unique water-based recreational use unavailable at inland parks. The park acreage ratio nevertheless does not distinguish the quality of the resources or the type of access. The waterfront affords "bluespace" access more than any other city park. The DEIR must recognize the *quality* of recreational facilities as well as the *quantity* of acreage. O10-54 O10-55 O10-56

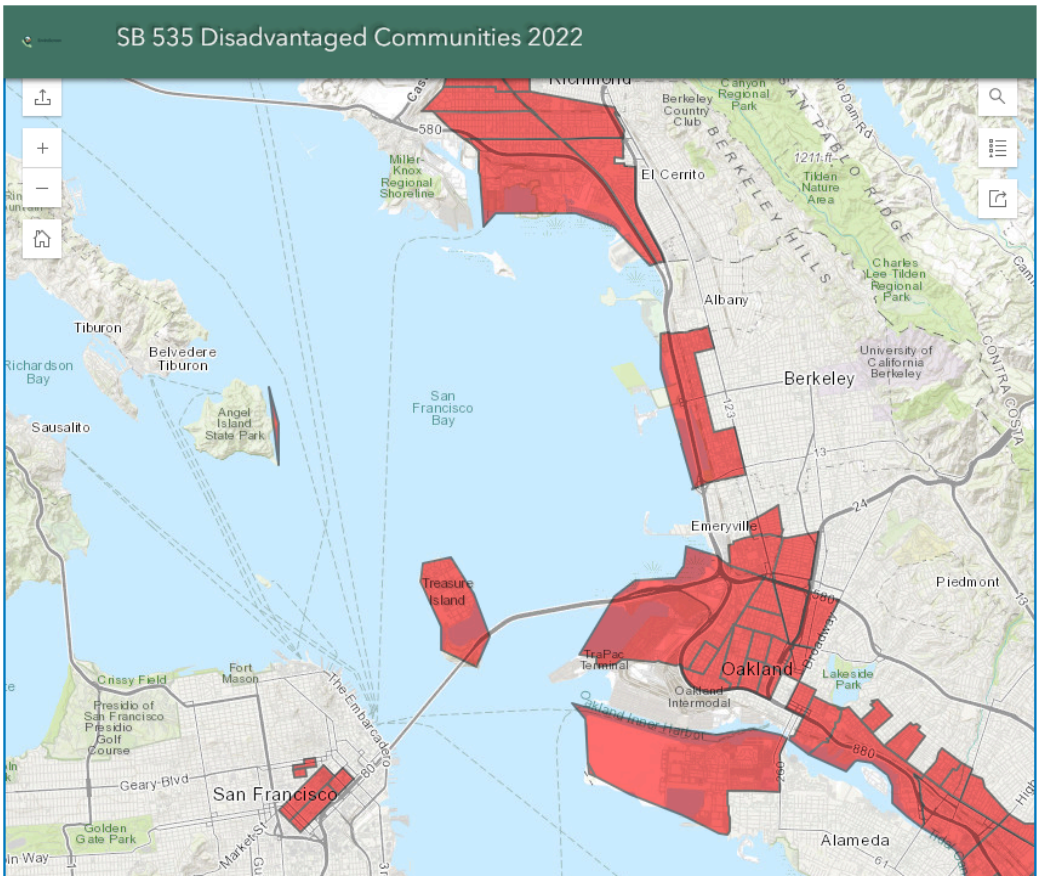
d. Omission of demographic and equity-relevant recreational data

Existing literature shows shoreline and pier fishing disproportionately serve low-income communities and communities of color, and often functions as subsistence or low-cost recreation. The DEIR does not incorporate this equity-relevant recreational baseline information, and therefore does not adequately describe who relies on the project site for recreation. This omission undermines the baseline's adequacy with respect to CEQA's requirement to consider social context where relevant to environmental conditions. O10-57

Further, if affected users are disproportionately from underserved communities, **SB 1000 Land use: general plans: safety and environmental justice (aka Planning for Healthy Communities Act)** https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1000 and related guidance create an additional lens for CEQA analysis. SB 1000 intends to integrate environmental justice (EJ) into local land use planning to reduce health risks and inequities in disadvantaged communities. Planning documents are directed to consider SB1000 to integrate environmental justice, land use and open space elements among other elements, to promote equitable land use decisions. Open space under SB1000 is a limited and valuable resource. Impacts include public facilities access and access to physical opportunities. Disproportionate impacts are to be avoided. If the project is inconsistent with these goals, that is a significant impact. O10-58

The West Berkeley Census tracts lie within a SB535 Disadvantaged Community classification under the Office of Environmental Health Hazard Assessment. Therefore, O10-59

the DEIR must state impacts on local population for access to public facilities and access to affordable physical activity within a unique waterfront setting that has health benefits distinct from green spaces inland. Bluespace access will become increasingly important due to warming effects of climate change. Equity-serving availability of shoreline access must be weighed against project impacts.



Source: https://oehha.ca.gov/calenviroscreen/sb535

O10-59

e. Reliance on regulatory text that does not reflect actual use

The DEIR (p.529 pdf) relies on Berkeley Municipal Code Section 6.20.180 to characterize swimming and windsurfing as prohibited within the project area. However, these activities occur regularly and have historically occurred at the site. The DEIR does not reconcile this discrepancy between regulatory designation and observed recreational use, resulting in a baseline that does not reflect actual conditions.

O10-60

The court case *Fat v. County of Sacramento*, No. C037610, 02 C.D.O.S. 3642, 2002 DJDAR 4646. Filed April 2, 2002. Ordered published April 26, 2002. This holds that baseline is generally considered existing physical conditions at time of review, not what is legally permitted under zoning rules or in this case a municipal code prohibiting an

O10-61

activity in a defined area so that actual on-the-ground use constitutes the baseline, not what "should" be there. Also, *Communities for a Better Environment v. South Coast AQMD (2010)* 48 Cal.4th 310 found that the baseline must reflect realistic actual existing conditions and agencies cannot use permitted levels of activity as the baseline. *Union of Medical Marijuana Patients v. City of San Diego (2019)* 7 Cal.5th 1171 reinforces that actual conditions matter even if legally complicated. Illegality does not automatically exclude a use from baseline. Therefore, the existing use of the marina area around the pier in the Project area includes swimming and windsurfers as part of the baseline recreational environmental setting. The city as lead agency cannot distort its baseline with unused legal entitlements. O10-61

f. Inconsistency with Federal Recreation Protections (U.S. DOT Act Section 4(f))

The DEIR asserts that Section 4(f) does not apply because the project does not receive federal funding. This conclusion may be premature. As the project is not yet funded, federal funds are a potential source of funding. Federal funding has recently been used for both the Santa Cruz and Santa Monica pier renovations. Federal funding provided Berkeley's pier both in 1937 and in 1965. The DEIR does not evaluate this potential or reassess applicability, and its determination is not supported by substantial evidence. O10-62

B. Inventory of recreational activity available at time of scoping comments but unused

As the DEIR does not include an inventory of regional and local recreational use at the waterfront for baseline analysis, we attempt to fill the gap here with information readily available for DEIR preparation. O10-63

The Berkeley waterfront land area constitutes the city's largest park area, with over 100 land acres of public open space. The land area includes Cesar Chavez Park, Shorebird Park, Horseshoe Park, Adventure Playground, in addition to the general walking and bike paths connecting the entire waterfront and the casual in-car viewing area along Seawall Drive and the shoreline fishing areas along Seawall Drive. McLaughlin Eastshore State Park areas are officially the North Basin Strip, the Berkeley Meadow, and the Berkeley Beach and Brickyard Cove, which are integrally linked to the Berkeley waterfront managed by the city. The recreational space coextensive with the ferry project includes waterways that come under BCDC jurisdiction, including the recreational South Sailing Basin serviced by three public docks and two small-boat hoists, and the recreational boating and sportfishing yacht harbor. The harbor was built with two major infusions of federal or state funds, once in 1936 (as a WPA project) and once in 1965 under the State Small Boat Harbor Law, for purposes of recreation. The California Wildlife and Conservation Fund gave money for the rehabilitation of the pier as a recreational fishing pier in 1957. O10-64

1. City-licensed cell phone mobility data for waterfront recreation

Data from Visit Berkeley, the tourism bureau for the City of Berkeley. This office, with funding from COB, pays for a Placer.ai license, a database/software company collecting mobile cell phone data. The private sector and government agencies value this service for the outlook it provides on potential markets and client needs. This data is available to the COB. The public made COB aware on numerous occasions of its usefulness but the DEIR does not incorporate any of this information for baseline and expected future conditions at the waterfront. O10-65

BWCC requested data on the marina for 2019, the furthest back the data is available, and for the most recent year, 2025, separating the waterfront into three zones: 1) south, where the Project WETA terminal would go, 2) central area where the Doubletree and Marina Boulevard lot is located, and 3) the north area which includes Cesar Chavez park. The basic data trends are as follows:

Table of visits from Overview reports

	Visits 2019	Visits 2025	% chg	Visitors 2019	Visitors 2025	% chg	Avg income 2019	Avg income 2025	% chg
South	245.2k	283k	15.4%	151k	171.1k	13.3%	151k	159k	5.3%
North	212.5k	260k	22.3%	99.9k	111.3k	11.4%	160k	167k	4.4%
Central	109.9k	134.8k	22.66%	72.5k	85.5k	18%	159k	163k	2.5%
Total	567.6k	677.8k	19.42%	323.4	367.9k	13.76%			

Source: Placer.ai report requested from Visit Berkeley under COB license.

The number of visits (defined as 15 min or longer) and visitors between 2019 and 2025 increased, even with the closure of HsLordship restaurant, the 199 Seawall Lot parking lot, the continued closed pier, and the closure of D&E docks for reconstruction. In 2025, waterfront visits totaled 678k, translating to >1800 visits per day. The current number of visitors in 2025 to the project area in the south waterfront alone is 171.1k/365 = 469 visitors per day. According to WETA Berkeley Ferry Service Business Plan, March 17, 2022 Version 1.0, a DEIR planning document, weekday ridership is estimated at 955 per day (most coming by car and some by bus or shuttles) in the first year, increasing to 2036 in the tenth year. This would increase per-person visitation to this project area by 104% to board the ferry in the first year. This is also corroborated by Table 3.10-18 which shows average daily traffic from Seawall Drive to Marina Boulevard, the route to the project's proposed ferry terminal, increasing 77% with the project (DEIR p. 489 pdf). These baseline conditions and the marginal and cumulative impacts are not disclosed in the DEIR. O10-66

Current visitation trends revealed in Placer.ai data relevant to the DEIR are as follows[11]:

- Peak seasons of visitation in the south waterfront in 2025 are April, late June and August and are much higher than in the north waterfront areas. In 2019, peaks were June and July.
- Peak seasons in north waterfront in 2025: visitation looks steadier throughout the year with March and September as slight peaks. In 2019, visitation trends were similar to the south, with a major peak in July, most likely indicating 4th of July celebrations. Otherwise, visitation hovered below the south.
- Visit duration is longest in the south waterfront.
- Average income of visitors is less in the south waterfront.
- Ethnicity makeup is similar across 2019 and 2025: south waterfront attracts more nonwhite visitors.
- The catchment area for visitors goes well beyond Berkeley, into Richmond and Oakland, and beyond. Visit origins are regional and not concentrated in Berkeley.
- All areas show increases in visitation >10% as compared to three years ago.

O10-67

This data is corroborated by another Placer.ai report specifically made available earlier to the city of Berkeley. The number of visits totaled 1.8 million from Jun 1, 2024- May 31, 2025. The number may be larger due to a looser definition of visits (of smaller duration, e.g.). However the number of visitors is remarkably similar – 675.1k – to this report. That report is linked here:

https://view-su2.highspot.com/viewer/b16127e1532dd08df95725fbfd8b4fc4#1

This version of the waterfront visitation also shows that the south area of the waterfront in the project area receives more visitors than the north waterfront; the south receives visitors of lower income and lower education, who are more nonwhite on average. Their visit duration is longer.

2. City-commissioned waterfront park visitor survey data

The City of Berkeley hired Kittelson and Associates, Inc. to conduct an in-person survey of park visitors arriving by car. The report, while aimed at understanding how to reduce parking demand for the Project, also serves as a source of information on the quality and intensity of recreational visitors for representative baseline conditions. An in-person

O10-68

[11] https://drive.google.com/drive/folders/1dLnk8zbFW2kiOLZSuy5Po51TjP5T5opy?usp=sharing
Please let us know any issues accessing these reports.

O10-67

intercept survey was conducted on three Thursdays and two Saturdays between April and August 2024 for those arriving by car, although some persons interviewed arrived by bike, bus or other modes. This report is referenced in the DEIR only in Section 3.10 discussion of noise impacts. Here we draw on the raw data for the in-person survey we obtained through a Public Request Act to provide a more complete overview of baseline and environmental setting useful for assessing all categories of impacts listed in the DEIR. We find the following conditions pertinent to a DEIR:

- Most recreational visitors arriving by car are coming from outside Berkeley (63%) (Figure 18 in Kittelson report).
- Many are older: 52% are 50 or over.
- Frequency of visits is high. Over 50% visit once a week or more and about 30% visit more than once a week.
- 36% of visitors earn <= $75k. And 47% reported earning *below* the median household income for Berkeley of $108,558 (Figure 34 of Kittelson study) and (U.S. Census Bureau QuickFacts: Berkeley city, California).
- Duration of visit is long in a number of key public access lots: In O-lot, J&K, South Cove West, and FGHI, the average stay is greater than four hours on a weekday, weekend or both. FGHI may be dominated by liveaboards while the others have turnover more typical with recreational visits. O10-68
- Walking is the most popular activity, followed by sailing/boating and sightseeing/photography.

We verified this data in a BWCC analysis and extended the analysis. See report (CEQABaselineReport.pdf): Berkeley Waterfront Visitation Characteristics and Distribution, BWCC, April 2026, linked in Attachment section.

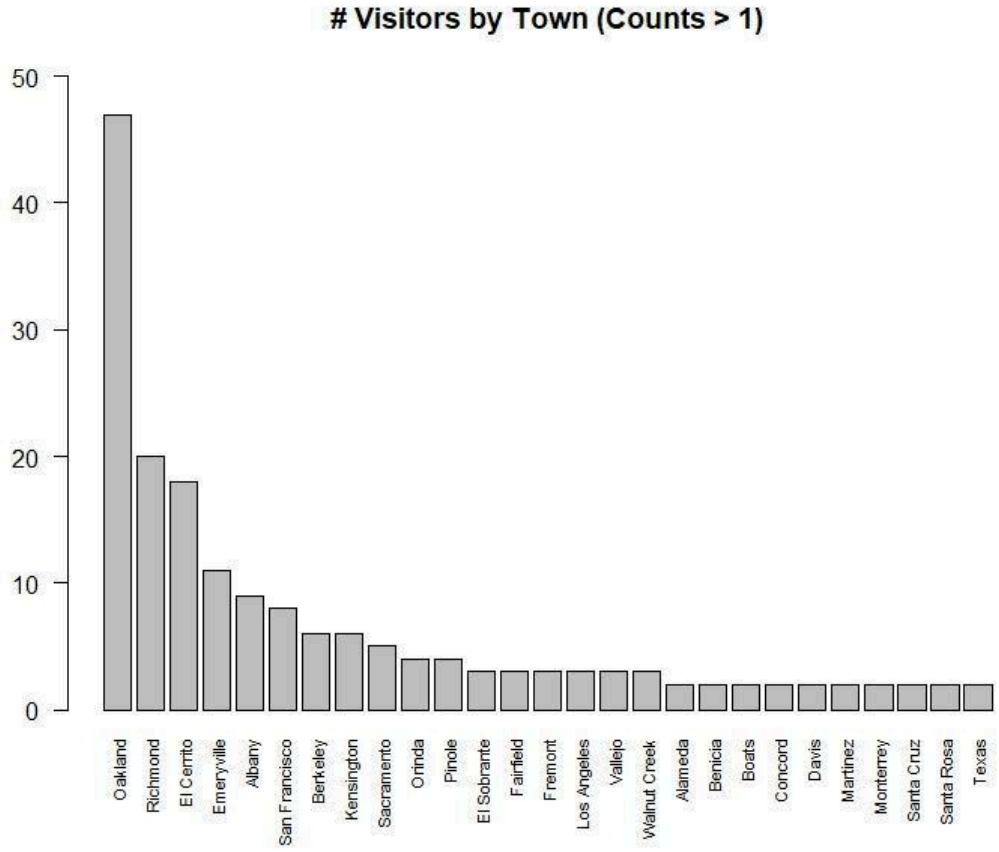
To illustrate the waterfront's role in equitable public access to the shoreline, the data also shows that:

- Seawall Drive and South Cove West have most lowest-income (<$25k) income visitors.
- J&K lot next to the bait shop sees a high number of those earning less than $75k, as does L&M lot and H&I. O10-69
- The lowest income group (<$25k) most often parks in South Cove West, which is part of the Project area.

Defining the north and south and central area as above, we reported to the city that the the south waterfront area (area of the project) in aggregate attracts lower-income (<$75k) visitors more than other parts of the waterfront, consistent with Placeer.ai data. See attached report for barchart.

Regarding race/ethnicity (RE) which was reported in the Kittelson data, we note the following distributional patterns of importance to environmental justice and affordable access to the coastline:

- Seawall Drive, **slated to be eliminated as a recreational viewing location**, has the greatest percentage of those identifying as Black/AA alone (Table 9).
- Seawall Drive and 199 Seawall both host the largest percentage of Black/AA and Hispanic waterfront visitors as compared to other public access areas (Table 9).
- Seawall Drive and 199 Seawall together attract most of the Black/AA and Hispanic waterfront visitors (Table 10).



Source: Survey data for waterfront visitation from Kittelson; plot generated by BWCC.

While the cell counts for non-White alone groups are small, the patterns coincide with other studies with larger cell counts across a sample, namely the Berkeley shoreline fishing study by Antinori et al. (2025, 2026). Within this sample drawn randomly from Seawall Drive shoreline fishers in 2022-2023, demographic data shows 21% Black/African-American, 26% Hispanic and 24% White alone, a pattern “flipped” in

O10-70

comparison to Berkeley demographic data. Along Seawall Drive, shoreline fishers are Both Seawall locations are slated to be eliminated from public access under the project plan and by lease agreements. The 199 Seawall public access lot will be dedicated exclusively to TSA Holdings and ferry patrons. Seawall Drive public in-car viewing access area is to be mostly eliminated under the project, as discussed in the Recreation/Land Use section of this document.

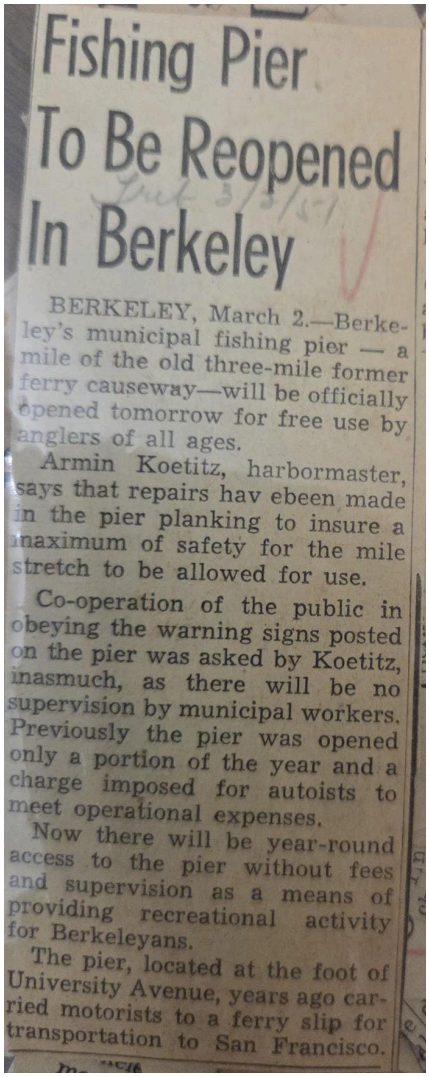
010-70

Despite direct impact on public access and equitable access goals noted elsewhere in this document, the **DEIR omits this information from baseline and project descriptions and from impact analysis across multiple categories** (e.g. land use, recreation, aesthetics, biological, cultural, greenhouse gas/energy).

010-71

3. Public input and publicly available reports on Berkeley shoreline and pier fishing as major recreational and cultural resource

BWCC NOP scoping comments specifically directed COB to include available data on fishing activity. This is absent in this report. Although the WETA and WSP plans mention adding much-valued fishing amenities like fish-cleaning stations and seats to the proposed pier extension, the project makes practically no reference to nor includes data on current fishing activity, nor historical pier fishing which was a central feature of the waterfront. Data has existed on the value of the project area as a recreational and subsistence fishing area. These reports and readily available sources of data have been available to the city at the time of the NOP and were not integrated into the draft EIR.



Fishing Pier To Be Reopened In Berkeley

BERKELEY, March 2.—Berkeley's municipal fishing pier — a mile of the old three-mile former ferry causeway—will be officially opened tomorrow for free use by anglers of all ages.

Armin Koetitz, harbormaster, says that repairs hav ebeen made in the pier planking to insure a maximum of safety for the mile stretch to be allowed for use.

Co-operation of the public in obeying the warning signs posted on the pier was asked by Koetitz, inasmuch, as there will be no supervision by municipal workers. Previously the pier was opened only a portion of the year and a charge imposed for autoists to meet operational expenses.

Now there will be year-round access to the pier without fees and supervision as a means of providing recreational activity for Berkeleyans.

The pier, located at the foot of University Avenue, years ago carried motorists to a ferry slip for transportation to San Francisco.

O10-72

O10-73

Fishing has been a long-standing and well-documented use of the site. The DEIR covers the waterfront from ice age to the 1906 earthquake, but there has been little on the recreational activity at the pier since 1938. In 1935, the city received a $1.5m federal grant from the Works Progress Administration (WPA) to build a yacht harbor and Aquatic Park. Simultaneously, the Bay Bridge, funded by President Roosevelt's New Deal, rendered the auto ferry obsolete. In 1938, title to the two-lane pier transferred to the city. The recreational pier was an immediate hit for recreational and subsistence fishing. Newspaper stories of the day ran with headlines like: "Short on Ration Stamps? Fish biting at local pier" (1943), "Youngsters enjoy fishing lessons at Berkeley Pier" (1938), "Halibut are taking hooks off city pier" (1943), "Fishing's

Good on Berkeley pier: bass are running heavy" (1945). In 1940, the Berkeley Gazette reported that 35,000 people had used the fishing pier in the previous year. In 1946-1947, repairs were made. Garbage fill was stuffed under the near-shore portions of the pier and used to expand parking lots, with intermittent weekend pier openings for fishing even during construction due to demand. The California Wildlife Conservation Fund (WCF) provided funds in 1957 to rebuild and restore the pier on the basis of **its value as a recreational resource.** The Berkeley pier was its first pier project. The fishing pier saw around 101,100 people and the yacht harbor 94,100 in 1957, according to 1958 city documents. Before closure in 2015, the Berkeley Pier was one of the most heavily used fishing locations in the Bay Area.

Urban fishing is distinct from fishing in "destination" areas. It is close-to-home, affording much more access to angling as a recreational sport and as another source of food. In parts of California, fishing on public piers has been free with no license required since at least 1914, and Governor Earl Warren made it official for all California public piers in 1951 as long as it was for fun and not profit. It plays a large social, economic and social role in addition to distributional equity aspects in California and elsewhere (Quimby, Stevenson, Joose).

Ken Jones, a chronicler of pier fishing in California, states: "If a survey had been done over the past twenty-five years as to the most visited pier in the Bay Area, the winner undoubtedly would have been either the pier at Pacifica or this pier in Berkeley." He adds, "For availability, transportation, ease of fishing, and facilities, Berkeley was hard to beat." (https://www.pierfishing.com/berkeley-pier/).

The DEIR states: "Two of the evaluation efforts focused on the Berkeley Pier and did not consider the property's larger developmental context, current ownership, and functionally related relationship of the Berkeley Pier to the larger Berkeley Marina, to which it is historically linked. As recommended by guidance from OHP, the evaluation was updated in 2025 to support the proposed project's environmental review to amplify information about the resource and document changes that have occurred since the previous evaluation.[43] Additionally, the updated 2025 Berkeley Pier evaluation assessed local eligibility, which was not included in previous evaluations." The outcome of that evaluation is not clear.

Despite having closed the pier in 2015 and started WETA ferry service negotiations in 2016, the City of Berkeley is still a major draw for fishers. These reports based on recent survey analysis from 2021 to 2023 document this activity - apart from any CDFW data:

O10 - 73

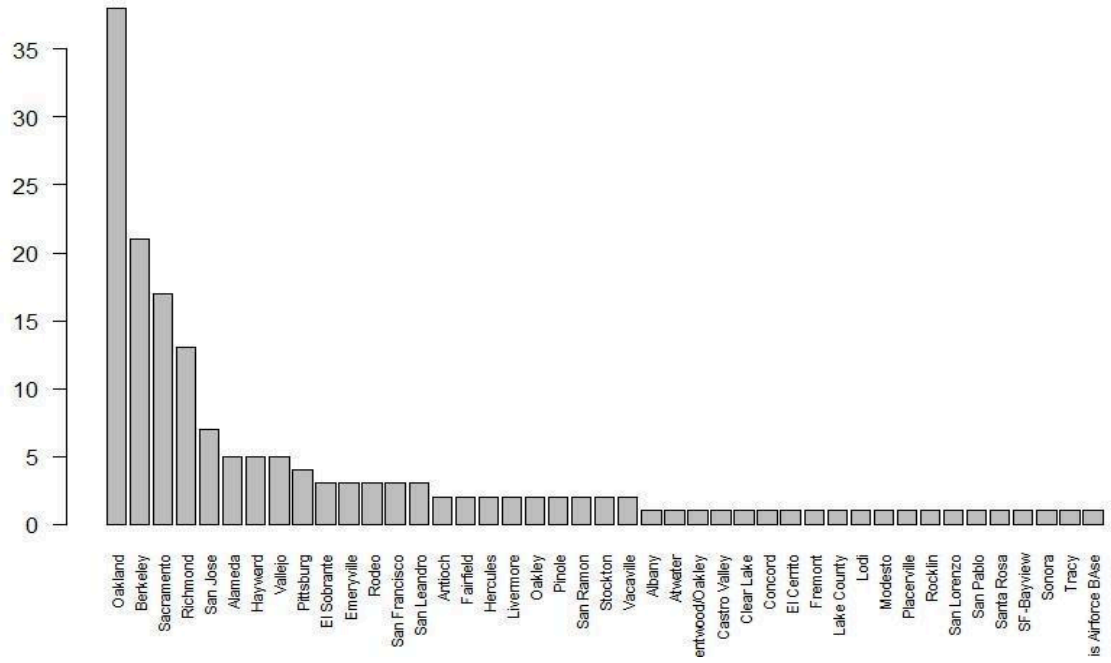
O10 - 74

O10-75

- *Fishing the Berkeley Waterfront: How much is it worth and for whom?*, Presentation to Bay Conservation and Development Commission, January 17, 2023.
- *Fishing at the Berkeley Waterfront - What is it Worth?*, with M. Banal, P. King and M. Peterson, Preliminary Summary Report, September 2022. This report was in the packet for Parks, Recreation and Waterfront Commission agenda packet for Wed 9/14/2022 at 7pm.
- Normal for Whom? Exploring socioeconomic variation in a travel cost analysis of urban shoreline fishing (Antinori et al. 2025). This was provided as a link and described in the NOP. The peer-reviewed published version of this report is at: "Normal for whom? Exploring socioeconomic variation in a travel cost analysis of urban shoreline fishing,"

According to Antinori et al. 2025 (and Antinori et al., 2026), 77% of anglers fished in Berkeley before COVID, 61% prefer Berkeley over other locations, and 55% fish for consumption purposes. These patterns reflect both recreational and subsistence fishing, neither of which is incorporated into the baseline. Current average annual visitation for angling at this urban shoreline is 30. Thirty-three percent and 35% of anglers in the sample earn less than $50k and between $50k-$90k, respectively, and lower income anglers visit this area more frequently.

O10-75



Town of origin for shoreline fishers at Berkeley waterfront. Note that Oakland is the most frequent town of origin, followed by Berkeley then Sacramento. *Source: Survey data 2021-2023, reported in preliminary form in 2023 presentation above.*

The graph below shows the town of origin for angler visits to the Berkeley shoreline, 2022-2023. Note that most by far are coming from Oakland. After Berkeley, the next most common town of origin is Sacramento. Anglers also visit from as far away as Livermore. **The park is a regional open space asset, providing respite from heat in the inland areas, which will become more important with climate change.**

O10-75

The DEIR also omits policy literature quantifying recreational fishing value, including per-trip estimates of approximately $36–$78 per visit, and broader literature showing high statewide participation in marine recreation and the regional significance of shoreline fishing sites (Christensen, J., King, P., 2017; Reineman et al. 2016; Pendleton and Rooke, 2006; Pendleton 2011). This omission prevents accurate characterization of use and social benefits.

O10-76

The Berkeley marina is also the home port for numerous sportfishing operations and small commercial fishers who rely on fisheries productivity in the Bay. Readily available local sources of Berkeley-specific fish reports generated by local recreational/subsistence fishers and commercial operations include:

- BerkeleyMarina_baitntackle: Instagram posts regularly from the marina's bait shop show catches from nearby Berkeley waterfront locations (see Biological resources section for more data).
- California Dawn sportfishing Facebook page: https://www.facebook.com/californiadawnsportfishing/
- Golden Eye 2000 sportfishing Facebook page: https://www.facebook.com/goldeneye2000sportfishing/
- Amethyst Fishing Charters
- Reel Fishing

O10-77

4. City-mandated reporting on nonprofit recreational programming in project area and beneficial public use contributions

The DEIR does not include nonprofit recreational operations under the City's berth fee waiver program, including the Pegasus Project, Blue Water Foundation, Berkeley Racing Canoe Center, or Cal Sailing Club. These organizations provide sailing education, youth programming, and public access recreation. In April 2020 alone, these organizations provided approximately $354,500 in services in exchange for $40,863 in berth value (88% return on investment), demonstrating substantial public benefit and recreational intensity. The City has not provided updated fee waiver reporting since 2020, as required under City Council Resolution 58859-N.S. adopted in 1997 and updated in Resolution No. 66544-N.S. of April 29, 2014 (see attached), and the DEIR does not incorporate updated data. The omission of this program significantly understates the scale, social value, and equity dimensions of recreational use at the

O10- 78

marina and, therefore, must be included in the project description, project setting and environmental setting.

O10- 78

The City of Berkeley remains unique in California in providing a fee berth waiver program for community service and recreational outreach. Nestled within the marina's 1000 slips, there are currently four nonprofits under the berth fee waiver program:

- **Pegasus Project:** Founded in 1994 by Peter Hayes, co-founder of Nautilus Institute for Security and Sustainability and the "No Child Left Ashore" vision, using Hayes' 51' wooden ketch for youth outings from K-Dock.
- **Blue Water Foundation:** founded in 1992 to provide at-risk and under-represented youth an opportunity to sail, using K-dock.
- **Berkeley Racing Canoe Center (BRCC):** Encourages competitive dragon boat racing and recreational paddling for all ages and abilities, using two slips on M-dock. BRCC gives free boat rides to massive numbers of Bay Festival visitors each year and hosts field trips for schools and youth groups, and donates "private cruises" as fundraising auction items to many local nonprofits. BRCC Board could provide details, BRCC Board <brccboard@dragonmax.groups.io>
- **Cal Sailing Club (CSC)**: Founded in 1948 under auspices of the University of California and transmuted to a nonprofit in 1982 to provide low-cost sailing education and access, using six slips at J dock. In 2025, this organization gave 1512 free rides on keelboats and dinghies in the South Sailing Basin to the community during seven open house sails and additional free rides to support the city's Bay Festival. These had a value of $125,496.

O10-79

The Parks Department has not provided updated fee waiver reports as is required under City Council Resolution 58859-N.S. (1997) and City Council Resolution 66,544-N.S. (2014) to the PRW Commission or City Council since the 2020 report. The DEIR likewise does not recognize the value, level, intensity and quality of recreational activity represented by this program. Information available to the city on CSC alone, **and which is available for all the organizations,** is found in the box below as a **source of recreational inventory available for the DEIR but omitted**.

O10- 80

Cal Sailing Club (CSC), a nonprofit, volunteer-run cooperative, has for decades made water sports available to all. Long known as The Beating Heart of the Berkeley Marina, CSC welcomes everyone through low-cost and no-cost access to membership, ongoing free community events like monthly open houses, and youth rides. CSC's major activity is teaching sailing and windsurfing safety. Membership is open to the public. Members get lessons and, after achieving ratings, use of the club's fleet of 26 dinghies, 6 keelboats and 80 windsurfing boards including novice, intermediate, and advanced designs. Membership dues and volunteer work provide access to lessons and

recreational use of the club's equipment. There are no charges for lessons or use of equipment. Members have to pass rating tests and contribute work in order to achieve ratings. Our clubhouse is located on the south side of the Berkeley Marina. The Club is open all year, from noon to sunset on weekdays and from 9:00 AM to sunset on weekends. Instruction, maintenance, and administration are all done by volunteer members. CSC is a registered Community-Based Organization (CBO) under the San Francisco Bay Conservation and Development Commission (BCDC).

For more information, see our website https://www.cal-sailing.org/ and come on down!

Other useful information:
• Link to video of typical day at CSC: https://www.youtube.com/watch?v=lymUxgywFDY
• Link to open house schedule: https://www.cal-sailing.org/activities/csc-open-house
• Link to community events other than open houses: https://www.cal-sailing.org/activities/community-events?view=communitywork

CSC By The Numbers (dated from 2024)

O10- 80

2500+: total number of free rides per year that have been provided to the public for decades now, giving visitors aged 5 and up superb views of the Golden Gate and the Berkeley waterfront during our monthly Open Houses from April to November.

$90,000 in estimated annual Value of Presence in Marina or Community Service for these free introductory sails provided to the general public and diversity groups.

1,100: annual active memberships.

19,026: number of members since 2009.

$1.33: Average daily cost for full membership (yes, that is one dollar and thirty-three cents, or $120 on a quarterly basis). Fee is waived if a member contributes additional volunteer hours.

$450 annual membership fee. Fee is waived if a member contributes sufficient volunteer hours.

54.4% of new members self-identified as other than White in the last 12 months as of November 2023 (29% as Asian, 9.5% as Hispanic, 3% as Black, 1.8% as Middle Eastern, 0.3% as Hawaiian, 0.2% as Amerindian, and 45.6% White). In comparison,

some studies have shown that sailing practitioners in the US are more than 80% white, and Berkeley is 55.5% white according to the census.

2,942: lessons given last year in sailing and windsurfing.

$45,000 grant from California Department of Boating and Waterways every year to teach Boating & Water Sports Safety.

7,126: estimated area in square miles from which CSC draws members.

50: Number of years CSC has been at the Berkeley waterfront and marina teaching high-level sailing skills in one of the most iconic sailing spots in the world.

O10- 80

5. Publicly-provided recreational swimming information

The DEIR understates the project area as a resource for swimming although this information was provided. In scoping comments by Julie Allen, the city and consultants were made aware of the high volume of swimmers that needed to be included in the DEIR. Allen's concerns included access issues, but because access was mediated though parking displacement, the DEIR dismissed the comment as not relevant, as parking is "not a CEQA environmental impact in and of itself" even though the main point was public access impacts. Allen's comments also included a request to recognize the volume of swimmers in the planning documents, requests that went ignored in community engagement exercises: "I ask also that all recreational users be invited to the table to give input. Hundreds of swimmers use this area and we were not included until April, and only then after aggressive insistence, and even then our #1 concern, parking, was declared off the table for discussion."

O10- 81

We here include further testimony from an East Bay Open Water Swim member:

I started swimming at the marina during COVID (6 years ago this month!) and I only joined EBOWS then. I know that a lot of other folks had the same good idea and the number of Bay swimmers has gone through the roof in the past few years. There are ***150*** *members of our Berkeley Marina Swim WhatsApp group, and that group started only a year or so ago and grows daily. The EBOWS Google group (all easy bay locations) had more than* ***600*** *swimmers for a bit, then we had to move to another platform and the new group has nearly* ***350*** *members -- that started from 0 less than a year ago (many regulars quickly re-joined), with more joining all the time. I also know*

O10- 82

that a LOT of marina swimmers are not in any of these groups. A while back we created a survey about parking habits and had 135 responses.

See EBOWS marina swim survey report in Attachments section.

Additional swimming groups which frequent the project area and nearby facilities:

- **Selkies:** 250 members.
- **Odyssey**: 55-75 swimmers out of the South Sailing Basin at Sunday swims. Swimmers launch from the south sailing basin in high water and HsLordships launch in low water and when the East Dock was closed. The regular schedule for many years has been Sunday mornings year round and Tuesday evenings in summer.
- **Other groups in Bay:** https://baynature.org/magazine/summer2025/swimming-together-in-san-francisco-bay/

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Open water swimming in the Bay is growing in popularity for many reasons. As the Bay has been getting cleaner, swimming has become more attractive. It is a less-injury-prone activity for the aging population which is growing in size. Open water swimming has well-known health effects - with a literature that was available to the DEIR preparers (see Gascon et al, Pouso, Sturm et al, White et al. studies in reference section for verification).

C. DEIR revision necessary

Given the inaccurate and incomplete environmental baseline setting, we urge a revision to the DEIR to include a complete and quantitative description of existing baseline conditions to reevaluate environmental impacts and support informed decision-making. Without a full description of existing recreational uses, an EIR cannot provide substantial evidence to support its conclusions or determine whether impacts such as displacement, increased use, or loss of access will occur.

O10- 83

IV. DEIR shortcomings on project environmental impacts

A. Impacts on Aesthetics omitted

O10- 84

The Berkeley waterfront includes heavily used public access and viewing areas which the project area subsumes. The DEIR however understates both the scope of the visual impact and the range of affected scenic and cultural experiences which the public currently enjoys.

CEQA defines public views as those experienced from publicly accessible locations. The San Francisco Bay Plan states provides aesthetic objectives applicable to the project and stated in the DEIR:

O10- 85

- **Public Access Policy 9**. Public access improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, such as aquatic life, wildlife and plant communities, and provide for the public's safety and convenience.
- **Appearance, Design, and Scenic Views Findings and Policies, Finding d.** Probably the most widely enjoyed "use" of the Bay is simply viewing it-from the shoreline, from the water, and from afar; a Bay view can add substantially to the value of a home, office, or apartment building. Also, the Bay is a major visitor attraction for the tourist industry.
- **Recreation Policy 9:** Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes, **provided the development and operations of the ferry facilities do not interfere with current or future park and recreational uses, and navigational safety can be assured.** Terminal configuration and operation should not disrupt continuous shoreline access. Facilities provided for park and marina patrons, such as **parking, should not be usurped by ferry patrons.** Shared parking arrangements should be provided to **minimize the amount of shoreline area** needed for parking

O10- 85

1. Incorrect CEQA significance standard

The DEIR treats "remain visible" and "low profile" as the significance test. That is not the CEQA standard. CEQA Guidelines §15064.5(a) and Appendix G require analysis of whether a project would cause a substantial adverse change to a scenic vista, including degradation of scenic quality, fragmentation or interruption of view corridors, the introduction of dominant new visual features, and alteration of the character of a recognized scenic resource. Partial visibility of distant features does not satisfy this inquiry.

O10- 86

2. Scenic-quality effects of major project components not evaluated

The DEIR identifies the project's major new visual components — a 300- to 400-foot breakwater, ferry terminal infrastructure, solar canopy structures, and frequent ferry vessel operations — but neglects full and reasonable evaluation of whether these elements, individually or collectively, would fragment panoramic sightlines across the Bay, reduce the openness of the water foreground, alter skyline framing and scenic composition, or transform the shoreline from a natural panorama into an infrastructure-dominated view.

O10- 87

First, the DEIR acknowledges the breakwater but does not evaluate whether its scale and placement would materially alter scenic composition or degrade the visual character of the Bay shoreline. The breakwater introduces a large, continuous structure into existing open-water views along the shoreline. DEIR analysis focuses on selected views of retained visibility of distant scenic resources **rather than on the loss of open-water foreground conditions and uninterrupted view corridors.**

O10- 88

Second, the central visual element of the project — the ferry vessel itself — is absent from the DEIR's renderings and infrastructure figures. The project proposes ferry operations with approximately 28 weekday and 26 weekend crossings at a new 1,080-foot pier on the Berkeley waterfront. The DEIR cover rendering depicts the proposed pier with two pedestrians and a sailboat in the middle distance. No ferry vessel is shown. This is the image members of the public encounter first when reviewing the project, and it **portrays a misleading and largely inaccurate representation of the visual change** the project would introduce.



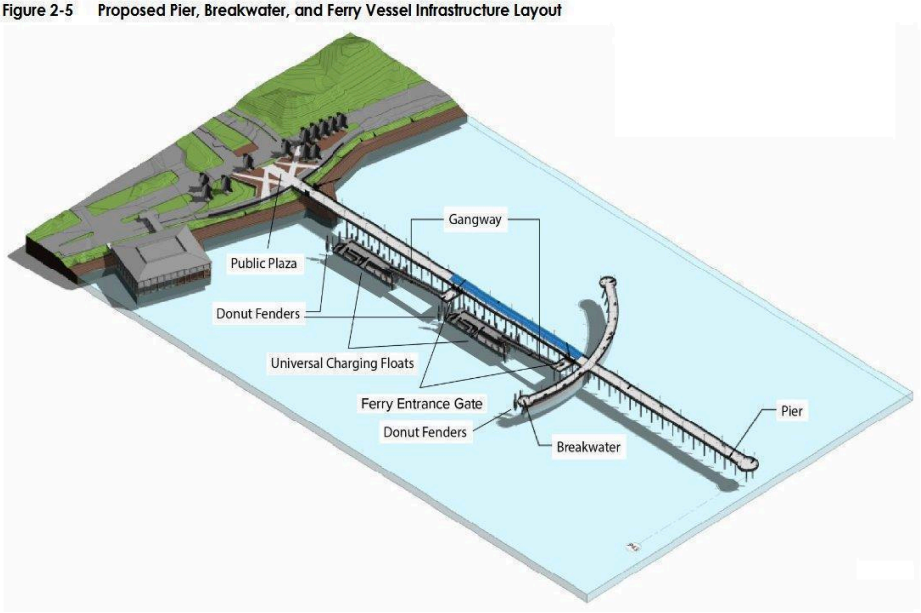
DEIR cover of the proposed pier and Figure 2-4 water rendering show no ferry vessel.

O10- 89

Internal Figure 2-5, entitled "Proposed Pier, Breakwater, and Ferry Vessel Infrastructure Layout," labels the gangway, ferry entrance gate, donut fenders, universal charging floats, and the breakwater. It also does not depict a ferry vessel. A reader examining the figure cannot determine the scale of the vessels relative to the pier or breakwater.

O10- 90

Figure 2-5 Proposed Pier, Breakwater, and Ferry Vessel Infrastructure Layout



DEIR Figure 2-5. Ferry infrastructure is labeled; the ferry itself is not shown.

O10- 90

We attempted to AI-generate a rendering to include a 250-passenger Bay Breeze-style vessel as specified in the project description. While not perfect, with ferry in wrong location, it gives some idea of the ***scale*** of a ferry within the project area:



Our

O10- 91

ChatGPT prompt for generating this above image was: *here is a picture on the cover of the Water Emergency Transportation Authority Berkeley ferry environmental impact report showing the proposed pier. But it does not depict the 250-passenger ferry that it*

says will dock at this pier. Can you recreate the rendering with a 250-passenger ferry docked next to the ferry terminal pictured?

)10- 91

Images from the WETA website depict other ferries that may be used at the project site:

92





Left: 400-passenger battery-electric ferry to be built for San Francisco Bay Ferry. Specificaiotns are 142ft 1in x 34ft 9in Subchapter K vessels. https://www.advancedmaritimetechnologyinternational.com/news/vessel-build-and-maintenance/nbbb-to-design-and-build-two-400-passenger-battery-electric-ferries-for-san-francisco-bay-ferry.html. *Right: 400-passenger Hydrus model at Richmond terminal.* [About Us - San Francisco Bay Ferry](#) *which has similar dimensions as the 400-passenger ferry vessel.*

Observations:

- Were WETA to go with the 400-passenger electric ferry (recall that no 250-passenger electric ferry exists yet for WETA capable of servicing the Berkeley route), the vessel's 35 ft beam is wider than the 22 ft pier itself (by approximately 60%).
- The Hydrus and the Dorado regularly used in the WETA fleet and potential vessels for the Berkeley route rise approximately 22 ft (or more) above the waterline — roughly twice the height of the pier deck, and comparable to a two-story structure.

O10- 92

- At 28 weekday and 26 weekend crossings, a 250-passenger ferry is arriving or departing the pier on average every 30–35 minutes during operating hours. The vessel is therefore a **recurring visual element throughout the day**, not an incidental one.

O10- 93

- The DEIR states that a 250-passenger vessel is the operational assumption. WETA's current comparable vessels (MV Dorado class) are 130 ft × 35 ft and carry 320 passengers. A smaller passenger count does not imply a smaller vessel footprint at this hull length.

O10- 94

- None of these dimensions or relationships are illustrated in the DEIR.

O10- 95

Therefore, the DEIR has not presented evidence and analysis accounting for the cumulative presence of multiple large shoreline structures, continuous ferry vessel movement across key sightlines, the various vessels themselves which could be used for the route, or repeated daily visual intrusion across scenic viewpoints. CEQA requires evaluation of operational and combined effects on scenic resources and the viewer experience, not only of individual project elements. The DEIR needs to be rewritten to include this information in project description and impact analysis.

O10- 96

O10- 97

3. Construction-phase impacts not evaluated

The DEIR does not analyze visual obstruction from construction staging, pile driving, or infrastructure installation.

O10- 98

4. North-side pier and Skates Restaurant views not adequately analyzed

The ferry terminal and vessel operations would obstruct existing public views for pedestrians and patrons at Skates Restaurant and surrounding north-of-pier vantage points, which constitute a key public recreational area. The renderings in Figure 3.1-4 Key Viewpoints could be from Skates but show no vessel, which could intrude on views continuously with 28 weekday and 26 weekend crossings across to the Golden Gate Bridge and San Francisco skyline. **This is a substantial adverse change** under §15064.5(a). The DEIR's less-than-significant conclusion is unsupported: no mitigation measures, design alternatives, redesign, or reductions in frequency are evaluated.

O10- 99

5. Scenic-highway visibility is not the CEQA standard

The DEIR concludes no AES-2 impact because the project is not within, and is not visible from, State scenic highways SR 24 (~5.5 miles away) and I-80 (~1.7 miles away). CEQA does not confine scenic resource analysis to designated State scenic highways, nor does it require direct line-of-sight from such a highway to establish an impact. The governing inquiry is whether the project would cause substantial adverse effects to scenic resources — degradation of visual quality, alteration of scenic character, or obstruction of public views — from any affected public vantage point. Therefore, this impact standard is improperly applied.

O10- 100

6. Traffic-related aesthetic impact not reflected in the AES-2 analysis

Table 3.10-18 shows average daily traffic from Seawall Drive to Marina Boulevard — the route to the proposed ferry terminal — **increasing 77%** with the project (DEIR pdf p. 489; calculated as project-generated trips divided by existing ADT). This is a substantial change to the aesthetic experience of visiting the waterfront and is not reflected in the AES-2 analysis.

O10- 101

7. The DEIR does not treat Seawall Drive as a recreational amenity nor recognize its loss as an aesthetic impact

A BCDC permit opened the Seawall Drive lot on landfill in 1966. It has been free and open to the public ever since. The view from the lot is unavailable anywhere else along the San Francisco Bay shoreline: open water, the Golden Gate, the skyline, the Marin

O10 - 102

headlands. The Berkeley Historical Society and Museum uses a historic illustration of this view as one of its site icons (berkhistory.org). Since its opening, it has become a **cultural and community landmark**, providing a space for low-cost recreation and public respite for generations of visitors.



Berkeley Historical Society icon: "Berkeley — Exactly Opposite the Golden Gate." (berkhistory.org)

O10- 102

The city acknowledges that a key and consistent concern in community engagement activities for the WETA ferry-pier was to keep Seawall Drive in-car viewing on the west side of Seawall Drive. The October 24, 2025 City Manager's *Berkeley Pier-Ferry Update* to City Council states:

"...the City received consistent feedback from the public that **preserving parking on the western side of the road to maintain 'in-car Bay viewing' as a key public amenity is a priority.** Given this feedback, the design will include not only the new Bay Trail segment but **also parking stalls on the western side of Seawall Drive** where feasible."

O10- 103

This area is used extensively by families, fishers, persons on lunch breaks, and figures in countless conversations held – all while looking at one of the most iconic views in the world, protected from wind and waves. The Kittelson Transportation Demand Management data shows that Seawall Drive has the highest share of recreational visitors of Black/African-American, and Hispanic visitors. For the public in general, it is a low-cost, high quality public recreational asset.

O10- 104

Gordon Stout has assembled a series of Google Earth images of the south peninsula from October 2015 through September 2020. The series documents both sustained recreational use of Seawall Drive after the pier closed in July 2015 and COVID-19, indicating its location as a safe mental health stability activity which one could enjoy safely, even for mobility-challenged people. In all photos, you see cars along Seawall Drive, and in many photos, the spaces are full end to end. On any particular day, one can observe that many of the cars are not empty but are occupied with people

O10- 105

observing the view, fishing, or simply relaxing. **The area itself is a recreational asset,** not merely a parking lot, and should be treated as a recreational asset in the DEIR.



Figure 1. October 2015 — three months after the pier closed.



Figure 2. March 2017

105

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

Figure 3. October 2017.

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

Figure 4. February 2020.

O10- 105

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

Figure 5. April 2020 — early COVID-19 period.

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

Figure 6. August 2020.

O10- 105



Figure 7. September 2020.

O10- 105

The same October 2025 update goes on to report, and the COB's BCDC *Design Review Board Staff Report November 3, 2025* reiterates that **all but 20 of these spaces would be removed for the Bay Trail improvements and stormwater treatment.** The Kittelson report suggests dedicating the spaces to ferry patron parking. Figure 3.1-3 of the DEIR (pdf p. 118) shows a single arrow for KVP#2 at the tip of the peninsula — not along its length, which is where the public experiences the Bay today, reflecting that the project acknowledges that Seawall Drive in-car viewing is eliminated. The Figure 3.1-4 photos show no viewpoint from shore along Seawall Drive looking west because that view is eliminated for in-car viewing options, and blocked by the breakwater.

O10- 106



Seawall Drive in the '70s illustrating historical in-car viewing recreation. Credit: Evie Vetterlein Wozniak.

The Seawall Drive lot is a community and cultural landmark. Removing this in-car viewing area, building the breakwater and ferry terminal, and running vessels across the shoreline would alter this setting irreversibly, obstruct visual access to the Bay, and eliminate a recreational resource that does not exist anywhere else on the shoreline.

O10-107

The DEIR concludes the project would not conflict with the Berkeley General Plan, the Marina Master Plan, the Berkeley Municipal Code, or the San Francisco Bay Plan. It reaches that conclusion without analyzing Seawall Drive recreation. It does not ask whether removing the Seawall Drive parking lot, adding a breakwater and ferry terminal, and running vessels across the shoreline is consistent with the policies those documents were written to uphold — policies that protect public visual access and scenic quality. Seawall Drive is a distinct public visual access and recreational resource. **The DEIR does not evaluate it as one, and the AES-3 finding of no policy conflict is not supported by substantial evidence.**

O10-108

In conclusion, the DEIR omits key information for aesthetics impact analysis, and misapplies policies and standards. The "less than significant" and "no impact" determinations for aesthetics impacts are not supported by substantial evidence. CEQA Guidelines §15064.5(a) and §15125(c) require the DEIR to consider impacts to both aesthetic and cultural or historic resources. The DEIR does not do so, and proposes no mitigation. The DEIR's finding under Impact AES-1 — that the project has a "relatively low profile" and needs no mitigation — does not constitute consistency with the San Francisco Bay Plan, *Appearance, Design, and Scenic Views upon the Bay* or Recreation Policy 9, or the BMMP — public access to shoreline recreational resources. In addition, the project removes a culturally and historically significant (even if not landmarked as such) shoreline viewing asset, a primary access point to the shoreline recreation area which the policy exists to protect.

O10-109

O10-110









Photos showing high use of Seawall Drive for unobstructed in-car viewing, shoreline fishing, picnicking. by CM Antinori.

O10-111

B. Recreation and Land Use Impacts

1. What policies and CEQA guidelines apply to recreational displacement, degradation of existing recreational facilities and land use / human interaction change?

a. CEQA Guidelines

CEQA's Appendix G (Recreation) provides a checklist which asks whether the project would increase the use of existing recreational facilities such that substantial physical deterioration would occur or be accelerated, or whether it includes/requires construction or expansion of recreational facilities with an adverse physical effect. But the threshold of significance is not limited to the checklist. The appendix states "Substantial evidence of potential impacts that are not listed on this form must also be considered." The lead agency must consider any substantial adverse effect on recreation, including loss of access, displacement of users, and degradation of the recreational experience (noise, visual, air quality, safety, severance of trails, loss of parking/staging areas, etc.). The checklist is a floor not a ceiling.

O10-112

Appendix G for Land Use Planning asks whether the project would physically divide an established community or impose a significant environmental impact in conflict with a rule to avoid environmental impact.

O10-113

b. Public trust

Because the project affects tidelands, navigable waters, shoreline areas, or other resources subject to the public trust, the lead agency must consider potential effects on public trust uses, including navigation, fishing, recreation, and ecological values *(National Audubon Society v. Superior Court (1983) 33 Cal.3d 419; Marks v. Whitney (1971) 6 Cal.3d 251)*.

Under *National Audubon*, state and local agencies have an affirmative and continuing duty to consider and balance public trust uses when making decisions affecting trust resources. CEQA requires disclosure and analysis of environmental impacts, including impacts on recreational access and use where applicable, which may inform the agency's separate obligations under the public trust doctrine.

O10-114

Where a project may impair public trust resources or uses, the agency must evaluate those effects and, consistent with its public trust responsibilities, avoid or minimize impairment where feasible or otherwise ensure that any impairment is justified in light of competing interests.

c. San Francisco Bay Plan

SF Bay Plans emphasizes the importance of preserving and enhancing public access to the Bay and aims to balance environmental preservation with recreational opportunities. These SF Bay Plan policies apply the recreational and land use impacts of the project: O10-115

Environmental Justice Policy 1: The Commission's guiding principles on environmental justice and social equity should shape all of its actions and activities.

Recreation Policy 9: Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes, provided the development and operations of the ferry facilities **do not interfere with current or future park and recreational uses,** and navigational safety can be assured. Terminal configuration and operation should not disrupt continuous shoreline access. **Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons.** Shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking. O10-116

Transportation Policy 5. Ferry terminals should be sited at locations that are near navigable channels, would not rapidly fill with sediment and would not significantly impact tidal marshes, tidal flats or other valuable wildlife habitat. Wherever possible, terminals should be located near higher density, mixed-use development served by public transit. Terminal parking facilities should be set back from the shoreline to allow for public access and enjoyment of the Bay. O10-117

Public Access Policy 5. Public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. **In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved.** If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action. O10-118

Bay Plan Map No. 4 Policy 15. Berkeley Waterfront - Cesar Chavez Park - Preserve marina, beach, small boat launch, windsurfing access, fishing pier, interpretive center and multi-use trails. Possible ferry terminal. Allow if compatible with park and marina use; serve with bus public transit to reduce traffic and parking needs. Provide signage regarding fish consumption advisories for anglers. O10-119

d. The McAteer-Petris Act

McAteer-Petris Act requires that development within San Francisco Bay promote public access, enhance recreational opportunities, and balance development with preservation of shoreline recreation. O10-120

e. Berkeley Marina Master Plan (BMMP)

The Berkeley Marina Master Plan, adopted by City Council in 2003, represents a commitment "on the part of the citizens and City to provide a long-term recreation, and O10-121

open space enhancement program for the Marina, including limited commercial and non-profit activity by lessees (Action Calendar, City of Berkeley, June 24, 2003). It provides the following relevant principles: O10-121

Principle 4. Provide for appropriate recreational, commercial and nonprofit development that both encourages use and protects or enhances the natural resources of the Marina lands. O10-122

Principle 5. Enhance access and use of the Marina, especially for members of special user groups such as elderly, economically disadvantaged or physically challenged persons. O10-123

Principle 6. Pursue a fiscally responsible and sustainable implementation program for the Marina. O10-124

2. DEIR is inconsistent with applicable policies for recreation and land use

The project site currently supports about 675,000 recreational visitors a year to this waterfront park, both on land and on water, with daily usage in the south waterfront project area alone at about 470 per day. The waterfront itself has a community character. Survey data from the Kittelson study and the shoreline fishing study show that visitors come frequently, often more than once a week. When they visit, visit durations tend to be long. Seawall Drive in-car viewing is a cultural and recreational activity in and of itself, with a community character, as described in the Aesthetics section of this document. The marina's approximately 100 liveaboards also constitute a resident community. The Berkeley waterfront supports unique, non-substitutable recreational uses, including unique shoreline views, wind-based recreation in both protected windsheds and unprotected in the wind slot, rare off-leash dog walking areas, and open water swimming. O10-125 O10-126 O10-127 O10-128

The **Impact Rec-1** claims that there is no impact on recreational access (and land use) because the Project will lead to a net increase in recreation. By this claim, it recognizes that the level of recreation is an implicit impact under CEQA. However, the argument that there is a net gain in recreation is specious. First, there is quantification of neither the increase in recreation nor decrease in recreation, so a claim of net positive increase is unsupported. As noted in the baseline section of this document, Bay Trail extensions for bike tracks and pedestrians would happen around the peninsula or a shortened loop on the peninsula even in the No-Project scenario, and do not rely on the project. The Bay Trail and bike paths would be funded under the lease with TSA Holdings. Safe Streets Measure FF project commits $15m a year for 14 years in funding for increased commuter and recreational bike paths in the City of Berkeley. D&E docks are opening for slipholders. These activities would continue without the project and should not be attributed to the project. O10-129 O10-130

The DEIR would need to provide analysis, modeling or assessment for the decrease in human use of the environment expected due to many changes in public access conditions and land use changes under the project, such as: O10-131

- 199 Seawall lot will be taken over as a private client lot and by ferry patron parking and not be accessible to the public to access shoreline facilities except as a patron of the ferry or the HsL tenant. O10-131
- The elimination of Seawall Drive as an in-car viewing area. O10-132
- The introduction of paid parking which will reduce affordability for recreational visitors. O10-133
- The implied beginning of enforcement of municipal code not currently enforced and not reflecting actual baseline use. The beginning of enforcement would reduce current recreation to the Bay waters. O10-134
- The change in biological resources in terms of fish habitat referenced in this comment document, and therefore reducing catch rates for fishers, a major attraction. O10-135
- Vehicular traffic to access the ferry would increase by 77% in the south waterfront area. O10-136

While not all recreational visitors will come by car, the Baseline section of this public comment shows that current visitation is characterized by a substantial proportion of older adults, visitors from outside of Berkeley, and those carrying gear and animals for dogwalking and and watersports. Reduction in demand among the population relying on cars for mobility issues will occur simply because the price of access will increase and available space decrease, leading to a change in human-use patterns. **Principle 5 of the BMMP aims to enhance access and use of the marina especially for elderly, disadvantaged and physically challenged. The DEIR claims it is consistent with this principle because it provides a cycle track.** In addition, it avoids analysis of the diminution of currently diversely accessible public areas, offering mainly benches and barriers between pedestrians and vehicles as substitutes. This also makes it inconsistent with **McAteer-Petris Act** because it fails to demonstrate that existing recreational uses will be preserved or enhanced and does not analyze the displacement of established shoreline recreation. O10-137 O10-138

The 2003 WETA Program EIR for system expansion offers quantitative analysis on how new ferry terminals increase VMTs. The ferry system expansion will only decrease VMTs by **0.07%** system-wide (section 3.12 Transportation of 2003 WETA EIR), with decreases only in areas that compete with congested highway facilities in San Francisco, Marin and San Mateo. This finding is compatible with this DEIR that average daily traffic (ADT) in the Project area will ***increase* 77%** (see DEIR noise section). Daily ferry users, most expected to depart from Berkeley, is estimated at 1160 (Table 2-4 of DEIR). This impact is not analyzed for impact on recreational facilities, degradation or change in public access, and potential to split a community comprised of regular waterfront recreational users. This in itself is inconsistent with **Impact LU-1** determinations and **Bay Map No. 4 Policy 15**. O10-139 O10-140

The DEIR fails to analyze the displacement of these users, the degradation of the recreational experience from the 77% increase in average daily traffic, and the lack of comparable facilities offering similar recreational opportunities at a comparable price. These are potentially significant impacts that must be analyzed, disclosed, and mitigated. The DEIR's treatment of impacts as only occurring temporarily during the O10-141 O10-142

construction phase is inconsistent with other data on VMTs and ADT, and land use as described in available Project documents. Therefore, the **project is inconsistent with Bay Plan Map No. 4 Policy 15.**

O10-142

Principle 4 of the BMMP provides for nonprofit development that enhances the natural resources of the marina lands. One of the Marina nonprofits, Cal Sailing Club, brings new visitors to the waterfront, often those who have never sailed before, through its low cost operations and also free Open House days each month (except in winter), which attract upwards of 400 visitors each event (data available upon request). However, the transportation demand management plan was not described in the DEIR that has been partially put in place by the city for three lots adjacent to the nonprofit (South Cove East and West and J&K lots). The DEIR omits discussion of the TDM even though it has potentially significant impacts on recreational access, and omits discussion on any impacts on nonprofits. Therefore the DEIR runs afoul of both the **BCDC Recreation Policy 9** and the **BMMP Principle 4**.

O10-143

O10-144

The Bay Plan requires that access to recreational facilities be easily available from public parking. **The DEIR does not demonstrate that access will remain adequate and instead contemplates the reduction and reallocation of shoreline parking for ferry use.** This reduces access for recreational users, particularly those who rely on vehicle access or have mobility constraints, and is inconsistent with **Recreation Policy 9**.

O10-145

For the DEIR to say that there is a net increase in recreation ignores the distribution and quality of recreational activities given current and predicted trends. The Berkeley waterfront recreational area is the site of historical and heavy use for watersports recreation and bayside walking. The nearby McLaughlin Eastshore State Park has conservation and restoration projects. The DEIR does not acknowledge how the project displaces current and historical recreational usage, which is increasing from baseline (see section in this document under Baseline).

O10-146

For perspective, the proposed project would constitute the **only ferry terminal and route traversing a pre-existing state and city park.** We list other WETA ferry terminal locations:

- Richmond – site of former Ford factory and WWII shipbuilding site
- Oakland and Alameda WETA ferries are in a shipping canal within Oakland's Inner Harbor and shipping lanes for Port of Oakland, next to barge docks and naval ships
- Mare Island and Vallejo terminals – built in an unused location around Mare Island naval base and shipyard within the Mare Island Strait at mouth of Napa River. The land has long been dominated by housing development and the naval base.
- South San Francisco – an industrial location within an existing Marina near the airport
- Alameda Seaplane Lagoon – within a decommissioned naval base

O10-147

- Harbor Bay – the terminal serves the housing development and businesses around Bay Farm Island that closely abut the shoreline
- San Francisco terminals – at preexisting marine terminals and piers within industrial sites

O10-147

At none of these ferry terminals is fishing, swimming, sailing, boating, or other windsports a dominant activity on the water as they are at the Berkeley waterfront. There is a rationale for this pattern. Those venues are already high-density and environmentally degraded: a large-scale ferry there does not displace the pattern of park usage nor add much marginally or cumulatively to pre-existing environmental damage as is consistent with **Bap Map No. 4 Policy 15**. As currently conceived, the Berkeley pier-ferry plan attempts to allow for recreation with what would be the only intentionally dual-use pier in the WETA system. The Bay Plan requires ferry terminals to be located in areas served by higher-density, mixed-use development and transit access. **The DEIR is inconsistent with this requirement because the project is located in a recreation-dominant waterfront park** rather than a mixed-use or transportation-oriented area. Other ferry terminals in the system are located in industrial areas, former military bases, or developed waterfronts. By contrast, the Berkeley waterfront is an active recreational park with established uses centered on public access and low-cost recreation. The DEIR therefore is inconsistent with **Transportation Policy 5**.

O10-148

O10-149

Ferry terminal locations typically consume real estate for parking, as evidenced by this comparison to other existing ferry terminal lots. The Google Earth images below were all taken at 499m by Paul Kamen, naval architect and marine engineer.



Above: South waterfront peninsula, site of project. Note that HsLorship's restaurant has been closed since 2018. COB is in lease-option stage with a tenant who will have exclusive use of

O10-150

150 parking spaces in the 199 Seawall Lot (empty lot space in above photo adjacent to the restaurant). Another 250 spaces in this lot will be dedicated to ferry parking. Seawall Drive in-car viewing area will be virtually eliminated. Therefore, the entire peninsula will be closed as a facility to access recreation at the waterfront.

O10-150

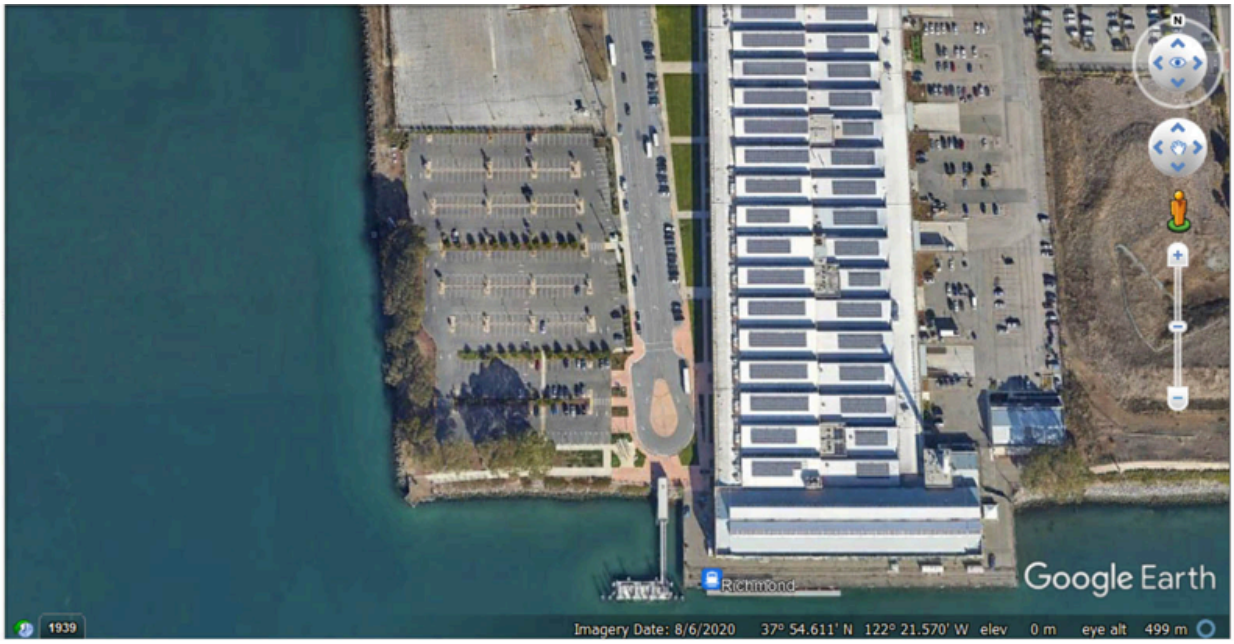


Above: Larkspur Landing Golden Gate ferry terminal with 1800 parking spaces. This was taken during covid when the lot was empty.



Above: Larkspur Landing terminal during regular operation.

O10-151



Above: WETA Richmond ferry terminal. Free parking is available in the lot adjacent to the terminal and includes 362 spaces for ferry patrons alone, with 15 public access spaces and 8 accessible spaces. The dichotomy in use assignments for ferry v recreation is indicative of this area not being a historically major recreational waterfront access area, having been the site of the former Ford factory, now converted to commercial purposes.



Above: WETA Harbor Bay ferry terminal in a modern residential development devoid of historical and existing recreation. The City of Alameda offers parking for 250 cars and two motorcycles at this terminal.

010-151



Above: WETA Vallejo ferry terminal. There is a waterfront parking garage and several surface lots directly across from the ferry terminal that serve ferry commuters. These include the City of Vallejo's waterfront garage plus multiple adjacent public lots. Over ~750+ spaces are available in the waterfront parking garage and surface lots near the ferry terminal combined (for daily paid parking). The main waterfront garage and the adjacent surface lots across from the Vallejo Ferry Terminal require payment (around $8 per 24 hours or a $50 monthly pass) for ferry patrons and other users. There are five paid parking lots available around the Vallejo Ferry Building which have security regularly patrolling the lots. Source: [Vallejo Ferry Parking map](#).

010-151



Above: WETA Vallejo ferry terminal with text emphasizing business plans prioritization of ferry patron convenient access to the ferry boarding site.

WETA Implementation and Operations Plan | PDF | San Francisco Bay Area | Public Transport, p. 38.

O10-151

The DEIR claims recreation impacts due to construction, **Impact Rec 2**. The claim is that the impact is significant but mitigated because all the recreation **activities can move someplace else**. This belies the unique nature of recreation at the waterfront. During construction, much of the peninsula would be closed for project staging. The EIR argues that since that closure is temporary, and there are other areas in the marina, the impact would not be significant. Such truncated analysis ignores the language in the existing Marina Plan that protects access adjacent to the old restaurant and ignores Bay Plan policies which also protect those and other recreational uses like shoreline fishing and swimming. A loss of protected access for a long construction period and during project life is a significant impact.

O10-152

3. Other impacts on recreation and land use not addressed

Additionally, the DEIR does not analyze impacts on and mitigation measures for recreational fishing as a distinct resource use, despite its documented presence and regional significance. It does not evaluate how ferry traffic, noise, habitat modification, or breakwater construction could affect catch rates and fishing behavior.

O10-153

Moreover, the analysis does not address crossing-path conflicts at the marina entrance or the deterrent effect of commercial ferry operations on small-craft recreation. The marina's south entrance is the most heavily used entrance and exit for the marina, and the navigation path is at cross purposes - in that it crosses the ferry path, which is opposite or diverging directions, with the ferry route and docking maneuvers. There needs to be an adequate accounting of the effects of general navigational safety for these opposing activities. Boat traffic will increase with planned D&E dock completion. Despite the mitigation measures for slowing speed to reduce wake, the interference of marine traffic traveling at cross purposes with the ferry should be considered and alternatives assessed.

O10-154

The DEIR does not analyze functional displacement of recreation, meaning the loss or degradation of specific recreational activities that depend on this location uniquely. Instead, it treats displacement as a general redistribution of users to other parks. Missing from the analysis is any evaluation of impacts to place-dependent activities such as shoreline fishing along Seawall Drive, wind- and sail-based recreation in the localized wind corridor, open-water swimming, and unique shoreline viewing. The DEIR does not assess whether these activities would be reduced, constrained, or rendered less viable by changes in circulation, water-space configuration, and infrastructure placement.

O10-155

Additionally, the DEIR does not analyze intensity and congestion impacts on recreation access. It fails to evaluate how the addition of approximately 955-1053 ferry patrons, needing more than 400 parking spaces, in combination with a heavily-used waterfront would affect crowding, user conflict, safety, and recreational quality. There is no quantitative analysis in the DEIR of carrying capacity, peak-use conditions, or conflict between commuter and recreational users in shared shoreline and water space.

O10-156

The project potentially introduces a profound change in character of the waterfront from a shoreline park created for recreational use under federal grants. The residents of Berkeley have reasserted the priority of this area for recreation many times over. Notable movements supporting recreation include Save the Bay, which prevented the landfill/dump now known as Cesar Chavez Park from becoming a shopping mall in the sixties, leading to the creation of BCDC, and again in the eighties when Sante Fe Railroad sought to build a large commercial development. The developer push was so aggressive and the citizen response so emphatic that a moratorium was placed on waterfront development in 1987, and remained in place until adoption of the 2003 BMMP. O10-157

The process of advancing this ferry project has also been highly controversial, as indicated in the Areas of Known Controversy of this document but highly understated in the DEIR. Even the incremental implementation of the ferry plan elements, namely paid parking in the ferry transportation demand management plans, has met with controversy and opposition when the city approved paid parking in the three south waterfront lots in the Project area, a plan carried out without advance input from the community or advisory commissions. O10-158

The project has potential to change the recreational character of the area, meaning a shift from a low-cost, informal, mixed-use recreational waterfront to a transportation-dominant facility with commuter ferry operations. The analysis does not evaluate whether this represents a qualitative loss of recreational experience, even if some physical access remains. This is inconsistent with **BCDC Public Access Policy 5** and potentially the **McAteer-Petris Act**. Further, recreation policies require that facilities serve people of all races, cultures, ages, and income levels. Both the BWCC visitation report (attached) and the fishing study point to a lower-income demographic favoring visits to the Seawall Drive area of the waterfront, as well as non-white-only. The DEIR does not analyze recreational equity impacts, despite the waterfront's current functioning as a regionally significant, low-cost recreational resource. The project introduces increased access barriers through reduced parking, congestion, and changes to shoreline access, but the DEIR does not evaluate these effects and is inconsistent with **Environmental Justice Policy 1** of BCDC. Visitation to the waterfront is characterized by frequent (once a week or more) visitation of relatively long duration, **signifying a recreational community.** By introducing major traffic along University Avenue to Seawall Drive and then eliminating Seawall Drive in-car viewing, the project divides a uniquely-Berkeley cultural community that is connected by enjoyment of low-cost and convenient-for-all access to the Bay. **Therefore, impacts as evidenced in this document impose a CEQA impact for land use change**. O10-159 O10-160 O10-161

In conclusion, impact significance is ultimately a question of substantial evidence about whether an impact is "substantial, or potentially substantial." A diminishment of public-trust-protected recreational access is, by definition, substantial in kind. The DEIR indicates diminishment of public-trust-protected recreational access and land use changes. Because of related inconsistencies with plans pertinent to the project and CEQA impacts left unanalyzed in the DEIR, we advise that the DEIR be revised to (1) quantify current recreational use and the project's effect on it, (2) analyze consistency O10-162

with plan policies, (3) address the public trust implications on the record, and (4) evaluate a reduced-footprint or relocated alternative that preserves existing access.

O10-162

C. Biological resources sections have serious omissions and inaccuracies

1. Environmental settings for eelgrass beds and related discussions misreport published studies and are inconsistent with state and regional plans for eelgrass policies and goals.

O10-163

Eelgrass (*Zostera marina*) is a foundational species in the SF Bay and the only seagrass species in the Bay. It provides critical habitat for species, offering foraging, refuge and spawning grounds. In recent years, its potential for "blue carbon" has come to be known. Nevertheless, the DEIR repeatedly neglected substantial information and misreported data from sources they did cite, calling into question all aspects of this section.

a. Inadequate and incorrect data on eelgrass beds.

There is only cursory treatment of eelgrass in the current DEIR in the environmental setting section, even after years of increasing knowledge of eelgrass's significance to the ecosystem and restoration programming. The treatment extends into neglect and misstatement of available data. The eelgrass inventory available at the time of NOP is not represented. P.181 of the pdf and 3.3-11 states: *"There are previously documented eelgrass beds in the vicinity of the project site, but no documented occurrences of eelgrass within the project site. The nearest documented occurrence of eelgrass is from the South Sailing Basin, approximately 3,800 linear feet from any areas where in-water work is proposed, where less than 0.01 acre of eelgrass was mapped during the 2003 Baywide Eelgrass Inventory of San Francisco Bay.[39]"*

O10-164

This passage cites Merkel & Associates, 2004 Baywide Eelgrass Inventory of San Francisco Bay: Pre-survey Screening Model and Eelgrass Survey Report, which has long been superseded. There was also no groundtruthing in the project vicinity nor at the Berkeley shoal at that time of this report due to cost considerations (Figure 13). Further, we could not find the quoted ".01 acre" in the report, although we did see that predicted suitable eelgrass distribution shows a high density potential around the project site (Figures 7 and 8b).

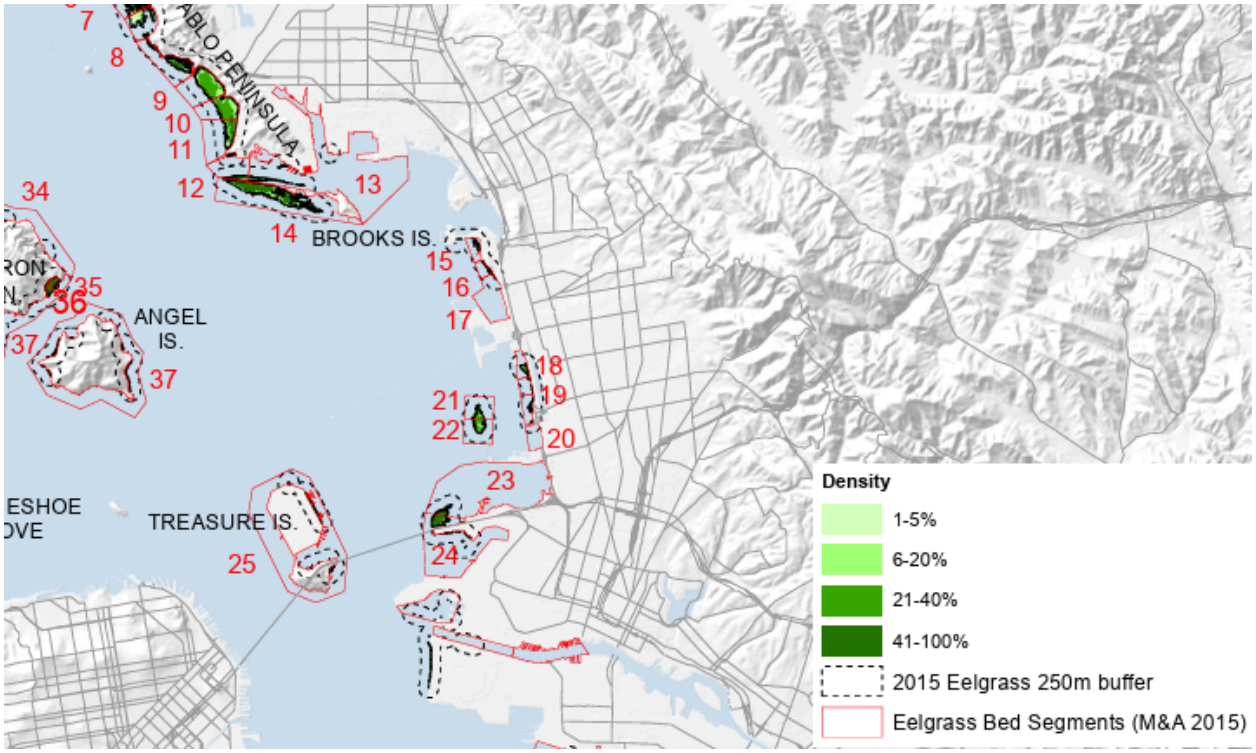
O10-165

O10-166

The passage goes on to say *"This small patch of eelgrass was not re-detected during the subsequent baywide eelgrass inventories conducted in 2009 and 2014.[40, 41]"* citing the newer Merkel and Associates SF Bay Elgrass Inventory for 2009 and 2014. This is again incorrectly reported. Here is an image of Figure 2 from the Merkel 2014 report

O10-167

clearly showing the presence of eelgrass beds as described in previous years, beds 18, 19, 21, 22.



O10-167

Further, Table 1 from the Merkel 2014 report (below) shows eelgrass acreage at the Berkeley shoal (sites 21 and 22) increasing from 2003 to 2014, as well as at nearby Albany Beach, Golden Gate Fields, Brickyard Cove, and the Emeryville shoal. These increases are notable because of sensitivity of eelgrass to water and light conditions and implications for supporting the ecological health of the Bay. Only the Berkeley shoreline along freeway I-80 seems to be suffering in the most recent 2014 inventory, though this trend may reverse in the future given eelgrass sensitivity to environmental conditions.

O10-168

Table 1. Location and Area of Eelgrass in San Francisco Bay (2003, 2009, and 2014 Surveys)

Eelgrass Segment Number	General Region	Bay Region	2003 (acres)	2009 (acres)	2014 (acres)
1	Pt. San Pablo/Pt. Pinole	Pt. San Pablo/Pt. Pinole (East)	345.51	514.11	393.07
2	Pt. San Pablo/Pt. Pinole	Pt. San Pablo/Pt. Pinole (Central-East)	419.64	614.49	528.17
3	Pt. San Pablo/Pt. Pinole	Pt. San Pablo/Pt. Pinole (Central-West)	316.94	558.23	360.81
4	Pt. San Pablo/Pt. Pinole	Pt. San Pablo/Pt. Pinole (West)	307.1	329.94	247.63
5	Pt San Pablo	Navy Supply Depot Pt. San Pablo	36.3	52.54	58.03
6	Pt San Pablo	Navy Supply Depot Pt. San Pablo	34.12	32.11	29.13
7	Pt San Pablo	Point Molate Beach	17.91	23.29	33.1
8	Pt San Pablo	Point Molate Beach	14.05	29.39	74.24
9	Pt San Pablo	Kellers Beach North	29	69.6	90.24
10	Pt San Pablo	Kellers Beach South	38.83	53.94	72.73
11	Pt San Pablo	Kellers Beach South	24.26	32.29	40.82
12	Pt San Pablo	Inside Richmond Tr. Jetty	9.51	10.3	14.57
13	Pt San Pablo	Inside Richmond Tr. Jetty	10.24	10.38	13.64
14	Pt San Pablo	Outside Richmond Tr. Jetty	68.17	86.79	125.17
15	Emeryville / Berkeley	Albany Beach	0.7	3.66	1.88
16	Emeryville / Berkeley	Golden Gate Fields	0.36	1.2	1.59
17	Emeryville / Berkeley	Golden Gate Fields	0.22	0.03	0.21
18	Emeryville / Berkeley	Brickyard Cove	5.98	10.02	7.15
19	Emeryville / Berkeley	Berkeley Shoreline	4.13	4.4	1.1
20	Emeryville / Berkeley	Berkeley Shoreline	7.6	11.67	3.76
21	Emeryville / Berkeley	Berkeley Shoal	11.7	10.48	12.08
22	Emeryville / Berkeley	Berkeley Shoal	17.03	18.56	21.49
23	Emeryville / Berkeley	Emeryville Shoal	9.34	9.69	11.36
24	Emeryville / Berkeley	Emeryville Shoal	16.8	19.82	25.45
25	Emeryville / Berkeley	Clipper Cove/Treasure Island	6.2	5.41	5.68

Table 1 from the Merkel 2014 report

O10-168

Page 183 of the pdf and 3.3-12 of the DEIR says: *"Eelgrass beds, a component of EFH, was not observed and does not contribute to EFH within the project site,"* in regards to essential fish habitat (EFH). Page 184 of the pdf and 3.3-13 states *"Eelgrass beds also provide refuge from predators and an abundant food supply. No eelgrass is currently documented to be present in the project site and has only been documented in very small patches in the South Sailing Basin over the last 15 years."* These claims must be rescinded in light of the above evidence.

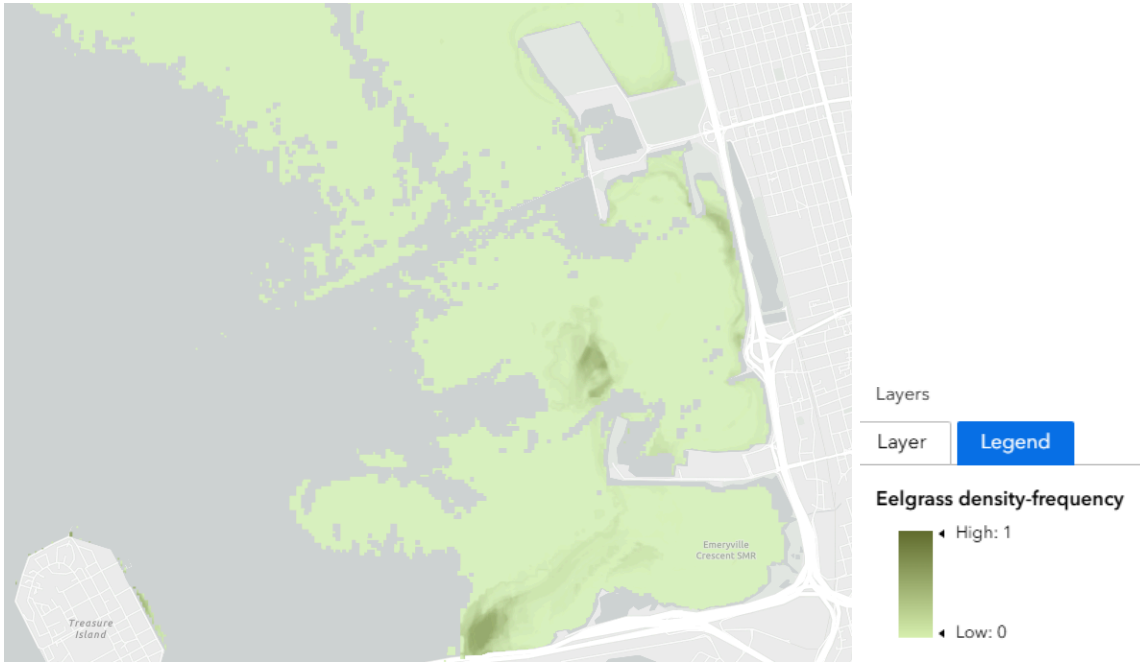
O10-169

Furthermore, the San Francisco Bay Eelgrass Habitat Suitability Model managed by a collaboration among the Ocean Protection Council, The Audubon Society and the Estuary Ocean Science Center shows the entire area around the localized project site as suitable for eelgrass and the possible presence of eelgrass density.

O10-170

- https://experience.arcgis.com/experience/58ccd2fb13064cc590dbc646573253cd/
- San Francisco Bay Eelgrass Habitat Suitability Model | Audubon

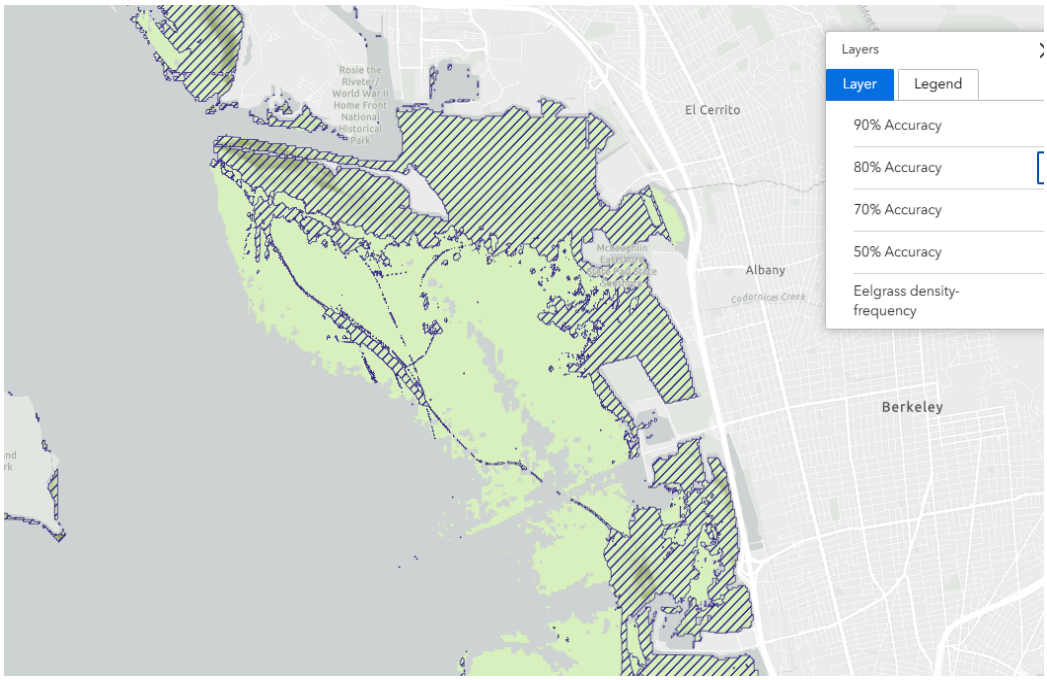
The text explanation for this figure states: Current Conditions shows the presence of Zostera marina along Berkeley waterfront with greater patches at the Ashby Shoal and the Berkeley Beach. Shown: Eelgrass density-frequency: The frequency of eelgrass occurrence multiplied by the mean value of each bottom cover class of eelgrass observed during three baywide surveys conducted in 2003, 2009, 2014, and the eelgrass survey of Richardson Bay in 2019. Eelgrass bottom cover classes included 100%, 40-100%, 20-40%, 5-20%, and 1-5% cover.



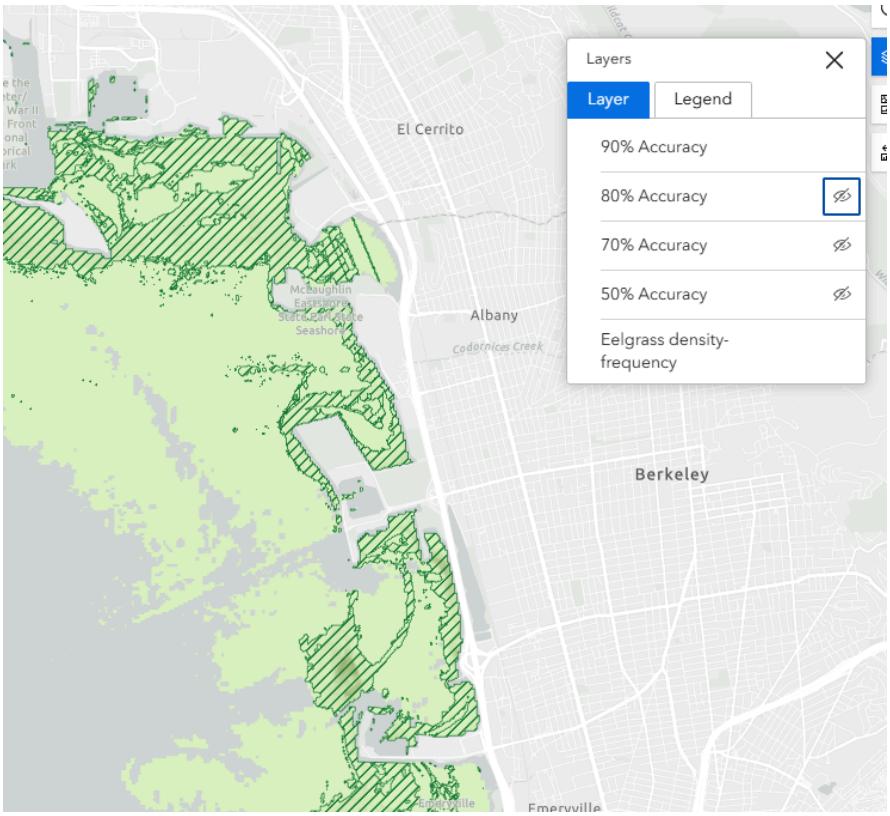
The description of the model states that this baseline layer should not be used to demonstrate presence or absence of eelgrass beds. However, additional layers indicating accuracy at 80% and 90% levels continue to show high likelihood of eelgrass in the project area. Eelgrass is detected with 90% accuracy in the project area in the area designated for major dredging of a turning basin.

O10-170

80% accuracy layer:



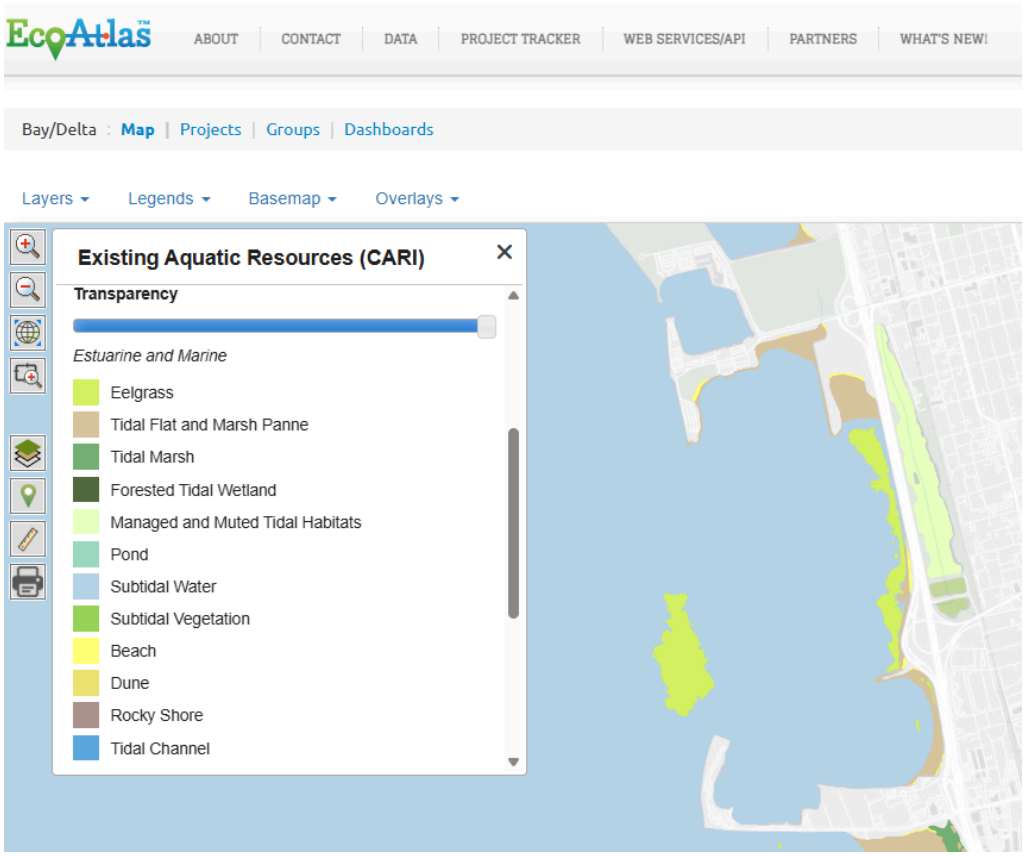
90% accuracy layer:



O10-170

It also appears that the existing pier itself, both the pedestrian portion (out to 3000' and closed in 2015) and the "ruins," beyond the "gap," provides eelgrass shelter from wave action, as seen by the greater concentration of eelgrass indicators just north of and parallel along the pier.

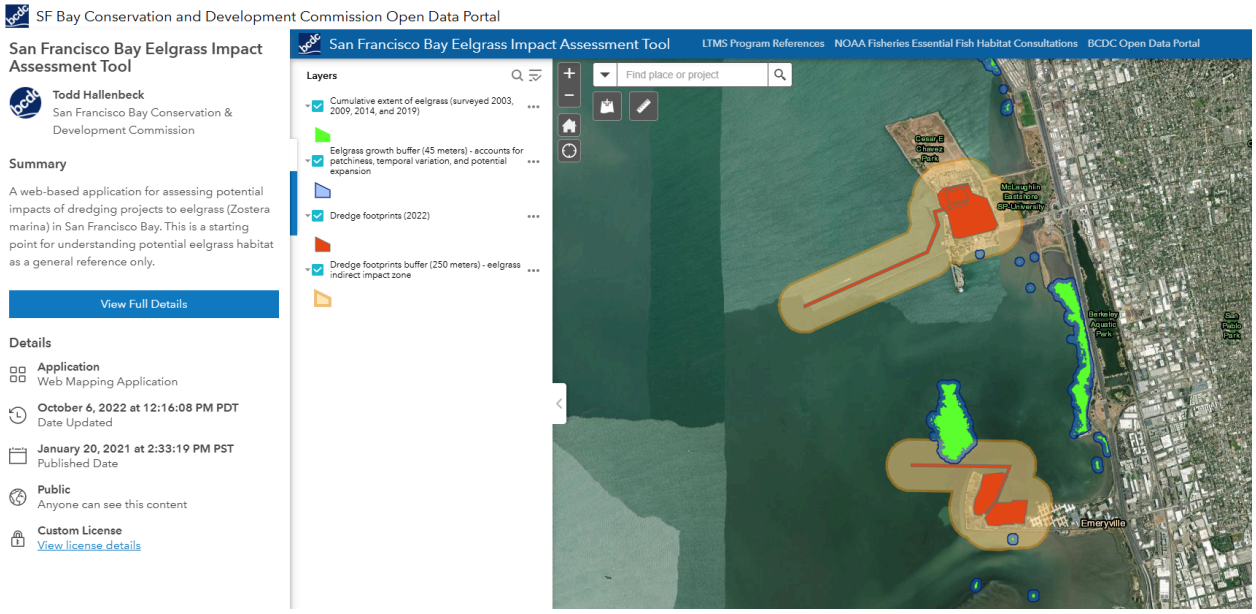
Further the EcoAtlas tool (EcoAtlas: Bay/Delta - Map) managed by the San Francisco Estuary Institute also corroborates the presence of persistent eelgrass beds along the Berkeley shoreline and the Berkeley/Ashby Shoal. See image below.



O10-171

From the BCDC eel grass assessment tool:
https://data-bcdc.opendata.arcgis.com/apps/BCDC::san-francisco-bay-eelgrass-impact-assessment-tool/explore

O10-172



O10-172

We also have firsthand accounts from swimmers and kayakers in the South Sailing Basin that the eelgrass bed exists and is even a wayfinder for swimmers. A representative from the East Bay Open Water Swimmer group provides the following testimony:

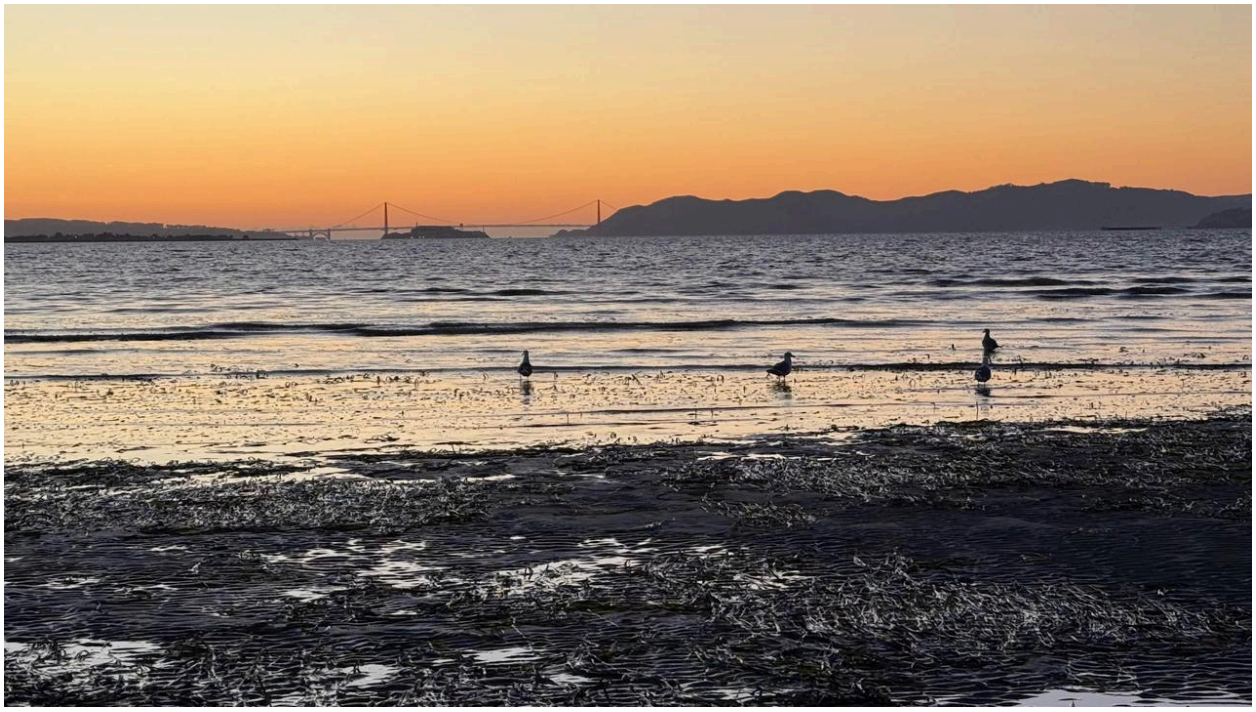
O10-173

"I swim from Hs Lordships regularly and the Ashby Shoal is a popular low-tide attraction for swimmers; I can vouch that there is eel grass there and so can dozens of other swimmers. Photos taken in 2025 show eel grass mixed with other veg. The directions swimmers give one another for finding the Shoal when it is not fully exposed: Swim towards the port cranes about half a mile till you are swimming through eel grass." Julie Allen





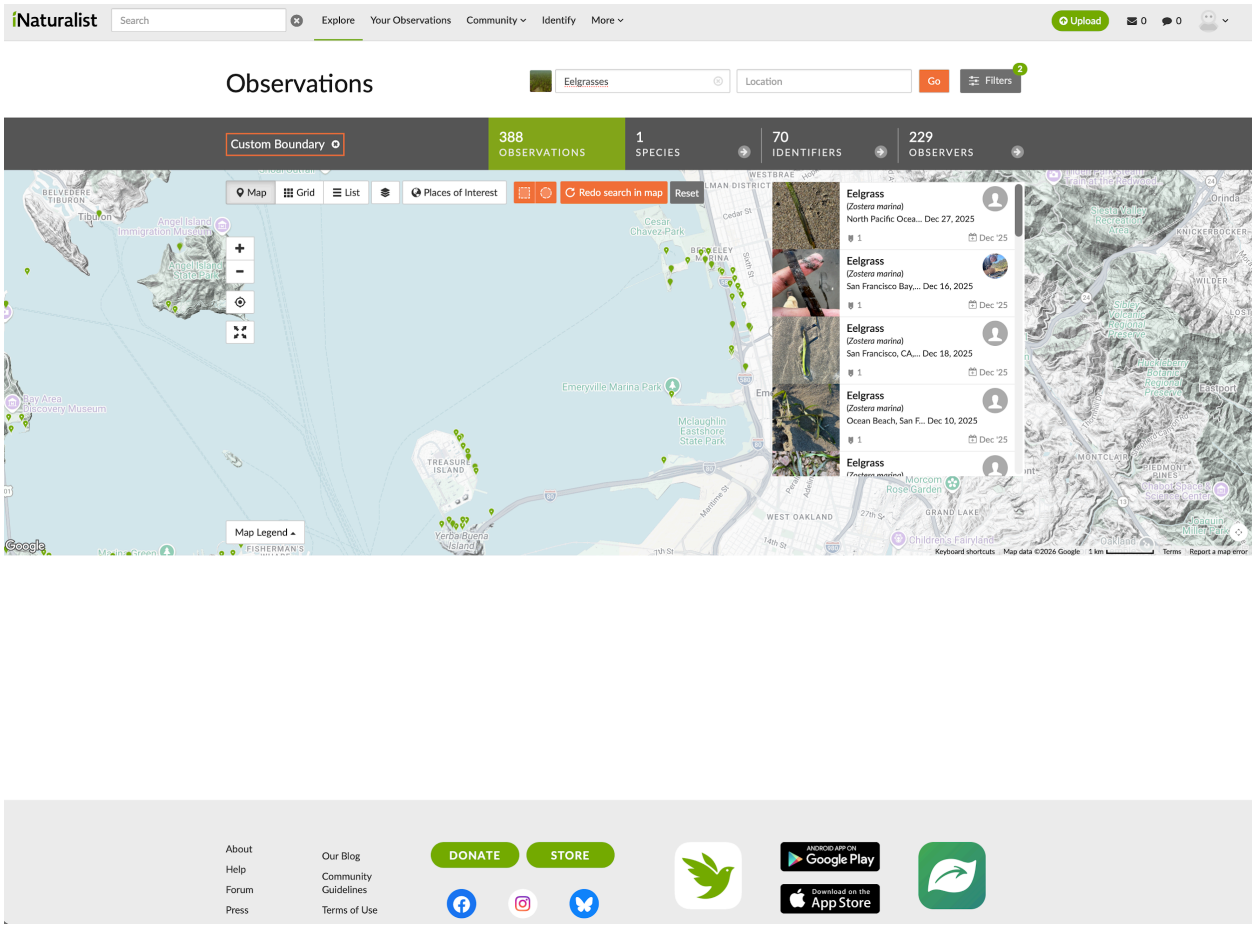
O10-173



O10-173

iNaturalist also provides evidence of eelgrass occurring within the project site:

O10-174



Source of image above is iNaturalist website April 17, 2025.

O10-174

This area will need to be dredged, not only for new dredging during construction, but also for maintenance dredging for the life of the project, in the turning basin and along the navigation channel running parallel to the existing pier footprint (including ruins). The breakwater itself can create or exacerbate silting and scouring, with potential harmful impacts on the Bay's plant and animal life. Eelgrass could be negatively impacted. This construction and maintenance dredging and ferry transportation activity would most likely destroy eelgrass growing here now and remove any option of restoring eelgrass in this area of the Bay.

O10-175

A description of EFH, p. 3.3-12 (p. 183 of pdf) concludes again, based on inadequate and incorrect reporting described above: "Eelgrass beds, a component of EFH, was not observed and does not contribute to EFH within the project site." And p. 184, 3.3-13 for Habitat Areas of Particular Concern (HAPC), the report repeats: "No eelgrass is currently documented to be present in the project site and has only been documented in very small patches in the South Sailing Basin over the last 15 years." Page 190 claims that eelgrass is "not anticipated to occur."

O10-176

This representation gives a false account of the environmental setting and therefore cannot be a basis for the DEIR's less than significant and no impact conclusion on eelgrass habitat, EFH and HAPC. The extensive initial dredging and then lifetime maintenance dredging could impact habitat restoration efforts for generations to come.

O10-176

The consultants conducted a terrestrial land survey on one day in September 2024 but no assessment was done for in-water species.

O10-177

As it stands, the DEIR cannot conclude that no eelgrass exists in the project area.

b. The project is inconsistent with State and regional eelgrass habitat conservation and restoration policies and goals.

i. Inconsistent with SF Bay Subtidal Habitat Goals

The Ocean Protection Council seeks to protect the state's 15,000 acres of eelgrass and restore more. Worldwide, seagrass bed conservation could lead to avoided emissions of 0.65 Gt CO2 per year (Hoegh-Guldberg, p. 50 cited in *Eelgrass restoration in San Francisco Bay: an Interdisciplinary Stated Preference Classroom Experiment*). The US EPA (Program Priorities: Subtidal Habitat, Eelgrass and Oyster Reef Restoration | US EPA) lists eelgrass restoration as a program priority for the San Francisco Bay Program for subtidal ecosystems:

"Subtidal ecosystems are where many shellfish, invertebrates, fish, marine mammals, diving ducks, and other wildlife feed, rest, hide, and reproduce. Native oysters can form reefs that filter nutrients from the Bay water and are a food source for fish and birds. Eelgrass in shallow areas depends on light filtration to grow and when present in large acreages support a wide range of marine life and have the added benefit of stabilizing shorelines by reducing wave energy and preventing erosion of sediments. Urbanization of the shoreline and shipping channels areas have significantly reduced native eelgrass beds and other beneficial underwater vegetation . EPA's San Francisco Bay Program works closely with regional partners to achieve the subtidal restoration goals outlined in the Subtidal Habitat Goals Report (pdf)."

O10-178

Under Regional and Local regulations on page 3.3-37-8, for the San Francisco Bay Subtidal Habitat Goal Report, A 50-Year Conservation Plan, SUBMERGED AQUATIC VEGETATION GOALS include: protect existing eelgrass habitat …through no net loss to existing beds, identify and protect areas ..for future eelgrass expansion, restoration and

creation, increase eelgrass population where one of the priority areas are the Albany and Berkeley shorelines.

The existing available eelgrass inventories and habitat models demonstrate a conflict with these policies and significant impact and must be addressed as such.

On the same basis, the project is not consistent with **BCDC Subtidal Area Policy 2 (**see p. 451 of pdf).

O10-178

ii. Inconsistent with NOAA Fisheries California Eelgrass Mitigation Policy and Implementing Guidelines October 2014

NOAA Fisheries have a stated goal of no net loss of eelgrass habitat function in California. Their policy states the following: *Eelgrass warrants a strong protection strategy because of the important biological, physical, and economic values it provides, as well as its importance to managed species under the Magnuson Stevens Fishery Conservation and Management Act (MSA).*

Given the proximity to known and persistent eelgrass beds and the habit suitability and likely presence of eelgrass in the project area, and the continued project-lifetime dredging activity in the project area, the project conflicts with this goal and does not adequately address mitigation measures.

O10-179

See:

- California Eelgrass Mitigation Policy and Implementing Guidelines | NOAA Fisheries
- https://www.fisheries.noaa.gov/s3//dam-migration/cemp_oct_2014_final.pdf

iii. CDFW scoping input on eelgrass impact assessment not addressed

The CDFW submitted scoping comments to the NOP specifically stating state and federal policies, including no-net-loss policies for wetland habitats, including eelgrass beds. Given the inadequate and misleading information presented in the DEIR, we suggest that the DEIR be rescinded and redone to include a responsible and honest assessment which will also serve to address CDFW concerns.

O10-180

Finally, we note that a loss of this habitat also foregoes the opportunity for carbon sequestration and potential revenue from blue carbon credits. The Audubon report

O10-181

states a value under a verified carbon standard for carbon sequestration trading of eelgrass in SF Bay to be $1.4-1.6 million / year.
(Eelgrass, Herring, and Waterbirds in San Francisco Bay: Threats and Opportunities OCTOBER 2018, p.11).

O10-181

c. Inaccurate framing of project activities

Overall, the mitigation measures only address construction. They do not address ongoing maintenance dredging and impacts of a ferry schedule with 28 Bay crossings/day weekdays and 26 on weekends. A proposed schedule must be added to the DEIR plus a complete project description as explained in the first section of this comment. Then the DEIR must be redone to assess impacts - both marginal and cumulative.

O10-182

2. Fish habitat and marine ecosystem impact for operations and life of project not assessed

The Bay waters around the pier prior are known among sportfishing operators and recreational fishers as fish spawning grounds. Fish populations are also migratory and seasonal, and interact with other parts of the Bay ecosystem. A number of plan elements were not discussed or mitigated in terms of their impact on fish species and habitat and spawning:

O10-183

- Ongoing maintenance dredging around the ferry terminal, breakwater and navigational channel running parallel to the existing pier for the project ferry route. Only construction activity seems to be addressed.
- The assumed ferry schedule of 28 ferry crossings per day and impact on the underlying marina ecosystem is not included for analysis. The DEIR concludes, in reference to water quality but also relevant here, that "[g]iven that Bay waters are naturally highly turbid and subject to pronounced fluctuations due to tidal action, wind-driven waves, and regional sediment transport, project-related turbidity would not be expected to measurably increase local or regional turbidity beyond baseline conditions and impacts would be less than significant." (p. 3.8-30 and 423 of pdf). However, the resuspension of particulates and other turbulence caused by the WETA-assumed operational schedule, plus the cumulative impacts overall, are not analyzed for fish habitat.

O10-184

- The original WETA plan called for a diesel ferry, while electric ferries were mentioned later in the process. Uncertainty remains whether an electric ferry would accommodate the natural conditions of the Berkeley pier, which experiences high winds and waves during much of the year. As no electric ferry model exists for the route and service as described, the analysis should be

O10-185

reassessed on the assumption of a diesel ferry. Impacts cannot be assessed based on hypothetical conditions.

O10-185

We also did not see any discussion of impact on recreational fishing, particularly in regards to white sturgeons and halibut, which are historically popular species caught at the Berkeley pier. A white sturgeon was recently caught from the shoreline by a night fisherman and reported on social media for the Berkeley Bait shop. The DEIR needs to reassess its impacts with a new project description and include analysis of all elements of the project.



Photo of a white Sturgeon along Seawall Drive, Berkeley Waterfront, 2025. Photo credit: Berkeley Bait and Tackle Instagram. The project area includes sturgeon habitat.

O10-186

The tendency for eelgrass to grow along the north side of the pier (see above section) also is suggestive that the project area is fish spawning grounds. The DEIR notes some mitigation measures prior and during construction but none for operation. The DEIR needs to be rewritten to address operational impacts, cumulative and otherwise, on fish habitat. The current conclusions and mitigation measures are not supported.

O10-187

D. Emissions data needed

For section 3.6, Greenhouse Gas Emissions and Energy, emissions claims are unclear. The increase in ADT (+1127 ADT at the project site above baseline) indicates a substantial increase in traffic noted elsewhere in this document. Based on this ADT, the DEIR says that most of these trips would have otherwise been vehicle trips across the Bay Bridge to San Francisco. And that “some” would have been by bus or BART. We would like clarity on how much is “some.” Further, how many of those trips would be induced demand for the ferry option? Or recreational pier? Antinori et al. (2025, 2026)

O10-188

report doubling of fishing trips were a recreational-only pier to be opened. The COB Berkeley questionnaire on the ferry service indicates most ferry patrons would use the ferry as an amenity, not for commuting. The DEIR eventually defers modeling details to two references not in the DEIR package: CEQA Review of Sustainable Transportation Projects Technical Advisory and federal Guidelines for Providing Access to Public Transportation Stations. The modeling derived from these reports needs to be made transparent. O10-188

V. The DEIR fails to substantiate objectives and therefore a feasible range of alternatives, falling short of CEQA intent O10-189

A. EIR fails to substantiate the basic purpose or need for the ferry service as proposed, thereby artificially constraining the range of alternatives. O10-190

The DEIR has not demonstrated an underlying need for ferry service at the Berkeley location. The Berkeley terminal is a part of several of WETA's Network Concepts in the Business Evaluation. However, this in and of itself does not establish a need for the City of Berkeley, particularly when the project may not meet the narrowly defined project objectives listed on page 5-3 of the DEIR and following.

According to the DEIR and the 2003 EIR, the project does not meet the objective of reducing vehicle miles traveled as associated with reducing single-occupancy vehicles. It converts recreational parking to commuter parking. There is no substantiated evidence to say that the project is cost competitive or meets higher performance standards than other transportation options, as noted in the Social and Economic Benefits section of this comment document. Very little mitigation of transportation loads is expected or demonstrable with the project. The WETA 2003 EIR shows minimal percentage **(0.07%)** change in vehicle miles traveled as a consequence of ferry system expansion *systemwid*e, much less for new terminals, including the Berkeley terminal as part of the overall plan. To the contrary, **new terminals *increase* VMT (WETA 2003 EIR). This DEIR corroborates that the current project *increases* ADT because of vehicles - many single-occupancy - driving to the ferry terminal located in a low-density zone and nature-based recreational park not zoned for housing, away from any transportation nexus, as discussed in the Recreation/Land Use impacts section. It has not demonstrated that the project reduces VMT overall.** The city's survey of Berkeleyans on the planned use of the ferry indicates that most will use the ferry as an amenity, not for commuting. O10-191 O10-192

But the project as described in the DEIR appears to address a second objective of restoring a recreational pier, a generally desired goal for the City of Berkeley. Since it has not established that large-scale ferry service meets its project objectives, alternatives under CEQA must consider alternative bluespace amenities that legitimately increase recreation, including ferry service scaled as a recreational amenity and recreational-only pier. These are feasible alternatives that fulfill project objectives as well as those that fill some project objectives. By limiting the analysis to incremental modifications of the commuter-scale ferry service for which there is unsubstantiated need, the DEIR fails to provide a reasonable range of alternatives as required. O10-193

Here, DEIR objectives stated in Section 5 effectively predetermine the outcome of the alternatives analysis by prioritizing a large-scale ferry-based solution that does not meet its objectives. This approach improperly constrains the range of alternatives and undermines CEQA's core requirement that alternatives be capable of attaining most of the project's basic objectives while reducing environmental impacts. (CEQA Guidelines, §15126.6(a).) O10-194

Cases to support these claims:

- ***City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438**
- The court invalidated an EIR where the project objectives were framed so narrowly that they **effectively precluded meaningful alternatives**.
- *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376
- *San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498
- *Bay-Delta Programmatic EIR* (2008) 43 Cal.4th 1143
- *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553
- *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957 The court faulted the EIR for failing to adequately consider **feasible alternatives raised in comments**.
- *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918 Reinforces that CEQA requires **serious consideration of feasible alternatives**, and dismissal must be supported by **substantial evidence**.

O10-195

B. DEIR alternatives analysis is biased towards the proposed project; it is unclear, unsubstantiated, shows minimal differentiation and is unrealistic.

O10-196

1. Alternative 1 "No Project" is presented in a misleading way and with a false baseline.

MISLEADING BASELINE. Alternative 1 No Project is inconsistent with CEQA Guidelines §15126.6. CEQA Guidelines §15126.6(e)(2) requires that the **"No Project" Alternative be based on existing conditions** and what would reasonably be expected to occur in the foreseeable future if the project is **not** approved. For development projects, this requires analysis of the conditions under which the project does not proceed, evaluated against a baseline grounded in existing conditions and independently supported foreseeable changes. What is given in the DEIR is a constrained or outcome-oriented scenario constructed to emphasize the benefits of the proposed project. See the Baseline section of this document for exposition of existing conditions not represented in the DEIR. Because the required CEQA No Project Alternative is derived from the environmental baseline, **any incompleteness or distortion in the baseline necessarily carries through into the No Project analysis.** Where existing conditions are not fully and clearly established, the resulting No Project Alternative lacks a stable evidentiary foundation for projecting reasonably foreseeable future conditions and evaluating environmental change. These flaws undermine the function of No Project as a reliable CEQA comparison scenario, as explained in the Baseline section, and disqualifies the No-Project assessment.

O10-197

The DEIR assumes, without substantial evidence, that environmental conditions would worsen in the absence of the project, including increased VMT, higher emissions, and stagnant recreational opportunities. These assumptions are speculative and do not meet the evidentiary standard under CEQA. (CEQA Guidelines, §15064(a).)

O10-198

The DEIR also omits reasonably foreseeable improvements to the project area, including ongoing redevelopment efforts. By artificially constraining the baseline, the DEIR inflates the perceived benefits of the proposed project and undermines the validity of the alternatives comparison.

O10-199

UNSUPPORTED ASSUMPTIONS. Beginning at page 5-3 of the DEIR, the analysis assumes that the **project's absence** will result in worsened environmental conditions, including increased vehicle miles traveled, higher emissions, and static recreational opportunities. These claims are speculative and do not meet the substantial evidence standard required under CEQA Guidelines §15064. Baseline conditions are such that recreational opportunities in fact ***increase*** without the project, as explained in the baseline section of this document. In contrast, many ***project elements decrease recreation or have the potential to decrease recreation.*** See the Recreational and

O10-200

O10-201

Land Use Impact sections of this comment document. **It is specious and incorrect to say that no improvements would be made without the Project.** As noted, there are material precedents for such improvements. For example, the 199 Seawall site building and parking lot is currently under an option agreement between the city and with TSA Holdings, LLC (TSA) to renovate the building and repair the parking lot and Seawall Drive and Bay Trail. Before its closure, Hs Lordships restaurant was heavily used as an event space for large groups (e.g. school proms, Berkeley Public Schools Fund annual fundraiser, family reunions, etc.). The No Project Alternative does not include any demand forecast for this in-negotiation lease for activities developed for this location within the project area.

O10-201

O10-202

This assumption is repeated across Alternatives 1–4. The No Project Alternative therefore could maintain a lower VMT and ADT in comparison to the project and the other stated alternatives, and should incorporate the 2003 EIR analysis.

O10-203

EMISSIONS. The DEIR provides no mode-shift modeling, empirical substitution analysis, or quantified travel demand data demonstrating that ferry users would otherwise drive alone across the Bay, as opposed to taking BART, for example,[12] or that ferry service is the determinative factor in regional emissions outcomes.

O10-204

SPECULATIVE. Under CEQA Guidelines §15064, impact determinations must be supported by facts, reasonable assumptions based on facts, or expert analysis grounded in evidence. The DEIR's reliance on **speculative** behavioral assumptions and **unsupported projections** of future conditions fails to meet this standard. By presenting a future No Project scenario that is not grounded in evidence, the DEIR inflates the relative benefits of the proposed project and undermines the integrity of the alternatives comparison required under CEQA Guidelines §15126.6.

O10-205

2. Alternatives 2–4 are not meaningfully distinct approaches.

An EIR may not limit its analysis to variations of a single project where other feasible approaches exist. (*Laurel Heights*, supra, 47 Cal.3d at 400.) By failing to evaluate fundamentally different approaches—such as alternative locations, reduced-scale development, or non-ferry-based improvements—the DEIR does not provide the "reasonable range" required under CEQA.

O10-206

SPURIOUS ALTERNATIVES. Alternatives 2, 3, and 4 do not represent meaningfully distinct options, but instead consist of minor design variations of the same ferry-based project. All retain the same core elements, including ferry service, project location, and

O10-207

[12] Daily transbay BART passenger rides are estimated at around 60,000 to 83,000, with rush-hour use increasing, translating to 30,000 - 41,500 roundtrips. Source: BART Ridership Reports. The WETA ferry project for Berkeley estimates 955 roundtrips for their base scenario used for the DEIR.

O10-204

operational assumptions, and differ only in limited features such as pier length, breakwater configuration, or landside amenities. As a result, the DEIR does not evaluate alternative approaches such as **eliminating** ferry operations, relocating the project, or pursuing non-ferry or recreation-focused improvements. O10-207

The descriptions are so limited that the alternatives collapse into vague variations that are difficult to distinguish beyond the most general level. This lack of clarity prevents meaningful evaluation and comparison, further undermining the purpose of the alternatives analysis. O10-208

By embedding project benefits into the comparative framework and relying on unsupported assumptions about future conditions, the DEIR effectively **treats the proposed project as the functional baseline** for comparison, rather than evaluating impacts relative to existing conditions and a properly defined No Project scenario. O10-209

While CEQA Guidelines §15126.6 of the California Environmental Quality Act Guidelines Section 15126.6 does not require that alternatives be entirely different projects, it does require a reasonable range of alternatives capable of fostering informed decision-making and meaningful environmental comparison. Here, the alternatives analysis fails to meet that standard because it does not evaluate fundamentally different ways of achieving the project's underlying objectives. O10-210

By limiting the alternatives to minor variations of the same project, the DEIR constrains the range of feasible alternatives and precludes a meaningful comparison of environmental outcomes. This approach undermines CEQA's purpose of ensuring that decision-makers and the public are informed of a true range of options, rather than a narrow set of variations that inherently favor the proposed Project.

We also note the potentially irresponsible mention of a shortened breakwater. As the design is currently presented, the breakwater barely protects the docking platform from south winds and has no protection from north winds. A shorter breakwater would cause unsafe situations. **This is not a feasible alternative**. O10-211

Alternative 3 envisions a ferry terminal without the pier extension. This would not achieve the objective of recreational access. Instead, it would cede space to a WETA ferry, to be compatible with standard WETA terminal design noted in the Recreational/Land Use impact section of this comment document. By following this option, Berkeley would **sacrifice 100 years of pier access to the Bay for recreation to support WETA business plans**. Most project environmental impacts would remain and recreation would decrease substantially from baseline, failing this project objective for which there is a reasonably substantiated need. O10-212

Therefore, Alternatives 2, 3, and 4 do not constitute a reasonable range of alternatives capable of informing environmental decision-making under CEQA Guidelines §15126.6. Instead, they function as incremental design variations of a predetermined project. Accordingly, the DEIR fails to provide adequate alternatives analysis: it does not present a meaningful spectrum of project options that could avoid or substantially reduce environmental impacts. O10-213

C. Reasonable alternatives rejected and no valid range of options

CEQA Guidelines §15126.6 requires an EIR to evaluate a reasonable range of feasible alternatives that could achieve most of the project's basic objectives while reducing environmental impacts. §15126.6(c) requires that the EIR "identify any alternatives… that were rejected as infeasible… and briefly explain the reasons." The purpose of this requirement is to ensure informed decision-making through meaningful comparison of different project options. The DEIR does not satisfy this requirement. The DEIR fails to articulate a need for the ferry commuter service. For waterfront access and recreation as an objective, the DEIR purports to restore a recreational pier. Yet, the DEIR has improperly screened out reasonable alternatives of a pier-only option and ignored other ferry terminal options, contributing to its constrained alternatives analysis. In this situation, public comments suggesting broader or different feasible alternatives become especially important, and agencies must address them. O10-214

1. DEIR does not adequately explore pier-no ferry alternative

Analogous to the ferry-only pier Alternative 3, the DEIR should include a pier-only alternative consisting of a 500' or longer public access pier without a ferry.

The DEIR provides **no explanation** for why a pier-only (without ferry) alternative was excluded, even though funding needs for Berkeley would be much less. The DEIR does not evaluate a pier-only alternative, and provides no explanation as to why it does not, despite substantial evidence that such an alternative is feasible and would meet key objectives related to public access and recreation while avoiding ferry-related impacts. O10-215

It would achieve the first project objective, i.e., repairing and extending the pier. By ignoring a pier-only alternative as in fact feasible, meeting recreation and public access objectives while reducing ferry-related impacts, the DEIR fails to provide a meaningful comparison or rationale for rejecting alternatives, thereby limiting informed decision-making and public participation.

A pier-without-ferry option was in fact funded by a state grant of $15 million for pier and marina infrastructure. **Funding was diverted to other uses**; however, the fact remains that potential funding options exist. The GHD engineering firm has already provided O10-216

COB with a feasibility study of replacing the existing pier. COB (2021) states that replacing the existing structure alone with a 2,000-foot pier would cost $26 million (and to 3,000 feet, around $32-$44 million). City staff have indicated in public meetings that COB's share of the waterside costs alone for the pier/ferry project would be approximately $26 million. **Therefore, a reopened pier up to 2,000' at least, without a ferry, is a feasible alternative. While WETA, COB and GHD estimates can be updated, a recreational pier without ferry service is a feasible option for COB.**

O10-216

Research and reports indicate a large increase in public demand if the pier were reopened and a basic functional facility maintained for fishing, walking, and cycling. Data by Antinori et al. (2025) (provided to the city prior to NOP date) and peer-reviewed in Antinori et al. (2026), predicted a restored *pier alone* would see a 96% increase in annual average visitation among anglers. Breaking this into income categories, the predicted increases are 70%, 88% and 114% for low, medium and high-income anglers. These increases are above baseline for the recreational pier-alone alternative. The benefits of this option should be considered against the DEIR project and its environmental impacts.

O10-217

2. Rejected in-marina alternatives

The Berkeley Waterfront Community Coalition (BWCC), in scoping comments, asked city staff to analyze in-marina locations. They rejected the option based on the WETA 2008 Berkeley/Albany Ferry Terminal Study Draft EIS/EIR prepared by URS that configured a terminal and new dock next to the Hornblower docks. The DEIR fails to consider any other reasonable configurations or locations that reduce environmental impacts. This version of the in-marina alternative from the 2008 WETA EIR functions much like a "straw man" in the current analysis. Other options exist. Hornblower docks next to the DoubleTree Hotel are one option. These docks are an underused space. See image below. The DEIR dismissed this alternative without analysis. The image below by Paul Kamen shows cost as well as impact comparisons.

O10-218



O10-218

Another possibility is the K-dock slips used by the Genentech and Tidelines ferries. This is a central location in the Marina and adds only two minutes' travel time to San Francisco, based on the Genentech ferry departures/arrivals, excluding docking maneuver time. Tidelines was a private company operating under a public grant which ran twice in the morning and twice in the afternoon. The Genentech ferry ran a similar schedule. Neither posed major interference with marina traffic. These ferries blended into marina activity without costly investments. All that was lacking was regular parking enforcement to restrict ferry patron parking to their designated Marina Boulevard location.

O10-219

BWCC scoping comments asked: "*Data on current usage by Genentech ferry and previous usage of Tidelines ferry ridership must be made available publicly for the report for a feasibility comparison of a small commuter ferry service operating in Berkeley."* This data was not provided, although it was requested prior to the DEIR issuance. This data would assist in decision-making on the viability of in-marina service.

O10-220

This alternative also meshes with WETA's Tack-to-Wind business outlook, under which WETA focuses on recreational instead of weekday commuter use, reflecting most Berkeleyans' pattern of usage. O10-220

An in-marina terminal was in fact assumed for the first assessment of the Berkeley-SF WETA ferry route in 2003. In Figure 5.1.1 and Table 5.1.5 of that 2003 EIR, it is estimated that dredging for a Berkeley/Albany service would only require 13,260 cubic yards of dredging, implying an in-marina terminal. Under these options, the in-marina alternative still meets the objective of enhanced recreation with transportation options for commuter service through a potentially modified weekday schedule. Reduced CEQA and COB impacts include: O10-221

- Reduced dredging and shared WETA/COB marina maintenance costs
- Lower project costs and potentially greater revenue generator for Berkeley
- Access to a ferry consistent with demand
- Reduced environmental impacts on water quality, acoustics, biological and aesthetic resources

VI. Social and economic benefits to Berkeley contextualized for decisionmaking

A. Social and economic context relevant to DEIR

In response to BWCC scoping comments, the DEIR says that "Economic factors are not an environmental impact of CEQA. This comment will be considered by the City decision-makers as part of the project approval process." In fact, the DEIR relies at several points on economic or social benefits to deliver its analysis: O10-222

- P. 447 of pdf and 3.9-10 says there will be positive economic and social benefits to dismiss public comment.
- P. 452 of pdf to claim consistency with BCDC **Climate Change Policy 7** O10-223
- Address **Berkeley Marina Master Plan Consistency Principle 5** to enhance access and use of the Marina, especially for elderly, economically disadvantaged or physically challenged persons (p. 469 of pdf). O10-224

It is also worth noting social and economic impacts because of the lead agency's authority to override significant environmental impacts and mitigation measures based on claims of economic and social benefits:

- Page 1-15: **Lead Agency Project Decision.** The lead agency may a) disapprove of the proposed project because of its significant environmental effects; b) require changes to the proposed project to reduce or avoid significant environmental effects; or c) approve the proposed project despite its significant O10-225

environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines Sections 15042 and 15043).

- **Findings/Statement of Overriding Considerations.** For each significant impact of the proposed project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the proposed project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the proposed project are within another agency's jurisdiction and such changes have been or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or proposed project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

O10-225

In this section we review social and economic factors to provide context to the project and better inform decisionmaking.

O10-226

B. Weak evidence of economic or social benefits to Berkeley

1. WETA service economic and cumulative impacts

There is no evidence to support the claim of net positive economic and social benefits to Berkeley, although there is evidence to support the opposite conclusion. From the WETA Business Plan Evaluation, April 12, 2023, Summary of Network Concepts pages 2-6 of report, WETA lists the following visions for expansion:

1. Existing Network: 10 terminals
2. Plan Bay Area Network: 14 terminals
3. Core Network: 18 terminals
4. Coverage Network: 26 terminals

Plans 2-4 offer some form of Berkeley/Albany/Emeryville ferry service but the cumulative impacts are considerable, and are not fully discussed in the DEIR, as noted above. Compared to the existing 10-terminal network, the Coverage Network shows worse cumulative environmental impact, worse financial capacity, and worse productivity (Business Plan Evaluation, Table 8). The plan continues to outline four business future outlooks for the year 2050 (Table 2), with two based on pre-pandemic ridership levels (Steady as it Goes and Chart a New Course) and two with 30% reduction in commuter travel (Throttle Back and Tack to the Wind). They have no probabilities assigned to each scenario.

O10-227

Across all four of WETA's 2050 ridership outlook scenarios, the existing network remains the most productive, and operating costs per passenger-mile are highest under Coverage Network in every scenario. It is clear that we are not on a "new course." BART itself has not returned to pre-pandemic levels. Even under the "Throttle Back" scenario, operating costs jump substantially over the existing system. If anything, current outlooks appear to be most aligned with the "Tack-to-Wind" scenario that envisions as follows for WETA: 30% reduction of commuter travel but in order "to diversify its ridership base, WETA would expand its midday and off-peak and weekend service offerings, align its fares with other regional operators, and substantially enhance access to ferry terminals" (p.8 of 29), i.e. **an amenity ferry**.

O10-227

The Berkeley terminal would require subsidies from general public and Berkeley funds costing more than twice as much per passenger as the existing bus network. Kamen calculated from WETA's 2024–2025 budget that WETA annually delivers 2.57 million one-way rides at an actual cost of **$61.60 each**, with fares recovering 8.9% of cost and a **public subsidy of $56.10 per ride**. AC Transit, by contrast, delivers 34.6 million one-way bus rides annually at a cost of **$25.20** each, with farebox recovery of 3.4% and a subsidy of **$24.30 per ride.**

Kamen analysis (used with permission)

Cost and revenue data from the WETA 2024-2025 budget (https://weta.bynder.com/share/85AFA60B-3C3F-43B9-A69010245CFBEC9D/). Note that of 2/16/26, the 2025-2026 budget has not been approved or published.

Total annual revenue and expenditures, including capital costs (new ferries, terminal development, admin, planning, etc.):
$158.2 million.
Total number of one-way rides:
2.57 million. $158.2/2.57 = $61.6/ride.
Farebox revenue:
$14.1 million. Farebox Recover Ratio = $14.1/$158.2 = 8.9%
Subsidy per ride = (100%-8.9%) x 61.6 = $56.1/ride

Compare to AC Transit:
https://www.actransit.org/sites/default/files/2024-11/FY2024-25%20ACT%20Adopted%20Budget%20Book_2024.10.30.pdf

$605.8M Operating budget
$267.1M Capital budget
34.6 million rides
605.8+267.1)/34.6 = $25.2/ride
Fares = $29.7M
Farebox Recovery Ratio = 29.7/(605.8+267.1) = 3.4%
Subsidy per ride = (1-0.034) x 25.2 = $24.3/ride

O10-228

The economic costs to Berkeley should be kept in mind. WETA's Berkeley ferry business plan describes local funding as a source of capital and operating funds for several currently existing routes as well as for the Berkeley route. The ferry project's paid parking plans, currently being considered within the city, rely on recreational users to defray the city's costs of maintaining the ferry project's infrastructure and operations and will depress recreational visitation. O10-229

Historically, Berkeley ferries have failed. Tidelines commuter ferry service, which operated from inside the Marina, has not returned after the pandemic. Genentech closed its employee ferry to the Oyster Point campus as too expensive and replaced it with buses. In planning meetings (e.g. BCDC's DRB), staff have already discussed reducing the project from two docks to one. Unlike the Richmond and Vallejo routes — where ferry service saves commuters substantial time from the North and East Bay — a Berkeley-to-San Francisco ferry would take about the same time as BART, with a first-mile/last-mile problem BART does not have. O10-230

2. Transportation Impact TRA-2 conclusion not substantiated

The DEIR (pdf p. 555), for justifying Impact TRA-2, asserts without substantiation that West Berkeley residents, who have more limited public transit options, will experience increased employment in higher-paying San Francisco and San Mateo county jobs because of the ferry service. The justification is based on social and economic benefits. As the basis for an impact finding, we would ask for more analysis. According to Census data, West Berkeley (a SB535 community) on average is lower income than the rest of Berkeley. The WETA 2022 *Passenger Survey Report* reports that ferry riders are historically concentrated in higher income brackets, with large shares reporting household incomes above $100,000. This has changed. In 2017, only 6% of riders earned under $50,000 per year; pandemic-era fare reforms drastically reduced fares and raised that share to roughly 19% by 2021, and WETA's 2022 annual report describes a "significantly increased percentage of low-income riders." Even so, higher-income riders remain overrepresented, and Seamless Bay Area continues to characterize the rider base as "white-collar commuters paying a premium fare relative to BART or bus." Was 2017-2021 shift due only to low fares available during the pandemic and does the WETA budget now include subsidies that will keep fares at pandemic-level lows to maintain this distributional profile? On existing evidence and without further analysis, we would assume the Berkeley terminal would still disproportionately serve a high-income profile for commuter needs. Finally, we note again that the city's public questionnaire on ferry service indicated higher usage of the ferry as an amenity rather than as a commuter option. The questionnaire was made available to the public via the local online newspaper *Berkeleyside* and councilmember newsletters. *Berkeleyside* readership matches Berkeley's demographic profile, according to its documents (see Attachments). O10-231 O10-232 O10-233 O10-234

For social and economic benefits, decisionmaking should also weigh a *substantiated* impact under TRA-2 with the distribution of social and economic benefits. Visitors to the southern Berkeley waterfront — the area the project most directly affects — are on O10-235

average lower-income than visitors to other waterfront areas and already value the waterfront for its recreational value. O10-235

3. Secondary benefits are aspirational

The Keyser Marston analysis commissioned by the City is the most substantive statement of the project's secondary economic benefits. It is cautious. The study projects "**very modest contributions to Marina Fund** — perhaps may generate up to 10% of any revenues the city receives from food and beverage consumer spending" (Keyser Marston, 2021, pp. 8–9). Its strongest forward-looking statement is the hope that a large-scale ferry with weekend service might attract an additional hotel. O10-236

The experience of the existing WETA terminal at Jack London Square in Oakland counsels against this hope. The surrounding commercial area has struggled with a substantial vacancy rate despite the operating ferry, and the Waterfront Hotel — 145 rooms, a short walk from the terminal — closed in January 2025. The City's own public outreach in the 2021 community survey found that 60% of respondents would **never use the ferry to commute**, and 56% would rarely/never use it for leisure *or* would use it fewer than ten times per year.

4. High business risk potential

A commuter ferry vessel operating approximately 28 daily crossings, designed against a ridership estimate of >2000 (with Mission Bay service) and capacity to handle 4000 in more extreme business scenarios, represents a substantial capital commitment against uncertain demand. The risk of stranded assets is real, and would fall on both WETA and COB. O10-237

There is option value in waiting. WETA's own planning allows it to expand where the fit is better — where ferry service meaningfully reduces transbay commute times, the environmental cost is lower, and rider base already exists. Berkeley is not that place today, and the evidence suggests it may not be for some time.

If approved, the WETA terminal would be the only terminal in the WETA system located within a pre-existing public park with long-established recreational use. **Many families and seniors rely on this area for affordable recreation and access to the water—activities widely recognized as contributing to physical and mental well-being.** Data indicate that visitors to the southern waterfront are, on average, lower-income than visitors to other waterfront areas not affected by the ferry proposal, which appears to serve a narrow ridership demographic. **State grants for the marina area and pier were awarded on the condition that they were to be used for recreational purposes**. Prior city planners advised comprehensive waterfront planning. In contrast, the current process divides the WETA pier-ferry project from all other waterfront planning as represented in the stalled Waterfront Specific Plan. O10-238 O10-239

The marina is already designated for transportation uses, as demonstrated by previous ferry services operating there, including Prop SF, Tidelines and most recently, O10-240

Genentech. Displacement of recreational uses is not necessary to accommodate in-marina ferry service if Berkeley wants to support WETA's ferry service plans outlined in the "Tack-to-Wind" post-pandemic scenario. O10-240

The Berkeley Waterfront Community Coalition therefore recommends that the City rescind, reevaluate and reissue the DEIR and give careful analysis to the alternatives, including restoration of the recreational pier without ferry service, and to a feasible range of project alternatives that do not impose adverse economic and social impacts for the region nor impose CEQA impacts to subsidize a costly and underused commuter transit mode. O10-241

VII. Conclusion

The project will have a number of potentially significant impacts on the environment, including (but not limited to) impacts on special status biological resources, critical habitats, aesthetics, public access, land use and culturally significant resources. As the project description, setting and baselines were improperly set, these impacts and others were not adequately analyzed and mitigated in the DEIR. Feasible alternatives with lower environmental impacts were rejected. As a result, the DEIR fails to serve as an adequate informational document and its conclusions are not supported by substantial evidence. For the foregoing reasons, BWCC urges the Council to delay further consideration of the project unless and until the city prepares and recirculates a revised DEIR that fully complies with CEQA and the CEQA Guidelines. O10-242 O10-243 O10-244 O10-245

Respectfully,

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David Fielder
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Paul Kamen
Jim McGrath
Edward Schlesinger
Zora Whitfield

ATTACHMENTS

Attachments not appended may be found by link here:

Attachments for DEIR comments

Please let us know any issues with accessing.

Contents:

1. Berkeley Waterfront Visitation Characteristics and Distribution, BWCC analysis, April 2026. **Appended.**
2. EBOWS Marina Swim Survey. **Appended.**
3. Three files of public written comments noting issues with waterfront transportation demand plans.
4. Placer.ai data on visitation patterns and trends in the waterfront area
5. Berkeleyside audience demographics for assessing efficacy of COB questionnaire representation

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Berkeley Waterfront Visitation Characteristics and Distribution

Berkeley Waterfront Community Coalition

April 27, 2026

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Below is a set of tables we derived from in-person survey data collected by Kittelson and Associates, Inc. hired by City of Berkeley to assess impacts of the proposed ferry project on current and future recreational use. The in-person intercept survey was conducted on three Thursdays and two Saturdays between April and August 2024. Setting aside any issue with Kittelson's methodology, we have cleaned and organized the available data to better illustrate the diversity of visitors to the Berkeley waterfront. The original dataset has 459 observations. Tables below use all 459 respondents unless otherwise noted. The visitation tables by socioeconomic status use observations that had complete information and may include less than 459 observations. Refer to p. 12 of the Kittelson report for a map of the waterfront and lots.

Below you will find:

- Visitor profile: frequency of visits, residency, age, and activities
- Tables of spatial distribution of visitors by income
- Barcharts for spatial distribution of visitors by income across main waterfront zones)
- Explanation of data cleaning for accurate lot counts.
- Tables of spatial distribution of visitors by race/ethnicity (RE)

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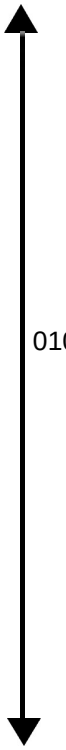
Visitor profile

Frequency of visits

A total of 454 visitors responded to the frequency question. 196 visitors (43%) visit the waterfront multiple times per week or every day, and another 14.5% visit a few times a month.

Table 1: Frequency of visits to the Berkeley waterfront (n = 454; 5 respondents did not answer)

Frequency	Count	% of respondents
Every day	62	13.7
A few times a week	134	29.5
About once a week	49	10.8
A few times a month	66	14.5
Once a month	25	5.5
Less than once a month	34	7.5
For special events	17	3.7
Rarely (please specify time of year)	67	14.8
Total	454	100.0



010-246

Residency and age

Of the 459 respondents, 40% are Berkeley residents and 60% are visitors from outside Berkeley. Berkeley residents skew somewhat older than non-Berkeley visitors: 58% of Berkeley residents are 50 or over, compared with 48% of non-Berkeley visitors. This pattern is consistent with the waterfront serving a substantial population of older local residents for whom it is a near-daily recreational destination.

Table 2: Berkeley vs. non-Berkeley residents (n = 459)

Residence	Count	% of respondents
Berkeley resident	183	39.9
Non-Berkeley resident	276	60.1
Total	459	100.0

Table 3: Age distribution (under 50 vs. 50 and over) by Berkeley residency. Includes 3 respondents aged 17 or younger in 'Under 50.' Excludes 40 respondents with missing age.

Residence	Under 50	50 and over	Total	% Under 50	% 50 and over
Berkeley resident	70	98	168	41.7	58.3
Non-Berkeley resident	130	121	251	51.8	48.2
Total	200	219	419	47.7	52.3

010-246

2-358

Activities

Walking is by far the most popular activity (39% of respondents), followed by sailing/boating (23%), sightseeing/photography (17%), and dog walking (17%). Respondents could select multiple activities, so percentages do not sum to 100%.

Table 4: Activities at the Berkeley waterfront. Respondents could select multiple activities, so percentages do not sum to 100%.

Activity	Count	% of 459 respondents
Walking	177	38.6
Sailing/boating	105	22.9
Sightseeing/photography	78	17.0
Dog walking	76	16.6
Wildlife viewing	53	11.5
Dining	43	9.4
Picnicking	35	7.6
Playground	24	5.2
Biking	21	4.6
Swimming	20	4.4
Running	19	4.1
Shoreline fishing	16	3.5
Charter fishing	8	1.7
Cruise	6	1.3



010-246

2-359

Parking lot visits by income

Table 5: Parking Lot Visits by Income (Counts)

	$0-$24,999	$25,000-$49,999	$50,000-$74,999	$75,000-$99,999	$100,000-$124,999	$125,000-$149,999	$150,000-$174,999	$175,000-$199,999	$200,000 and up	Sum
199 Seawall Drive	1	2	1	4	1	1	1	0	1	12
D&E	1	0	0	0	3	0	1	0	0	5
F&G	1	2	0	0	3	1	1	1	1	10
H&I	0	0	2	3	0	0	0	0	2	7
J&K	2	0	4	2	1	3	0	0	3	15
L&M lot	0	2	4	1	3	0	3	2	1	16
Launch Ramp (Paid)	0	1	1	2	0	0	0	0	2	6
Marina Blvd	6	3	2	1	5	3	3	5	5	33
O Lot	1	6	6	5	4	0	1	2	8	33
Other (please specify)	2	2	4	3	5	2	1	2	2	23
Seawall Drive (Street)	5	1	4	4	2	1	1	0	1	19
Skates/N Lot	4	1	5	2	1	1	1	1	4	20
South Cove East	2	1	4	3	0	3	5	5	6	29
South Cove West	8	1	5	3	5	5	5	0	6	38
Spinnaker Circle	2	2	5	1	8	0	0	3	3	24
Spinnaker Way	3	2	8	5	7	3	3	1	8	40
Sum	38	26	55	39	48	23	26	22	53	330

010-246

2-360

This table answers the question: Of people parking at each lot, what % are in each income bracket? Seawall Drive and South Cove West have most lowest-income (<$25k) income visitors. J&K lot next to the baitshop sees a high number of those earning less than $75k, as does L&M which was halved in size by the parking enforcement department, and H&I.

Table 6: Row Percentages (% within each lot)

	$0-$24,999	$25,000-$49,999	$50,000-$74,999	$75,000-$99,999	$100,000-$124,999	$125,000-$149,999	$150,000-$174,999	$175,000-$199,999	$200,000 and up	Total
199 Seawall Drive	8.3	16.7	8.3	33.3	8.3	8.3	8.3	0.0	8.3	99.8
D&E	20.0	0.0	0.0	0.0	60.0	0.0	20.0	0.0	0.0	100.0
F&G	10.0	20.0	0.0	0.0	30.0	10.0	10.0	10.0	10.0	100.0
H&I	0.0	0.0	28.6	42.9	0.0	0.0	0.0	0.0	28.6	100.1
J&K	13.3	0.0	26.7	13.3	6.7	20.0	0.0	0.0	20.0	100.0
L&M lot	0.0	12.5	25.0	6.2	18.8	0.0	18.8	12.5	6.2	100.0
Launch Ramp (Paid)	0.0	16.7	16.7	33.3	0.0	0.0	0.0	0.0	33.3	100.0
Marina Blvd	18.2	9.1	6.1	3.0	15.2	9.1	9.1	15.2	15.2	100.2
O Lot	3.0	18.2	18.2	15.2	12.1	0.0	3.0	6.1	24.2	100.0
Other (please specify)	8.7	8.7	17.4	13.0	21.7	8.7	4.3	8.7	8.7	99.9
Seawall Drive (Street)	26.3	5.3	21.1	21.1	10.5	5.3	5.3	0.0	5.3	100.2
Skates/N Lot	20.0	5.0	25.0	10.0	5.0	5.0	5.0	5.0	20.0	100.0
South Cove East	6.9	3.4	13.8	10.3	0.0	10.3	17.2	17.2	20.7	99.8
South Cove West	21.1	2.6	13.2	7.9	13.2	13.2	13.2	0.0	15.8	100.2
Spinnaker Circle	8.3	8.3	20.8	4.2	33.3	0.0	0.0	12.5	12.5	99.9
Spinnaker Way	7.5	5.0	20.0	12.5	17.5	7.5	7.5	2.5	20.0	100.0

010-246

2-361

Of people in each income bracket, what % park at each lot? The lowest income group (<$25k) most often parks in South Cove West.

Table 7: Column Percentages (% within each income group)

	$0-$24,999	$25,000-$49,999	$50,000-$74,999	$75,000-$99,999	$100,000-$124,999	$125,000-$149,999	$150,000-$174,999	$175,000-$199,999	$200,000 and up
199 Seawall Drive	2.6	7.7	1.8	10.3	2.1	4.3	3.8	0.0	1.9
D&E	2.6	0.0	0.0	0.0	6.2	0.0	3.8	0.0	0.0
F&G	2.6	7.7	0.0	0.0	6.2	4.3	3.8	4.5	1.9
H&I	0.0	0.0	3.6	7.7	0.0	0.0	0.0	0.0	3.8
J&K	5.3	0.0	7.3	5.1	2.1	13.0	0.0	0.0	5.7
L&M lot	0.0	7.7	7.3	2.6	6.2	0.0	11.5	9.1	1.9
Launch Ramp (Paid)	0.0	3.8	1.8	5.1	0.0	0.0	0.0	0.0	3.8
Marina Blvd	15.8	11.5	3.6	2.6	10.4	13.0	11.5	22.7	9.4
O Lot	2.6	23.1	10.9	12.8	8.3	0.0	3.8	9.1	15.1
Other (please specify)	5.3	7.7	7.3	7.7	10.4	8.7	3.8	9.1	3.8
Seawall Drive (Street)	13.2	3.8	7.3	10.3	4.2	4.3	3.8	0.0	1.9
Skates/N Lot	10.5	3.8	9.1	5.1	2.1	4.3	3.8	4.5	7.5
South Cove East	5.3	3.8	7.3	7.7	0.0	13.0	19.2	22.7	11.3
South Cove West	21.1	3.8	9.1	7.7	10.4	21.7	19.2	0.0	11.3
Spinnaker Circle	5.3	7.7	9.1	2.6	16.7	0.0	0.0	13.6	5.7
Spinnaker Way	7.9	7.7	14.5	12.8	14.6	13.0	11.5	4.5	15.1
Total	100.1	99.8	100.0	100.1	99.9	99.6	99.5	99.8	100.1

010-246

2-362

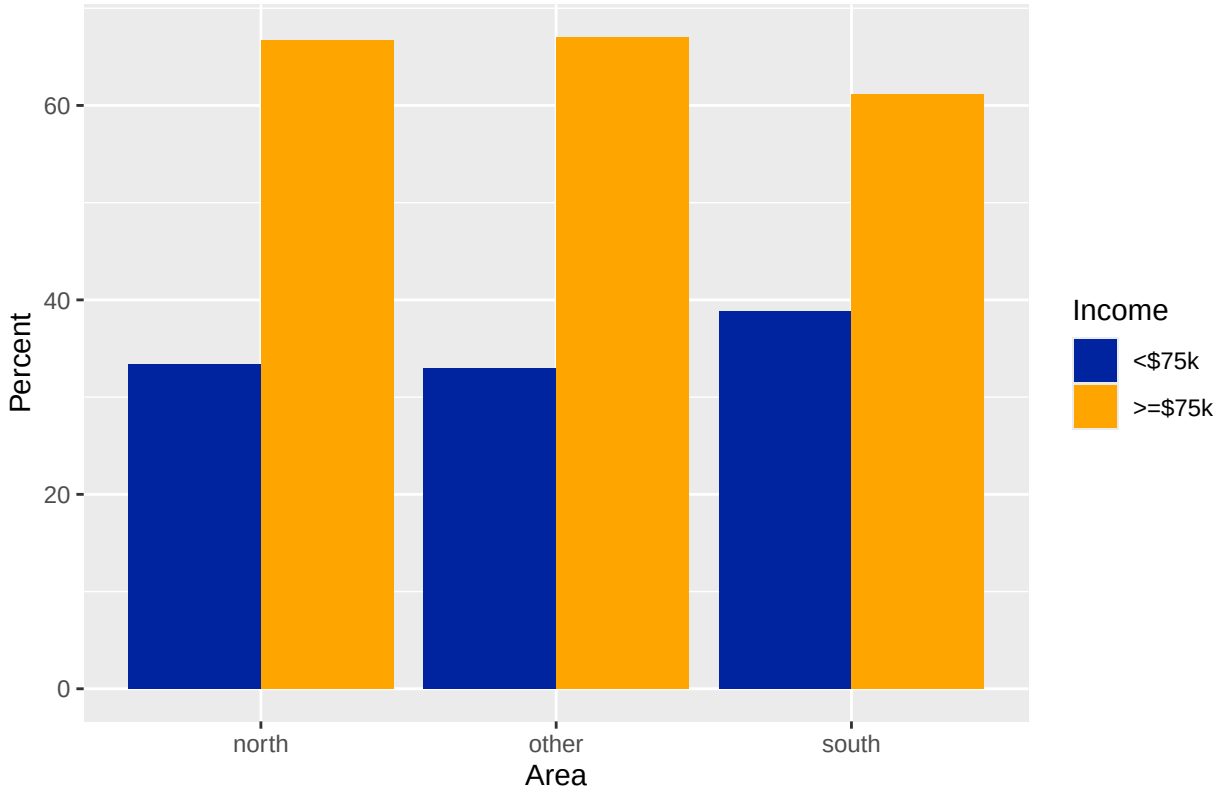
Visitation to south v. north areas of waterfront, by income

Consistent with the public's general understanding and earlier city-led focus groups, we define the waterfront's geographic areas as follows:

- "South" refers to South Cove East and West lots, J&K, L&M, Skates/N, O lot, and Seawall Drive. Data points from the 199 Seawall next to the derelict HsL restaurant in the south part of the waterfront are currently not included as the lot's gates are usually locked during the weekdays on which the respondents' data was collected, indicating the data may be in error. We are seeking clarification from city staff and will update as we receive more information
- "North" refers to D&E, the launch ramps, Spinnaker Way and Spinnaker Circle.
- "Other" includes any response not in "north" or "south" above.

The barchart below indicates a tendency for the south area in aggregate to attract lower income visitors more than other parts of the waterfront. While north and other have similar breakdowns of lower income (defined as <$75k) and higher income (defined as >=$75k), the south area has more lower and less higher income as a percentage.

Figure 1: Visitor Income by Waterfront Area



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2-363

Data cleaning notes for more accurate lot counts

Forty-six of the Kittelson survey responses were classified as "other." On closer inspection, we recognized that many of these responses are easily reclassifiable to a lot under study. Below is how we have reclassified some of these observations so far.

- South Cove West
  - "Cal Sailing"
  - "West cove"
  - "West coast"
  - "Over by cal sailing, not sure which one of those listed this is"
- O Lot
  - "1 Seawall Drive, Gate O Dock"
- 199 Seawall Drive
  - "Upper HSL"
- South Cove East
  - "EAST COVE"
  - "next to new toilet bldg/CAL adventures"
- Seawall Drive (Street)
  - "seawall"
- Skates/N
  - "Skates"
- F&G
  - "F Marina"



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Tables by race/ethnicity

Table 8: Sample Counts

	American Indian and Alaska Native alone	Asian alone	Black or African American alone	Hispanic	Native Hawaiian and Other Pacific Islander alone	Other (please specify)	Some Other Race alone	White alone	Sum
199 Seawall Drive	0	2	2	3	2	2	0	3	14
D&E	0	1	0	0	0	0	0	3	4
F&G	0	2	0	1	0	0	0	6	9
H&I	1	1	0	0	0	1	0	3	6
J&K	0	2	0	3	0	4	0	10	19
L&M lot	0	3	0	0	1	1	0	11	16
Launch Ramp (Paid)	0	0	0	3	0	1	0	1	5
Marina Blvd	0	2	1	9	0	1	0	22	35
O Lot	1	1	1	4	1	2	1	19	30
Other (please specify)	0	0	0	5	0	2	0	9	16
Seawall Drive (Street)	0	2	3	4	0	0	0	6	15
Skates/N Lot	0	3	1	7	0	0	0	7	18
South Cove East	0	5	1	0	0	3	1	20	30
South Cove West	0	6	0	5	1	5	1	16	34
Spinnaker Circle	1	2	3	2	0	2	1	22	33
Spinnaker Way	0	8	2	3	0	4	1	26	44
Sum	3	40	14	49	5	28	5	184	328

010-246

2-365

This table answers the question: Of people parking at each lot, what % are in each ethnicity group?

Table 9: Row Percentages (% RE within each lot)

	American Indian and Alaska Native alone	Asian alone	Black or African American alone	Hispanic	Native Hawaiian and Other Pacific Islander alone	Other (please specify)	Some Other Race alone	White alone	Total
199 Seawall Drive	0.0	14.3	14.3	21.4	14.3	14.3	0.0	21.4	100.0
D&E	0.0	25.0	0.0	0.0	0.0	0.0	0.0	75.0	100.0
F&G	0.0	22.2	0.0	11.1	0.0	0.0	0.0	66.7	100.0
H&I	16.7	16.7	0.0	0.0	0.0	16.7	0.0	50.0	100.1
J&K	0.0	10.5	0.0	15.8	0.0	21.1	0.0	52.6	100.0
L&M lot	0.0	18.8	0.0	0.0	6.2	6.2	0.0	68.8	100.0
Launch Ramp (Paid)	0.0	0.0	0.0	60.0	0.0	20.0	0.0	20.0	100.0
Marina Blvd	0.0	5.7	2.9	25.7	0.0	2.9	0.0	62.9	100.1
O Lot	3.3	3.3	3.3	13.3	3.3	6.7	3.3	63.3	99.8
Other (please specify)	0.0	0.0	0.0	31.2	0.0	12.5	0.0	56.2	99.9
Seawall Drive (Street)	0.0	13.3	20.0	26.7	0.0	0.0	0.0	40.0	100.0
Skates/N Lot	0.0	16.7	5.6	38.9	0.0	0.0	0.0	38.9	100.1
South Cove East	0.0	16.7	3.3	0.0	0.0	10.0	3.3	66.7	100.0
South Cove West	0.0	17.6	0.0	14.7	2.9	14.7	2.9	47.1	99.9
Spinnaker Circle	3.0	6.1	9.1	6.1	0.0	6.1	3.0	66.7	100.1
Spinnaker Way	0.0	18.2	4.5	6.8	0.0	9.1	2.3	59.1	100.0

This table answers the question: Of people in each ethnicity group bracket coming to the waterfront, what % park at each lot?

Table 10: Column Percentages (% within each RE group)

	American Indian and Alaska Native alone	Asian alone	Black or African American alone	Hispanic	Native Hawaiian and Other Pacific Islander alone	Other (please specify)	Some Other Race alone	White alone
199 Seawall Drive	0.0	5.0	14.3	6.1	40	7.1	0	1.6
D&E	0.0	2.5	0.0	0.0	0	0.0	0	1.6
F&G	0.0	5.0	0.0	2.0	0	0.0	0	3.3
H&I	33.3	2.5	0.0	0.0	0	3.6	0	1.6
J&K	0.0	5.0	0.0	6.1	0	14.3	0	5.4
L&M lot	0.0	7.5	0.0	0.0	20	3.6	0	6.0
Launch Ramp (Paid)	0.0	0.0	0.0	6.1	0	3.6	0	0.5
Marina Blvd	0.0	5.0	7.1	18.4	0	3.6	0	12.0
O Lot	33.3	2.5	7.1	8.2	20	7.1	20	10.3
Other (please specify)	0.0	0.0	0.0	10.2	0	7.1	0	4.9
Seawall Drive (Street)	0.0	5.0	21.4	8.2	0	0.0	0	3.3
Skates/N Lot	0.0	7.5	7.1	14.3	0	0.0	0	3.8
South Cove East	0.0	12.5	7.1	0.0	0	10.7	20	10.9
South Cove West	0.0	15.0	0.0	10.2	20	17.9	20	8.7
Spinnaker Circle	33.3	5.0	21.4	4.1	0	7.1	20	12.0
Spinnaker Way	0.0	20.0	14.3	6.1	0	14.3	20	14.1
Total	99.9	100.0	99.8	100.0	100	100.0	100	100.0

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2-367

berkeley marina swimmer survey

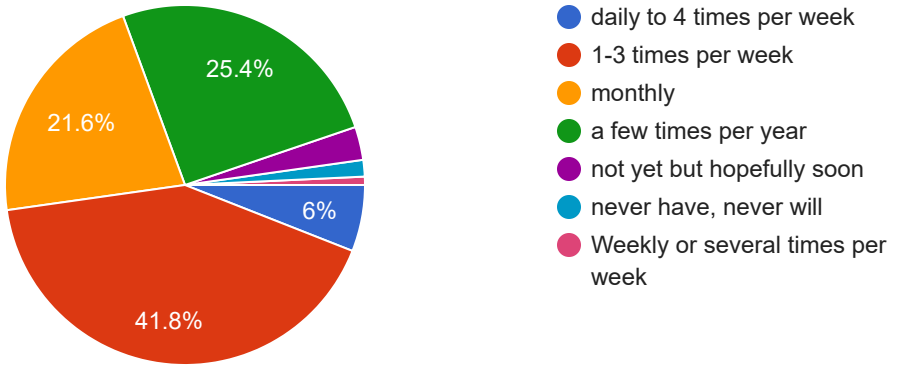
135 responses

Publish analytics

How often do you swim at the Berkeley marina?

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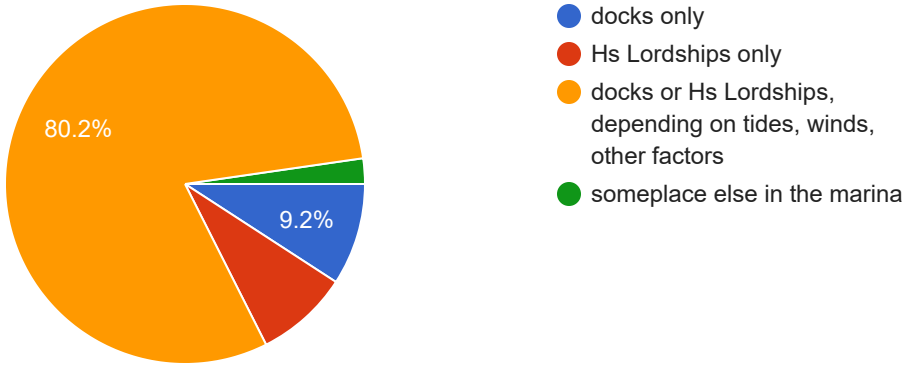
134 responses



Favorite launch spot?

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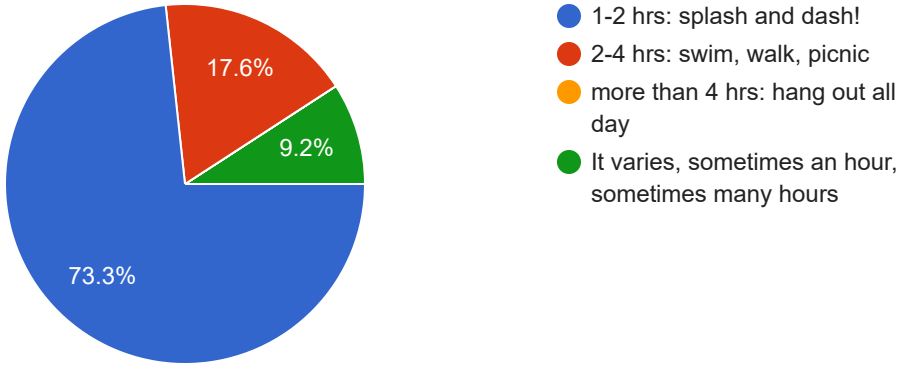
131 responses



How long does your marina visit last?

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131 responses



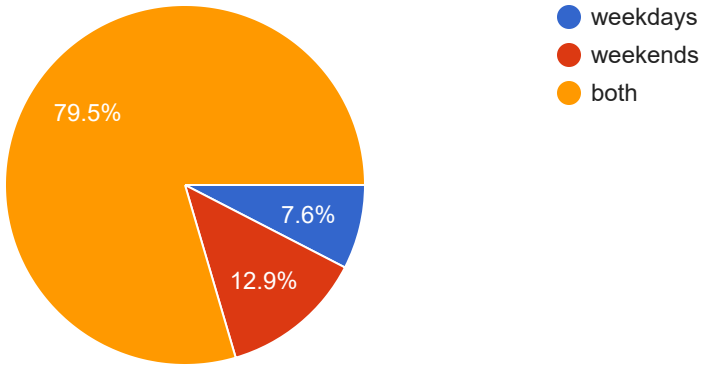
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Do you swim during weekdays or weekends only?

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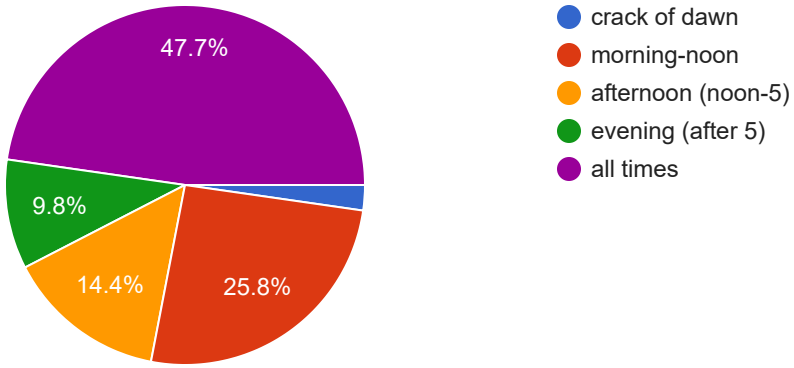
132 responses



What time of day?

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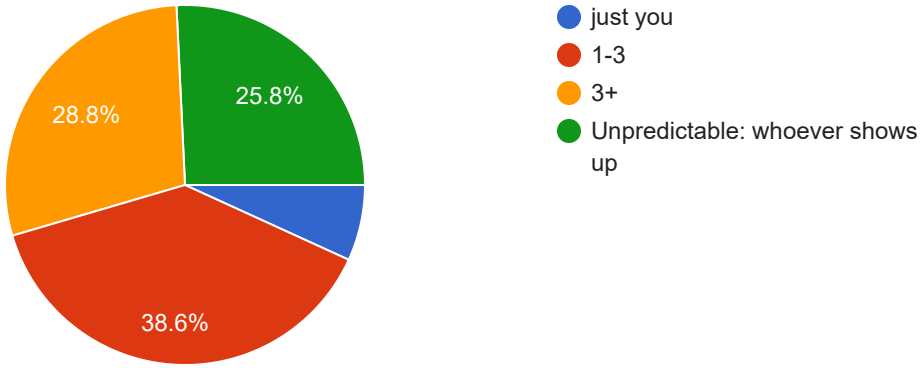
132 responses



How many swimmers in your pod usually?

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132 responses



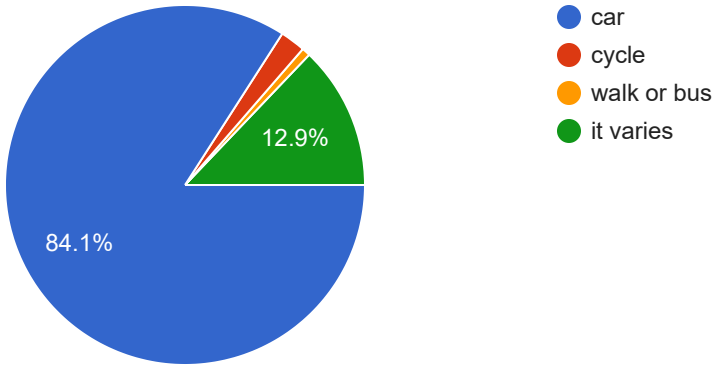
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2-369

How do you travel to the marina?

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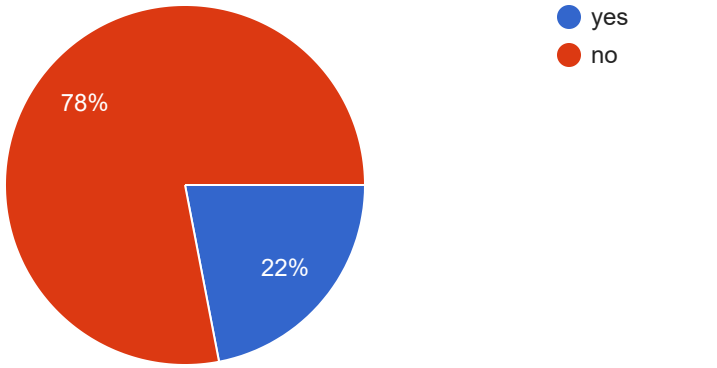
132 responses



Do you ever find trouble parking near enough to your swim spot?

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132 responses



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2-370

Letter O10

Commenter: Draft Environmental Impact Report Review Committee, Berkeley Waterfront Community Coalition

Date: April 28, 2026

Response to Comment O10-1 and O10-2

These comments do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-3

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment O10-4

Please refer to subsequent comments for a response to specific comments, including comments that rely on the information provided in attachments.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-5

All comments on the Draft EIR have been responded to and are included in their respective responses to comments. Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment O10-6

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

For responses to specific issues raised in the comment letter, please refer to the following Response to Comments.

Response to Comment O10-7

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding quantified baseline inventory of recreational use and sufficient analysis of impacts on recreational uses. Refer to Section 2.2.9, *Topical Response: Cumulative Impacts,* for a discussion regarding the sufficiency of the cumulative impact analysis. The Draft EIR provides an adequate baseline for CEQA purposes, and the analyses and conclusions remain valid as written. No revisions are required.

Response to Comment O10-8

With respect to potential public access constraints related to parking, refer to Section 2.2.20, *Topical Response: Parking.* As stated in Section 2.2.20, *Topical Response: Parking,* the project would have sufficient parking spaces to accommodate all users and as described in the Topical Response, the project would not reduce public access to the Waterfront rather, bluespace recreation access would be maintained and enhanced with project implementation.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and 3.12, *Transportation*, of the Draft EIR remain valid as written. No revisions to the EIR are necessary.

Response to Comment O10-9

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of project objectives and its alternatives analyses.

Response to Comment O10-10

Refer to Section 2.2.2, *Topical Response: Alternatives* (Project Objectives subsection), which clarifies that the City's inclusion of ferry service as a core objective is consistent with a long-standing and well-documented interagency effort to establish ferry service at the Berkeley Waterfront and expand water transit service in the Bay Area. Therefore, the objectives appropriately define the purpose of the project consistent with CEQA Guidelines Section 15124.

The Draft EIR appropriately defines project objectives and evaluates environmental impacts independently of those objectives, consistent with CEQA requirements. The analysis, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment O10-11

The comment that the Draft EIR fails to adequately analyze the ferry component of the project or its associated environmental impacts is not correct. The Draft EIR includes a comprehensive, project-level evaluation of ferry operations and infrastructure across all relevant resource areas, consistent with CEQA requirements. This analysis is based on the Project Description provided in Chapter 2 and evaluates both construction and operational impacts in Chapter 3, supported by technical studies and substantial evidence in the record.

With respect to comments about improvements being attributed to the project, the Draft EIR establishes the environmental baseline in accordance with CEQA Guidelines Section 15125 and evaluates the project's incremental contribution to recreational access and facilities. Refer to Response to Comments O10-47 to O10-49 for a discussion of specific recreational improvements identified in the comment letter.

Regarding alternatives, Chapter 5, *Alternatives*, evaluates a reasonable range of feasible alternatives consistent with CEQA Guidelines Section 15126.6. The Draft EIR also includes a discussion of alternatives considered but rejected, including the reasons for their dismissal based on feasibility, environmental considerations, and the ability to meet project objectives. The comment's suggested pier restoration or replacement approaches are either encompassed within the alternatives screening process or would not meet the fundamental objectives of the project, as described in Sections 5.3 and 5.9 (Pages 5-2 and 5-25 through 5-28 of the Draft EIR). CEQA does not require evaluation of every conceivable alternative, but rather a reasonable range sufficient to inform decision makers. For additional information about how alternatives were considered consistent with CEQA, refer to Section 2.2.2, *Topical Response: Alternatives*.

The analysis, significance conclusions, mitigation measures, and discussion of alternatives presented in the Draft EIR remain valid as written, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment O10-12

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

For responses to specific issues raised in the comment letter, please refer to the following Response to Comments.

Response to Comment O10-13

The comment is referring to later specific comments which are responded to in subsequent Response to Comments. Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations within CEQA documents.

This comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-14

CEQA Guidelines Section 15124 requires that an EIR include a project description containing sufficient detail to allow evaluation of environmental impacts, including the project's location, objectives, and general characteristics. The Draft EIR includes these required elements in Chapter 2, *Project Description*, including Section 2.1 (*Project Location and Setting*), Section 2.3 (*Project Objectives*), Section 2.5 (*Proposed Project Components*), and Section 2.6 (*Construction Details*), as well as a description of operational characteristics in Section 2.7.

The Draft EIR project description represents the current and reasonably foreseeable project design at the time of preparation and provides a stable and comprehensive basis for environmental analysis. To the extent that earlier project concepts were presented during the Notice of Preparation (NOP) and scoping process at a more conceptual level, the refinement of project details reflected in the Draft EIR is a normal and expected part of the CEQA process and does not indicate an unstable or shifting project description. Rather, the Draft EIR provides a more fully developed and detailed description consistent with CEQA Guidelines requirements.

Refer to subsequent response to comments for responses to specific issues raised in the comment letter. The analysis, significance conclusions, mitigation measures, and discussion of alternatives presented in the Draft EIR remain valid as written, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment O10-15

Refer to Section 2.2.10, *Topical Response: Electric Ferry*.

Response to Comment O10-16

Refer to Section 2.2.10, *Topical Response: Electric Ferry*.

Response to Comment O10-17

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, which explains that the Draft EIR includes sufficient details in the Project Description according to CEQA requirements, including a description of electric ferry infrastructure and emergency operations.

Response to Comment O10-18

Refer to Section 2.2.11, *Topical Response: Ferry Operations*, for a discussion of the operational details included in the Draft EIR, and how those are consistent with CEQA requirements.

Response to Comment O10-19

With regard to the description of ferry service operations, refer to Section 2.2.11, *Topical Response: Ferry Operations*, for a discussion related to the operational details used in the Draft EIR to inform the environmental analysis.

With regard to characterizing ferry service, the Project Objectives in the Draft EIR (page 2-4) describes the use of the ferry service as for both recreational and commuter purposes.

Response to Comment O10-20

Refer to Response to Section 2.2.11, *Topical Response: Ferry Operations*, for a discussion related to how the Draft EIR addresses service schedule assumptions.

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment O10-21

First as a matter of clarification, the comment incorrectly describes TDM Measures as mitigation. As explained in Section 2.2.20, *Topical Response: Parking,* TDM Measures are not mitigation measures because there are no environmental impacts under CEQA that would require mitigation in the form of TDM.

Chapter 2, *Project Description* of the Draft EIR describes the physical improvements that could result on a physical impact on the environment, including those physical improvements that provide TDM benefits such as enhanced bicycle facilities and secure bike parking; improved bicycle and pedestrian access including a two-way cycle track along University Avenue and Bay Trail improvements; designated pick-up and drop-off zones; and wayfinding that would direct visitors to appropriate parking lots. All of these features are described in Chapter 2, *Project Description* (refer to pages 2-11 to 2-22 of the Draft EIR).

Thus, the characterization that the Draft EIR has omitted information about TDM is incorrect. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment O10-22

Refer to Response to Comment O10-21. In response to this comment and to improve clarity, the following text change has been made to Section 2.5 of the Project Description (Page 2-18):

> … The proposed project would replace all of the existing parking spaces with 400 to 450 new parking spaces (pending final design), including ADA-accessible and EV parking spaces.
>
> Project access is anticipated to occur via a combination of travel modes, including private vehicles, transit, bicycle, and pedestrian connections. Parking supply and demand assumptions, including the role of TDM measures, are evaluated in Section 3.12, *Transportation*, and in Appendix F, *Transportation Impact Assessment*.

Regarding the comment that the Draft EIR should identify that the majority of ferry patrons arrive by car, this information has already been provided in Appendix F of the Draft EIR. Page 2 of Appendix F of the Draft EIR includes Table 2: Estimated Daily Trip Generation for First Year of Service (without TDM). This table indicates that an estimated 40 percent of the estimated trips would be from car, and represents the majority of the trips. Please note that this is a conversative estimate because it does not account for TDM, as indicated in the title of the Table.

Regarding the comment that TDM should be included in the analysis, implementation of TDM would actually result in reduced impacts to the environment. Implementation of TDM would reduce the number of single-occupancy trips, which would result in reduced environmental impacts. Where relevant, the Draft EIR does consider how constructed elements of the project that provide TDM benefits would affect environmental impacts (refer to page 3.10-36 of the Draft EIR).

Insofar that the comment is concerned about parking, refer to Section 2.2.20, *Topical Response: Parking.*

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions are required beyond the clarification above.

Response to Comment O10-23

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. The comment associated with this figure are responded to in Response to Comment O10-24. No further response is required.

Response to Comment O10-24

The comment refers to a scoping comment and states that "the NOP project description characterized project dredging as maintained." This is not an accurate statement. The NOP identified that the project would include "Dredging along the existing 100-foot wide United States Army Corps of Engineers federal navigation channel that parallels the closed pier." The NOP does not use the words maintenance dredging and the NOP text was intended to physically identify where dredging would occur.

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging.* As described in Section 2.6.1, *Construction Details* (Page 2-28), the Draft EIR identifies the extent, location, and volume of dredging required for project implementation. The environmental analysis in Section 3.3, *Biological Resources* and Section 3.8, *Hydrology and Water Quality,* evaluates dredging impacts based on the maximum anticipated dredging volume and associated in-water activities, regardless of whether the dredging is characterized as "new" or "maintenance." As further clarified in the referenced responses, dredging would occur under applicable regulatory oversight (including USACE, RWQCB, BCDC, and DMMO), and the Draft EIR does not rely on assumptions regarding federal maintenance dredging or prior dredging activities in this location. The Draft EIR evaluates dredging based on the full scope of project-specific activities and associated environmental impacts. The clarifications provided in Section 2.2.15, *Topical Response: Maintenance Dredging,* fully address the issues raised.

The analysis and conclusions presented in the Draft EIR remain valid as written, and no further revisions beyond those included in the referenced responses are required.

Response to Comment O10-25 to O10-28

Refer to Response to Comment O10-24 for a complete discussion on the issues raised in these comments. The analysis and conclusions presented in the Draft EIR remain valid as written, and no further revisions beyond those included in the referenced responses are required.

Response to Comment O10-29

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about sedimentation patterns.

Response to Comment O10-30

Refer to Response to Comment O10-24 for a complete discussion on the issues raised in this comment.

Regarding maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging*, which discusses this topic.

The analysis and conclusions presented in the Draft EIR remain valid as written, and no further revisions beyond those included in the referenced responses are required.

Response to Comment O10-31

Dredging impacts from construction of the project have been analyzed throughout the Draft EIR. Draft EIR Section 2.6., *Construction Details*, describes the extent, location, and volume of project dredging required to support ferry operations (page 2-28 of the Draft EIR). Potential environmental impacts associated with dredging are evaluated throughout Chapter 3, *Environmental Impact Analysis*, including Section 3.3,

Biological Resources (Section 3.3.4, Impacts BIO-1 through BIO-3), and Section 3.8, *Hydrology and Water Quality* (Section 3.8.4, Impact HYD-1).

Regarding dredging required for long-term ongoing operation of the project, refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* which discusses this topic.

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment O10-32

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-33

CEQA Guidelines Section 15123 (b)(2) states that the summary within the EIR shall "identify [a]reas of controversy known to the Lead Agency including issues raised by agencies and the public". Draft EIR page ES-3 contains this discussion. To summarize these areas of controversy, the discussion in the Draft EIR explains that members of the public identified concerns regarding parking availability for recreationalists.

The Draft EIR includes additional information about the issues raised by the public beyond the discussion in the Executive Summary. Refer to Sections 1.2.2, *Public Outreach*, 1.2.4, *EIR Notice of Preparation*, and 1.5, *Environmental Review Process*, of the Draft EIR for a summary of the public outreach conducted between 2021 and 2025. Additionally, the Draft EIR public comment period was held from February 27, 2026, to April 26, 2026, a total of 60 days, 15 more than what is required under CEQA.

Section 1.2.2, *Public Outreach*, of the Draft EIR explains that the City collected suggestions made by the community during public outreach efforts and incorporated them into the project, to the extent feasible. This discussion in the EIR also cites the *Environmental Justice Existing Conditions and Constraints Final Technical Study* prepared by the City, which explains how community input was integrated into the project.

For additional clarity, page ES-3 of the Draft EIR has been revised as follows:

> During the EIR scoping process, members of the public identified concerns related to the potential for the proposed project to affect parking availability for recreationalists, continued recreational access to the Berkeley Waterfront, potential impacts on biological resources including whales and other marine species, and the project's consistency with broader waterfront planning efforts. Chapter 3, *Environmental Impact Analysis* (see *Secondary Impacts* subsection) identifies the approach for addressing parking impacts under CEQA for the proposed project and describes the relationship between the proposed project and other waterfront planning efforts (see *Relationship with Draft Waterfront Specific Plan* subsection). In addition, each environmental resource section within Chapter 3 includes an *EIR Scoping Comments Consideration* subsection that identifies resource-specific concerns raised during scoping and explains how those issues are addressed in the environmental analysis. Public responses to the Notice of Preparation of a Draft EIR as well as public input received at the EIR scoping meeting held by the City are summarized in Chapter 1, *Introduction*.

This revision is clarifying in nature and does not alter the impact analysis or significance conclusions presented in the Draft EIR. The Draft EIR adequately identifies and addresses areas of known controversy, and no further revisions are required.

Response to Comment O10-34

The outreach identified in this comment is summarized in Section 1.2.2, *Public Outreach* in Chapter 1, *Introduction* of the Draft EIR (page 1-4). Refer also to Response to Comment O10-33 for a response to this comment. No further response is required.

Response to Comment O10-35

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to how the Draft EIR appropriately addresses the Draft Waterfront Specific Plan.

Response to Comment O10-36

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-37

The comment provides information regarding user opinions and preferences. Under CEQA, the purpose of an EIR is to evaluate environmental effects on physical conditions, not user perceptions or preferences (CEQA Guidelines §15382). As described in Chapter 2, *Project Description*, Subsection 2.3, *Project Objectives*, enhancing public pier facilities and recreational opportunities at the Berkeley Waterfront are key objectives of the proposed project. Chapter 2 further states in Subsection 2.5.1, *Waterside*, that the project would incorporate amenities that would directly support fishing at the Waterfront, including the development of a new pier and breakwater with safety railings, a fish cleaning station, seating, shade canopy, and security gates, which would remain open to the public, except in cases where public safety requires closure (refer to Page 2-6). Accordingly, the analysis provides in Section 3.11, *Recreation*, evaluates potential impacts to recreation and concludes that the project would provide a net increase in recreational opportunities, including restored fishing access (refer to Impact REC-1, Pages 3.11-16 through 3.11-20). Additionally, Section 3.3, *Biological Resources*, Subsection 3.3.4, *Impacts Analysis*, evaluates potential impacts on marine wildlife, including fish species. The analysis therein concludes that impacts to fish species would be less than significant with mitigation incorporated (refer to Pages 3.3-39 through 3.3-66).

This comment does not provide supporting arguments, data, or analysis to substantiate concerns related to impacts on fish behavior. Accordingly, no changes are warranted to the Draft EIR analysis, conclusions, or mitigation, and no further response is required.

Response to Comment O10-38

Refer to Response to Comment O10-33. Refer to Section 1.5, *Environmental Review Process*, for a summary of the CEQA process. Prior to making a decision on the proposed project, the City must certify that the Final EIR was presented to the Berkeley City Council and that they reviewed and considered the information in the Final EIR prior to making a decision about approving the project, consistent with CEQA Guidelines Section 15090. As discussed in CEQA Guidelines Section 15093, agencies must balance the various benefits of a project, such as economic, legal, social, technological, and larger-scale environmental benefits, with the potential environmental impacts associated with the project when making their decision. No further response is required.

Response to Comment O10-39

Refer to Response to Comments O10-40 through O10-83 for responses to specific issues raised in the comment letter. As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment O10-40

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-41

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion about why the cumulative impact analysis included in the Draft EIR is sufficient and complies with CEQA requirements.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-42

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts,* which explains that the Draft EIR includes the reopening of a restaurant at 199 Seawall Drive as a cumulative project. Refer to Response to Comment P36-108 for a discussion about this cumulative project, as it relates to parking.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-43

As shown in Draft EIR Table 3-1, *Present and Reasonably Foreseeable Cumulative Projects List* (page 3-9), the D&E Dock Replacement Project is identified as Cumulative Project No. 5 under the category of Recreation and Marina Projects. For clarity, in response to this comment, Table 3-1 has been updated to reflect the completion of the D&E Dock replacement project. Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which explains the methodology used to identify and evaluate cumulative projects.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further revisions to the Draft EIR are necessary in response to this comment.

The reopening of the East Dock does not alter the conclusions of the Draft EIR. Because repairs have already been completed, no future construction-related impacts associated with that project would overlap with construction of the proposed project. In addition, operation of the East Dock represents the condition that would exist at the time of project operation and is generally consistent with the cumulative scenario evaluated in the Draft EIR. Therefore, the reopening does not result in new significant impacts, a substantial increase in the severity of identified impacts, or a change to the cumulative impact conclusions presented in the Draft EIR.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. Aside from the clarifying update to Table 3-1 regarding the status of the South Cove East Dock Pier Piling Repairs project, no further revisions to the Draft EIR are necessary in response to this comment.

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Table 3-1 Present and Reasonably Foreseeable Cumulative Projects List

Cumulative Project Number	Name	Jurisdiction	Land Uses	Cumulative Project Characteristics			
				Cumulative Project Use	Location	Status	Brief Description
Recreation and Marina Projects							
5	D & E Dock Replacement Project [a]	Berkeley	Waterfront/Marina	Docks	Berkeley Marina Basin	~~Under Construction~~ Substantially complete. Remaining contract work anticipated to be completed by September 30, 2026.[i]	Replacement of docks, concrete piles, utilities, gangway, and gate structure. Installation of a concrete wall, slope protection, and landslide improvements. The replacement dock system consisting of 79 slips has been installed. Minor repairs and restroom improvements remain to be completed under the construction contract.
....							
7	Tom Bates Regional Sports Complex Restroom & Community Space [a]	Berkeley	Waterfront/Marina	Park facilities	400-408 Gilman Street	Design	Installation of a restroom, meeting room, storage area, one youth soccer field, and six pickle ball courts.
8	South Cove East Dock Pier Piling Repairs [a]	Berkeley	Waterfront/Marina	Docks	Easternmost public dock within the South Cove Sailing Basin	~~Design~~ Completed September 2025	Structural rehabilitation of deteriorated pier structure that leads to East Dock.
9	Replacement of South Cove Middle Dock ADA Gangway Float [a]	Berkeley	Waterfront/Marina	Docks	Connected to the middle public dock within the South Cove Sailing Basin	Design	Replacement of damaged ADA-compliant dock.
...							
20	Bay Trail Extension to the Berkeley Marina [j]	Berkeley	Waterfront/Marina	Active transportation facilities	Extends from the Bay Trail and I-80 bicycle/pedestrian overcrossing west of Frontage Road through the southern Berkeley Marina to the Berkeley Yacht Club at the north end of Seawall Drive	Partially completed	Multi-use Bay Trail extension approximately 1.2 to 1.3 miles in length. Trail implementation has occurred in phases, with initial segments completed in 2014 and Segment 3 completed in 2020. Remaining segments south of Adventure Playground toward Seawall Drive and the Berkeley Yacht Club remain dependent on future funding. [k]
Infrastructure Projects							
~~20~~21	N-Lot Parking Lot Improvements [c]	Berkeley	Parking	Parking	Berkeley Marina near Skates	Design	Parking lot improvements
~~21~~22	South Cove West Parking Lot [a]	Berkeley	Parking	Parking	South side of University Ave at the Berkeley Waterfront by Cal Adventures Club	~~Construction (expected completion date is Summer 2026)~~ Completed April 2026	~~Renovated p~~Parking lot ~~with~~ improvements including new asphalt, storm water treatment system, and new safety elements.
~~22~~23	Climate Action Plan [d]	Berkeley	Infrastructure	Mixed uses	Berkeley	Adopted	Strategic plan to improve sustainability in Berkeley through increased energy efficiency and renewable energy, improved active and public transportation, reduced waste and improved accessibility to locally produced food.
~~23~~24	199 Seawall Structural Repair Project [e]	Berkeley	Waterfront/Marina	Improved structural integrity	199 Seawall Drive	Planning	Installation of new pilings to reinforce concrete on eastern side of the building, repairs to a failed beam support, and repairs to existing pilings.
~~24~~25	Interstate 80/Ashby Avenue (SR-13) Interchange Improvements [f]	Alameda County Transportation Commission, Caltrans	Transportation Infrastructure	Transportation	I-80 and Ashby Avenue interchange	Design	Reconstruct the interchange to improve traffic flow, safety, and multimodal access, including a separate pedestrian and bicycle overcrossing connecting Shellmound Street to the Bay Trail.
~~25~~26	Local Bus Service Frequency Upgrades | AC Transit | Systemwide [f]	Alameda County Transit	Infrastructure, Transportation	Enhanced transit access and frequency in high-demand corridors	Alameda; Routes 72/72M/72R and 51B	Implementation	Upgrades bus frequency to 5-10-minute peak headways on routes 72, 72M, 72R, and 51B, which serve key access points to the Berkeley Waterfront.

Sources:

[a] Berkeley, City of. ~~2025~~ 2026. Capital Projects. https://berkeleyca.gov/your-government/our-work/capital-projects. (Accessed ~~June 2025~~ September 2026); Berkeley, City of. 2024. Status of the Southern Peninsula and the building at 199 Seawall Drive in the Berkeley Waterfront. November 18. https://berkeleyca.gov/sites/default/files/documents/2024-11-18%20%20Status%20of%20the%20Southern%20Peninsula%20and%20the%20building%20at%20199%20Seawall%20Drive%20in%20the%20Berkeley%20Waterfront.pdf. (accessed October 2025).

Cumulative Project Number	Name	Jurisdiction	Land Uses	Cumulative Project Characteristics			
				Cumulative Project Use	Location	Status	Brief Description

[b] East Bay Regional Park Improvement Project. 2025. North Basin Strip Shoreline Park Improvement Project. https://www.ebparks.org/sites/default/files/2025-0512_NBS-Feasibility-Report.pdf. (Accessed June 2025).

[c.] Berkeley, City of. 2025. Parks, Recreation, and Waterfront Department Capital Improvement Project and Minor Maintenance Program Update. https://berkeleyca.gov/sites/default/files/documents/2025-03-28%20%20Parks%2C%20Recreation%2C%20and%20Waterfront%20Department%20Capital%20Improvement%20Project%20and%20Minor%20Maintenance%20Program%20Update.pdf. (accessed October 2025).

[d.] Berkeley, City of. 2009. Berkeley Climate Action Plan. https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan (accessed October 2025)

[e] Berkeley, City of. 2024. Status of the Southern Peninsula and the building at 199 Seawall Drive in the Berkeley Waterfront. November 18. https://berkeleyca.gov/sites/default/files/documents/2024-11-18%20%20Status%20of%20the%20Southern%20Peninsula%20and%20the%20building%20at%20199%20Seawall%20Drive%20in%20the%20Berkeley%20Waterfront.pdf. (Accessed June 2025).

[f] Metropolitan Transportation Commission and Association of Bay Area Governments. 2025. Plan Bay Area 2050+ Final Blueprint: Transportation Project List Attachment F - Updated. https://planbayarea.org/sites/default/files/meetings/attachments/6204/10a_25_0106_7_Attachment_F_Transportation_Project_List_CORRECTED.pdf. (accessed June 2025).

[g.] Berkeley, City of. 2025. Reject All Bids Associated with Cesar Chavez Park Perimeter Pathway Improvement Project. https://berkeleyca.gov/sites/default/files/documents/2025-09-09%20Item%2014%20Reject%20All%20Bids%20Associated%20with%20Cesar%20Chavez.pdf#:~:text=The%20City%20received%20five%20bids%2C%20the%20lowest%20being,the%20Project%20is%20paused%20at%20the%20design%20phase. (accessed October 2025).

[h.] Berkeley, City of. 2025. K-Dock Restroom Renovation Project. https://berkeleyca.gov/your-government/our-work/capital-projects/k-dock-restroom-renovation. (accessed October 2025).

[i.] Miller, Roger. 2026. Senior Management Analyst and Project Manager, City of Berkeley Parks, Recreation, and Waterfront Department. Personal Communication via email regarding the D & E Dock Replacement Project status with Ryan Perry, Environmental Planner, Rincon Consultants. September 3.

[j.] Berkeley, City of. 2003. Bay Trail Extension To The Berkeley Marina Design Plan and Final Initial Study/Mitigated Negative Declaration. https://ceqanet.lci.ca.gov/2003092068 (accessed September 2026).

[k.] Berkeley, City of. 2020. Berkeley Bay Trail Extension – Segment Three Project at the Berkeley Marina. https://berkeleyca.gov/sites/default/files/documents/Bay-Trail-Extension_Project%20Summary.pdf (accessed September 2026).

Response to Comment O10-44

As described in Response to Comment O10-43, the Draft EIR relies upon the best available information at the time of the Notice of Preparation (April 18, 2025) to define baseline conditions. At the time of Notice of Preparation, the referenced closure and repairs were ongoing and the project was identified as a cumulative project because completion and reopening of the facility was reasonably foreseeable prior to implementation of the proposed project (refer to Table 3-1, page 3-9 of the Draft EIR).

The City acknowledges that the South Cove East Dock reopened in September 2025 after publication of the Notice of Preparation and prior to preparation of the Final EIR. Accordingly, in response to this comment Draft EIR Table 3-1, Present and Reasonably Foreseeable Cumulative Projects List, has been revised to update the project status. Please refer to Response to Comment O10-43, which includes this revision as well as additional clarifying revisions in response to similar comments.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. Aside from the clarifying revision to Table 3-1, no further revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-45

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, and Section 2.2.20, *Topical Response: Parking,* for discussions regarding the cumulative impact assessment methodology and parking considerations as they relate to CEQA analysis.

The City acknowledges that, following publication of the Notice of Preparation, the Berkeley City Council approved implementation of parking fees at the South Cove East, South Cove West, and J/K parking lots. The fee program was scheduled to take effect beginning January 1, 2026, and would apply to more than 200 parking spaces within these lots. The program involves placement of parking fee collection equipment and associated payment kiosks that would be placed on existing concrete surfaces. Public Resource Code 21065 provides the following definition for a project: " 'Project' means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment…" The implementation of parking fees does not meet this definition pursuant to CEQA; therefore, the fee program identified by the commenter does not meet the definition of a cumulative project.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-46

Page 3-6 of the Draft EIR defined reasonably foreseeable projects as follows: "Reasonably foreseeable future projects are defined as those likely to occur during the same period of time as construction and operation of the project and that could contribute to the cumulative impact on a particular environmental resource. Reasonably foreseeable projects are future projects (including those currently proposed) that are likely or probable, rather than those that are merely possible. Generally, projects are reasonably foreseeable if they meet any one or more of the following conditions:

- The project is a foreseeable future phase of an existing project.
- Applications for project entitlements or construction are pending with a government agency (these projects may have been analyzed in a recent environmental document).
- The project is included in regional transportation plans; regional transportation improvement programs; local long-range transportation plans; local land use, general, and specific plans; or an agency's budget or capital improvement program."

Funding commitments alone do not constitute a reasonably foreseeable cumulative project. When it comes to Measure FF, a cumulative project would need to be a specific project located near the project

site that is reasonably foreseeable and not just merely possible. The comment has not identified a specific cumulative project that is funded through Measure FF that would constitute a cumulative project. The City's Measure FF webpage identifies two specific funded projects, including the Replacing Traffic Barriers with Planter Boxes project and the Outdoor Warning System: Emergency Siren Network project.[34] The planter box project involves replacement of existing traffic barriers at locations including Woolsey/Hillegass, Fulton/Ashby, and Harmon/California.[35] The emergency siren project involves installation of warning sirens at various locations throughout Berkeley.[36] Neither project is located within the project vicinity, involves bicycle recreation facilities, nor would contribute to recreation-related cumulative impacts associated with the proposed project. In addition, neither project would provide the type of bicycle facility improvements referenced in the comment. Accordingly, these Measure FF-funded projects do not constitute cumulative projects relevant to the recreation analysis for the proposed project.

The comment has not identified any specific bicycle improvement project funded through Measure FF. The general existence of Measure FF funding itself does not provide evidence that a reasonably foreseeable recreation or transportation project should be added to the cumulative projects list or discussed as an alternative recreational facility within the EIR. For further discussion regarding the identification of cumulative projects and cumulative analysis under CEQA, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-47

Although future Bay Trail improvements may occur independent of the project, the proposed Bay Trail extension is a project feature that advances the project objectives by enhancing recreation and multimodal access at the project site. The Draft EIR does not rely on the proposed project as the sole means of implementing Bay Trail improvements. Rather, the Draft EIR evaluates the environmental effects of all project components being proposed by the City, including the Bay Trail extension, consistent with CEQA Guidelines. Section 3.11, *Recreation*, evaluates project-related contributions to recreation and concludes that the project would result in a net increase in recreational opportunities at the waterfront due to the inclusion of features such as the Bay Trail extension (refer to Impact REC-1).

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-48

Under CEQA Guidelines Section 15125, an EIR must describe the physical environmental conditions at the time the NOP is published. Future improvements to the Bay Trail, regardless of when or by what funding mechanism they are constructed, are not appropriate to be considered a baseline condition. The comment does not raise any specific deficiencies in the cumulative analysis as it relates to the Bay Trail. The Draft EIR adequately characterizes baseline conditions and reasonably foreseeable cumulative conditions and evaluates the project's contribution to cumulative impacts consistent with CEQA Guidelines. Accordingly, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

[34] Berkeley, City of. 2026. Capital Projects, Measure FF. https://berkeleyca.gov/funding-source/measure-ff (accessed July 2026).

[35] Berkeley, City of. 2026. Capital Projects, Replacing Traffic Barriers with Planter Boxes. https://berkeleyca.gov/your-government/our-work/capital-projects/replacing-traffic-barriers-planter-boxes (accessed July 2026).

[36] Berkeley, City of. 2026. Capital Projects, Outdoor Warning System: Emergency Siren Network. https://berkeleyca.gov/your-government/our-work/capital-projects/outdoor-warning-system-emergency-siren-network (accessed July 2026).

Response to Comment O10-49

CEQA distinguishes between baseline conditions (CEQA Guidelines Section 15125) and cumulative analysis (CEQA Guidelines 15130). The Draft EIR appropriately evaluated project-related impacts based on existing conditions at the time of Notice of Preparation (April 18, 2025) and project-related contributions to cumulatively considerable impacts consistent with the defined requirements within the referenced CEQA Guidelines.

Refer to Response to Comments O10-42 through O10-48 for specific responses to conditions raised by the comment.

The Draft EIR adequately characterizes baseline conditions and reasonably foreseeable cumulative conditions and evaluates the project's contribution to cumulative impacts consistent with CEQA Guidelines. Accordingly, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-50

Table 1-1, *EIR Scoping Comments and EIR Location Information*, within the Draft EIR, summarizes the comments received and where the City addressed those issues within the EIR.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding quantified baseline inventory of recreational use and sufficient analysis of impacts on recreational uses.

Response to Comment O10-51

The comment correctly identifies a typographical error in Section 3.11.4 that references Section 3.10.2, which pertains to Noise. The correct reference is Section 3.11.2, *Environmental Setting*. In response to this comment, page 3.11-15 of the EIR has been revised to correct the reference as follows:

> One agency (BCDC) requested that the City document recreational use, identify the service area and service population, assess whether recreational facilities for the project are commensurate with need, and assess potential deterioration of facilities. Section ~~3.10.2~~ 3.11.2, *Environmental Setting* provides details about existing recreational use, the service area and service population, and the existing parks to person ratio; and Impact REC-1 addresses impacts associated with the physical deterioration of recreational facilities.

The above revision is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR.

Regarding the request for a quantitative inventory of recreational uses, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

With respect to Bay Plan Recreation Policy 3(a)(7), consistency with applicable San Francisco Bay Plan policies is evaluated in Draft EIR Section 3.9, *Land Use and Planning* (see Table 3.9-1 within Impact LU-2, pages 3.9-12 through 3.9-23). Although Recreation Policy 3(a)(7) is not specifically identified in Table 3.9-1, the Draft EIR's broader Bay Plan consistency analysis addresses the policy's underlying objectives related to public access, multimodal access, recreational facilities, parking, signage, and wayfinding.

Notably, BCDC did not identify omission of Recreational Policy 3(a)(7) as a concern in its comment Letter on the Draft EIR. Nonetheless, in response to this comment, Draft EIR Table 3.9-1 has been revised for clarity to expressly evaluate consistency with Bay Plan Recreation Policy 3(a)(7) as follows.

Table 3.9-1 BCDC San Francisco Bay Plan Consistency

Policy	Consistency
Recreation	
Policy 3(a)(7). Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public or from public streets or trails.	**Consistent.** As described in Chapter 2, *Project Description*, the proposed project would include wayfinding signage along University Avenue, Marina Boulevard, Seawall Drive, the Seawall Drive Parking Lot, portions of the Berkeley Waterfront, and Shorebird Park to direct visitors to the new pier, ferry facilities, parking areas, and other recreational destinations. The project would also include interpretive and educational signage along the pier, breakwater, and Bay Trail Extension. Final signage design and placement would be refined through final design and applicable permitting processes. The project would also provide continued public access to recreational facilities from public streets and trails, including University Avenue, Seawall Drive, and the Bay Trail, and would maintain and improve public parking access through renovation of the existing Seawall Drive parking lot, which would provide approximately 400 to 450 public parking spaces. In addition, the project would enhance pedestrian, bicycle, and transit access through construction of a new cycle track, Bay Trail improvements, bicycle parking facilities, and transit improvements. Accordingly, the project would be consistent with Recreation Policy 3(a)(7).
Policy 7. Because of the need to increase the recreational opportunities available to Bay Area residents, small amounts of Bay fill may be allowed for waterfront parks and recreational areas that provide substantial public benefits and that cannot be developed without some filling.	**Consistent.** The proposed pier and breakwater would provide recreational opportunities to the Bay. As such, the fill would be allowed if it provides substantial public benefits and cannot be developed without some filling. Since the proposed project will provide an alternative form of transportation that will reduce vehicle miles traveled and greenhouse gas emissions, as well as providing a new recreational opportunity to access the Bay, the proposed project will result in substantial public benefits.

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The revisions described above are clarifying in nature and do not alter the impact analysis or significance conclusions presented in Section 3.9, *Land use and Planning*, or Section 3.11, *Recreation*, of the Draft EIR. Accordingly, the analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment O10-52

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* for a discussion of recreational uses.

Additionally, the comment that the project would eliminate nearly all public parking is not accurate. The Draft EIR states in Chapter 2, *Project Description*, that the project would replace the existing 404 parking spaces with 400 to 450 new public parking spaces (pending final design), including ADA-accessible and EV parking spaces (see Section 2.5, page 2-18). For further discussion of parking considerations, please refer to Section 2.2.20, *Topical Response: Parking.*

The Draft EIR provides an adequate baseline for CEQA purposes, and the analyses and conclusions remain valid as written. No revisions are required.

Response to Comment O10-53

Section 3.11, *Recreation*, describes the relationship among shoreline parks, marina areas, and adjacent state park lands, and identifies the broader recreational system within the project vicinity. Figures 3.11-1 and 3.11-2 (Draft EIR pages 3.11-2 and 3.11-3) illustrate the distribution of these resources and their connections via the Bay Trail and bicycle/pedestrian linkages. The impact analysis considers how the project would affect this interconnected system and concludes that the project would improve access and connectivity. As described in Chapter 2, *Project Description*, project features supporting recreational use include the new pier and breakwater, shoreline access improvements, pedestrian and bicycle infrastructure (including Bay Trail connections), enhanced transit access, and amenities such as an ADA-accessible public plaza, restrooms, bicycle parking, shade structures, seating, and a fish-cleaning station (see Draft EIR Section 2.5, *Proposed Project Components*).

For additional discussion of baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The Draft EIR provides an adequate baseline for CEQA purposes, and the analysis and conclusions remain unchanged. No revisions are required.

Response to Comment O10-54

Refer to Section 3.11, *Recreation*, including Figures 3.11-1 and Section 3.11.2, which identify recreational resources within the project vicinity, including shoreline parks, trails, marina basins, and adjacent waters. The Draft EIR evaluates recreation consistent with CEQA Guidelines by considering all physical recreational resources, including both land-based and water-based uses, and evaluating whether the project would cause deterioration or require new facilities (Impact REC-1).

In response to this comment, the following clarifying text changes have been made to Subsection 3.11.2, *Environmental Setting*, of the Draft EIR, which provides the following recreation definitions (refer to Page 3.11-1):

> Open space is a broad term for undeveloped land that provides public access, while a park is a specific type of open space that is developed for recreation and leisure activities. Parks can include playgrounds, sports fields, and paved paths, whereas open spaces can be more natural and less developed areas like forests, farms, or grasslands. Both open space and parks can be publicly owned and operated by a city, a regional jurisdiction, the State, or the federal government. A recreational facility is a specific, human-made structure or area designed for a particular recreational activity and can include elements such as parks and picnic sites, pathways and trails, boating docks, community

and nature center buildings, sports courts and swimming pools, among other elements. For purposes of the EIR analysis presented in Section 3.11.4, *Impacts Analysis*, recreational resources include both land-based facilities, such as parks, trails, and open space areas, as well as water-based areas used for recreation, such as marina basins, lagoons, and San Francisco Bay Waters. Figures depicting park and recreation resources may include water features to represent the full extent of recreational use areas rather than solely land acreage.

The text change is clarifying in nature and does not result in a change to the adequacy of the Draft EIR. The analysis, significance conclusion, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment O10-55

As identified on Page 3.11-1, Section 3.11, *Recreation*, of the Draft EIR, the park acreage ratio is 34.5 acres per 1,000 residents. As described therein, the City has a total of 4,430 acres of public parks and open space within City limits, spanning 52 parks (and associated buildings, parking lots, and play areas), 21 turf medians, 75 developed paths, 40 undeveloped paths, the Berkeley Marina, and 310 acres of parklands, as well as portions of the 1,833-acre McLaughlin Eastshore State Park, the 2,079-acre East Bay Regional Park District Tilden Regional Park, and 209-Claremont Canyon Regional preserve. The acreage of these parks and open space resources was obtained from publicly available information published by the agencies that manage these facilities, including the City of Berkeley General Plan, the City of Berkeley Parks, Recreation, and Waterfront Department website, and the East Bay Regional Park District website. These publicly available acreage figures represent the agencies' characterization of the recreational resources they manage and therefore provide a reasonable basis for evaluating existing park and recreation resources, as well as calculating the park acreage ratio presented in the Draft EIR. The total of 4,430 acres of parks and open space and a population of 128,348 residents in 2025 equates to 0.0345 acres per person, or 34.5 acres per 1,000 residents when multiplied by a factor of 1,000 to achieve the standard metric of acreage per 1,000 residents. which results in a total of 34.5 acres per 1,000 residents. The calculation of park acreage per resident is consistent with the City's methodology of identifying park acreage per resident. In addition, the Draft EIR does not rely solely on the park acreage ratio to evaluate impacts. As discussed within Section 3.11.4, *Impacts Analysis*, the Draft EIR evaluates whether the project would increase the use of existing recreational facilities such that substantial deterioration would occur or be accelerated (refer to Impact REC-1). Based on the information presented therein, the Draft EIR identifies that the project would improve and expand recreational opportunities at the Berkeley Waterfront through the construction of new public amenities, including Bay Trail improvements, waterfront access enhancements, public open space features, viewing areas, seating areas, and related recreational infrastructure. As such, the Draft EIR concludes that the project would add recreational resources and improve public access rather than reducing recreational opportunities available to residents, and accordingly concludes that impacts would be less than significant. No change to the Draft EIR or other response is necessary.

Response to Comment O10-56

Draft EIR Section 3.11, *Recreation*, describes existing recreational resources at the Berkeley Waterfront, including the type, function, and characteristics of facilities and use areas (see Section 3.11.2, *Environmental Setting*). This qualitative discussion reflects the quality of recreational opportunities, including the range of activities supported (e.g., shoreline access, boating, fishing, and passive recreation) and the physical features that enable those uses. Where available, the Draft EIR also provides quantitative information, such as park acreage and spatial extent of recreational areas. Together, these qualitative and quantitative descriptions provide an appropriate characterization of both the quality and quantity of recreational resources consistent with CEQA requirements, which focus on physical conditions and facility capacity rather than subjective measures of recreational experience. No revisions to the Draft EIR are required.

Response to Comment O10-57

As discussed in Section 3.11, *Recreation*, the Draft EIR evaluates environmental impacts to recreational resources consistent with CEQA Guidelines, which focus on physical environmental conditions and effects. CEQA does not require characterization of user demographics unless such information is necessary to evaluate whether a project would result in a physical environmental impact. Accordingly, the recreational baseline focuses on the location, capacity, and function of recreational facilities and access, which are the relevant factors for evaluating potential physical deterioration or the need for expanded facilities (see Draft EIR Section 3.11.4).

While socioeconomic considerations such as environmental justice are not a resource requiring evaluation under CEQA, the City continues to consider such issues through its broader planning and policy efforts, including its General Plan Environmental Justice Element. The Environmental Justice Technical Report describes how the City engaged with Environmental Justice communities in its extensive public engagement efforts and how that input helped to inform project design.

As described in Draft EIR Chapter 2, *Project Description* (see Section 2.5, *Proposed Project Components*), and Section 3.11, *Recreation* (see Impact REC-1), the project would expand recreational opportunities and improve public access to the waterfront through new and enhanced facilities, including shoreline access, a restored pier, public open space, and multimodal connections. These improvements would benefit a diverse range of users and increase overall accessibility.

The Draft EIR evaluates environmental impacts to physical recreational resources consistent with CEQA Guidelines, which do not require demographic analysis unless tied to physical environmental impacts. For additional discussion of baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-58

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*, for a discussion of how the Draft EIR evaluates the project's consistency with applicable land use plans and policies.

SB 1000 (Government Code Section 65302(h)) requires local jurisdictions to address environmental justice in their General Plans, including through the preparation of an Environmental Justice Element or equivalent policies for disadvantaged communities. SB 1000 applies to the preparation or update of General Plans and does not establish a separate CEQA significance threshold for individual development projects. The proposed project is not a General Plan amendment or General Plan update, and therefore, the requirements of SB 1000 do not apply to the proposed project. Nevertheless, environmental justice considerations were incorporated into the planning process for the proposed project. As summarized in Draft EIR Section 1.2.2, *Public Outreach*, the City conducted extensive public outreach in 2025, including engagement with community organizations and groups representing historically underserved populations (see Draft EIR pages 1-4 and 1-5). In addition, the City prepared the Berkeley Water Transportation Pier Ferry Environmental Justice Existing Conditions and Constraints Technical Study, which was cited within Draft EIR Section 1.2.2 and made publicly available as part of the environmental review process[37], to evaluate environmental justice conditions in the project vicinity.

The Draft EIR evaluates the project's consistency with applicable local and regional plans, including policies related to public access and recreation, within Section 3.9, *Land Use and Planning* (see Impact LU-2), and evaluates potential physical environmental impacts that could affect surrounding communities, throughout Chapter 3, *Environmental Impact Analysis*, and identifies mitigation measures as appropriate. The analysis therein did not identify substantial evidence that the proposed project would result in

[37] Berkeley, City of. 2025. Berkeley Water Transportation Pier Ferry Environmental Justice Existing Conditions and Constraints Technical Study. October 15. Prepared by Rincon Consultants. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/Berkeley_2025_BWTPF-Environmental-Justice-Technical-Study.pdf (accessed July 2026).

disproportionately severe adverse physical environmental impacts on disadvantaged or underserved communities.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-59

SB 535 established a framework for identifying disadvantaged communities for purposes of directing portions of State climate-investment funding to communities experiencing disproportionate environmental burdens, with the goal of improving public health, quality of life, and economic opportunities while reducing climate-related pollution.[38] However, SB 535 does not establish independent CEQA significance thresholds, create environmental justice analysis requirements under CEQA, or otherwise modify the standards used to determine the significance of environmental impacts under CEQA.

Although SB 535 does not impose CEQA requirements, the proposed project would generally support many of the policy objectives associated with State identification of and investment in disadvantaged communities. As described throughout the Draft EIR, the proposed project would expand public access to the Berkeley Waterfront through construction of a public pier and breakwater, improved bicycle and pedestrian connections including a new cycle track and Bay Trail Extension, enhanced public transit facilities, and new public amenities (refer to Draft EIR Section 2.5, *Proposed Project Components*). In addition, the proposed project would provide a new zero-emission transportation option connecting Berkeley to regional job centers while reducing greenhouse gas emissions and supporting multimodal mobility. The project would provide public health benefits through reduced greenhouse gas emissions and expanded opportunities for active transportation, including improved bicycle and pedestrian infrastructure and supporting amenities that promote walking, bicycling, and transit use while improving access to the Berkeley Waterfront. Furthermore, WETA has identified the surrounding community as having comparatively limited transit access and a greater concentration of lower-income and historically underserved populations.[39] Accordingly, the proposed zero-emission ferry service would improve connectivity between the community and higher-paying regional job centers throughout the Bay Area while advancing the goals of SB 535 to improve public health and economic opportunity in disadvantaged communities.

However, the fact that nearby communities may be identified as disadvantaged communities under SB 535 does not create a separate CEQA impact category or significance threshold. Rather, potential environmental impacts of the proposed project are evaluated in the Draft EIR using the significance criteria established under CEQA. Consistent with that analysis, the project would not result in disproportionately severe adverse physical environmental impacts on disadvantaged communities.

For further discussion of how the Draft EIR evaluates consistency with applicable plans and policies, including those related to public access and recreation, refer to Response to Comment O10-58 and to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-60

For a discussion of BMC 6.20.180 as it relates to the Draft EIR analysis, refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

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38 California Environmental Protection Agency Office of Environmental Health Hazard Assessment. 2026. SB 535 Disadvantaged Communities. https://oehha.ca.gov/calenviroscreen/sb535 (accessed August 2026).

39 WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. Prepared by Economic Planning Systems, Inc. March 17. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf. (accessed August 2026).

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-61

For discussion of existing water access and legally permitted recreational uses, refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*, and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The baseline and resulting analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-62

Page 3.11-7, Section 3.11, Recreation (Section 3.11.3, Regulatory Framework), states that Section 4(f) would only apply should project implementation involve federal funding. The comment is incorrect. CEQA compliance often occurs independently of NEPA compliance. NEPA compliance is required if the project has a federal nexus such as federal funding, requirement for a federal permit, or the use of federal land. In this instance, the project has not yet received any federal funding. It is likely that the project will require NEPA clearance when pursuing federal permits from National Marine Fisheries Service or U.S. Army Corps of Engineers (USACE). At that time, the federal lead agency would determine the NEPA pathway for environmental compliance. In summary, CEQA does not require an analysis of Section 4(f) impacts, and no change to the Draft EIR or other response is necessary.

Response to Comment O10-63 and O10-64

Section 3.11, *Recreation*, of the Draft EIR includes descriptions of each of the facilities identified by the comment, including formerly named Cesar Chavez Park (pages 3.11-5 and 3.11-6), Shorebird Park (page 3.11-4), Horseshoe Park (page 3.11-5), Adventure Playground (page 3.11-4), and McLaughlin Eastshore State Park (page 3.11-6), in addition to other facilities and uses at the Waterfront (see Section 3.11-2, *Environmental Setting*, pages 3.11-1 through 3.11-7). The level of detail provided therein is sufficient to support environmental analysis in accordance with CEQA Guidelines. No further revisions to the EIR are necessary.

Response to Comment O10-65

Section 3.11, *Recreation*, of the Draft EIR relies upon established, professionally reviewed data sources as described in reports accessible to the public. While the City has access to and may consider third-party proprietary tools such as Placer.ai for certain planning purposes, such tools are not typically used as primary data sources in CEQA documents due to limitations related to methodological transparency, replicability, and representativeness at broader geographic scales. Given that the proposed project serves a regional transportation function, including connectivity beyond the City of Berkeley, the use of more authoritative data sources is appropriate and ensures consistency with established CEQA practice.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* for further discussion of the environmental baseline described in the Draft EIR.

The level of detail provided therein is sufficient to support environmental analysis in accordance with CEQA Guidelines. No further revisions to the EIR are necessary.

Response to Comment O10-66

Refer to Response to Comment O10-65 regarding concerns about baseline conditions and use of Placer.ai data.

Cumulative impacts considering future uses are analyzed at a level of detail consistent with CEQA Guidelines within Section 3.11.5, *Cumulative Impacts*, based on the cumulative baseline established in

Chapter 3 (refer to pages 3-1 through 3-10). The analysis therein concludes that cumulative impacts related to increased visitation would be less than significant (refer to page 3.11-24).

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-67 to O10-70

Draft EIR Section 3.11, *Recreation*, evaluates recreational use based on physical conditions and access rather than demographic or socioeconomic characteristics of users consistent with CEQA Guidelines (Section 15064(e)). However, the City acknowledges the importance of accessibility to the Waterfront, as expressed in Draft EIR Chapter 2, *Project Description*, which describes that a key objective of the project is to maximize access to the Bay (see Section 2.3, Project Objectives, page 2-4). While not required by CEQA and therefore not directly analyzed in the Draft EIR, the City has addressed socioeconomic concerns through other project planning efforts, such as preparation of the Environmental Justice Technical Report, which included extensive public engagement to support project design refinements and identify key issues.

These efforts are reflected in Draft EIR Section 2.5, *Project Components*, which describes several project features that would increase public access at the Waterfront for all users, including the implementation of new and improved pedestrian and bicycle infrastructure, the new pier and breakwater, and supporting amenities such as the ADA-compliant public plaza, restrooms, shade canopies, seating, fish cleaning station, and bike racks, as well as enhancements to existing AC Transit infrastructure, all of which have been designed to support increased accessibility and encourage recreational uses. Draft EIR Section 3.11.2, *Environmental Setting*, appropriately characterizes existing Waterfront uses consistent with what is required by CEQA Guidelines and provides sufficient information to assess the potential impacts associated with project implementation and whether recreational opportunities would be increased or diminished by the project (refer to Draft EIR pages 3.11-1 through 3.11-7). This is evaluated in Draft EIR Section 3.11.4, *Impacts Analysis*, under Impact REC-1, which concludes that the project would result in a net increase in recreational opportunities and that impacts related to increased visitation and subsequent degradation of existing recreational facilities would be less than significant (see Draft EIR pages 3.11-16 through 3.11-20).

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-71

The Draft EIR analyzes physical project impacts related to each CEQA Appendix G resource at a level consistent with CEQA Guidelines. As described in Responses to Comments O10-67 to O10-70, demographic or socioeconomic characteristics do not represent physical environmental impacts requiring analysis under CEQA Guidelines Section 15064(e). Accordingly, such characteristics are not disclosed in the Draft EIR *Project Description*, as they are not recognized issues under CEQA, and inclusion of such data as provided by the comment would not result in a change to the physical impact conclusions presented in the Draft EIR. The Draft EIR instead describes the project features (Chapter 2, *Project Description*) and then analyzes project impacts related to environmental resources in accordance with CEQA Appendix G Guidelines based on sufficient evidence in the record, regulatory requirements, and professional judgement by subject matter experts within Chapter 3, *Environmental Impact Analysis*. Therein, the Draft EIR demonstrates that the proposed project features such as the new pier and breakwater, new recreational and active transportation infrastructure, enhanced AC Transit facilities, and supporting amenities would result in improved access to the Waterfront (see Section 3.11, *Recreation*, Impact REC-1, and Section 3.12, *Transportation*, Impact TRA-1).

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-72 to O10-73

The Draft EIR acknowledges fishing as an existing Waterfront activity within Section 3.11, *Recreation* (see Section 3.11.2, Environmental Setting, pages 3.11-1 through 3.11-7). As described in Chapter 2, *Project Description*, and in Section 3.11.4, *Impacts Analysis*, the project would restore public access to the Berkeley Pier, which has been closed since 2015, thereby enhancing opportunities for fishing and other recreational uses (see Section 2.5, *Project Components*, and Impact REC-1).

The analyses and significance conclusions, and mitigation measures presented in Section 3.11, *Recreation* of the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-74

In response to this comment, the following text revisions have been made to Draft EIR page 3.4-10 to clarify the results of the 2025 Berkeley Pier evaluation:

> Two of the evaluation efforts focused on the Berkeley Pier and did not consider the property's larger developmental context, current ownership, and functionally related relationship of the Berkeley Pier to the larger Berkeley Marina, to which it is historically linked. As recommended by guidance from OHP, the evaluation was updated in 2025 to support the proposed project's environmental review to amplify information about the resource and document changes that have occurred since the previous evaluation.[43] Additionally, the updated 2025 Berkeley Pier evaluation considered the Berkeley Pier within its broader historical context, including its relationship to the Berkeley Marina, and assessed local eligibility, which was not included in previous evaluations. The results of the 2025 updated evaluation indicate that the Berkeley Pier does not meet the criteria for listing in the NRHP, CRHR, Berkeley Register of Designated Landmarks BERD, or as a City of Berkeley historical resource. Accordingly, the updated evaluation confirms that no historical resources are present within or directly adjacent to the project site.

The above text change is clarifying in nature, as it provides additional information regarding the evaluation outcome, but does not result in a change to the analysis or impact conclusions presented in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented in Section 3.4, *Cultural Resources*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O10-75

Draft EIR Section 3.11, *Recreation,* acknowledges fishing as an existing Waterfront use (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7) and evaluates how project features would affect access to shoreline and pier-based fishing (see Section 3.11.4, pages 3.11-16 through 3.11-20). As described in Draft EIR Chapter 2, *Project Description*, the project would restore public access to the Berkeley Pier, which has been closed since 2015, and install new amenities that would support fishing and other recreational uses, such as shade canopies, seating, and a fish cleaning station (see Section 2.5, *Proposed Project Components*). Accordingly, the Draft EIR concludes that the project features described in Section 2.5 would enhance opportunities for fishing and other recreational uses, and that impacts related to degradation of existing recreational facilities and uses would be less than significant as a result (see Impact REC-1, pages 3.11-16 through 3.11-20).

The analyses, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-76

CEQA requires evaluation of physical environmental impacts rather than economic valuation or social benefits (CEQA Guidelines 15064(e)). Accordingly, Draft EIR Section 3.11, *Recreation*, evaluates whether recreational opportunities would be increased or decreased and whether implementation of new

recreational infrastructure would result in environmental impacts based on physical changes. The absence of economic valuation does not affect the adequacy of the environmental analysis within the Draft EIR. Nonetheless, the project would involve installation of a new pier and breakwater with supporting amenities that would increase and encourage access to fishing (see Section 2.5, *Proposed Project Components*, and Impact REC-1), thereby enhancing the economic and social benefits associated with recreational fishing referenced by the comment.

The analyses, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-77

The Draft EIR acknowledges boating, fishing, and related water-dependent recreational uses in Section 3.11.2, *Environmental Setting* (see Draft EIR pages 3.11-1 through 3.11-7). The comment does not identify a deficiency in the environmental analysis or affect the conclusions of Impact REC-1 or REC-2.

The comment is noted for informational purposes. No revisions to the Draft EIR are required.

Response to Comment O10-78

Refer to Response to Comment O10-76 regarding the comment about understating the economic value, use and social benefits of uses at the waterfront.

The omission of specific nonprofit program reporting or updated berth fee waiver data does not undermine the adequacy of the recreational baseline for purposes of CEQA impact analysis.

For additional discussion of baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-79

While the comment provides additional details regarding specific programs and their social value, CEQA focuses on physical environmental conditions and impacts. The omission of specific programmatic or economic descriptions does not affect the adequacy of the environmental analysis.

The comment is noted for the record. No revisions to the Draft EIR are required.

Response to Comment O10-80

Draft EIR Section 3.11, *Recreation*, describes water-based recreation uses of the Waterfront, including sailing and windsurfing, and specifically acknowledges Cal Sailing Club activities within Section 3.11.2, Environmental Setting (refer to page 3.11-6). The description of existing recreational facilities and uses presented therein reflects level of detail sufficient to support analysis under CEQA, rather than a catalog of specific programs and their socioeconomic benefits, which are not subject to CEQA evaluation (CEQA Guidelines 15064(e)). Additionally, the Draft EIR demonstrates that project implementation would maintain access to existing sailing areas and improve infrastructure supporting water-based recreation (see Impact REC-1). Therefore, inclusion of the socioeconomic considerations provided by the comment would not result in a change in analysis or significance conclusions under Impact REC-1 or Impact REC-2.

The analyses, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-81

The Draft EIR does not understate the project site as a resource for swimming. Section 3.11, *Recreation*, Subsection 3.11.2, *Environmental Setting*, identifies swimming among existing recreational uses within the South Sailing Basin and San Francisco Bay (Pages 3.11-6 and 3.11-7). For further discussion of the baseline conditions used in the recreation analysis, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*. With respect to parking as it relates to public access, refer to Section 2.2.20, *Topical Response: Parking,* which describes specific planned strategies to reduce the potential for public access impacts due to parking conflicts between recreational users and ferry commuters.

Although the City maintains the adequacy of the recreational baseline conditions and analysis, in response to this comment, the following clarifying text change has been made to Section 3.11.2 of the EIR (Page 3.11-7):

> Open water swimming is a recognized recreational activity within the Berkeley Waterfront, including use of marina coves and shoreline areas. While the Draft EIR does not quantify user volumes, these activities are considered part of the existing recreational baseline in evaluating potential impacts to recreational access and facilities. Windsurfers, wingers, swimmers, paddleboarders, and kayakers launch from the South Sailing docks or Shorebird Beach for access throughout the South Sailing Cove and beyond. An un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula is used by some swimmers and windsurfers/wingers, primarily when low tides make launching from the South Cove undesirable due to shallow water and exposed mudflats. According to Berkeley Municipal Code Section 6.20.180, Prohibited activities, swimming, bathing, windsurfing, and wading is prohibited within the City jurisdictional waters except for the South Sailing Basin (including the Shorebird Park Beach and the sailing docks), and no personal watercraft of any kind may be operated within 1,500 feet of the Berkeley Pier.

The above text change is clarifying in nature, as it provides additional transparency regarding the recreational baseline, but does not result in a change to the analysis or impact conclusions presented in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O10-82

Refer to Response to Comment O10-81 regarding the consideration of swimmers in the EIR.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions are necessary.

Response to Comment O10-83

For discussion of baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-84

Impacts to visual resources are discussed and analyzed in Section 3.1, *Aesthetics,* Impact Evaluation, pages 3.1-20 through 3.1-36*,* of the Draft EIR. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of visual resource impacts is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-85

The Draft EIR evaluates the proposed project's consistency with applicable Bay Plan policies in Table 3.9-1 (BCDC Bay Plan Consistency) under Impact LU-2 in Section 3.9, *Land Use and Planning* (Draft EIR pages 3.9-12 through 3.9-23). Table 3.9-1 identifies relevant Bay Plan policies, including Public Access Policy 9 and Recreation Policy 9, and provides a qualitative assessment of project consistency based on project design features and operational characteristics. The analysis therein concludes that the proposed project would be consistent with applicable Bay Plan policies with implementation of identified mitigation measures (see Draft EIR page 3.9-23), and acknowledges that BCDC will conduct an independent review of the project's consistency with its governing laws and policies. Regarding Recreation Policy 9, refer also to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion related to consistency with this policy as it relates to parking access for different users of the Berkeley Waterfront.

With respect to the comment regarding BCDC Bay Plan Appearance, Design, and Scenic Views Finding (d), Table 3.9-1 evaluates consistency with applicable Bay Plan policies, including those related to Appearance, Design, and Scenic Views. This analysis appropriately addresses policy consistency, as the Bay Plan Findings provide the basis for those policies but are not themselves independently applied as standards for consistency review consistent with CEQA Guidelines. Impacts related to aesthetics, including scenic views, are evaluated in more detail within Draft EIR Section 3.1, *Aesthetics*, which concludes that impacts related to scenic views would be less than significant (see Impact AES-1). For further discussion regarding project impacts related to scenic views, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access.* The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-86

As detailed in the Operation discussion under Impact AES-1, page 3.1-20, of the Draft EIR, the low profile of the proposed project compared to the elevation of surrounding viewpoints is one of multiple factors considered when determining the significance of impacts to scenic views and vistas. Additionally, the visibility of key viewsheds (i.e., the San Francisco skyline, the Bay, surrounding ridgelines) is key to determining whether substantial adverse effects on scenic vistas would occur; if a proposed project were to obscure a scenic vista, that would result in a significant impact. The proposed project was determined to have less than significant impacts to scenic vistas.

Environmental impacts associated with scenic vistas are evaluated throughout the Draft EIR. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-87

Changes to the scenic views, including the Bay and the extended viewshed, as a result of individual project components are detailed in Section 3.1, *Aesthetics* (Impacts AES-1, pages 3.1-20 through 3.1-27, and AES-3, pages 3.1-28 through 3.1-33). Impacts related to degradation of scenic views/vistas and visual character, and consistency with applicable zoning and other regulations governing scenic quality, were determined to be less than significant.

The aesthetics analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-88

The comment expresses concern that the Draft EIR does not fully evaluate impacts to views of the Bay and shoreline, and scenic composition, resulting from implementation of the proposed breakwater.

Changes to the scenic views, including the Bay and the extended viewshed, as a result of individual project components are detailed in Section 3.1, *Aesthetics* (Impacts AES-1, pages 3.1-20 through 3.1-27, and AES-3, pages 3.1-28 through 3.1-33). Impacts related to degradation of scenic views/vistas and visual character, and consistency with applicable zoning and other regulations governing scenic quality, were determined to be less than significant.

Aesthetics analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-89 to O1-93

Refer to Section 2.2.26, *Topical Response: Vessel Aesthetics*, for a discussion about how the project's introductions of ferry vessels would be consistent with the visual character of the viewshed.

The absence of vessels in conceptual renderings does not affect the adequacy of the environmental analysis, which evaluates impacts based on realistic operational assumptions. Accordingly, the analysis and conclusions presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-94

Section 2.7.1, *Operational Scenario and Ridership*, of the Draft EIR identifies a representative vessel capacity of approximately 250 passengers for purposes of estimating ridership and service levels, consistent with what WETA projects in its Berkeley Ferry Service Business Plan. This capacity assumption is used to describe a reasonable operational scenario and to inform projections of ferry frequency and daily ridership. The Draft EIR does not state that vessel passenger capacity directly determines vessel dimensions, nor does it rely on passenger capacity as a proxy for vessel footprint. Refer to Section 2.2.10, *Topical Response: Electric Ferry*, which describes that the analysis in the Draft EIR is based on a defined project "envelope" or set of reasonable operational components described in Chapter 2, Project Description.

The comment does not identify an inconsistency in the environmental analysis or demonstrate that the impact conclusions would differ based on alternative vessel capacity assumptions. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment O10-95 to O10-96

Refer to Section 2.2.26, *Topical Response: Vessel Aesthetics*, for a discussion related to the aesthetics associated with introducing ferry vessels in the Berkeley Waterfront.

The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-97

Refer to Section 2.2.26, *Topical Response: Vessel Aesthetics*, for a discussion related to the aesthetics associated with introducing ferry vessels in the Berkeley Waterfront.

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* which explains that the City has concluded that the Draft EIR is sufficient from a CEQA perspective.

The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-98

The analyses provided in Section 3.1, *Aesthetics,* provide separate discussions of construction and operational impacts to aesthetics. Environmental impacts associated with project construction aesthetics are evaluated throughout the Draft EIR. Such analyses are based on the assumptions

described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of project construction aesthetics is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-99

Appendix G of the CEQA Guidelines requires evaluation of a project's effects on public scenic views and vistas. Because CEQA is concerned with impacts to the physical environment experienced by the public, changes to views from private businesses, including restaurants, are not considered environmental impacts requiring separate analysis under Appendix G. Views from the pier and recreational paths around Skates Restaurant are discussed under threshold question for Impact AES-1, page 3.1-20, of the Draft EIR, and represented by KVP 1. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic views and vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-100

The threshold question for Impact AES-2, page 3.1-28, of the Draft EIR, is directly quoted from the Appendix G of the CEQA Guidelines, "Would the project… Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a **state scenic highway**?" (Emphasis added.) Thus, since there are no State scenic highways within the project site, no impact to these scenic resources would occur. Discussion and analysis of scenic resources within the project vicinity, but outside a state scenic highway, are provided in Impact Evaluation, pages 3.1-20 through 3.1-36, Section 3.1, *Aesthetics*.

Environmental impacts associated with scenic resources within a state scenic highway are evaluated under Impact AES-2, page 3.1-28, of the Draft EIR. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic resources within a state scenic highway is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-101

Impact AES-2 evaluates whether the project would damage scenic resources within a designated State scenic highway, consistent with CEQA Guidelines Appendix G significance criteria. As explained in Response to Comment O10-100, because no State scenic highway exists at or near the project site, traffic volumes are not relevant to this threshold. To the extent the comment is concerned with the visual presence of increased vehicle traffic on University Avenue or Seawall Drive as a change to the visual character of the corridor, vehicle traffic is a transient condition rather than a permanent physical alteration to the visual environment. Vehicles move through and clear the corridor continuously, and University Avenue and Seawall Drive are existing paved roadways where vehicular use is already part of the established visual and functional character of the area. An increase in the volume of an existing, transient use does not constitute a permanent visual change to the physical environment.

Refer to Response to Comment O10-100 and refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN*, for a discussion related to aesthetic traffic impacts. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-102 to O10-114

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are important policy considerations that the City

Council should weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment.

With regard to whether Seawall Drive is a cultural or historical feature, as stated on page 3.4-24, Section 3.4 *Cultural Resources*,

> "…the project site, inclusive of the Berkeley Pier, and its associated features and buildings as well as the proximate César E. Chávez Park, is not considered eligible for listing as a City of Berkeley Landmark or Structure of Merit given a lack of historical or architectural significance requisite for listing. Therefore, the project site is not considered a historical resource for the purposes of CEQA impact assessment evaluation."

The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-115

Refer to Section 3.9, *Land Use and Planning*, including Table 3.9-1 (BCDC San Francisco Bay Plan Consistency) on pages 3.9-12 through 3.9-23 of the Draft EIR, which evaluates consistency with applicable Bay Plan policies (Impact LU-2). Page 3.9-14 specifically addresses project consistency with Bay Plan Environmental Justice and Social Equity Policy 1, which requires the Commission to consider its guiding principles in all actions. As concluded therein, the project would not preclude the implementation of Policy 1, as the City has considered environmental justice in the development of the project and the potential impacts on environmental justice reports through its preparation of the Environmental Justice Technical Report. Impact LU-2 concludes that the project construction and operation would remain consistent with the applicable Bay Plan policies with implementation of identified mitigation measures (see Draft EIR page 3.9-23).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-116

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies. As discussed on Draft EIR page 3.9-18, the project is consistent with Recreation Policy 9 because the proposed ferry terminal is located within an area contemplated by the policy and would maintain recreational access, including through shared-use parking, while ensuring navigational safety. Accordingly, Impact LU-2 concludes the project would be consistent with Bay Plan policies (page 3.9-23). Regarding Recreation Policy 9, refer also to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion related to consistency with this policy as it relates to parking access for different users of the Berkeley Waterfront.

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-117

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies. As discussed on Draft EIR page 3.9-17, the project is consistent with Transportation Policy 5.

As described therein, the proposed ferry terminal would be located along the existing 100-foot-wide U.S. Army Corps of Engineers-designated federal navigation channel adjacent to the pier, thereby providing access to navigable waters suitable for ferry operations. Regarding sedimentation, the Draft EIR explains that according to the Coastal Study prepared for the project by COWI, sedimentation rates at the ferry

terminal site were less than 0.05 foot between 2020 and 2023, indicating practically no sedimentation at the project site.

With respect to Transportation Policy 5's direction regarding tidal marshes, tidal flats, and wildlife habitat, the Draft EIR concludes that the project would not significantly affect such resources. As discussed on Draft EIR page 3.9-17 and in Section 3.3, *Biological Resources*, there are no tidal marshes located near the project site, and impacts to wildlife habitat would be less than significant with mitigation, including implementation of Mitigation Measure BIO-3, which would require the removal of existing pier fill to address net increase in fill and cover.

Regarding the policy's statement that terminals should be located near higher-density, mixed-use development where possible, the Draft EIR explains that although the project site is not located adjacent to higher-density mixed-use development, it is served by existing AC Transit service and includes improvements that would support expanded transit access, as well as enhanced bicycle and pedestrian facilities. Additionally, consistent with the parking and public access provisions of Transportation Policy 5, parking facilities serving the ferry terminal would be located landward of shoreline access areas, including the Seawall Drive Parking Lot, Skates/N parking area, and Marina Boulevard Lot. The project would also provide amenities intended to enhance public access and enjoyment of the Bay, including shoreline access improvements, Bay-viewing opportunities, public open space, and a portion of the Bay Trail Extension with seating and viewing areas.

Accordingly, Impact LU-2 concludes the project would be consistent with Transportation Policy 5 and other applicable Bay Plan policies (page 3.9-23).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remain valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-118

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies. As summarized therein on Draft EIR page 3.9-18, the City conducted public engagement with disadvantaged and/or underrepresented communities and prepared an Environmental Justice Technical Report, in consistent with the requirements Public Access Policy 5. Additionally, as described in Section 1.2.2, *Public Outreach* (pages 1-4 through 1-5), the project includes extensive community outreach, including engagement with historically underrepresented groups, and the project design incorporates inclusive public access improvements such as the new public pier, plaza, and Bay Trail extension (Section 2.5). Accordingly, Impact LU-2 concludes the project would be consistent with Bay Plan policies (page 3.9-23)

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-119

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies, including Bay Plan Map No. 4 Policy 15. As discussed on Draft EIR page 3.9-22, the project is consistent with Bay Plan Map No. 4 Policy 15 because the policy specifically identifies a ferry terminal as a potential use at the Berkeley Waterfront if compatible with park and marina uses and served by public transit.

As described in Chapter 2, *Project Description* (Section 2.5) and summarized in Table 3.9-1 on page 3.9-22, the project includes a ferry terminal designed to be compatible with park and marina uses, as well as features intended to preserve and enhance recreational uses and Bay access, such as the construction of a publicly accessible pier, shoreline access improvements, Bay Trail Extension, public plaza, and supporting amenities. Consistent with the policy's transit provision, the project would be served by existing AC Transit routes and includes infrastructure improvements designed to support transit access, bicycle access, and pedestrian circulation, thereby reducing reliance on private vehicle travel and related

traffic and parking needs. With respect to the policy's reference to fish consumption advisories, signage requirements related to fishing and public health are addressed through applicable regulatory and operational requirements and do not alter the Draft EIR's land use consistency analysis. Accordingly, Impact LU-2 concludes the project would be consistent with Bay Plan Map No. 4 Policy 15 and other applicable Bay Plan policies (page 3.9-23).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-120

As described in Draft EIR Section 3.9, *Land Use and Planning*, the McAteer-Petris Act establishes BCDC with the authority to regulate land use and development in the coastal San Francisco Bay area, with aims to limit unnecessary fill, promote public access, and provide comprehensive planning through the San Francisco Bay Plan (see Draft EIR page 3.9-3). Draft EIR Section 3.9, *Land Use and Planning*, subsequently evaluates the project for consistency with all applicable land use plans, including the San Francisco Bay Plan, under Impact LU-2. Table 3.9-1 provides a consistency analysis for relevant Bay Plan policies, including those related to fill, public access, and planning. As summarized therein and described in greater detail in Draft EIR Chapter 2, *Project Description* (Section 2.5, *Project Components*), the project would include features that enhance public access and recreational opportunities such as a new publicly accessible pier, Bay Trail extension, and plaza. Table 3.9-1 also explains that the project would remain consistent with McAteer-Petris regulations on fill through the implementation of mitigation measures for biological resources and hydrology/water quality (see Draft EIR pages 3.9-13 through 3.9-14 and 3.9-16 through 3.9-17). Accordingly, the analysis within Impact LU-2 concludes that with incorporation of specified mitigation measures, project construction and operation would remain consistent with the goals of the McAteer-Petris Act implemented by applicable Bay Plan policies (see Draft EIR page 3.9-23). As indicated on page 2-33 of the Draft EIR, the City will obtain a Major Permit or Major Permit Amendment from BCDC.

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-121

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Project consistency with the Berkeley Marina Master Plan is evaluated under Impact LU-2 in Draft EIR Section 3.9, *Land Use and Planning* (pages 3.9-29 through 3.9-33), which concludes that the project would be consistent with the key goals and strategies of the Plan (refer to page 3.9-33).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-122

Refer to Response to Comment O10-121.

Table 3.9-4 (Berkeley Marina Master Plan Consistency) identifies Principles 4A and 4B as applicable to the project and explains that the project would encourage and support marine and recreation functions without conflicting with marine operations (refer to page 3.9-32). Accordingly, the Draft EIR concludes that the project would be consistent with the key goals and strategies of the Berkeley Marina Master Plan (refer to page 3.9-33).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-123

Refer to Response to Comment O10-121.

Table 3.9-4 (Berkeley Marina Master Plan Consistency) identifies Principle 5 as applicable to the project and explains that the project would provide the pedestrian and bicycle infrastructure identified by the policy, while also incorporating additional recreational amenities and safety features to improve access for all users, inclusive of special user groups identified by Principle 5, thereby demonstrating consistency with the principle (refer to Draft EIR page 3.9-32). Accordingly, the Draft EIR concludes that the project would be consistent with the key goals and strategies of the Berkeley Marina Master Plan (refer to page 3.9-33).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-124

Refer to Response to Comment O10-121. Table 3.9-4 (Berkeley Marina Master Plan Consistency) identifies Principle 6 as applicable to the project and demonstrates consistency by identifying the pertinent policy under this Principle related to "maintain[ing] the Plan's prioritized capital improvement program…". As explained in Draft EIR page 3.9-32, the proposed project is a Berkeley capital improvement project (see Draft EIR page 3.9-32). Accordingly, the Draft EIR concludes that the project would be consistent with the key goals and strategies of the Berkeley Marina Master Plan (refer to page 3.9-33).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-125

For discussion of the environmental baseline, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the EIR are required.

Response to Comment O10-126

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are important policy considerations that the City Council should weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment.

With regard to whether Seawall Drive is a cultural or historical feature, as stated on page 3.4-24, Section 3.4 *Cultural Resources*, "

> …the project site, inclusive of the Berkeley Pier, and its associated features and buildings as well as the proximate César E. Chávez Park, is not considered eligible for listing as a City of Berkeley Landmark or Structure of Merit given a lack of historical or architectural significance requisite for listing. Therefore, the project site is not considered a historical resource for the purposes of CEQA impact assessment evaluation."

The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-127

The Draft EIR identifies the liveaboard community in the Marina as a residential community and evaluates the environmental resource areas with those residents in mind. For example, noise impacts and air quality impacts use thresholds established for residences. Section 3.10, *Noise* of the Draft EIR (page 3.10-17) states the following: "construction noise impacts upon live-aboard boats were evaluated using the City's construction noise threshold of 65 dBA for multi-family residential land uses." Section 3.2, A*ir Quality* of the Draft EIR (page 3.2-10) states the following "any individual living in the house boats . . . would have that potential risk covered in the conservative health risk analysis from living within 1,000 feet of the project site, as it is assumed residents are exposed for the maximum duration during a construction period."

The analysis, significance conclusions, and mitigation measures remain valid as written, and no revisions to the Draft EIR are required.

Response to Comment O10-128

For discussion of the environmental baseline, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the EIR are required.

Response to Comment O10-129

As described in the Draft EIR, the proposed project would introduce new and enhanced recreational features that do not currently exist, including a restored public pier, Bay Trail extension, and dedicated cycle track (see Section 2.5.2 and Impact REC-1). These features would expand recreational access and opportunities at the Berkeley Waterfront. In addition, although the project may increase visitation, the analysis concludes that this increased use would not result in substantial physical deterioration of existing facilities because the project itself includes new recreational infrastructure that accommodates additional demand (Impact REC-1).

Furthermore, the Draft EIR does not rely solely on a generalized "net increase" conclusion. Instead, it evaluates existing recreational conditions at the project site and vicinity (Section 3.11.2), the specific recreational components included in the project design (Section 2.5, *Proposed Project Components*), and whether project-related increase in use would result in physical environmental effects (Impact REC-1). Based on this analysis, the Draft EIR determines that the project would provide additional recreational opportunities and would not cause adverse physical impacts requiring new facilities or resulting in deterioration of existing ones. This conclusion is supported by substantial evidence and is consistent with CEQA Guidelines Appendix G.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-130

Please refer to Responses to Comments O10-42, O10-46, and O10-47. As described in Response to Comment O10-42, the referenced TSA option agreement does not constitute a lease agreement or an approved project and therefore is not an existing condition under CEQA. Nonetheless, the potential new restaurant is addressed in the cumulative impacts analysis. As described in Response to Comment O10-46, approved bond measures similarly do not constitute defined projects or existing conditions. As described in Response to Comment O10-47, although similar recreational improvements may occur independent of the project, recreational enhancements such as the proposed Bay Trail extension are intentionally included in the project design to advance the goals identified in Section 2.3, *Project Objectives*.

The purpose of the Draft EIR is to disclose and mitigate for the environmental impacts associated with the features being proposed by the project. This Draft EIR has done so. The Draft EIR appropriately evaluates baseline conditions and the environmental effects of all project components, regardless of whether similar features may be implemented independently by other agencies or as part of other projects. Accordingly, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-131

Refer to Section 2.2.20, *Topical Response: Parking.*

The comment's concern that the 199 Seawall area would no longer be accessible to the public is not supported by the Draft EIR. The project would continue to provide public access to waterfront recreational resources and would maintain parking facilities intended to serve a variety of users, including recreational visitors. For further discussion regarding the evaluation of project-related changes to Seawall Drive, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding the analysis of potential impacts to existing recreational users from the project. With respect to changes in recreational demand, the Draft EIR evaluates reasonably foreseeable conditions associated with project operation, including increased visitation associated with ferry riders accessing the terminal and new recreation use of the pier for activities such as walking, fishing and sightseeing (refer to Draft EIR Page 3.11-9, Proposed Recreational Amenities). Impact REC-1 analyzes the impact of increased visitation, finding that the project would increase the number of visitors to the Berkeley Waterfront area in a manner that may increase the use of on-site and nearby recreational facilities (Draft EIR page 3.11-16). However, because the project concurrently creates a net increase in recreational facilities and opportunities (a restored pier, new Bay Trail and new dedicated cycle track), the Draft EIR concludes that resulting impacts related to physical deterioration of existing recreational facilities, and the need for new or altered parks to maintain acceptable service ratios, would be less than significant (refer to Impact REC-1, Draft EIR Pages 3.11-16 through 3.11-20). This conclusion is based on the project's contribution of new recreational capacity commensurate with the increased visitation it would generate, not on an assumption that visitation would remain unchanged.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment O10-132

For discussion of Seawall Drive view access and the net increase in recreational use, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-133

For discussion of parking considerations, refer to Section 2.2.20, *Topical Response: Parking.* Some comments raise concerns that changes to parking, including the introduction of parking fees, would disproportionately affect lower-income and non-white recreational users who currently access the Berkeley Waterfront at no cost. The City acknowledges this concern. The imposition of parking fees does not impose an environmental impact that needs be analyzed.

The analysis, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are necessary.

Response to Comment O10-134

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of Berkeley Municipal Code 6.20.180 and its relationship to the proposed project.

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-135

Potential impacts to fish and marine habitat are evaluated in Draft EIR Section 3.3, *Biological Resources*, including Impact BIO-1 (effects to special-status species and habitats) and Impact BIO-3 (effects to jurisdictional aquatic habitat), while recreational fishing access is evaluated in Draft EIR Section 3.11, *Recreation* (see Impact REC-1).

Within Section 3.3, *Biological Resources*, the Draft EIR evaluates both construction and operational effects of the proposed project on aquatic habitats, including fish and Essential Fish Habitat, and concludes that construction and operational impacts to fish habitat would be less than significant with the incorporation of mitigation measures such as seasonal work windows, soft-start pile driving procedures, and monitoring requirements to minimize disturbance to fish and marine species, as well as mitigation to ensure no net increase in Bay fill or substantial loss of aquatic habitat (see Section 3.3.4, *Impacts Analysis*, Impacts BIO-1 and BIO-3). CEQA requires evaluation of physical environmental impacts, such as changes to aquatic habitat and species behavior. While recreational fishing depends in part on underlying ecological conditions, CEQA does not require analysis of changes in fishing success, catch rates, or user experience. Because the Draft EIR concludes that the project would not result in significant adverse effects to fish habitat, no significant indirect impact to recreational fishing would occur under CEQA.

Recreational fishing access is evaluated in Section 3.11, *Recreation*, which considers both existing access conditions and the addition of new publicly accessible facilities, including the restored pier and enhanced shoreline access. As described therein, the project would maintain and expand opportunities for public access to the waterfront and fishing locations, and impacts to recreational access are concluded to be less than significant (see Section 3.11.4, *Impacts Analysis*, Impact REC-1).

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-136

The comment appears to be referring to Table 3.10-18 in Section 3.10, *Noise* of the Draft EIR. Table 3.10-18 shows that on University Avenue, between Seawall Drive and Marina Boulevard, there would be an increase of 1,127 daily trips, in addition to the existing 1,471 daily trips.[40] Average daily traffic is used for the purpose of estimating vehicle traffic increases and the associated traffic noise. For the purpose of Draft EIR, the 77% ADT increase is reported for University Avenue and is used for the noise analysis of potential traffic noise impacts.

Draft EIR Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment Memorandum*, evaluate traffic increases and associated effects, while Draft EIR Section 3.11, *Recreation*, evaluates whether the project would result in adverse physical effects on recreational facilities or reduce public access to those facilities. The analysis in Section 3.12, *Transportation* concludes that the project would contribute to a net reduction in vehicle miles traveled, the applicable CEQA threshold for transportation impacts (see Impact TRA-2), and would not result in substantial adverse changes to access or circulation conditions affecting the waterfront. This analysis supports the findings in Section 3.11, *Recreation* which concludes that the proposed project would improve recreational access compared to existing conditions (see Impact REC-1). To the extent the comment states that increased traffic could indirectly affect recreational access, such effects would only be relevant under CEQA if they result cause substantial

[40] 1,471/1,127 *100 percent = 76.6 percent

deterioration of such facilities. As demonstrated in the Draft EIR, access to the waterfront would be maintained and enhanced through the provision of parking, multimodal access improvements, and new recreational infrastructure. Therefore, even considering transportation conditions, the project would not reduce access to recreational resources and would not result in a significant recreational impact.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-137

With respect to parking and access, refer to Section 2.2.20, *Topical Response: Parking.* The Draft EIR evaluates potential secondary effects of parking and circulation in Section 3.12, *Transportation*, and concludes that access to the waterfront would be maintained, including provision of a comparable parking supply and improved multimodal access options. With regard to recreational access and equipment-dependent recreational uses, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*, and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The comment's concern that changes in parking cost or availability could influence visitation patterns reflects potential behavioral or preference-based changes, which are considered social or economic effects rather than physical environmental impacts under CEQA. The comment does not identify a deficiency demonstrating that the project would result in a substantial adverse physical impact on recreational resources.

Accordingly, the analyses and significance conclusions presented in Section 3.11, *Recreation*, and Section 3.12, *Transportation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment O10-138

As described in Draft EIR Section 3.9, *Land Use and Planning*, and Section 3.11, *Recreation*, the McAteer-Petris Act establishes the San Francisco Bay Conservation and Development Commission (BCDC) and provides the statutory framework governing development and public access within San Francisco Bay (see Section 3.9.2 and 3.11.2). Implementation of the Act's policies occurs primarily through BCDC's administration of the San Francisco Bay Plan and permitting authority. Accordingly, consistency with the McAteer-Petris Act is evaluated through analysis of project consistency with applicable Bay Plan policies and BCDC regulations. The Draft EIR primarily addresses this framework in Section 3.9, *Land Use and Planning*, which evaluates the project's consistency with applicable regional plans and policies, including the San Francisco Bay Plan administered by BCDC and the Berkeley Marina Master Plan (see Impact LU-2, Table 3.9-1 and Table 3.9-4). This analysis concludes that the project is consistent with Bay Plan policies related to public access, recreation, and shoreline use, which are intended to implement the goals of the McAteer-Petris Act, and that the project is consistent with the key principles of the Berkeley Marina Master Plan, which similarly is intended to preserve marina access (see Draft EIR pages 3.9-23 and 3.9-33).

The Draft EIR evaluates existing recreational uses and access conditions in Section 3.11, *Recreation*, and analyzes whether the project would result in adverse physical effects on recreational resources or reduce public access (see Impact REC-1). As described therein, although certain existing site conditions would change, the project would restore public access to the Berkeley Pier, which has been closed since 2015; provide new and enhanced recreational facilities, including improved Bay Trail connections and shoreline access; and maintain public access to waterfront areas, including parking and viewing opportunities along Seawall Drive and adjacent areas (see Section 3.1, *Aesthetics*, Impact AES-3 and Section 3.9, Table 3.9-1). The Draft EIR acknowledges that recreational use patterns may shift as a result of these changes. However, CEQA requires evaluation of physical environmental effects, such as the availability and condition of recreational facilities and access, not preservation of specific informal use patterns or user preferences. Thus, the analysis in Draft EIR Section 3.11 appropriately concludes that the project would

result in a net increase in recreational opportunities and improved access and would not result in substantial physical deterioration of recreational resources or require new facilities.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-139

The reference to a 0.07 percent reduction in VMT is identified in the 2003 WETA EIR for the nine county Bay Area as a whole. Regardless, the Draft EIR does not rely on the conclusions made in the 2003 WETA EIR for its VMT impact analysis. The Draft EIR has provided a project-level VMT analysis with the latest data. Refer to Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR (pages 3.12-20 to 3.12-21).

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-140

The comment appears to be referring to Table 3.10-18 in Section 3.10, *Noise* of the Draft EIR. Table 3.10-18 shows that on University Avenue, between Seawall Drive and Marina Boulevard, there would be an increase of 1,127 daily trips, in addition to the existing 1,471 daily trips.[41] Average daily traffic is used for the purpose of estimating vehicle traffic increases and the associated traffic noise. ADT and VMT are different metrics used for different reasons. For the purpose of Draft EIR, the 77 percent ADT increase is reported for University Avenue and is used for the noise analysis of potential traffic noise impacts.

As described in page 3.12-8 of the Draft EIR, prior rules treated automobile delay and congestion as an environmental impact; however, the final update to CEQA Guidelines consistent with SB 743 recommends using vehicle miles traveled (VMT) as the most appropriate metric of transportation impact to align local environmental review under CEQA with California's long-term greenhouse gas emissions reduction goals.

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for analysis of the impact on recreational facilities, change in public access. Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* regarding the project consistency with applicable plans and policies. Based on the analysis in the Draft EIR, the project would enhance not split a recreational community.

Response to Comment O10-141

Refer to Response to Comments O10-139 and O10-140 for individual responses to these comments. No further response is required.

Response to Comment O10-142

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access* (Sub-Section Bay Plan Policy 15 and Marina Master Plan), regarding consistency with Bay Plan Policy 15. Refer also to Response to Comment A3-55 for further discussion regarding the Draft EIR analysis of construction-related impacts to recreation.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-143

Project consistency with the Berkeley Marina Master Plan is evaluated under Impact LU-2 in Draft EIR Section 3.9, *Land Use and Planning* (pages 3.9-29 through 3.9-33). Table 3.9-4 (Berkeley Marina Master Plan Consistency) identifies Principles 4A and 4B as applicable to the project and explains that the

[41] 1,471/1,127 *100 percent = 76.6 percent

project would encourage and support marine and recreation functions without conflicting with marine operations (refer to page 3.9-32). Accordingly, the Draft EIR concludes that the project would be consistent with the key goals and strategies of the Berkeley Marina Master Plan (refer to page 3.9-33).

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the project's consistency with policies, as they relate to transportation and parking management.

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-144

First, as a matter of clarification, the Draft EIR does disclose the TDM features that are being implemented as a part of the proposed project, and that are being cleared under CEQA. For example, Section 3.10, Noise (page 3.10-36) of the Draft EIR states the following: "The project includes enhanced bicycle facilities and secure bike parking; improved bicycle and pedestrian access including a two-way cycle track along University Avenue and Bay Trail improvements; designated pick-up and drop-off zones; and wayfinding that would direct visitors to appropriate parking lots." In this context, the commenter may also be referring to the Parking and TDM Plan. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the strategies in the Parking and TDM Plan, and how they are addressed from both a CEQA and policy perspective.

Response to Comment O10-145

Refer to Section 2.2.3, *Topical Response BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, and Section 2.2.20, *Topical Response: Parking,* regarding consistency with Bay Plan Policy 9.

With respect to parking (Recreation Policy 9), Table 3.9-1 of the Draft EIR explains that the City would implement a parking strategy to balance shared-use parking for ferry patrons and recreational users, thereby minimizing the shoreline area dedicated to parking while maintaining access for existing recreational users and avoiding displacement of park and marina parking (page 3.9-18 of the Draft EIR). The analysis therein concludes that the project would not conflict with the Bay Plan, and related construction and operational impacts would be less than significant with incorporation of Mitigation Measures BIO-1(a) through BIO-1(f), BIO-2, BIO-3, and HYD-1 (page 3.9-23).

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-146

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding the analysis of recreational access and use.

The analyses and significance conclusions presented under Impact REC-1 and throughout Section 3.11, *Recreation* remain valid as written. No revisions are required.

Response to Comment O10-147

First, as a matter of clarification, there is no designated State or City park that the proposed project would traverse. While the proposed project is located adjacent to City parks, the proposed project would not be located within a City park, with the exception of the installation of a wayfinding sign in Shorebird Park (refer to page 3.11-16 of the Draft EIR). The proposed project would also not traverse any State Parks. The closest State Park is McLaughlin Eastshore State Park, and as shown in Figure 3.11-12 of the Draft EIR (page 3.11-3), the proposed project does not traverse this State Park.

Nonetheless, the City does understand that recreational activities occur near the project site. The analysis in Section 3.11, *Recreation*, of the Draft EIR described existing recreation conditions on the Berkeley Waterfront and evaluated potential impacts to recreational resources in the project vicinity. As described

in the impact analysis of that section, the proposed project would be located near areas that include existing recreational uses; however, the project would not result in a significant impact to recreational resources. Additionally, the proposed project would result in a net increase of recreational facilities.

Therefore, while the project is in proximity to existing recreational opportunities unlike other WETA ferry terminals as the commenter identified, it would not result in a significant impact to recreational resources. No further response is required.

Response to Comment O10-148

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access* (Sub-Section Bay Plan Policy 15 and Marina Master Plan), regarding consistency with Bay Plan Policy 15.

The analyses and significance conclusions presented throughout the Draft EIR, including Chapter 5, remain valid as written. No revisions are required.

Response to Comment O10-149

For a detailed discussion of land use plan consistency considerations related to the Draft EIR, refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*.

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies, including Transportation Policy 5. As discussed on Draft EIR page 3.9-17, the project is consistent with Transportation Policy 5. The Draft EIR does not interpret Transportation Policy 5 as requiring that all ferry terminals be located adjacent to higher-density, mixed-use development. Rather, the policy provides that such locations should be used "wherever possible," recognizing that site-specific conditions may warrant alternative locations. As described on Draft EIR page 3.9-17, the project site provides direct access to an existing federal navigation channel, experiences minimal sedimentation, provides an opportunity for dual-use recreation improvements and is served by existing AC Transit service. The proposed project would further improve multimodal access to the ferry terminal through enhancements to AC Transit facilities that would support expanded transit service, as well as new bicycle and pedestrian infrastructure. In addition, BCDC Bay Plan Map No. 4 Policy 15 specifically identifies a ferry terminal as a potential use at the Berkeley Waterfront, provided that the facility remains compatible with park and marina uses. As discussed on Draft EIR page 3.9-22, the project is consistent with those requirements because it would maintain compatibility with existing recreational and marina uses while expanding public access and recreational amenities. For further explanation of the project’s consistency with the other elements of Transportation Policy 5, refer to Response to Comment O10-117.

To the extent the comment expresses concern regarding the proposed ferry terminal site due to the comment’s characterization of the site as a recreational area, the Draft EIR acknowledges and evaluates the existing recreational uses of the Berkeley Waterfront within Section 3.11, *Recreation*. As discussed therein, the proposed project has been designed as a dual-purpose facility that would both accommodate ferry service and expand public recreational opportunities. The project would preserve existing marina, shoreline, and recreational uses while providing new recreational infrastructure, including a publicly accessible pier, Bay Trail improvements, public open space, and shoreline viewing opportunities. As a result, the Draft EIR concludes that the project would result in a net increase in recreational opportunities and facilities available to the public (see Impact REC-1).

Accordingly, Impact LU-2 concludes that the proposed project would be consistent with Transportation Policy 5 and other applicable Bay Plan policies (refer to page 3.9-23). The Draft EIR therefore does not conclude that the project's location within a recreational waterfront setting results in a conflict with Transportation Policy 5.

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remain valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-150

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking adequacy and how parking is considered under CEQA. Regarding the comment about the lease at the 199 Seawall Drive restaurant, including the potential use of 150 parking spaces, refer to Response to Comment P36-108.

Response to Comment O10-151

Comments associated with this figure are responded to in Responses to Comment O10-150. This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-152

The Draft EIR evaluates recreation impacts under two distinct CEQA thresholds in Section 3.11, *Recreation*:

- Impact REC-1, which evaluates whether the project would increase use of existing recreational facilities such that substantial physical deterioration would occur or require construction of new or expanded facilities (pages 3.11-14 through 3.11-20); and
- Impact REC-2, which evaluates whether the project includes construction of recreational facilities or requires expansion of such facilities that could result in adverse environmental effects (pages 3.11-20 through 3.11-24).

With respect to construction-related access, refer to Response to Comment A3-55. Under Impact REC-1, the Draft EIR evaluates whether temporary construction-induced constraints would result in a substantial physical deterioration of recreational resources. Given the availability of numerous other waterfront areas, including the South Sailing Basin, Marina Basin, Bay Trail, and adjacent regional shoreline facilities, the Draft EIR concludes that temporary displacement of recreational users would not result in physical degradation of facilities or require construction of new recreational resources. This conclusion does not assume recreational uses are fully interchangeable; rather, it reflects the CEQA standard, which focuses on physical environmental effects, not temporary inconvenience or limitations at specific preferred locations.

With respect to Impact REC-2, the Draft EIR concludes that the project would include construction of recreational facilities (e.g., pier improvements, shoreline amenities, Bay Trail improvements), and that construction of these facilities would result in significant and unavoidable environmental impacts due to impacts disclosed in other sections of the Draft EIR related to other CEQA-defined resources, rather than direct impacts to existing recreational uses(see Section 3.11.4, pages 3.11-20 through 3.11-24). Accordingly, the Draft EIR does not conclude that all construction-related recreation impacts are less than significant; rather, it recognizes significant impacts associated with facility construction, consistent with CEQA requirements.

The commenter's reference to the duration of construction does not alter the CEQA significance determination under Impact REC-1. CEQA distinguishes between temporary construction-phase disruptions and permanent physical impacts. As described in the Draft EIR, construction would be time-limited and would not permanently remove or degrade recreational facilities or access. Seasonal variation in recreational use does not change this conclusion, as access to the broader Berkeley Waterfront and surrounding shoreline resources would remain available throughout the construction period. For further discussion regarding the Draft EIR analysis of construction-related impacts to recreation, refer to Response to Comment A3-55.

With respect to policies referenced by the commenter, consistency with the Berkeley Marina Plan and BCDC Bay Plan policies is evaluated in Section 3.9, *Land Use and Planning* (Impact LU-2, Table 3.9-1). As described therein, the project would maintain and enhance long-term public access and recreational

opportunities, and temporary construction-related access constraints do not constitute a policy conflict where long-term access is preserved and improved.

The comment does not identify a deficiency demonstrating that construction-related access limitations would result in a substantial adverse physical impact on recreational facilities, as defined under CEQA.

Response to Comment O10-153

Refer to Response to Comment O10-135 regarding potential impacts to recreational fish. Fish and marine habitat are evaluated in Draft EIR Section 3.3, *Biological Resources*, including Impact BIO-1 (effects to special-status species and habitats) and Impact BIO-3 (effects to jurisdictional aquatic habitat), while recreational fishing access is evaluated in Draft EIR Section 3.11, *Recreation* (see Impact REC-1).

In response to this comment, the following clarifying text change has been made to Page 3.11-15 within Section 3.11.4 of the EIR:

> Organizations and individuals provided general comments about addressing recreational impacts, including impacts on swimming and fishing, as well as recreational access. Comments about recreation impacts and recreational access are addressed in Impacts REC-1 and REC-2. Potential indirect effects on fish habitat and behavior are evaluated in Section 3.3, *Biological Resources*, while this Section evaluates physical access to fishing opportunities. The City also received comments about parking. Comments about parking not related to CEQA impacts are not addressed in this Section (please refer to Chapter 3, Environmental Impact Analysis, for a discussion about how parking is considered in this EIR).

The above text change is clarifying in nature, as it provides additional transparency regarding the recreational baseline, but does not result in a change to the analysis or impact conclusions presented in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O10-154

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* regarding navigation near the waterfront. Potential risks associated with vessel operation, including low-probability incident scenarios such as loss of control during approach or docking, are addressed through design features, vessel specifications, and operational procedures implemented by WETA and subject to oversight by applicable regulatory agencies, including the U.S. Coast Guard and other maritime safety authorities [see Draft EIR Section 2.9, *Discretionary Actions and Required Approvals* (refer to page 2-33) and Section 3.12, *Transportation* (refer to Impact TRA-3, pages 3.12-23 and 3.12-24)].

With respect to impacts on existing marina users: under the proposed project, ferry vessels travel and dock in open Bay waters north of the pier, entirely outside the marina entrance. As described in the Draft EIR at Section 3.11, *Recreation*, boats entering or exiting the marina would continue to navigate around ferry infrastructure in a manner similar to how they currently navigate the existing pier and other Bay vessels.

Response to Comment O10-155

Draft EIR Section 3.11, *Recreation*, evaluates the types of recreational uses present in the project vicinity, including shoreline access, fishing, boating, and passive recreation. The analysis considers how these uses would change based on the project's physical footprint and design.

As described in Draft EIR Section 2.5, *Proposed Project Components*, (pages 2-6 through 2-25), the project includes restoration of the Berkeley Pier (supporting fishing and sightseeing), new public access areas, and improved shoreline amenities. While certain existing informal uses (such as in-car viewing along Seawall Drive) would be reconfigured, the Draft EIR concludes that the availability of recreational opportunities would increase in both quantity and quality.

Section 3.3, *Biological Resources*, evaluates potential impacts on aquatic habitat (pages 3.3-1 et seq.), concluding that impacts would be less than significant with mitigation. Accordingly, there is no substantial evidence that changes in habitat would materially reduce fishing opportunities.

The Draft EIR's CEQA analysis focuses on whether recreation would be substantially degraded; it concludes that although the location and configuration of certain activities may change, overall opportunities would not be significantly diminished (Impact REC-1, page 3.11-20).

The analyses and significance conclusions presented under Impact REC-1 remain valid as written. No revisions are required.

Response to Comment O10-156

As described in page 3.12-8 of the Draft EIR, prior rules treated automobile delay and congestion as an environmental impact; however, the final update to CEQA Guidelines consistent with SB 743 recommends using vehicle miles traveled (VMT) as the most appropriate metric of transportation impact to align local environmental review under CEQA with California's long-term greenhouse gas emissions reduction goals. However, the EIR did evaluate project traffic with regard to queuing of vehicles and safety and found that the traffic added from the project would not result in a worsening of traffic and result in safety hazards (refer to Impact TRA-3 in Section 3.12, *Transportation* of the Draft EIR, page 3.12-22 through 3.12-24).

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* regarding conflicts between commuter and recreational users. Circulation conflicts among user groups are primarily a social consideration rather than a physical environmental impact under CEQA; however, the topic is also addressed through the City's compliance with the BCDC Bay Plan, including Transportation Policy 4 and Public Access Policy 11, which require that transportation and shoreline improvements maintain and enhance safe, physical access to and along the Bay shoreline for all users. The project incorporates dedicated infrastructure designed to safely accommodate both user groups, including a new Class IV cycle track on University Avenue, raised table-top style crosswalks, a widened sidewalk connecting the AC Trans bus stop to the proposed plaza, wayfinding signage for pedestrians, bicyclists and vehicles and improved shoreline pathways. The City presented exhibits illustrating circulation routes and connections for land, water and ferry users groups at the DRB May 11, 2026 meeting. The DRB indicated it was satisfied that the design addressed their concerns.

Response to Comment O10-157

The character of the project site is addressed throughout the Draft EIR where it is reflected in CEQA thresholds and relates to physical impacts caused by the project. Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding existing recreational uses and analysis of impacts on those uses. Refer to Section 2.2.26, *Topical Response: Vessel Aesthetics*, regarding proposed ferry vessels similar to existing boats traversing the Marina and waterfront. Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding proposed lighting and effects on the existing waterfront. Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* regarding the preservation of existing recreational uses. Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* regarding land use plan consistency considerations.

As described in Chapter 2, *Project Description*, of the Draft EIR, the project would introduce recreational improvements in addition to ferry service, as the project reflects interagency goals of enhancing public access and recreational goals at the waterfront while providing efficient and environmentally friendly public ferry service (see Section 2.3, *Project Objectives*, and Section 2.5, *Project Components*). The Draft EIR evaluates changes proposed by the project for consistency with applicable land use plans and existing uses within Section 3.9, *Land Use and Planning*, and Section 3.11, *Recreation*. As discussed in the analyses, the proposed project would restore public access to the pier, expand recreational amenities, and incorporate a dual-use design that accommodates both recreation and ferry service consistent with applicable regulations (see Impact LU-2 and Impact REC-1).

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-158

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's planning efforts to address parking concerns.

CEQA Guidelines 15123(a) states that "An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical." CEQA Guidelines 15123(b)(2) states that the summary shall identify "Areas of controversy known to the Lead Agency including issues raised by agencies and the public." The City has provided a "brief summary" of areas of controversy, consistent with the CEQA Guidelines. Please also note that Table 1-1 in Chapter 1, Introduction of the Draft EIR includes a more detailed list of comments raised by the public, including areas of controversy, and Appendix A includes the full text of all scoping comments received, including those expressing comments related to the controversy of the project.

Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required.

Response to Comment O10-159

Refer to Response to Comment O10-157 regarding compatibility of the ferry operations with existing recreation uses.

Refer to Response to Comment O10-118 regarding consistency with BCDC Public Access Policy 5.

Given the recreational infrastructure and supporting amenities incorporated into the proposed project, the Draft EIR demonstrates that the project would increase both the quality and quantity of recreational opportunities. As a result, the analysis concludes that the project would not substantially degrade recreational uses and would maintain compatibility between ferry operations and recreation through design features and operational characteristics (see Impact REC-1). Accordingly, the analysis in Section 3.9, *Land Use and Planning*, concludes that the project would be consistent with applicable plans and policies governing existing and planned development at the Waterfront (see Impact LU-2).

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-160

CEQA requires evaluation of physical environmental effects, and does not require analysis of social or demographic equity impacts unless such effects would result in a physical change in the environment (CEQA Guidelines §15064(e)). Accordingly, the Draft EIR appropriately focuses on physical conditions, including the availability, capacity, and accessibility of recreational facilities, rather than demographic characteristics of users. Consistent with CEQA Guidelines Appendix G, Section 3.11, *Recreation*, evaluates whether the project would (1) increase use of existing recreational facilities such that substantial physical deterioration would occur, or (2) require construction of new or expanded facilities that could result in adverse physical environmental effects. The analysis concludes that the project would result in a net increase in recreational opportunities, including a restored public pier, new Bay Trail connection, shoreline access improvements, and additional amenities such as seating, shade structures, restrooms, and a fish-cleaning station (Impact REC-1).

The comment's concerns regarding potential effects of parking availability, congestion, or cost on specific user groups represent socioeconomic and policy considerations. Under CEQA, such considerations are not treated as environmental impacts unless they would cause a physical

environmental change. As explained in Chapter 3, *Environmental Impact Analysis*, of the Draft EIR, parking availability and pricing are not environmental impacts in themselves, although potential secondary physical effects (e.g., changes in access) are evaluated where appropriate. For further discussion of parking considerations, refer to Section 2.2.20, *Topical Response: Parking*.

Refer also to page 3.9-14 for an explanation of how the project would not preclude the implementation of Environmental Justice Policy 1.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-161

To the extent the comment's concerns relate to BCDC Bay Plan Environmental Justice Policy 1, refer to Response to Comment O10-115, which explains how the Draft EIR demonstrates project consistency with Environmental Justice Policy 1 under Impact LU-2 within Section 3.9, *Land Use and Planning* (see Table 3.9-1).

Regarding the statement that the project would introduce major traffic along University Avenue to Seawall Drive, the Draft EIR evaluates transportation conditions associated with the project in Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment*. As discussed in Appendix F, University Avenue within the project vicinity would continue to operate at acceptable levels of service under project conditions. Additionally, as described in Draft EIR Chapter 2, *Project Description* (see Section 2.5.2), and Section 3.12, *Transportation* (see Section 3.12.4), the project includes multimodal access improvements, including enhancements to transit, bicycle, and pedestrian facilities, that are intended to reduce reliance on private vehicle travel. Accordingly, the Draft EIR does not support the conclusion that the project would introduce major traffic effects that would substantially alter access to or use of the Berkeley Waterfront. To the extent the comment contends that the project would divide an existing recreational community or result in a land use change impact, the Draft EIR evaluated potential land use, recreation, and public access effects in Sections 3.9, *Land Use and Planning* (see Impact LU-2), and 3.11, *Recreation* (see Impact REC-1). As discussed therein, the project has been designed as a dual-purpose facility that would accommodate ferry service while preserving and enhancing public access and recreational opportunities. The project would not eliminate the recreational function of the Berkeley Waterfront. Rather, it would maintain existing marina and recreational uses while providing additional public amenities, including a publicly accessible pier, shoreline access improvements, Bay Trail improvements, and new public open space. As discussed under Impact REC-1, the Draft EIR concludes that the project would result in a net increase in recreational opportunities and facilities available to the public.

Regarding Seawall Drive in-car viewing, impacts to scenic views are addressed in Draft EIR Section 3.1, *Aesthetics*, which concludes that impacts to scenic vistas would be less than significant (see Impact AES-1). For additional discussion of Seawall Drive access for in-car viewing, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

The analyses and significance conclusions presented in Section 3.1, *Aesthetics*, Section 3.9, *Land Use and Planning*, Section 3.11, *Recreation*, and Section 3.12, *Transportation*, remain valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-162

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding quantification of current recreational use and analysis of impacts. Refer to Section 3.9, *Land Use and Planning* of the Draft EIR and Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* regarding consistency with BCDC plan policies. Regarding the public trust implications, refer to page 3.9-3 of the Draft EIR for an explanation of how the Draft EIR considers the Public Trust Doctrine. Refer to Section 2.2.2, *Topical Response: Alternatives*, regarding evaluating a reduced footprint or relocated alternative that preserves existing access.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-163

Refer to Response to Comment O4-7 regarding the Draft EIR discussion of eelgrass. Refer to Response to Comment O10-167 for a discussion related to misreported data. The proposed project is not expected to impact eelgrass habitat function. No revisions to the EIR are necessary.

Response to Comment O10-164

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required and no revisions to the EIR are necessary.

Response to Comment O10-165

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR where the subsequent 2009 and 2014 Baywide Eelgrass Inventories are cited. No eelgrass is currently documented to be present in the project site. No further response is required and no revisions to the EIR are necessary.

Response to Comment O10-166

Refer to Figure 15b of the 2004 Baywide Eelgrass Inventory that shows eelgrass distribution in Central San Francisco Bay; the figure shows eelgrass was detected within the Southern Sailing Basin.

The commenter also states that Figure 7 and Figure 8b of the 2004 Baywide Eelgrass Inventory show there is a high potential for eelgrass in the area surrounding the Project site. These figures show the results of the Habitat Suitability Index (HSI), a pre-survey screening model. The discussion on page 36 of the 2004 Baywide Eelgrass Inventory indicates that only 8.6% of the areas identified as potential eelgrass habitat by the pre-survey screening model actually supported eelgrass during the surveys. In addition, the discussion suggested that updated eelgrass distribution and more accurate bathymetry is needed to allow for a more exact model. No eelgrass is currently documented to be present in the project site. No further response is necessary and no revisions to the EIR are necessary.

Response to Comment O10-167

The commenter provided a figure from the 2014 Baywide Eelgrass Inventory that shows no eelgrass was detected in the Southern Sailing Basin in 2014. No further revisions to the EIR are necessary.

In addition, the comment refers to beds 18, 19, 21, and 22 from the 2014 Baywide Eelgrass inventory as evidence of eelgrass presence in the vicinity of the project site. Beds 18, 19, 21, and 22 are located more than 1,000 meters from the location of proposed in-water work which far exceeds the adopted threshold of 250 meters for potential impacts to eelgrass.[42]

Response to Comment O10-168

Refer to Response to Comment O10-167 regarding the adopted threshold of 250 meters for these locations which are more than 1,000 meters from the location of proposed in-water work. No further response is required and no revisions to the EIR are necessary.

[42] USACE and EPA 2011, Programmatic EFH Conservation Measures for the LTMS Program Agreed-upon by USACE, EPA, and NMFS. https://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/LTMS%20EFH%20full%20signed%20agreement%20FINAL%206-9-2011.pdf, Accessed June 18, 2026.

Response to Comment O10-169

Refer to Response to Comment O10-166 and Comment O10-167 for a discussion of eelgrass presence at the project site. No further response is required and no revisions to the EIR are necessary.

Response to Comment O10-170

The listed limitations and caveats of the *San Francisco Eelgrass Habitat Suitability Model* include an explicit disclaimer that the result of the model should not be used to determine current presence or absence of eelgrass and that the model is based on imperfect data sets.[43] This comment does not change the significance conclusions or mitigation in the Draft EIR. As such, no revisions to the EIR are necessary.

Response to Comment O10-171

The data for the EcoAtlas tool come from the 2004, 2009, and 2014 Baywide Eelgrass Inventories. Refer to Section 3.3.2, *Environmental Setting,* of the Draft EIR and Response to Comment O10-166 and Comment O10-167 for an analysis of the results of the Baywide Eelgrass Inventories. No revisions to the EIR are necessary.

Response to Comment O10-172

The data for the BCDC tool are sourced from the 2004, 2009, and 2014 Baywide Eelgrass Inventories. Refer to Section 3.3.2, *Environmental Setting,* of the Draft EIR and Response to Comment O10-166 and Comment O10-167 for an analysis of the results of the Baywide Eelgrass Inventories. No revisions to the EIR are necessary.

Response to Comment O10-173

The Ashby Shoal eelgrass bed is located more than 1,000 meters from the location of proposed in-water work which far exceeds the adopted threshold of 250 meters for potential impacts to eelgrass.[44] No revisions to the EIR are necessary.

Response to Comment O10-174

All iNaturalist observations in the vicinity of the project site show eelgrass wrack, or uprooted eelgrass mixed with organic debris. In sheltered bays, tracking studies show that detached seagrass can drift over 3 miles depending on tide and wind shifts.[45] Therefore, the presence of eelgrass wrack is not indicative of the presence of eelgrass beds in the immediate vicinity of the project site. This comment does not change the significance conclusions or mitigation in the Draft EIR. No revisions to the EIR are necessary.

Response to Comment O10-175

Refer to Chapter 3.3 *Biological Resources* for a discussion of dredging impacts. As stated in Section 3.3.4, *Impacts Analysis*, the City would obtain all applicable permits from the DMMO prior to dredging activities and consult with NMFS and CDFW during the permitting process. No revisions to the EIR are necessary.

[43] Audubon Society 2026, https://www.audubon.org/california/partnerships/san-francisco-bay-eelgrass-habitat-suitability-model, accessed June 18, 2026.

[44] USACE and EPA 2011, Programmatic EFH Conservation Measures for the LTMS Program Agreed-upon by USACE, EPA, and NMFS.

[45] Baring et al. 2018, https://www.sciencedirect.com/science/article/abs/pii/S0272771417302378, accessed June 18, 2026

Response to Comment O10-176

Refer to Section 3.3.2 Environmental Setting of the Draft EIR and the Response to Comment O10-166 and Comment O10-167 for an analysis of eelgrass presence at the project site. No revisions to the EIR are necessary.

Response to Comment O10-177

See Response to Comment O9-3 for discussion of survey adequacy and Response to Comment 04-7 for discussion regarding the absence of eelgrass at the project site. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O10-178

The proposed project is not expected to impact eelgrass habitat; therefore, the project does not conflict with the San Francisco Bay Subtidal Habitat Goals.

As discussed in detail in Impact LU-2 in Section 3.9, *Land Use and Planning*, construction and operation of the project would overall be consistent with the key policies of the BCDC San Francisco Bay Plan with incorporation of identified mitigation measures for biological resources and hydrology/water quality, specifically Mitigation Measures BIO-1(a) through BIO-1(e), BIO-2, BIO-3, HYD-1, and AES-1. No revisions to the EIR are necessary.

Response to Comment O10-179

The proposed project is not expected to impact eelgrass habitat due to the absence of eelgrass at the project site; therefore, the project does not conflict with the goals of the CEMP. No revisions to the EIR are necessary.

Response to Comment O10-180

Refer to the statement in Section 3.3.4, *Impacts Analysis*, on page 3.3-41 of the Draft EIR addressing the comment Letter from CDFW. The proposed project is not expected to impact eelgrass habitat due to the absence of eelgrass at the project site. No revisions to the EIR are necessary.

Response to Comment O10-181

As stated in the Draft EIR, Section 3.3.2 (pages 3.3-11 through 3.3-13) and shown on Figure 3.3-2 on page 3.3-9, there is no eelgrass habitat within the project site, and no project impacts related to or loss of eelgrass habitat would occur. In addition, see Response to Comment O4-7 for further discussion regarding the absence of eelgrass at the project site. Finally, carbon sequestration is not a topic required for analysis pursuant to CEQA and CEQA Guidelines. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O10-182

Ferry operations and service frequency are described in Section 2.7 (Chapter 2, *Project Description*) and are evaluated across impact areas in Chapter 3, *Environmental Impacts Analysis*, with operational impacts addressed based on representative and conservative assumptions.

Regarding impacts from ferry operations, refer Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion of how the City used the 2003 WETA EIR in the Draft EIR.

Regarding maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging.*

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-183

See Response to Comment O4-8 for discussion of project operation impacts on fish and other aquatic resources. See Response to Comment A3-28 for clarifying text changes to address dredging impacts to aquatic species and their habitat, which would include spawning areas, if present. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for a discussion of sedimentation and Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion of maintenance dredging. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O10-184

Operational ferry impacts, including vessel activity, are analyzed in Section 3.3, *Biological Resources* and Section 3.8, *Hydrology and Water Quality*. The analysis presented therein considers vessel-induced turbulence and baseline water conditions. For additional discussion of ferry operations and regional effects, refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-185

Refer to Section 2.2.10, *Topical Response: Electric Ferry,* for a discussion of how the proposed project includes and the Draft EIR analyses assume installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source.

Response to Comment O10-186

The comment states the EIR does not address the impacts on recreational fishing especially with regard to white sturgeons and halibut.

Refer to Response to Comment O10-153, which revises the Draft EIR to clarify that Section 3.11, *Recreation*, evaluates recreational fishing access and opportunities, while Section 3.3, *Biological Resources*, evaluates effects to fish species, including white sturgeon and halibut, and aquatic habitat.

The analysis, significance conclusions, and mitigation measures presented in Section 3.3, *Biological Resources*, and Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required beyond the clarification provided in Response to Comment O10-153.

Response to Comment O10-187

Eelgrass is not known to occur on the north side of the pier nor anywhere within the project site, as noted in Draft EIR Section 3.3.2, Environmental Setting, page 3.3-11, nor are eelgrass beds expected to contribute to essential fish habitat within the project site as noted in Draft EIR Section 3.3.2, page 3.3-12. As discussed in Draft EIR Section 3.3.4 under Impact BIO-2, page 3.3-58, operational impacts to fish habitat would be limited to potential impacts related to water quality and introduction of invasive species and would be less than significant. Refer to Response to Comment O4-8 for additional discussion of operational aquatic species impacts.

Essential fish habitat (EFH) includes various types of aquatic habitat where fish spawn, breed, feed, or grow to maturity. Thus, in response to this comment, the following clarifying text has been added to Draft EIR Section 3.3 Biological Resources, page 3.3-58:

Section 3.3, page 3.3-58:

> Vessel operators would be required to comply with all USCG and RWQCB requirements for ferry operations. Therefore, operational impacts related to sensitive marine habitats<u>, including EFH for Pacific Coast Salmon,</u> would be less than significant.

Cumulative impacts on fish habitat, including EFH, are assessed in Draft EIR Section 3.3.5 on pages 3.3-67 through 3.3-69 and concluded to be less than significant.

Even with this clarification text change, the analysis and significance conclusion presented in the Draft EIR under Impact BIO-2 in Section 3.3.4, Impacts Analysis (pages 3.3-58 through 3.3-59) remains valid. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O10-188

See Section 2.2.27, *Topical Response: VMT*, for a discussion of how the proposed project would result in a net reduction in regional VMT. The mobile source emissions in the GHG analysis in the Draft EIR were based on the Technical Memorandum for the project dated January 16, 2026, and included as Draft EIR Appendix F. The Technical Memorandum states in Table 3 page 4, that there are 955 person trips, of which 48 are transit, 153 are bike, 38 are pedestrian, and 96 are "other" (defined as including multiple modes and private shuttles) along with 382 single passenger trips, 115 carpool trips, 76 passenger drop off in personal vehicles, and 48 Taxi/transportation network (TNC) trips. The 1,127 daily vehicle trips include only the drive alone, carpool, passenger drop off, and Taxi/TNC trips. The Memorandum states the trip generation provided in Table 3 is conservative and doesn't account for the parking and TDM strategies. The Memorandum further states that "Factors such as limiting parking supply would constrain the number of trips that could be supported to the project, so while the pier may attract some new demand, overall trip levels at the Waterfront would be expected to self-regulate. Furthermore, the trips associated with pier and recreational visitors would be expected to be higher during the weekends when the ferry usage would be lower than weekdays. Hence, the estimated trip generation only shows information from the proposed ferry which as mentioned earlier is considered conservative as it doesn't account for parking and TDM strategies." Therefore, the 1,127 vehicle trips would more than account for the recreational trips that could occur on the weekends and during the week when ferry usage is lower. The mobile-related GHG emissions analysis in the EIR is accurate (see methodology approach discussion on Draft EIR page 3.6-32), and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment O10-189

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the Draft EIR's project objectives and how the City has identified a reasonable range of alternatives, consistent with CEQA.

The Draft EIR adequately identifies project objectives and analyzes a reasonable range of alternatives consistent with CEQA Guidelines. Accordingly, the analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written. No changes to the Draft EIR are required in response to this comment.

Response to Comment O10-190

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of project objectives and its alternatives analyses.

Response to Comment O10-191

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the evidence used to conduct the VMT analysis.

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

Response to Comment O10-192

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the evidence used to conduct the VMT analysis.

Response to Comment O10-193

Refer to Response to Comment O10-189 for a discussion of project objectives. Furthermore, as a matter of clarification, one of the basic project objectives is to "provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco" (see Section 5.3 in Chapter 5, *Alternatives* of the Draft EIR, page 5-2). Large scale ferry service does meet this project objective.

The comment suggests that the Draft EIR should have evaluated ferry service as a recreational amenity rather than as a transportation service. As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected* (page 5-27), the City considered a Smaller Scale Ferry Service Alternative during the alternatives screening process. The Draft EIR explains that a smaller ferry service would still introduce ferry operations and associated infrastructure but would not substantially reduce significant environmental impacts relative to the proposed project. Accordingly, the City determined that further evaluation of this alternative would not provide a meaningful environmental comparison. To provide further clarification, Draft EIR Section 5.9, *Alternatives Considered but Rejected* (page 5-27) is revised as follows:

> **Smaller scale ferry service.** Under this potential alternative, smaller ferry vessels or a reduced ferry vessel schedule would be used. A smaller ferry or reduced ferry vessel schedule would still result in additional ferry vessels and would not reduce a significant environmental impact. Regarding biological resources, in general, fish and marine mammals potentially near the Berkeley waterfront are adapted to the high activity level of an active marina and would avoid ferry boats as they now avoid commercial and recreational boaters. An alternative that would introduce a smaller scale ferry service would still have the same potential impact. Therefore, this alternative would not reduce any environmental impacts. Similarly, the use of smaller vessels or smaller scale ferry service would also not avoid or substantially lessen significant environmental impacts associated with dredging. Regardless of vessel size or the schedule of ferry vessels, ferry operations would still require in-water improvements and construction activities within the San Francisco Bay to provide safe vessel access and passenger boarding facilities and therefore, although a smaller vessel could potentially reduce dredging requirements, there is no assurance that dredging would be avoided altogether. In addition, to the extent that a smaller scale ferry service or smaller ferry vessel could operate from within the Berkeley Marina using an existing berth or marina facilities, such an alternative would present similar operational and feasibility concerns as the Berkeley Marina Basin alternative (refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*, of the Final EIR). Similar to the Berkeley Marina Basin alternative, a smaller scale ferry service or smaller ferry vessel would result in operational inefficiencies and decreased reliability, as ferry operations within the marina would be subject to maneuvering constraints, increased docking and departure times, and potential conflicts with slipholders. Furthermore, a substantially smaller ferry service or smaller ferry vessel would not fully meet the project's basic objective of providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco, as a smaller vessel or substantially reduced service schedule would lessen the project's capacity to improve regional connectivity and reduce single-occupancy vehicle trips. Because this alternative would not reduce significant environmental impacts and would not meet the project's basic objective of providing efficient ferry service, this alternative has been considered but rejected.

The comment also suggests that the Draft EIR should have evaluated a recreational-only pier alternative without ferry service. As discussed in Draft EIR Section 5.9 (page 5-27), the City considered a *No Ferry Service with New Pier Alternative* but did not carry it forward for detailed evaluation because it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco. The Draft EIR also notes that funding

available through WETA is tied to implementation of ferry service and that WETA can only fund and implement ferry projects.

With respect to the range of alternatives, the Draft EIR was developed using screening assumptions and criteria intended to identify alternatives that could attain most of the project objectives while reducing environmental impacts. Consistent with those assumptions, Chapter 5 evaluates the No Project Alternative and three action alternatives that vary key project components, including the amount of Bay fill, breakwater length, pier length, and landside facilities, and compares their environmental impacts and ability to meet project objectives (Draft EIR pages 5-3 through 5-31). Draft EIR Section 5.9 additionally identifies and explains why numerous other alternatives were considered but rejected from detailed analysis, including alternative terminal locations, the In-Marina Ferry Terminal Alternative, a Smaller Scale Ferry Service Alternative, a No Ferry Service with New Pier Alternative, transit alternatives, and repair of the existing pier (Draft EIR pages 5-25 through 5-28).

For additional discussion regarding the assumptions and criteria used to formulate and evaluate alternatives, as well as alternatives considered but rejected from further evaluation, please refer to Section 2.2.2, *Topical Response: Alternatives*.

The Draft EIR adequately evaluates project objectives and alternatives consistent with CEQA Guidelines. The analysis and conclusions presented in Chapter 5, Alternatives, of the Draft EIR remain valid as written. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment O10-194

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the Draft EIR's project objectives and how the City has identified a reasonable range of alternatives, consistent with CEQA.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-195

Refer to Section 2.2.2, *Topical Response: Alternatives*. No further response is required.

Response to Comment O10-196

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has appropriately considered alternatives, consistent with CEQA requirements.

Response to Comment O10-197

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of how the Draft EIR addresses the No Project Alternative. The Draft EIR clearly identifies the assumptions underlying Alternative 1 and applies those assumptions consistently throughout the alternatives analysis. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-198

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of how the Draft EIR addresses the No Project Alternative.

The Draft EIR's evaluation of the No Project Alternative is based on the assumptions identified in Draft EIR Section 5.5, *Alternative 1: No Project Alternative*, and is intended to facilitate a comparison of environmental effects among alternatives. The analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-199

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of how the Draft EIR addresses the No Project Alternative. The Draft EIR clearly identifies the assumptions underlying Alternative 1 and applies those assumptions consistently throughout the alternatives analysis.

As described in Draft EIR Section 5.5, *Alternative 1: No Project Alternative* (pages 5-3 through 5-9), Alternative 1 evaluates conditions under which the proposed project would not proceed. The purpose of the No Project Alternative is to provide a basis for comparison with the proposed project, rather than to speculate regarding every potential future improvement that could occur in the project vicinity. Additionally, the Draft EIR does not overstate the benefits of the proposed project. Rather, it identifies the project features and improvements proposed by the City in Chapter 2, *Project Description* (see Draft EIR Section 2.5, *Proposed Project Objectives*), and evaluates the environmental effects of those features, including their environmental benefits and impacts, in accordance with CEQA's informational and comparative analysis requirements.

The City has identified reasonably foreseeable projects in Table 3-1 of the Draft EIR, which include recreational amenities. It is true that these projects may continue under the No Project Alternative; however, the greatest influence of the No Project Alternatives analysis, for the purposes of a meaningful comparative analysis, continues to be the elimination of project features associated with the proposed project. For example, in terms of temporary construction impacts, while the implementation of these future projects would require construction, these would also occur under proposed project conditions, and the main difference to disclose is the reduced impacts from reduced construction associated with the elimination of proposed project amenities. In terms of operational impacts, such as VMT, GHG, and air quality impacts, the addition of future recreational projects will not measurably affect the VMT, GHG, or air quality analysis for the No Project Alternative. This is because the proposed project results in VMT reductions that could not be realized by any of the reasonably foreseeable projects identified in the Draft EIR.

The comment's views regarding other potential future improvements and proposed project benefits are noted. However, the comment does not identify information demonstrating that the Draft EIR's alternatives analysis fails to provide the meaningful environmental comparison required by CEQA. The analysis and conclusions in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-200

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the substantial evidence used to analyze the No Project Alternative. Refer also to Response to Comment O10-199 for further discussion of the No Project baseline conditions.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-201

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the substantial evidence used to analyze the No Project Alternative. Refer also to Response to Comment O10-199 for further discussion of the No Project baseline conditions.

The Draft EIR evaluates recreational opportunities under both the proposed project and Alternative 1. As described in Draft EIR Section 5.5.2, *Recreation* (page 5-8), Alternative 1 would not include reconstruction of the pier, ferry-related public access improvements, the public plaza, Bay Trail Extension, cycle track, or other recreational amenities included as part of the proposed project. The recreational benefits and impacts associated with the proposed project are separately evaluated in Draft EIR Section 3.11, *Recreation*, which concludes that the project would result in a net increase in recreational opportunities at the Waterfront (see Impact REC-1). The City acknowledges that other recreational or waterfront

improvements may occur independently of the proposed project and such projects are addressed separately, as appropriate, in the Draft EIR (see Chapter 3, *Environmental Impact Analysis*, pages 3-5 through 3-10). However, the possibility of other recreational projects does not change the fact that the recreational facilities proposed as part of this project do not currently exist and would not be implemented as a part of this project under Alternative 1. Consistent with CEQA, the Draft EIR evaluates the proposed project's recreational features against the environmental baseline and concludes that implementation of those project features would increase public access and recreational opportunities relative to existing conditions.

The comment suggests that "many project elements decrease recreation or have the potential to decrease recreation." As documented in the paragraph above, the City has found that the project would directly increase recreational opportunities. Insofar the comment is related to concerns on indirect impacts on recreation from parking or access, refer to Section 2.2.20, *Topical Response: Parking*, Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

The comment's opinion regarding the relative recreational value of existing and proposed conditions is noted. However, the Draft EIR discloses the recreational features that would occur under the proposed project and evaluates the No Project Alternative as required by CEQA. The analysis and conclusions presented in Chapter 3, *Environmental Impact Analysis*, and Chapter 5, *Alternatives*, of the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-202

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the substantial evidence used to analyze the No Project Alternative.

As discussed in Draft EIR Section 5.5, *Alternative 1: No Project Alternative* (pages 5-3 through 5-9), the purpose of the No Project Alternative is to evaluate the condition under which the proposed project would not proceed. The No Project Alternative therefore assumes that the project-specific improvements associated with the proposed project, including the reconstructed pier, ferry service, public plaza, Bay Trail Extension, cycle track, and related facilities, would not be implemented. The Draft EIR does not assume that no development or improvements could ever occur elsewhere within the project vicinity.

The comment identifies potential future improvements that may occur independent of the proposed project, including redevelopment of the site at 199 Seawall Drive. As discussed in the *EIR Baseline* Section of Chapter 3 (pages 3-1 through 3-2), the closure of the 199 Seawall restaurant is part of the existing environmental baseline because the restaurant was closed at the time the Notice of Preparation was published. Furthermore, the Draft EIR expressly acknowledges the potential reopening of a restaurant at 199 Seawall Drive in its cumulative impact analysis. As described in the *Cumulative Scenario Setting* subsection (pages 3-6 through 3-10), the reopening of a restaurant at the 199 Seawall site is included within the assumed buildout of the Draft Waterfront Specific Plan and is incorporated into the cumulative analyses where relevant. Accordingly, the Draft EIR does not ignore potential future redevelopment of the site. The existence of potential future redevelopment opportunities does not alter the purpose of the No Project Alternative or the environmental comparison required under CEQA. The Draft EIR evaluates the environmental effects of the proposed project relative to the No Project Alternative and discloses the environmental consequences of both scenarios.

In response to this Comment the No Project scenario, page 5-4 of the Draft EIR has been revised for clarity as follows.

> Under the No Project Alternative, none of the improvements associated with the project and the current uses would remain. Below is a summary of the No Project Alternative.
>
> - The pier, breakwater, and associated infrastructure for the ferry vessels would not be installed, and the pier would continue to deteriorate and remain closed to the public.

- No new ferry service from Berkeley would be established and vehicle trips across the Bay would continue at their current rate.
- No new public plaza would be installed.
- None of the improvements along University Avenue or Seawall Drive would be installed, including no new cycle track, no upgraded bus facilities, and no Bay Trail Extension. Vehicles, buses, pedestrians, and bicyclists would continue to use the existing facilities.
- The Seawall Drive East Parking lot would remain in its current condition.
- None of the construction associated with the project would occur.
- Reasonably foreseeable projects, as identified in Table 3-1 would continue to be implemented.

To clarify the potential impacts from reasonably foreseeable projects, page 5-8 has been revised as follows.

Transportation

Under Alternative 1, the site would remain in its current condition, with no ferry infrastructure, public plaza, recreation, or transportation improvements implemented. Existing facilities such as the deteriorating pier and Seawall Drive East Parking lot would remain unchanged, and vehicle trips across the Bay would continue at their current rate. At the project site, trips to the site for recreation would continue. In addition, if future development occurs at the Berkeley Waterfront, including but not limited to the development of a new restaurant at 199 Seawall Drive, local VMT would increase. Regionally, VMT would increase over time with projected regional growth, University Avenue would not undergo any safety improvements, and emergency evacuation capabilities would remain constrained. Alternative 1 transportation impacts would be less than significant.

The proposed project's impact related to transportation would be less than significant (see Section 3.12, *Transportation*). Alternative 1 would have a greater impact related to transportation compared to the proposed project due to the lack of improvements on University Avenue that would improve circulation and pedestrian safety, the lack of zero-emission transportation infrastructure that would decrease VMT, and the lack of emergency evacuation capability improvements that the proposed project would provide.

The analysis and conclusions presented in Chapter 5, *Alternatives* of the Draft EIR remain valid as written, and no further revisions to the EIR are necessary beyond the clarifying text included above.

Response to Comment O10-203

Refer to Section 2.2.27, *Topical Response: VMT*, which demonstrates that the project would result in lowered VMT compared to the No Project Alternative. Under California SB 743, transportation impacts in CEQA documents are evaluated using VMT rather than roadway congestion measures such as Level of Service (LOS). Because the project would reduce VMT even under conservative assumptions, it would not result in a transportation impact under CEQA. With respect to the No Project Alternative, the Draft EIR evaluates reasonably foreseeable future conditions in the absence of the project, consistent with CEQA guidelines 15126.6(e)(2). This includes consideration of planned and expected changes in travel patterns, population, and regional growth that would occur regardless of project approval. As described in the Draft EIR (refer to Section 3.12, *Transportation*; Chapter 5, *Alternatives*; and Appendix F, *Transportation Impact Analysis*), these conditions include continued reliance on existing travel modes, which are expected to result in greater regional vehicle travel compared to conditions with the proposed project in place. Accordingly, the analysis and conclusions in Section 3.12,*Transportation* and Chapter 5, *Alternatives* of the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment O10-204

Refer to Section 2.2.27, *Topical Response: VMT*, regarding substantive evidence of lower VMT with the project. With respect to proposed project, induced travel or new trip generation, Appendix F demonstrates that the project would primarily serve existing regional travel demand rather than induce new long-distance trips. Localized increases in traffic volumes associated with terminal access do not correspond to an increase in VMT, which is the applicable CEQA metric. As a regional transit improvement in a constrained corridor, the project would provide an alternative to automobile travel and reduce reliance on longer-distance vehicle trips, resulting in a net reduction in VMT, consistent with State guidance on transit projects.

The comment has not provided evidence demonstrating that the methodology or assumptions are inconsistent with CEQA Guidelines or State guidance. Because the project would reduce VMT even under conservative assumptions, it would not result in a transportation impact under CEQA. Accordingly, the analysis and conclusions in Section 3.12, *Transportation* of the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment O10-205

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the substantial evidence used to analyze the No Project Alternative. Refer also to Response to Comment O10-199 for further discussion of the No Project baseline conditions.

The comment's concern with those assumptions is noted. However, the comment does not identify any specific error in the environmental comparison presented in Draft EIR Chapter 5, *Alternatives*. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-206 to O10-208

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has identified a reasonable range of alternatives, including the evaluation of alternatives that allow for meaningful decision-making, consistent with CEQA.

Regarding the comment about alternatives that eliminate ferry operations, relocate the project, or provide non-ferry recreation focused improvements, refer to Response to Comment O10-193.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-209

As discussed in Draft EIR Section 5.5, *Alternative 1: No Project Alternative* (pages 5-3 through 5-9), the Draft EIR evaluates the No Project Alternative separately from the proposed project and identifies the environmental consequences associated with that scenario. The Draft EIR does not establish the proposed project as the environmental baseline. Rather, the Draft EIR explicitly defines the environmental baseline conditions evaluated in the No Project Alternative within Chapter 3, Environmental Impact Analysis (see Draft EIR pages 3-2 and 3-3, and the *Environmental Setting* subsections of each resource section). Accordingly, Draft EIR Chapter 5, *Alternatives*, compares the environmental effects of the proposed project and alternatives against the No Project Alternative and against existing environmental conditions as described in the applicable environmental resource sections. For further discussions of the baseline conditions assumptions evaluated in the alternatives analysis and the relationship between project objectives and alternatives analysis, refer to Section 2.2.2, *Topical Response: Alternatives*.

The comment's concern with the assumptions underlying the No Project Alternative is noted. However, the Draft EIR clearly identifies the assumptions used in developing Alternative 1 and provides the comparative analysis required by CEQA. The analysis and conclusions presented in Chapter 5,

Alternatives, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-210

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has identified a reasonable range of alternatives, including the evaluation of alternatives that allow for meaningful decision-making, consistent with CEQA.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-211

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the data used to design the project. Pages 5-9 through 5-10 of the Draft EIR state the following: "The exact length of the breakwater under this Alternative would depend on future engineering to identify the shortened length that would still maintain the necessary safe harbor conditions for ferry vessels to dock next to the proposed pier." Any reductions in the size of the breakwater will maintain necessary safe harbor conditions. The comment does not identify a specific deficiency in the analysis presented. No revisions to the Draft EIR are required.

Response to Comment O10-212

The City acknowledges the comment's opinion regarding the relative merits of Alternative 3. As discussed in Draft EIR Section 5.7, *Alternative 3: Shortened Pier Alternative* (pages 5-14 through 5-19), Alternative 3 was developed and evaluated as a reduced-project alternative that would decrease the length of the reconstructed pier, reduce Bay fill, and lessen certain environmental impacts associated with construction and operation of the proposed project. The purpose of evaluating Alternative 3 is to provide decision-makers with information regarding the environmental tradeoffs associated with a smaller pier configuration, not to identify a preferred design.

The comment's preference for a longer recreational pier and greater public access is noted. This comment is included in the project record considered by City decision makers. The Draft EIR evaluates Alternative 3, discloses its environmental advantages and disadvantages, and compares its ability to meet the project objectives relative to the proposed project, consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-213

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has identified a reasonable range of alternatives, including the evaluation of alternatives that allow for meaningful decision-making, consistent with CEQA.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-214

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has identified a reasonable range of alternatives, including the evaluation of alternatives that allow for meaningful decision-making, consistent with CEQA. This Topical Response also includes a discussion of the process in which alternatives were considered but rejected, including alternative locations, as well as the City's discretion in developing project objectives.

Regarding the comment about a pier-only alternative, refer to Response to Comment O10-215 for a discussion of how his alternative was considered but ultimately rejected.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-215

As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected* (refer to page 5-27), the City considered a "No Ferry Service with New Pier Alternative," which would include reconstruction of the pier without ferry facilities. The Draft EIR explains that this alternative was not carried forward for detailed analysis because it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco. The Draft EIR further notes that funding available through WETA is tied to implementation of ferry service and that WETA can only fund and implement ferry projects. Accordingly, the City determined that the alternative would not attain most of the project's basic objectives and would not be feasible.

The comment that the Draft EIR fails to provide a meaningful comparison of alternatives is not accurate. Draft EIR Chapter 5, *Alternatives*, evaluates the No Project Alternative (Alternative 1) and three action alternatives (Alternatives 2 through 4) that provide varying levels of public access, recreational improvements, and ferry service, and compares their environmental impacts and attainment of project objectives. The analysis concludes that the No Project Alternative would not enhance public access and recreational opportunities because the existing pier would remain closed and continue to deteriorate. The analysis further concludes that Alternative 2 (Shortened Breakwater), Alternative 3 (Shortened Pier), and Alternative 4 (Reduced Landside Facilities) would provide public access and recreational benefits, but to a lesser extent than the proposed project because they would reduce recreational amenities or public access opportunities. In addition, Draft EIR Chapter 5 concludes that the No Project Alternative would generally result in greater impacts related to air quality, greenhouse gas emissions, land use and planning, and transportation because it would not provide the transportation and environmental benefits associated with the proposed ferry service.

For further discussion regarding the formulation of project objectives as they relate to the development of project alternatives, as well as the criteria used to develop and evaluate alternatives and alternatives considered but rejected from detailed analysis, such as the no-ferry-service pier alternative, refer to Section 2.2.2, *Topical Response: Alternatives*.

Accordingly, the City concludes that the Draft EIR evaluates a reasonable range of feasible alternatives consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-216

Please refer to Response to Comment O10-215 regarding the City's consideration of a no-ferry-service pier alternative. To the extent the comment references alternative funding sources, grant availability, or project financing, such issues are primarily economic, financial, and policy considerations and are not environmental impacts subject to CEQA review. Please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

The comment's opinion regarding the feasibility of a pier-only project is noted and included in the project record considered by decision-makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-217

The City acknowledges the comment's support for a recreational-use pier alternative. Refer to Response to Comment O10-215.

The information cited by the comment regarding potential recreational visitation does not alter the City's conclusion that a pier-only alternative would not attain most of the project's basic objectives. The City's determination regarding which alternatives were carried forward for detailed evaluation is discussed in

Draft EIR Section 5.9, *Alternatives Considered but Rejected*, and further addressed in Response to Comment O10-215 and Section 2.2.2, *Topical Response: Alternatives*.

The comment's preference for a recreation-focused alternative is noted and included in the record considered by City decision makers for consideration. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-218

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment proposes alternative marina configurations that differ from those previously evaluated. However, the comment does not provide information demonstrating that such alternatives would avoid the operational, access, recreational, or feasibility issues identified in Draft EIR Section 5.9. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-219

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment's observations regarding previous ferry operations are noted. However, they do not alter the conclusions presented in Draft EIR Chapter 5, *Alternatives* regarding the City's evaluation of the In-Marina Ferry Terminal Alternative. The analysis and conclusions in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-220

The comment suggests that ridership data from previous ferry services may support the viability of marina-based or smaller-scale ferry operations. However, the Draft EIR's analysis relies on project-specific ridership projections developed by WETA and evaluates impacts based on a conservative maximum operational scenario. The environmental analysis does not depend on historical Genentech or Tideline ridership data to determine whether the In-Marina Ferry Terminal Alternative or Smaller Scale Ferry Service Alternative would attain most of the project's basic objectives or substantially reduce environmental impacts. The comment has not demonstrated that inclusion of the referenced ridership information would result in a different impact determination, a different alternatives-screening conclusion, or a change to the analysis presented in the Draft EIR.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for additional discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation. With respect to the suggestion that a smaller-scale ferry service should have been analyzed, Draft EIR Section 5.9 similarly explains that the City considered a Smaller Scale Ferry Service Alternative but determined that it would not substantially reduce environmental impacts compared to the proposed project because it would still require ferry operations and associated ferry infrastructure (Draft EIR page 5-27). Accordingly, the City concluded that a smaller-scale ferry service would not provide a meaningful reduction in environmental impacts and therefore did not warrant separate detailed analysis.

The comment does not identify information demonstrating that either an In-Marina Ferry Terminal Alternative or a Smaller Scale Ferry Service Alternative would attain most of the project's basic objectives while substantially reducing environmental impacts compared to the alternatives evaluated in Chapter 5. For further discussion regarding alternatives considered but rejected from detailed evaluation, please refer to Section 2.2.2, *Topical Response: Alternatives*.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-221

The 2003 WETA EIR is a programmatic document that did not include a project-level analysis for a terminal at the Berkeley Waterfront. Page 2-2 of the WETA EIR states the following: "While the IOP does not represent a precisely fixed set of routes and terminal sites, the Proposed Project is based on the anticipated routes and terminals that would result from implementation of the IOP. The routes, terminals, and frequency of service (headways) associated with the Proposed Project are listed in Table 2.1. The routes and terminals are shown on Figure 2.1. Further site-specific studies and design would be necessary prior to IOP implementation to determine actual terminal sites and routes." The suggestion that the 2003 WETA EIR proposed a terminal within the marina is not accurate and the 2003 WETA EIR specifically identifies that additional studies will be needed to determine the actual terminal site. This Draft EIR provides that project-level analysis for a terminal site in the Berkeley Waterfront.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment does not identify a deficiency in the Draft EIR's environmental analysis or alternatives evaluation. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-222

This comment specifically refers to text on page 3.9-10 within Section 3.9, *Land Use and Planning*, of the Draft EIR. Under the 'EIR Scoping Comments' heading, there is a brief discussion about a comment received on the NOP regarding urban decay and a specific court case regarding urban decay. Although urban decay is not a CEQA issue, this Section of the Draft EIR does address the NOP comment received and explains that the referenced case is not applicable because the project would not draw businesses or recreators away from the Berkeley Waterfront. It is expected that the project would bring in new visitors and recreators to the Berkeley Waterfront, resulting in positive economic and social effects. The information regarding expected economic and social effects within this Section does not influence the results of any impact analyses or mitigation measures found throughout the Draft EIR. The information included in page 3.9-10 was not analysis but rather the City's good faith effort to provide a response to the public on matters that are not CEQA impacts. It is still true that economic and social matters are not considered under CEQA. No revision to the Draft EIR is required in response to this comment.

Response to Comment O10-223

This comment specifically refers to text on page 3.9-15 within Table 3.9-1, *BCDC San Francisco Bay Plan Consistency*, in Section 3.9, *Land Use and Planning*, of the Draft EIR. Within this table, the proposed project's consistency with BCDC San Francisco Bay Plan Climate Change Policy 7 is analyzed. The policy broadly states that BCDC should evaluate each project on case-by-case basis to determine the project's public benefits, resilience to flooding, and capacity to adapt to climate change impacts. The discussion in the Draft EIR finds that the project is consistent with Climate Change Policy 7 due to the many types of public benefits it could provide, including economic benefits, reducing VMT, decreasing emissions, and providing additional transportation infrastructure in the region. Although this discussion does include economic benefits as cited from the 2022 WETA Business Plan, environmental impacts are discussed as well. The City has identified public benefits because the policy specifically references benefits. Section 3.9.4, Impact Analysis, of the Draft EIR states that, "[a] policy inconsistency is considered a significant adverse impact only if the inconsistency would result in a significant adverse physical impact". Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for more information about this topic. No revision to the Draft EIR is required in response to this comment.

Response to Comment O10-224

This comment specifically refers to text on page 3.9-32 within Table 3.9-4, *Berkeley Marina Master Plan Consistency*, in Section 3.9, *Land Use and Planning*, of the Draft EIR. Within this table, the proposed project's consistency with Berkeley Marina Master Plan Principle 5 is analyzed. The policy broadly

encourages projects to enhance access and use of the Berkeley Marina, especially for members of special user groups such as elder, economically disadvantaged or physically challenged persons. The discussion finds that the project is consistent with Principle 5 because the project would provide the infrastructure identified within the policy. Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for more information about this topic. No revision to the Draft EIR is required in response to this comment.

Response to Comment O10-225

It is correct that if a lead agency approves a project with significant and unavoidable impacts, that agency must prepare a Statement of Overriding Considerations that describes the specific social, economic, or other reasons supporting their decision. The purpose of the EIR is to disclose the environmental impacts of a project, identify mitigation to avoid or reduce impacts, and consider alternatives to a project. The EIR is used as an informational document for agencies and the public. The preparation of a Statement of Overriding Considerations happens after the preparation of the Final EIR and is a part of the materials used by the decision-making body to make a decision on the project. No revision to the Draft EIR is required in response to this comment.

Response to Comment O10-226

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

As stated in Response to Comment O10-13, economic and social considerations are evaluated by decision makers during the consideration of the Final EIR and are not part of the contents of the Draft EIR or CEQA analysis.

This comment is included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-227

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to cumulative projects, as it relates to WETA's planned expansion of ferry terminal.

Response to Comment O10-228

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment O10-229

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how the Draft EIR addressed parking, consistent with CEQA.

Response to Comment O10-230

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-231

The discussion of Impact TRA-2 in Section 3.12, *Transportation*, of the Draft EIR states that ferry service between Berkeley and San Francisco would increase access to higher-paying jobs, which is substantiated by the 2022 WETA Berkeley Ferry Service Plan. Ferry service between Berkeley and San Francisco would allow workers to live in the East Bay while working in San Francisco or other regional areas providing higher-paying employment opportunities. Refer to Chapter 6, Equity Considerations, of the 2022 WETA Berkeley Service Plan for more information. Rather than social or economic benefits, the discussion in Impact TRA-2 is focused on how daily vehicle trips associated with the project may not necessarily be new trips and could be shifted rides from other commuters; people in West Berkeley currently have limited transit options. The expansion of ferry service would result in a new transit option for West Berkeley residents, which could lead to a shift in rides across the region. No further response is required.

Response to Comment O10-232

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-233

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-234

The comment states that the city's public ferry survey found that respondents viewed ferry service primarily as a community amenity rather than a regular commuting option.

Refer to Section 2.2.27, *Topical Response: VMT*, regarding development of the ferry ridership numbers as well as changes in VMT resulting from implementation of the project.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-235

Refer to Response to Comments O10-13 and O10-231. As discussed in Response to Comment O10-13, economic merits or social considerations are not environmental issues subject to analysis under CEQA. Nevertheless, this comment has been included in the project record considered by City decision makers.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are important policy considerations that the City Council should weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment. Section 3.11, *Recreation* of the Draft EIR analyzes whether the project would have physical impacts on recreational uses and access, and concludes that the project enhances rather than diminishes recreational opportunities at the Berkeley Waterfront. The equity implications of fee structures for marina and ferry infrastructure are policy matters appropriately addressed through the City's public deliberative process, not through the CEQA environmental review of the physical project. No revision to the Draft EIR is warranted on this basis.

Response to Comment O10-236

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment O10-237

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment O10-238

Regarding the commenter's opinion on the project this comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Regarding, concerns about recreation, please refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* and Section 3.11, *Recreation* of the Draft EIR, for a discussion about the potential impacts on recreation.

Regarding the comment about the separate process between this proposed project and the Waterfront Specific Plan, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*.

Response to Comment O10-239

Regarding the comment about conditions in State grants, this comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Regarding the WSP, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion about how the Draft EIR appropriately considers the Draft WSP in the Draft EIR.

Response to Comment O10-240

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the Marina Basin Alternative from further evaluation.

Response to Comment O10-241

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the City's evaluation of alternatives.

Refer to Response to Comment O10-215, for a discussion about an alternative that would restore the recreational pier without ferry service.

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment O10-242

This comment is accurate. The Draft EIR has identified potentially significant impacts and identified mitigation measures to address those impacts, consistent with CEQA. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-243

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment O10-244

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of alternatives that were considered but rejected and how the City has identified a reasonable range of alternatives, consistent with CEQA.

Response to Comment O10-245

The Draft EIR already fully complies with the CEQA Guidelines and is adequate, as discussed in Section 2.2.5, *Topical Response: CEQA Adequacy.* Additionally, refer to Section 2.2.7, *Topical Response: CEQA Process*, for a discussion about why recirculation is not required. No further response is required.

Response to Comment O10-246

Insofar that these references and attachments provide information for earlier comments, those comments are addressed in earlier response to comments. Please refer to earlier response to comments. This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

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From: Emilie <desertpeach2@earthlink.net>
Sent: Thursday, March 5, 2026 7:54 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Fw: Fwd: Pier Ferry Project

Letter P1

WARNING:

safe.

Ignore next email from me. Please use this address, not address in next email. Thx!

-----Forwarded Message-----
From: Emilie Strauss <desertpeach@earthlink.net>
Sent: Mar 5, 2026 7:51 AM
To: Emilie Strauss <desertpeach2@earthlink.net>
Subject: Fwd: Pier Ferry Project

P1-1

Begin forwarded message:

> **From:** Emilie Strauss <desertpeach@earthlink.net>
> **Date:** March 5, 2026 at 7:50:44 AM PST
> **To:** lmcnulty@berkeleyca.gov
> **Subject: Pier Ferry Project**
>
> Please put me on the distribution list for the Pier-Ferry project, and the notice list for the DEIR.
>
> Thank you,
>
> Emilie Strauss

Letter P1

Commenter: Emilie Strauss

Date: March 5, 2026

Response to Comment P1-1

The City has added the comment's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Letter P2

From: Emilie <desertpeach2@earthlink.net>
Sent: Friday, March 13, 2026 8:12 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Request for Extension of deadline for Berkeley Pier Ferry Project EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Given that the DEIR is 1000 pages, I would like to formally request an extension of the 45 day comment period for another two weeks thereby ending on or about April 27.

P2-1

Thank you in advance for consideration of my request.

Emilie Strauss
Berkeley, California

Letter P2

Commenter: Emilie Strauss

Date: March 13, 2026

Response to Comment P2-1

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Letter P3

From: Diego Aguilar-Canabal <d.aguilarcanabal@gmail.com>
Sent: Friday, March 13, 2026 5:34 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Pier Ferry Draft EIR Public Comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good afternoon,

I have some concerns regarding the sustainability of this project, specifically due to the fact that the nearest housing is over a mile away. P3-1

From the draft document, it is unclear to me if the ridership projections were made before or after the COVID-19 pandemic -- while it appears that they were published in 2022, it's not entirely clear to me when and how the estimates were calculated. P3-2 Without more detail on the sources of ridership projections, operating revenue scenarios seem overly optimistic, and I believe these merit further scrutiny to re-evaluate them to ensure the project's long-term viability. P3-3

Best regards,

Diego

--
Diego Aguilar-Canabal

Letter P3

Commenter: Diego Aguilar-Canabal

Date: March 13, 2026

Response to Comment P3-1

The comment does not identify a deficiency in the environmental analysis presented in the Draft EIR. Nevertheless, the City notes that sustainability concerns are incorporated throughout the project design. As described in Draft EIR Chapter 2, *Project Description*, the project would support a transition to zero-emission regional transportation options and would be served by all-electric ferry vessels operated by WETA (see Section 2.3, *Project Objectives*, page 2-4). The project also includes multimodal access improvements intended to reduce reliance on single-occupant vehicle trips, including bicycle and pedestrian facilities, Bay Trail improvements, transit connections, bicycle parking, and transportation demand management measures (see Section 2.5.2, pages 2-11 through 2-22). In addition, the project would include electric vehicle charging infrastructure within the parking area and has been designed to accommodate future solar photovoltaic installations over portions of the parking facilities. Refer to Draft EIR Chapter 2, *Project Description* (Section 2.5.2, page 2-18).

The Draft EIR also evaluates greenhouse gas emissions in Section 3.7, *Greenhouse Gas Emissions*, which concludes that the project would not conflict with applicable plans, policies, or regulations adopted to reduce greenhouse gas emissions and would not generate significant greenhouse gas impacts (see Impacts GHG-1 and GHG-2). The greenhouse gas analysis accounts for the project's transportation characteristics, operational features, and consistency with regional and State climate objectives.

While the comment questions whether the terminal's location relative to residential areas affects project sustainability, the comment does not identify specific sustainability concerns or provide evidence demonstrating that the project's environmental analysis or greenhouse gas conclusions are inaccurate.

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P3-2

The ridership estimates presented in Table 2-4 of the Draft EIR (refer to page 2-31) were derived from the WETA Berkeley Ferry Service Business Plan, Version 1.0 (herein referred to as WETA Business Plan), dated March 17, 2022. The Business Plan explains that the ridership projections are based on pre-pandemic ridership assumptions and demand data but were adjusted to account for pandemic-related changes in travel behavior, fare structures, and ferry service demand. Specifically, the Business Plan states that it was prepared "amidst the ongoing COVID-19 pandemic and in the context of emerging recovery trends" and that the ridership projections are "based upon pre-COVID assumptions but have been adjusted to reflect a 'pandemic recovery' fare structure and changing commuter travel pattern trends and demand for weekend services," (see WETA Business Plan, page 1).

The WETA Business Plan further explains that the ridership projections were developed using updated assumptions regarding post-pandemic travel patterns, including changes in peak-period travel demand and increased demand for weekend ferry service, and that projections will continue to be refined as additional information becomes available (see WETA Business Plan pages 1 and 13-18). Accordingly, the ridership estimates presented in the Draft EIR were developed after the onset of the COVID-19 pandemic using a methodology that incorporated both pre-pandemic ridership data and post-pandemic recovery assumptions.

Refer to Response to Comment O7-4, which revises Table 2-4, Daily Ridership Projections (trips), on Draft EIR page 2-31 within Chapter 2, *Project Description*, to provide additional clarity regarding the ridership assumptions associated with the proposed project. The revision presented in Response to Comment O7-

4 is clarifying in nature and does not result in changes to the analysis of operational impacts or related assumptions associated with the proposed project. Accordingly, the analysis and conclusions presented in the Draft EIR remain valid as written. No further revisions to the Draft EIR are necessary beyond the clarification above.

Response to Comment P3-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Letter P4

From: Julie Allen <valepuella@gmail.com>
Sent: Saturday, March 14, 2026 7:03 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty and relevant city of Berkeley folks,

I'm writing with serious concerns about the proposed berkeley ferry EIR and the lack of protection for recreational use.

I'm a regular marina swimmer and a 20+ year Berkeley resident. The EIR dismisses the important recreational use of the Hs Lordships/south peninsula launch spot and gives no assurance that current recreational use will be protected. Though "unimproved" this is an established entry spot, used for decades. It was acknowledged in the 2003 Marina Master Plan, with the intent to "enhance windsurfer activity" at the location. During water levels below 3 feet -- nearly 50% of the time! -- it is the only feasible swimming launch in the marina. P4-1 P4-2

The EIR discusses an effort to make swimming illegal within 1500 feet of the pier. This ignores the original intent of the code 6.20.180 (to prohibit jetskis) along with decades of practice. The city is misinterpreting and misrepresenting this code to avoid analyzing the impacts on recreational use. P4-3

The environmental impacts of the plan, which include construction of a large breakwater, have not been adequately investigated. That area is extremely shallow and a breakwater will have a heavy impact on the bathymetry of the already silt-choked sailing basin (already unusable at low tide). The EIR does not address the potential impact on eelgrass in that area (observed regularly during low tide Ashby Shoal outings) which serves as a foundational species of the Bay and is protected under federal and state laws. P4-4 P4-5

This plan would eliminate recreational use of this area which is enjoyed by swimmers, fishers, walkers, wing and windboarders, kayakers, bird watchers, and others. This recreational amenity is valuable to residents of all income and social backgrounds. If a ferry is needed in this area, alternatives should be considered that do not eliminate the vibrant recreational community. P4-6 P4-7

Thank you for your time,

-Julie Allen

Letter P4

Commenter: Julie Allen

Date: March 14, 2026

Response to Comment P4-1

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, which provides clarification regarding access to water-based recreation and associated launch areas.

The analysis and significance conclusions in the Draft EIR remain valid as written. No further response or revisions to the EIR are necessary.

Response to Comment P4-2

The Draft EIR analyzes the project for consistency with the Marina Master Plan in Section 3.9, Land Use and Planning, and concludes that the project would not conflict with the key principles of the plan (see Impact LU-2, Table 3.9-4). With respect to water access from the 199 Seawall site, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The analysis and significance conclusions in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are necessary.

Response to Comment P4-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for clarification regarding the analysis of recreational impacts as it relates to the Berkeley Municipal Code.

The analysis and significance conclusions in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are necessary.

Response to Comment P4-4

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about the South Cove Sailing Basin, as it relates to sedimentation and bathymetry.

Response to Comment P4-5

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. The Ashby Shoal eelgrass bed is located more than 1,000 meters from the location of proposed in-water work which far exceeds the adopted threshold of 250 meters for potential impacts to eelgrass[46]. No revisions to the EIR are necessary.

Response to Comment P4-6

For discussion of shoreline access at 199 Seawall launch site and equipment-dependent access points, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which explains how such access is considered in the CEQA baseline and how the project would not eliminate or reduce those opportunities.

[46] USACE and EPA 2011, Programmatic EFH Conservation Measures for the LTMS Program Agreed-upon by USACE, EPA, and NMFS.

Accordingly, the Draft EIR does not support the statement that recreational use of the referenced area would be eliminated. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P4-7

The analysis in the Draft EIR indicates that the proposed project would not “eliminate” a vibrant recreational community. Rather, the Draft EIR finds that the proposed project would enhance recreational opportunities through the construction of recreational amenities. Refer to Response to Comments P4-1, P4-2, P4-3, and P4-6 for a response to specific concerns on recreation raised in the comment letter.

For a discussion of how the Draft EIR considered alternatives, refer to Section 2.2.2, *Topical Response: Alternatives*.

To the extent the comment references recreational opportunities for people of different income levels and social backgrounds, the City notes that CEQA generally focuses on the project's physical environmental effects rather than the socioeconomic characteristics of recreational users. The comment's view regarding the value of the marina to the community is acknowledged and has been included in the project record considered by decision-makers. The comment does not identify a deficiency in the Draft EIR's analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Letter P5

From: Corbin Pagter <corbinp@earthlink.net>
Sent: Saturday, March 14, 2026 11:30 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley marina ferry project proposal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello I am a native Berkeley resident and outdoor enthusiast and I wanted to express my concern over the proposed ferry project and its impacts on the Berkeley marina. I am concerned that there will be a large amount of commuter traffic and a parking mess that will make it near impossible for the people who enjoy outdoor activities at the marina to navigate . Also the impact of the ferry terminal to the existing water conditions- wind shadow/ wave shadow and environmental impact on an already stressed ecosystem. Also I wonder why we need another expensive transportation solution that requires major investment and infrastructure and does not solve the overall transportation problem in the Bay Area. A large investment for very little positive impact with potentially devastating impact to the quality of life for the residents of Berkeley sounds like like an awful idea.
Please do not pass the ferry project- let's find other solutions to our transportation and not negatively impact the quality of life that makes Berkeley a unique gem with a beautiful waterfront.
Thank you
Corbin Pagter
Sent from my iPhone

P5-1
P5-2
P5-3
P5-4

Letter P5

Commenter: Corbin Pagter

Date: March 14, 2026

Response to Comment P5-1

Refer to Section 2.2.20, *Topical Response: Parking.* The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P5-2

Refer to Section 2.2.29, *Topical Response: Wind*, for discussion concerning CEQA and wind. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for more information regarding waves and ferry operations. No further response is required.

Response to Comment P5-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P5-4

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P6

From: Paul Kamen <pk@well.com>
Sent: Saturday, March 14, 2026 11:05 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov
Subject: comments on WETA ferry draft EIR

I was on the Berkeley Waterfront Commission when the restrictions on Jetski operation was passed as a recommendation to Council. In fact I contributed to the proposed wording, increasing the speed limit in the access corridor from 5 to 15 MPH for better control in waves outside the harbor. Clearly this has no application to paddleboards, kayaks, swimmers, etc. The wording "*No jetski or personal watercraft of any kind...*" is used because "Jetski" is a registered trademark of Kawasaki, and a "Jetski" may actually be a "Sea-Doo" (Bombardier) or a "Waverunner" (Yamaha). Hence the term "PWC" or Personal Watercraft is used to accurately describe what is commonly recognized in the English language as a "Jetski" from a builder other than Kawasaki. The wording "*of any kind*" is there to make sure jetskis/PWCs from other manufacturers are covered. It's a "Scotch Tape" kind of thing. If you say "cellophane tape" to avoid the trademark, it's not interpreted as packing tape, etc. P6-1

I've tried to use "jetski" in papers about jetski safety I've written for the National Academy of Forensic Engineers, but the peer reviewers have insisted that I stay clear of that word and use PWC to describe the same thing.

Ask any AI server for the definition of a PWC: Perplexity gives me this one in the first cited reference: "A Personal Watercraft (PWC) often known as a jet ski, is a compact recreational waterfacft propelled by an inboard jet drive system..."

Point is, you can't extend the ordinance to apply Berkeley Municipal Code Section 6.20.180 to anything other than what is commonly known as a "jet ski." This based on both widespread modern usage of the terms "PWC" or "Personal Watercraft," and on legislative intent, of which I have personal knowledge. P6-2

--
Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
1224 Campus Drive, Berkeley, California 94708
pk@well.com http://www.SurfacePropulsion.com
510-540-7968 510-219-8106 (cell)

Letter P6

Commenter: Paul Kamen

Date: March 14, 2026

Response to Comment P6-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion related to the definition of personal watercraft.

Response to Comment P6-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a detailed discussion of the relationship between Berkeley Municipal Code Section 6.20.180 and the proposed project analyzed in the Draft EIR.

Letter P7

From: Paul Kamen <pk@well.com>
Sent: Saturday, March 14, 2026 11:50 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov
Subject: comments on WETA ferry draft EIR

The EIR is deficient in that it does not address the effect of various TDM (Transportation Demand Management) strategies on the environment. More specifically, it does not provide the detail required to asses where ferry passengers will park when demand exceeds the dedicated lot for ferry passengers. Also, the EIR does not include the environmental effects of using fast ferries to partially compensate for excessive time required to find a parking space. P7-1 P7-2

Of particular interest to boat berthers (who provide about 2/3 of Marina Fund revenue) is how guests, crew and family will be differentiated from ferry passengers who have strong incentives to use the lots intended for boat berthers. We assume that boat berthers will be issued parking permits in some for that will exempt them from time-of-day or elapsed time restrictions. But boats are rarely used by the owner alone. My 25 ft sailboat, for example, usually sails with a total crew of five, so four additional parking spaces are needed in the O-Dock lot. None of my crew live near a direct bus line, and they all bring a heavy sea bag and personal safety gear. That, and distance make bike access infeasible. Crew and guests have the same time-of-day requirements as ferry passengers: Early arrival and all-day, and sometimes overnight, use of the parking space. Larger boats may sail with ten crew or more. Boats that go fishing for the day have similar requirements for guest parking. P7-3

How will this be handled? Will all crew or guests have to stop by the marina office to get a temporary pass? Does the economic forecast allow for keeping the marina office open on Sunday mornings? Adding cost, whether monetary or tranactional (e.g.time wasted) reduces the marketability of berths on the south side of the harbor and will reduce berther revenue.

There will be unintended consequences. For example, a ferry commuter might buy an inexpensive (or even a semi-derelict) boat for the sole purpose of obtaining a parking pass. Note that some of the berther parking lots are closer to the proposed ferry terminal than the designated ferry passenger log. At $300/month (typical for a 25 ft berth) this is only $10/day, a bargain for a reliable and convenient space. This use would be a clear violation of tideland public trust (see 1913 tideland grant and 1962 amendments...) It's a non- P7-4

maritime and non-recreational use.

A related but often ignored environmental effect of insufficient parking: When passengers have to spend time finding a legal parking space, it increasing the required speed and carbon footprint of the ferries in order to meet a door-to-door transit time. P7-5

Various studies have shown that when missing a boat, train or carpool has serious consequences, e.g. being very late for work, most commuters will allow two standard deviations of time margin. Example: If parking is adequate and easy to find (see Richmond ferry terminal) the process of parking and walking back to the boarding gangway only takes about two minutes with a standard deviation of about one minute at most. So arriving five minutes before scheduled departure is a reliable strategy. But what if it takes 15 minutes to find a more distant parking space, searching in several lots or cruising for the closest on-street parking possibility, then at least five minutes to walk back to the ferry. Standard deviation perhaps 5 minutes. The average commuter will allow the 20 (15+5) minutes average delay, plus two sigma or ten minutes (2x5) margin to be sure not to miss the boat. This adds 25 minutes to the door-to-door commute time, compared to a scenario with ample parking. P7-6

For our short route to SF, the ferry has to very much faster to provide the same commute time, door-to-door. Remember that required power is proportional to speed cubed -- so the environmental impact of the ferry system is much reduced if sufficient parking is part of the system. It's cheaper and greener to provide the parking and slow down the boats. P7-7

--
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Letter P7

Commenter: Paul Kamen

Date: March 14, 2026

Response to Comment P7-1

TDM strategies provide an alternative to driving and result in reduction of GHG emissions. Hence, TDM strategies are beneficial for the environment. The commenter appears to be concerned about how the TDM can affect parking availability. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the project's effect on parking availability.

Response to Comment P7-2

Ferry vessels will not operate at higher speeds to compensate for time required to find a parking space. Ferry speeds are governed by operational, safety, and regulatory constraints, not passenger arrival patterns. No supporting arguments, data, or analysis were provided to substantiate these comments. Accordingly, no changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P7-3

Refer to Section 2.2.20, *Topical Response: Parking.* The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P7-4

The comment expresses concern that ferry users could obtain berthing privileges to access marina parking.

The comment concerns speculative user behavior and parking management practices rather than a physical environmental impact under CEQA. For discussion regarding project-related parking changes, parking management strategies, and the analysis of parking-related impacts under CEQA, refer to Section 2.2.20, *Topical Response: Parking.* No revisions are required.

Response to Comment P7-5

Ferry vessels will not operate at higher speeds to compensate for time required to find a parking space. Ferry speeds are governed by operational, safety, and regulatory constraints, not passenger arrival patterns. No supporting arguments, data, or analysis were provided to substantiate these comments. Accordingly, no changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P7-6

This comment pertains to commuter choice and travel behavior rather than environmental impacts as defined under CEQA. Parking convenience and commute reliability are social and operational considerations, not environmental impacts in and of themselves. The Draft EIR evaluates vehicle circulation and potential secondary environmental effects related to parking search behavior pursuant to CEQA requirements (refer to Section 3.12.4, *Transportation*, *Impacts Analysis* subsection, Pages 3.12-15 through 3.12-25). For further discussion on the evaluation of parking and potential secondary effects, refer to Section 2.2.20, *Topical Response: Parking*.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

This comment is noted; however no supporting arguments, data, or analysis were provided to substantiate these comments. Accordingly, no changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P7-7

Refer to Response to Comment P7-5.

Letter P8

From: Paul Kamen <pk@well.com>
Sent: Sunday, March 15, 2026 12:10 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov
Subject: comments on WETA ferry draft EIR

Successful ski resorts offer a variety of difficulty levels: There's a bunny slope, some intermediate runs, and the expert slopes. A ski resort needs all three.

Windsurfing and beginner sailing in the South Cove have the same requirements: A popular site needs to provide conditions for a wide range of skill levels. P8-1

One of the features that make the South Cove so desirable and popular for small boat sailing and windsurfing (and related wind-powered activities) is that it offers wind and waves at all levels of skill.

The "inner sailing area," with wind moderated by the land mass and the trees on Hs. Lordships peninsula, is of particular importance for the novice area. There are about 40 trees slated to be removed in order to increase the capacity of the Hs. Lordships parking lot from approx. 250 to 400. This will likely change the wind environment of the inner South Cove. More wind, more difficulty for novice sailors, more demands on the rescue skiff for both Cal Sailing Club and Cal Adventures. And less continued use by the more skilled sailors, if they had to go elsewhere to learn. P8-2

The South Cove site is unique among windsurfing sites for its skill level variety. Removing wind-attenuating trees will cause an environmental impact not mentioned in the EIR that will be difficult to undo. It will compromise access and safety. This needs to be analyzed in detail. P8-3

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Letter P8

Commenter: Paul Kamen

Date: March 15, 2026

Response to Comment P8-1

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, and to Section 2.2.29, *Topical Response: Wind,* regarding maintaining South Sailing Basin conditions.

The Draft EIR concludes that the range of recreational opportunities, including those supporting different skill levels, would be maintained, and that water based recreation would continue to occur safely in the vicinity of the project. For further discussion of recreational water access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P8-2

Refer to Section 2.2.29, *Topical Response: Wind*, which provides clarification regarding the analysis of wind conditions related to recreational uses.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P8-3

Refer to Response to Comments P8-2.

Letter P9

From: Tinne <tinneae@gmail.com>
Sent: Sunday, March 15, 2026 9:13 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Impact /marina meeting 3/16/2026

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi there

I am concerned about the impact of the planning of the ferry terminal in berkeley marina. We are a growing community wingers, windsurfers, sailors and need sometimes parking there to unload heavy gear. I come every other day to the marina to work out. When I windsurf I am also concerned about having enough wind and buildings being built at the current 'lordships' can restrict the wind flow or wind line. P9-1 P9-2

I am also concerned about having too many ferries. Water is crowded with boats,... Lately I have been using my bike on the bay bridge to go to the city. Now that's something to work on! P9-3

Kind regards
Tinne Aerts

Letter P9

Commenter: Tinne Aerts

Date: March 15, 2026

Response to Comment P9-1

Refer to Section 2.2.20, *Topical Response: Parking,* regarding parking availability as it relates to CEQA. Refer also to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*, regarding equipment-dependent recreational activities and access needs.

As discussed therein, CEQA does not treat parking availability, parking convenience, or user preferences regarding parking location as environmental impacts in themselves. The Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts, including restrictions on access to recreational resources. The Draft EIR concludes that recreational access would be maintained, parking supply would remain available for recreational users, and implementation of the project would not result in a significant impact to recreational resources or access.

The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.12, *Transportation*, and related sections of the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P9-2

The comment is concerned about potential changes in wind conditions near 199 Seawall Drive from buildings being built there.

The City does not propose to build buildings near 199 Seawall Drive as part of this project. Refer to Section 2.2.29, *Topical Response: Wind* for discussion concerning CEQA and wind. Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* concerning the 199 Seawall launch point. No further response is required.

Response to Comment P9-3

The comment expresses concern regarding the quantity of ferries in the San Francisco Bay.

Page 2-30 of the Draft EIR describes that the project would operate two ferry vessels with regular service to San Francisco. The project would represent an incremental increase in existing boat trips on the Bay.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P10

From: Leslie Absher <leslie@leslieabsher.com>
Sent: Sunday, March 15, 2026 2:19 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comments on WETA ferry draft IER

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty,

I am writing to express opposition to the changes proposed in WETA's ferry draft IER to eradicate recreational activities in the waters of the Berkeley Marina. I have been following the developments and meetings between community members who use the marina for recreational swimming and other water sports closely. I am a regular swimmer at the marina and a member of the 500 strong East Bay Open Water swim group. P10-1 P10-2

Among my grievances is the fact that the IER makes little to no provisions for maintaining and respecting the decades long precedent of swimmers, boarders, wingers, windsurfers and others to be able to continue to enjoy the marina. The ferry draft states that it will charge recreational folks to park. It will declare swimming illegal in the open bay, where it doesn't have jurisdiction. It will get rid of Seawall drive 'in-car' viewing altogether after promising to protect it. P10-3 P10-4 P10-5

So many promises broken.

No more picnics, quick lunch breaks to unwind, gathering at sunset to look at the sky with a loved one, or swims with community groups. All the things that help us feel connected. The Bay belongs to all of us--swimmers, kayakers, windsurfers, kiteboarders, stand-up paddlers, wingers, and walkers. Everyone. P10-6

There is plenty of precedence in place protecting recreational access. BCDC governs the Bay and protects its continued recreational use. In 2003, the city acknowledged the Lordships entry point for recreational use in the marina master plan and yet the current plan ignores this precedent and the decades of established recreational use. P10-7

Perhaps most egregious in WETA's plan is its decision to remove Seawall Drive for 'in-car' viewing. Anyone who wants to look out at our Bay and relax for a while without forking out bucks is out of luck. Simply put cutting the public out of the picture is antithetical to what city government and its contractors should be doing. Time to set it right. P10-8

Sincerely,
Leslie Absher

Leslie Absher
Author, Journalist

Spy Daughter, Queer Girl

Letter P10

Commenter: Leslie Absher

Date: March 15, 2026

Response to Comment P10-1

The comment expresses opposition to the project because it would eradicate recreational activities.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* and Section 2.2.14, *Topical Response: Loss of Ferry Vessel Contro*l regarding impacts to existing recreational uses.

The Draft EIR does not conclude that existing recreational activities would be eradicated or eliminated. As discussed in the Topical Responses identified above, the Draft EIR recognizes existing water-based recreational uses, including sailing, kayaking, swimming, windsurfing, wing foiling, and other marina-related activities as part of the recreational baseline (see Draft EIR Section 3.11.1, *Environmental Setting*). Existing recreational access points, including the South Sailing Basin and the 199 Seawall launch area, would remain available, and the project would not physically eliminate these recreational uses. Ferry operations would occur north of the pier within defined navigation corridors and would not preclude continued recreational use of the Berkeley Waterfront. The Draft EIR concludes that existing recreational access would be maintained and that the project would provide additional recreational amenities, including a restored public pier, Bay Trail improvements, shoreline amenities, and other public access features (refer to Section 3.11.4, *Impacts Analysis*, Impact REC-1).

The analysis and significance conclusions presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further response is required.

Response to Comment P10-2

The comment states the author is a regular swimmer in the Marina and a member of the East Bay Open Water swim group.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P10-3

The comment states that the Draft EIR does not provide for existing long-standing recreational users (swimmers, boarders, windsurfers, etc.).

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding impacts to existing recreational uses.

The analyses, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further revisions are necessary.

Response to Comment P10-4

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking management strategies, parking fees, and the role of parking under CEQA. As discussed therein, parking fees and parking pricing are operational and policy considerations rather than environmental impacts under CEQA. The Draft EIR evaluates potential secondary physical environmental effects associated with parking and concludes that no significant parking-related environmental impacts would occur. No revisions to the Draft EIR are required.

Response to Comment P10-5

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for the topic of swimming in the Bay.

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive. The analyses, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further revisions are necessary.

Response to Comment P10-6

The comment expresses concern regarding loss of recreational activities.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding impacts to existing recreational uses. The comment does not pertain to the analyses, significance conclusions, and mitigation measures presented in the Draft EIR. No further revisions are necessary.

Response to Comment P10-7

Section 3.9, *Land Use and Planning*, evaluates project consistency with adopted land use plans, including the Berkeley Marina Master Plan and BCDC San Francisco Bay Plan (refer to Impact LU-2, Pages 3.9-12 through 3.9-23 and 3.9-29 through 33). As concluded therein, the project would be consistent with both the Berkeley Marina Master Plan and BCDC San Francisco Bay Plan. To the extent that the project would conflict with an adopted policy (specifically, noise thresholds established by the Berkeley Municipal Code during project construction), such effects are analyzed and mitigated in the appropriate resource Section (refer to Section 3.9.4 Pages 3.9-34 and 3.9-35).

With respect to specific concerns regarding water access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

The analysis, significance conclusions, and mitigation measures presented in Section 3.9, *Land Use and Planning*, and Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment P10-8

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.20, *Topical Response: Parking,* for discussions regarding in-car viewing access and parking considerations. No further response is required.

Letter P11

From: Ives Humphreys <iveshumphreys@gmail.com>
Sent: Sunday, March 15, 2026 3:48 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi,

Please hear me out on my comments on the city's WETA ferry draft EIR. I regularly swim at the Lordship's Restaurant entry point with Odyssey Swim Club. The recreation we enjoy there needs to be respected and given due consideration. Swimming in the ocean should not be considered illegal, as a Marina is meant to provide recreation opportunities for the general public. P11-1

Besides swimmers, many windsurfers also use the Marina as a launch point and their right to recreation needs to be protected too..

I understand that a Ferry would make public transportation possible around Berkeley and be a source of income for the city. This is a worthy purpose, there's no denying that. But please strike a balance with recreational users, we don't have many safe protected places to swim. P11-2

Sincerely,
Ives Humphreys
1730 Lacassie Ave, Unit 11
Walnut Creek, CA 94596

Letter P11

Commenter: Ives Humphreys

Date: March 15, 2026

Response to Comment P11-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of the Berkeley Municipal Code provision as it relates to the project and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for discussion of maintenance of existing 199 Seawall launch site.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P11-2

The comment supporting ferry service is not a comment pertaining to the CEQA analysis and has been included in the project record considered by decision makers.

With regard to preserving recreational swimming access, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding existing recreational use and the benefit the project will provide to overall recreational use at the waterfront. Refer also to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for discussion of maintenance of existing 199 Seawall launch site.

The analyses and significance conclusions presented under Impact REC-1 within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revision to the EIR is required.

Letter P12

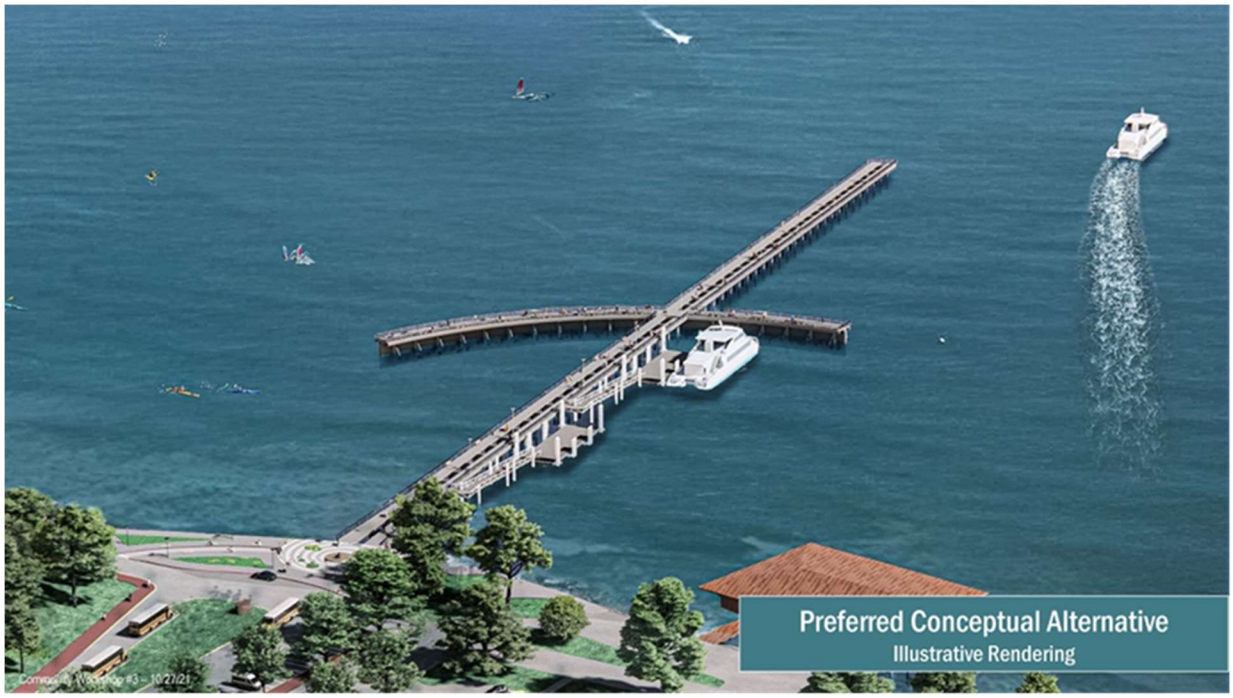
From: Eugenia McCauley <eugeniamccauley@yahoo.com>
Sent: Sunday, March 15, 2026 5:29 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: recreational water use near proposed Berkeley Pier

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi,

I'm not sure I'm following. Is Berkeley is trying to limit non-motorized, healthy recreational use of the waters within 1500' of the proposed Berkeley pier? I hope not. People should still be able to continue use the water on the "left" side of the pier as looking at the pier from the land and in this "picture" as it shows people enjoying healthy activities. Please keep the waters open for healthy, non-motorized reacreational use! P12-1

Eugenia McCauley



P12-2

Letter P12

Commenter: Eugenia McCauley

Date: March 15, 2026

Response to Comment P12-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which explains that the City is not limiting non-motorized use of the areas near the pier as part of the proposed project.

Response to Comment P12-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which explains that the City is not limiting non-motorized use of the areas near the pier as part of the proposed project.

Letter P13

From: Kirk van Moon <kirk@vanmoon.com>
Sent: Sunday, March 15, 2026 6:00 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I am an avid windsports enthusiast who launches at the Berkeley Marina all year round. I am concerned about the proposed ferry situation and impacts for existing watersports use. P13-1

I have two areas of concern:

1. Access to the water on the south end of Seawall Drive, near the old Hs. Lordships building.

During low tides (twice a day), the ***docks in the South Sailing Basin do not provide enough water depth to launch most sailing or hydrofoiling vessels***. Even the swimmers (who draw very little water depth) often enter and exit the water from the small cove on the West side of the Hs. Lordships building, due to the shallow water at the docks. P13-2

It is imperative that access to this single and important launch area remain available for existing and future watersports users.

2. Parking along Seawall Drive.

It isn't yet clear from the City's plans, but limiting the existing parking (and SF viewing) areas along Seawall Drive would be unacceptable. P13-3

Please consider carefully the impacts on existing users when planning for modifications to the Berkeley Marina area and waterfront.

Many thanks,

Kirk out

Kirk van Moon
kirk@vanmoon.com

Letter P13

Commenter: Kirk van Moon

Date: March 15, 2026

Response to Comment P13-1

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* and Section 2.2.29, *Topical Response: Wind.* As discussed therein, existing launch points used by windsurfers, wingers, sailors, swimmers, and other water-based recreational users would remain available. Vessel activity associated with the project would be comparable to existing boat activity with minimal wake effects (see Impact REC-1, pages 3.11-19 and 3.11-20). Ferry operations would occur north of the pier within defined navigation corridors and would be subject to applicable navigation and safety requirements.

In addition, as described in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* Section 3.11, *Recreation* (pages 3.11-19 and 3.11-20), has been revised to provide additional clarification regarding the continued compatibility of ferry operations and recreational water uses.

The analysis and conclusions presented therein remain valid as written, and no further clarifications are required.

Response to Comment P13-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P13-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response is required.

Letter P14

From: Nancy Rader <nraderhome@gmail.com>
Sent: Sunday, March 15, 2026 7:04 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Please Preserve Seawall Drive Parking! (Pier-Ferry Draft EIR)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Please preserve the well-loved and well-used parking on the western side of Seawall Drive. This is a place of peace and refuge for everyone. Don't give away our public resources to developers. Preserve what makes Berkeley a great place for people of all income levels. P14-1

Nancy Rader
1198 Keith Avenue
Berkeley, CA 94708
(510) 919-6358 cell

Letter P14

Commenter: Nancy Rader

Date: March 15, 2026

Response to Comment P14-1

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response is required.

Letter P15

From: Michael Evans <michael.evans100@gmail.com>
Sent: Sunday, March 15, 2026 11:04 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Marina feedback and request

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Liza,

I am a long time Berkeley resident and active windsports enthusiast. I frequently launche at the Berkeley Marina all year round. I am writing about some recent things I have heard that concer me regarding the proposed ferry situation and impacts for existing watersports use.

P15-1

The areas of concern I have are:

> Water Access - on the south end of Seawall Drive, near the old Hs. Lordships building. This is my most frequently used water access spot due to low tides making the docks in the South Sailing Basin un laudable, due to a need for at least 4 feet of water depth to launch hydrofoiling vessels. I also see swimmers often enter and exit the water from the small cove on the West side of the Hs. Lordships building, due to the shallow water at the docks.

P15-2

It is imperative that access to this single and important launch area remain available for existing and future watersports users.

> Seawall Drive Parking - I am not sure yet what the City's plans are, but limiting the existing parking (and SF viewing) areas along Seawall Drive would be unacceptable in my view.

P15-3

I am asking you to consider carefully the impacts on existing users when planning for modifications to the Berkeley Marina area and waterfront.

I am happy to discuss any questions or ideas also.

Thanks much,
Michael Evans
2019 Del Norte St
Berkeley, CA 94707

Letter P15

Commenter: Michael Evans

Date: March 15, 2026

Response to Comment P15-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of City regulations governing water-based recreational activities; and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding no significant impact to existing recreational uses.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P15-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P15-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, regarding in-car Bay viewing areas. For further discussion of additional parking considerations, refer to Section 2.2.20, *Topical Response: Parking*.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P16

From: Ryan Linderman <ryanjlinderman@gmail.com>
Sent: Monday, March 16, 2026 11:09 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Proposed Berkeley Ferry Development Rules

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty,

I've been an active user of the public docs facing the Berkeley South Basin and SF Bay for almost a decade. I do windsports, stand up paddling and swimming several times a week along with the many other community members who enjoy using this space to enter the SF Bay.

P16-1

I am concerned about the proposed ferry situation and impacts for existing watersports use. There are two areas of concern I'd like to raise.

1. Access to the water on the south end of Seawall Drive, near the old Hs. Lordships building.

During low tides (twice a day), the **docks in the South Sailing Basin do not provide enough water depth to launch most sailing or hydrofoiling vessels.** Even the swimmers (who draw very little water depth) often enter and exit the water from the small cove on the West side of the Hs. Lordships building, due to the shallow water at the docks.

P16-2

It is imperative that access to this single and important launch area remain available for existing and future watersports users. There are very few alternative access points during low tide that are not actively used by motorized vessels. Mixing swimmers and board sports participants with powered vessels is very high risk.

2. Parking along Seawall Drive.

It isn't yet clear from the City's plans, but limiting the existing parking (and SF viewing) areas along Seawall Drive would be unacceptable.

P16-3

Please consider carefully the impacts on existing users when planning for modifications to the Berkeley Marina area and waterfront.

Thank you,

Ryan Linderman

Letter P16

Commenter: Ryan Linderman

Date: March 16, 2026

Response to Comment P16-1

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion of City regulations governing water-based recreational activities; and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding no significant impact to existing recreational uses.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P16-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P16-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive.

Letter P17

From: Gordon Stout <gords11@gmail.com>
Sent: Monday, March 16, 2026 11:18 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Please read and then include as EIR comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi, Liza,

I think I have an important unintended consequence observation about the Waterfront Permit--please read the attached before you file it under EIR comments.

When I first saw the $500 annual parking pass, I decided I would get one if I get around to selling my boat. I hate parking tickets, and the Waterfront Permits are cost-effective for the city. Win-win.

But the South Cove West parking lot is ideally positioned for fishing charter customers, who are happy to pay about $100 or $200 for a day's fishing, and I expect would be delighted to buy Waterfront Permits and park just across the street from K-Dock. P17-1

Ferry customers would probably also be customers for Waterfront Permits, which would allow them to park in the South Cove West parking lot instead of waiting through the backup to get into the199 Seawall lot.

But it would only take twenty more cars to completely fill the South Cove West parking lot with all-day cars, by 9:00 am.

Ouch!

GordonS

Parking-TDM for Pier/Ferry EIR, Mar 16, 2026 G. Stout

Imagine you are a ferry commuter in Berkeley, not wanting to be late and miss your boat. Let's say the line for the Seawall parking lot is moving slowly. Rather than risk missing that ferry, you may well park in whatever lot looks quickest, even if it means a $100 parking ticket.

That is expensive, but the city has made it easy for you: for $500 per year, you can get a Waterfront Permit that exempts you from parking time limits. Such a deal! But what prevents Waterfront Permit holders from filling up the South Cove lots with all-day parking? P17-1

On many days this last year, the South Cove West lot was mostly full by 9:00 am with fishing charter boat patrons and riders of the small Genentech ferry. Add twenty Waterfront Permit holders from the much bigger WETA ferry, and that parking lot will get very full indeed, every day. The $500 Waterfront Permit will be useless for South Cove sailors or Adventure Playground families—the South Cove West lot will have no parking spaces available, short-term or all-day. They will all be full.

The Waterfront Permit program is a bad idea!

Even if there is no Waterfront Permit program, $100 tickets may not keep the South Cove West lot free from all-day parking. How long will it take to fill that 400-space Seawall lot? Use.ai suggests a maximum rate of one car every 5 seconds, which would take 33 minutes to fill the lot. Rather than joining the resulting stop-and-go traffic on University Avenue, our ferry rider may well decide to park in the South Cove, pay the $100 ticket, and be on time for the ferry and for work.

Despite an amazing amount of work, we still do not have a credible picture of parking utilization at the Marina, and the measures proposed to protect recreational parking from ferry riders are not at all convincing. We should not proceed with this project.

Letter P17

Commenter: Gordon Stout

Date: March 16, 2026

Response to Comment P17-1

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking management strategies and the role of parking under CEQA. Concerns regarding parking management programs, permit administration, speculations of potential user behavior, and parking convenience do not, by themselves, constitute environmental impacts under CEQA. The analyses and conclusions presented in the Draft EIR remain valid as written. No further response is necessary.

Letter P18

From: Madeleine King <kingmadeleine99@gmail.com>
Sent: Monday, March 16, 2026 3:20 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: recreational use at Berkeley waterfront

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I am actually going to copy a letter to you sent by my friend Kirk Van Moon because he said exactly what I would say to you but no doubt worded it better than I could have. So I'm copying his letter here. I agree with all of his points 100% and I plan to attend the Zoom meeting this afternoon. Thank you so much for your attention to the matter.
Madeleine King

P18-1

I am an avid windsports enthusiast who launches at the Berkeley Marina all year round. I am concerned about the proposed ferry situation and impacts for existing watersports use.

P18-2

I have two areas of concern:

1. Access to the water on the south end of Seawall Drive, near the old Hs. Lordships building.

During low tides (twice a day), the **docks in the South Sailing Basin do not provide enough water depth to launch most sailing or hydrofoiling vessels.** Even the swimmers (who draw very little water depth) often enter and exit the water from the small cove on the West side of the Hs. Lordships building, due to the shallow water at the docks.

P18-3

It is imperative that access to this single and important launch area remain available for existing and future watersports users.

2. Parking along Seawall Drive.

It isn't yet clear from the City's plans, but limiting the existing parking (and SF viewing) areas along Seawall Drive would be unacceptable.

P18-4

Please consider carefully the impacts on existing users when planning for modifications to the Berkeley Marina area.

Thank you so much,
Madeleine King
SFBA board member and wind enthusiast.

--
www.madeleinekingmusic.com

Letter P18

Commenter: Madeleine King

Date: March 16, 2026

Response to Comment P18-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P18-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of City regulations governing water-based recreational activities; and Topical Response CEQA Baseline/Baseline Recreation regarding no significant impact to existing recreational uses.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P18-3

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P18-4

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive.

From: noah marcel sudarsky <noah.sudarsky@gmail.com>
Sent: Monday, March 16, 2026 4:31 PM
To: All Council <council@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; Ferris, Scott <SFerris@berkeleyca.gov>; McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: WETA change of use as per South Peninsula/Seawall

Letter P19

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley City Council and relevant planning authorities,

Preserving the South Peninsula and maintaining public access to the seawall for future generations must remain a priority. Retiring this area to accommodate ferry-terminal logistics is not what the public has asked for. Community comments have been consistent and unequivocal: people come to this stretch of shoreline to experience nature, watch birds, enjoy the Bay and the sunset, or simply take a quiet, romantic walk. P19-1 P19-2

This area also supports constant, year-round recreational use. Anglers rely on it daily. Those of us who windsurf, kayak, foil, or swim depend on the beachhead at the point for safe water access. There is no alternative access at low tide—or even at mid-ebb, depending on equipment. Attempting to reach the waterline from any of the docks along the South Sailing Basin requires slogging through hundreds of feet of deep, slippery mud, which is unsafe and effectively unusable. There is a reason the Cal Sailing Club cannot operate when water depth at the docks drops below two feet, which occurs roughly 40 percent of the time. P19-3 P19-4

The small cove at the foot of the former Hs. Lordships Restaurant is, quite literally, the only reliable low-tide access point for aquatic recreation in Berkeley, especially for anyone carrying gear such as boards or kayaks. P19-4

For these reasons, I urge you not to remove the already limited parking on the South Peninsula. Eliminating access—whether by restricting shoreline space or by removing the parking that makes it reachable—would effectively shut down one of Berkeley's most valued and irreplaceable public waterfront areas. P19-5 P19-6

Sincerely,

Noah Marcel Sudarsky

Project Coordinator

The Center for Environmental Structure
2701 Shasta Road
Berkeley, CA 94708
Office: 510-841-6166
Cell: 212-920-5520
noahnoe@noahsudarsky.com
www.patternlanguage.com

www.livingneighborhoods.org

www.noahsudarsky.com

Letter P19

Commenter: Noah Marcel Sudarsky

Date: March 16, 2026

Response to Comment P19-1

The Draft EIR describes project components that provide continued public access and recreational opportunities, including a new public pier, breakwater, Bay Trail improvements, and a public plaza (refer to Chapter 2, *Project Description*). Recreational impacts, including Waterfront access, are evaluated in Section 3.11, *Recreation* (refer to Section 3.11.4, *Impacts Analysis*, beginning on Page 3.11-14 of the Draft EIR).

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P19-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P19-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of City regulations governing water-based recreational activities; and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding no significant impact to existing recreational uses.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P19-4

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analyses and significance conclusions presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P19-5

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking supply, parking management, and the role of parking under CEQA.

Refer also to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, regarding modifications to Seawall Drive and continued public access to waterfront recreational resources. No revisions to the Draft EIR are required.

This comment opposing parking removal has been included in the project record considered by City decision makers.

Response to Comment P19-6

With respect to restricting shoreline access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, which provides further clarification on how the project would preserve water-based recreation access and Section 2.2.24, *Topical Response: Seawall Drive/View Access*, regarding parking on Seawall Drive. With respect to removing parking, refer to Section 2.2.20, *Topical Response: Parking*.

In response to this comment, page 3.11-20 of the Draft EIR (Section 3.11.4, *Impacts Analysis*), has been revised to include the following clarifying text confirming that the project would not remove or restrict shoreline access for water-based recreation:

> Operation of the ferry would not hinder existing and new physical access to recreational resources on the project site or adjacent areas. The project would not restrict shoreline areas used for water-based recreation within the South Sailing Basin, and existing access points to these areas would be maintained.
>
> While certain access points, circulation patterns, and parking configurations within the project vicinity would be modified, overall access to recreational resources would be maintained and enhanced. The proposed new pier and breakwater, Bay Trail Extension, and green space next to the Bay Trail Extension would be publicly accessible and access to such project-related recreational uses would not be hindered by ferry operation or riders commuting to and from the Berkeley Waterfront area to utilize ferry services. Furthermore, the proposed project would include amenities such as fish cleaning stations, seating, and public restrooms, which would enhance the experience of people visiting the pier and breakwater for recreation.

The Draft EIR demonstrates that the project would maintain and expand public access to recreational resources, and would not result in the loss of recreational facilities or shoreline access under CEQA thresholds.

The revision above is clarifying in nature and does not alter the analysis or conclusions of Impact REC-1. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No further revisions are required.

Letter P20

From: cheong-tseng Eng <cheong.eng@gmail.com>
Sent: Monday, March 16, 2026 4:54 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Ferris, Scott <SFerris@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Proposed ban on recreation near Berkeley Pier/Marina

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Hello Liza McNulty,

I am writing to express concern about the proposed ban on water-based recreation near the Berkeley Pier (by the Berkeley Marina). P20-1

As a Bay Area native, I have been using this area my entire life. I fished there as a child and I now wing-foil, kayak, and dockstart there on a regular basis. P20-2

The marina itself is significantly affected by tides. On many days, those of us wishing to wing-foil, wind-surf, or do related sports can only launch at Lordships due to the shallow depths at low tide. Putting a ban in place will effectively prohibit a large number of people from using the waters in/near the marina for recreation. P20-3

I am requesting that you and your team please ensure the waters in and near the Berkeley Marina and Pier remain open for all. P20-4

Thank you,

Cheong-Tseng

Letter P20

Commenter: Cheong-Tseng Eng

Date: March 16, 2026

Response to Comment P20-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P20-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P20-3

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P20-4

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* This comment has been included in the project record considered by City decision makers. The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P21

From: David Hermele <hermele@gmail.com>
Sent: Monday, March 16, 2026 5:34 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Waterfront Access

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza

As a Berkeley resident, the Marina and waterfront are an essential part of my personal daily routine, as well as the routines of countless others in our community. I am writing to express my deep concern regarding the proposed ferry plans and the devastating impact they could have on our existing watersports use and our connection to nature. P21-1

For many of us, the San Francisco Bay is the largest and most dynamic wilderness we have access to Currently, When the tide is too low or the wind hasn't made it into the south sailing basin, then Hs. Lordships becomes an essential access point for us. If this project moves forward without careful consideration of existing users, we risk losing that connection. P21-2

I urge you to address the following areas of concern:

- Preserving the Hs. Lordships Launch Site: Access to the water on the south end of Seawall Drive, specifically the small cove on the west side of the old Hs. Lordships building, must remain open. During low tides (twice a day), the docks in the South Sailing Basin simply do not provide enough water depth to launch most sailing or hydrofoiling vessels. Because of this shallow water, even swimmers rely on this cove. It is a daily, indispensable launch point for our community. P21-3
- Maintaining Access Near and Through the Pier: I am highly concerned about any restrictions that would limit how close we can sail to the Berkeley Pier. Sailing near the pier—and frequently navigating right through it—is a fundamental part of how windsports enthusiasts experience the water here. Creating exclusion zones or restricting our proximity to the pier effectively limits our ability to engage with and navigate this incredible marine wilderness. P21-4
- Protecting Seawall Drive Parking: While the City's plans are still coming into focus, it is vital that existing parking and San Francisco viewing areas along Seawall Drive are not reduced. Limiting this infrastructure would severely restrict access for the diverse groups of people who come to enjoy the waterfront daily. P21-5

Please ensure that any modifications to the Berkeley Marina and waterfront enhance, rather than eliminate, the ways existing residents and watersports users interact with our local wilderness. P21-6

Thank you for your time and careful consideration.

Sincerely,

David Hermele

Letter P21

Commenter: David Hermele

Date: March 16, 2026

Response to Comment P21-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P21-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P21-3

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P21-4

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P21-5

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to parking, in-car viewing spaces, and views from Seawall Drive. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P21-6

As described in Chapter 2, *Project Description*, Subsection 2.5.2 (*Landside*), the project includes new pedestrian, bicycle, and Bay Trail improvements to enhance shoreline access. The project would overall enhance recreational opportunities. The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions are required.

Letter P22

From: Charley Paff <charleypaff@gmail.com>
Sent: Monday, March 16, 2026 7:36 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: pier/ferry project

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first attempt bounced. please see below

On Mon, Mar 16, 2026 at 7:34 PM Charley Paff <charleypaff@gmail.com> wrote:
Please include me in your email list for announcements regarding the project DEIR and forward. P22-1
Thank you!
Charley Paffenbarger
Berkeley resident and Marina area user.

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Charley Paff

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Charley Paff

Letter P22

Commenter: Charley Paffenbarger

Date: March 16, 2026

Response to Comment P22-1

The City has added the commenter's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Letter P23

From: Jennifer Natali <jennifer.natali@gmail.com>
Sent: Monday, March 16, 2026 6:50 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comments on WETA Ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza,

Thanks for the opportunity to comment on the draft EIR for the proposed WETA Ferry and Pier at the Berkeley Marina.

I'm a Berkeley resident for over 20 years and an SF Bay swimmer and paddleboarder. Access to SF Bay's waters from Berkeley's shoreline has been a boon to my health, my community, and my sense of connection to our amazing Bay. P23-1

The programming and land uses surrounding the proposed pier are overly focused on a commuter ferry, while public recreational access to SF Bay waters for human-propelled water sports is ignored. The proposal and EIR for this part of the Marina should not only retain low-tide access to the bay for open water swimmers and paddleboarders, but improve it. Reference to Berkeley Municipal Code Section 6.20.180 directly contradicts the long-standing use of the south side of the pier for recreational swimming during low tides. P23-2

Yes, the South Sailing Basin offers great access to swimming and water sports, but only during high tide -- about half of every day. At low tide, the safest access to the bay is from the functional launch ramp at H.S. Lordships -- not pretty, but it works!

I find it shameful to suggest that swimmers, paddleboarders, and windsurfers drive to Albany, Richmond or San Francisco when our City and region have invested so much to clean SF Bay water for safe swimming and open access to SF Bay shoreline in Berkeley! This access is a boon to our community. We now have two I-80 crossings for cyclists and pedestrians to reach the shoreline. Unlike other shoreline locations (e.g. Keller Beach in Richmond and its sewage leaks or beaches built on toxic/radioactive landfill), we have reliably swimmable water quality *and water levels* at the south side of the former pier during low tide. P23-3

The public-access pier at the Marina was a well-loved Berkeley destination and I'd welcome its return. The rebuild should NOT be at the expense of an actively-used local swim access point. Please consider how to improve the south end of the marina for the many well-loved EXISTING uses before displacing local, self-propelled water sport enthusiasts for a new commuter ferry service. I'm not sure who will make money from that service or who will use it (especially when public transit use has plummeted to the point of P23-4 P23-5 P23-6

financial insolvency), but I know that swimming in SF Bay should continue to be free and accessible to all from our Berkeley shoreline. No extra commute needed.

P23-6

Please do not displace the swimmers who've been using ramped access to low tide swimming south of the pier for over a decade.

P23-7

Thanks for considering my comment!
Jen Natali
94705 resident

Letter P23

Commenter: Jennifer Natalie

Date: March 16, 2026

Response to Comment P23-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P23-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which explains that the City is not banning water-based recreation near the pier as part of the proposed project.

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall launch point for water-based recreation. The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further response is required.

Response to Comment P23-3

The City recognizes the importance of local shoreline access for recreation, and the project would not result in the displacement of such uses, although localized adjustments may occur during construction of project infrastructure. Although a summary of other water-based recreation sites within the region is provided in Section 3.11, *Recreation*, this is not intended to suggest that recreationalists should use these areas instead of the Berkeley Waterfront. They are provided for the purposes of analysis, to consider if the project would require the construction of new facilities, consistent with CEQA. Although the project would temporarily reduce waterfront access during construction, the Berkeley Waterfront area spans over approximately 100 acres with multiple access points at other locations that would not be impacted by construction, such as the South Sailing docks and Marina Basin (refer to Impact REC-1, Pages 3.11-16 through 3.11-20).

The analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions beyond the above clarification are required.

Response to Comment P23-4

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall launch point for water-based recreation. The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further response is required.

Response to Comment P23-5

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

The proposed project includes improvements to the south end of the Berkeley Waterfront, through its implementation of the new public plaza, Bay Trail Extension, improved parking lot, and proposed amenities. While the objective of this proposed project is to introduce ferry service, it is also to enhance recreational opportunities at the Berkeley Waterfront (see Section 2.3, *Project Objectives*, page 2-4 of the Draft EIR).

The analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions beyond the above clarification are required.

Response to Comment P23-6

Regarding the question about who will make money from the ferry service, WETA would operate the ferry service and WETA is a public agency. Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Regarding the comment that swimming should remain free, the comment may be referencing concerns about paid parking. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is addressed under CEQA.

Regarding the comment that swimming should remain accessible, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which notes that access to this site would be maintained under the proposed project.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P23-7

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P24

From: Zora Whitfield <zorakitwana@gmail.com>
Sent: Monday, March 16, 2026 7:39 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Thank you- Public Comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Liza,

I went to the public meeting today and wanted to say thank you! I appreciate you and and your teams hard work on the DEIR:) I understand this plan has been a long time coming. While I have concerns about the DEIR I wanted to recognize all the hard work that went into it.

P24-1

I will submit a written comment soon-

Best,
Zora

Zora Kitwana Whitfield
Pronounced: Zò-răh Key-Twan-ă Wit-field
Pronouns: She/Her/Hers

Letter P24

Commenter: Zora Whitfield

Date: March 16, 2026

Response to Comment P24-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P25

From: Jeffrey Finn <1956madworld@gmail.com>
Sent: Tuesday, March 17, 2026 4:21 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Pier with Ferry Access Project public comment period for the Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern: I am submitting this comment in response to the WETA Ferry Terminal Draft Environmental Impact Report (DEIR). The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as windsurfing, winging, kiteboarding, and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180, a misunderstanding of the ordinance's legislative history, and a disregard for decades of established public use of the Berkeley waterfront. The code clearly prohibits swimming and windsurfing only **within the marina**, and explicitly allows windsurfing in the South Sailing Basin; it does not regulate the open waters of the Bay west of the Berkeley Pier. The City's attempt to extend this prohibition by reinterpreting the term "personal watercraft" to include windsurfing, kiteboarding, kayaking, stand-up paddling, foiling, and winging is legally indefensible. The 1,500-foot "personal watercraft" provision was adopted in 2001 to address jet-ski use following litigation over municipal jet-ski bans, not to regulate human-powered or wind-powered recreation. At the time, foiling and winging did not exist, stand-up paddling was not mainstream, and windsurfing had already been occurring in these waters for decades. Under basic principles of statutory construction, different terms in an ordinance must be given different meanings; because the ordinance explicitly names windsurfing in one subsection, the City cannot credibly claim that "personal watercraft" was intended to include it. The City's reinterpretation contradicts more than forty years of continuous, well-documented public use of the open Bay for wind-powered sports, and appears designed to avoid CEQA's requirement to analyze the impacts of the proposed breakwater and marina basin expansion on existing recreational resources. CEQA does not permit agencies to redefine existing conditions to avoid acknowledging impacts. Furthermore, Article X, Section 4 of the California Constitution guarantees public access to navigable waters and prohibits exclusion of the public from such waters when needed for public purposes. The City's interpretation would create a de facto exclusion zone in navigable state waters, undermining constitutionally protected access rights. For these reasons, the DEIR must correct its misinterpretation of the Marina Code, acknowledge the long-standing recreational use of the open Bay by wind-powered and human-powered water sports, and fully analyze the impacts of the proposed structures on these activities as CEQA requires. Wind-powered water sports are a defining and legally protected component of the Berkeley waterfront, and the environmental review must reflect that reality. Respectfully submitted, Jeffrey Finn

P25-1
P25-2
P25-3
P25-4
P25-5
P25-6
P25-7
P25-8

Letter P25

Commenter: Jeffrey Finn

Date: March 17, 2026

Response to Comment P25-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P25-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on wind-powered recreational uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.*

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P25-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P25-4

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project.

To the extent the comment is concerned with construction, refer to Response to Comment A3-55, which revises Section 3.11, *Recreation*, of the Draft EIR to clarify the analysis of temporary recreational impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P25-5

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on wind-powered recreational uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.*

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P25-6

The comment reflects a misunderstanding of the Draft EIR's analysis. The Draft EIR does not propose or assume the creation of new restrictions on water-based recreation. Rather, it describes existing regulatory conditions, including provisions of the Berkeley Municipal Code (BMC), as part of the environmental baseline used for analysis under CEQA.

As explained in Draft EIR Section 3.11, *Recreation*, and Section 3.12, *Transportation*, the discussion of compatibility between ferry operations and water-based recreation reflects the fact that certain activities are already regulated or restricted in specific areas of the Berkeley Marina for safety and navigation purposes. These conditions are part of the existing baseline, consistent with CEQA Guidelines Section 15125. The project does not expand the geographic extent of these restrictions or introduce new prohibitions on recreational uses. Please refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which provide additional detail regarding recreational water access and the scope and application of BMC Section 6.20.180. As described therein, the ordinance establishes localized safety regulations applicable to specific areas of the marina (e.g., near the pier and navigation areas) and does not prohibit public access to navigable waters more broadly. The Draft EIR appropriately considers these existing conditions in evaluating whether the project would result in a physical conflict with water-based recreation.

Under CEQA, the relevant question is whether the project would result in a physical environmental impact, such as the loss or substantial impairment of recreational resources. As analyzed in Impact REC-1, the project would maintain and enhance recreational access, and would not result in a substantial adverse effect on water-based recreation. The commenter's statements regarding constitutional interpretation and public access rights raise legal and policy considerations outside the scope of CEQA environmental impact analysis.

In response to this comment, the City notes that page 3.11-19 of the Draft EIR (Section 3.11.4, *Impacts Analysis*), has been revised to clarify the discussion of ferry operations, existing recreational uses, and the applicability of Berkeley Municipal Code Section 6.20.180. The text revision addressing these topics is provided in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*.

The revision presented under Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* ensures that the Draft EIR clearly distinguishes between existing regulatory conditions and potential project effects, and confirms that the project does not introduce new restrictions on water-based recreation or access to navigable waters.

The above revision is clarifying in nature and does not change the analysis or conclusions of Impact REC-1. The analyses and significance conclusions presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P25-7

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which discusses this Berkeley Municipal Code provision and its role in relation to the project. Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* presents a revision to the Draft EIR that ensures the analysis therein clearly distinguishes between existing regulatory conditions and potential project effects, and confirms that the project does not introduce new restrictions on water-based recreation or access to navigable waters. For discussion regarding potential project impacts on wind-powered recreational uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The revision referenced above is clarifying in nature and does not change the analysis or conclusions of Impact REC-1. The analyses and significance conclusions presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P25-8

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of the Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on wind-powered recreational uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.* The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P26

From: b c <coesurf@hotmail.com>
Sent: Tuesday, March 17, 2026 8:47 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: WETA Ferry Terminal DEIR and Berkeley waterfront windsport access

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

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

To Whom It May Concern:

I am submitting this comment in response to the errant WETA Ferry Terminal Draft Environmental Impact Report (DEIR). P26-1

The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as windsurfing, winging, kiteboarding, and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180, a misunderstanding of the ordinance's legislative history, and a denial of the *decades* of established public use of the Berkeley waterfront. P26-2 The code clearly prohibits swimming and windsurfing **only within the marina**, and *explicitly* allows windsurfing in the South Sailing Basin; it does not regulate the open waters of the Bay west of the Berkeley Pier. P26-3

The City's attempt to extend this prohibition by reinterpreting the term "personal watercraft" to include windsurfing, kiteboarding, kayaking, stand-up paddling, foiling, and winging is legally indefensible.
The 1,500-foot "personal watercraft" provision was adopted in 2001 to address jet-ski use following litigation over municipal jet-ski bans, not to regulate human-powered or wind-powered recreation. P26-4 At the time, foiling and winging did not exist, stand-up paddling was not mainstream, and windsurfing had already been occurring in these waters for decades. Under basic principles of statutory construction, different terms in an ordinance must be given different meanings. P26-5 When the ordinance explicitly names windsurfing in one subsection, the City cannot credibly claim that "personal watercraft" was intended to include it. The City's reinterpretation contradicts more than forty years of continuous, well-documented public use of the open Bay for wind-powered sports. The report appears designed to avoid CEQA's requirement to analyze the impacts of the proposed breakwater and marina basin expansion on existing recreational resources. P26-6
CEQA does not permit agencies to redefine existing conditions to avoid acknowledging impacts.

Furthermore, the California Constitution guarantees public access to navigable waters and prohibits exclusion of the public from such waters when needed for public purposes P26-7

(Article X, Section 4). The City's incorrect interpretation would create a de facto exclusion zone in navigable state waters, undermining constitutionally protected access rights. P26-7

For these reasons, the DEIR must correct its misinterpretation of the Marina Code, acknowledge the long-standing recreational use of the open Bay by wind-powered and human-powered water sports, and fully analyze the impacts of the proposed structures on these activities as CEQA requires. Wind-powered water sports are a defining and legally protected component of the Berkeley waterfront, and the environmental review must reflect that reality. P26-8 P26-9

Respectfully submitted,

Brian Coe

Letter P26

Commenter: Brian Coe

Date: March 17, 2026

Response to Comment P26-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P26-2

Draft EIR Section 3.11, *Recreation*, establishes that the activities identified by the commenter represent existing recreational uses of the Berkeley Waterfront and identifies the locations and conditions that support these uses within Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7). The Draft EIR also describes the applicable regulatory context, including local policies and ordinances governing waterfront uses such as BMC Section 6.20.180, in Section 3.11.3, *Regulatory Framework* (pages 3.11-7 through 3.11-14). Potential impacts to the recreational uses described in Draft EIR Section 3.11.2 are evaluated in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), which considers whether the proposed project would result in a substantial physical deterioration of recreational resources or restrict physical access to such resources, consistent with CEQA Guidelines Appendix G. The analysis concludes that the project would maintain and enhance recreational access and facilities, and would not result in a substantial adverse impact on water-based recreation (Impact REC-1).

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on access at the 199 Seawall location, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

Accordingly, the Draft EIR adequately characterizes existing recreational uses, including wind-powered and equipment-dependent water sports, incorporates applicable regulatory conditions into the CEQA baseline, and evaluates potential impacts consistent with CEQA requirements. The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P26-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on wind-powered recreational access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P26-4 to P26-9

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion related to the definition of personal watercraft and a discussion of this Berkeley Municipal Code provision and its role in relation to the project and Draft EIR analyses. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P27

From: Kathryn Fisher <f800gschic@hotmail.com>
Sent: Tuesday, March 17, 2026 11:04 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; Ferris, Scott <SFerris@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Berkeley Ferry Project- BWTPF EIR Public Comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear [Liza /Planning Team/Gov],

I am an avid windsports Enthusiast/Instructor/Past Pro-Competitor who regularly launches from the Berkeley Marina year-round. I'm writing to share concerns regarding the proposed ferry plans and their potential impacts on existing watersports use. P27-1

I have two primary areas of concern:

1. Water Access at the South End of Seawall Drive (near the former Hs. Lordships building)
During low tides, which occur twice daily, the docks in the South Sailing Basin do not provide sufficient water depth for many sailing or hydrofoiling vessels. Even swimmers—who require minimal depth—often rely on the small cove west of the former Hs. Lordships site due to the shallow conditions at the docks. P27-2

Maintaining access to this critical launch area is essential for both current and future watersports users. Any reduction or restriction in access would significantly impact safe and viable entry to the water.

2. Parking Along Seawall Drive
It remains unclear how the current plans will affect parking availability along Seawall Drive. Any reduction in existing parking—or loss of shoreline access and viewing areas—would be highly concerning. These spaces are heavily used and are an important part of the marina's accessibility and public enjoyment. P27-3

I strongly urge careful consideration of how proposed changes may affect long-standing recreational use of the Berkeley Marina. Preserving access and usability for the existing community should remain a priority in any development plans.

I also want to clarify some misused/misinterpreted terminology- this is US Boating Definition of the term PWC which is used extensively all over the USA and abroad -

A PWC (Personal Watercraft) is a small, jet-propelled motorboat designed for individuals to sit, stand, or kneel on rather than inside, such as jet skis or wet bikes. It is primarily used for recreation, fishing, or watersports. P27-4

Usage Examples & Synonyms of PWC (Personal Watercraft)

- Synonyms: Jet ski (brand name commonly used), wet bike, water scooter, jet bike.
- Usage Contexts: Recreational riding, racing, rental for tourists, towing skiers, and specialized fishing.
- Key Features: Operated on the water, inboard engine, usually under 16 feet, restricted to daytime use in many regions.



P27-4

Thank you for your time and consideration,

Avid Watersports Enthusiast & Bay Area Native,

Kathryn Fisher

Letter P27

Commenter: Kathryn Fisher

Date: March 17, 2026

Response to Comment P27-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P27-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P27-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to parking, in-car viewing spaces, and views from Seawall Drive. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P27-4

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion related to the definition of personal watercraft. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P28

From: David Spragg <dave@spragg.com>
Sent: Tuesday, March 17, 2026 9:52 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public comments - Berkeley Ferry Draft Environmental Impact Report

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager Parks,

I'm an area wing foiler (think surfboard with a hydrofoil on it and a sail in your hands) and have been using the area in front of the closed restaurant (Lordships) and the dock to launch with my family for the past three years. Sometimes we launch off the point in front of the abandoned restaurant due to lower tides making the dock unusable. The whole area is a great place to get a little break from the bustle and some exercise. We love to come over and enjoy and then grab dinner while the traffic dies down. P28-1

It's an important resource to access the water for us and we would love to see a plan that allows us to still park near the water at the closed restaurant with heavy gear and to get out on the water as well as at the docs. P28-2

Best,
Dave Spragg
davelist@spragg.com

Letter P28

Commenter: David Spragg

Date: March 17, 2026

Response to Comment P28-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P28-2

With respect to water access for recreationists carrying equipment, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which explains how shoreline and equipment-dependent access points are considered in the baseline and how such access would be maintained. In addition, refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding parking and its role in the CEQA process, and regarding existing regulatory conditions that guide use of specific areas of the Marina for safety purposes.

Accordingly, the Draft EIR demonstrates that the project would continue to accommodate both recreational users and ferry patrons through maintained parking supply and improved multimodal access, and would not result in a significant impact to recreational access under CEQA.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P29

From: John Bosche <jvblvb@gmail.com>
Sent: Tuesday, March 17, 2026 9:54 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment: WETA Ferry Terminal Draft Environmental Impact Report

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern:

I am submitting this comment in response to the WETA Ferry Terminal Draft Environmental Impact Report (DEIR). The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as windsurfing, winging, kiteboarding, and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180, a misunderstanding of the ordinance's legislative history, and a disregard for decades of established public use of the Berkeley waterfront. I have **personally** been using these waters for windsurfing and winging for over 40 years. The San Francisco bay is one of the premier locations for these sports in the world and it is imperative that public access is maintained for these sports. P29-1 P29-2 P29-3

The code clearly prohibits swimming and windsurfing only within the marina, and explicitly allows windsurfing in the South Sailing Basin; it does not regulate the open waters of the Bay west of the Berkeley Pier. The City's attempt to extend this prohibition by reinterpreting the term "personal watercraft" to include windsurfing, kiteboarding, kayaking, stand-up paddling, foiling, and winging is legally indefensible. The 1,500-foot "personal watercraft" provision was adopted in 2001 to address jet-ski use following litigation over municipal jet-ski bans, not to regulate human-powered or wind-powered recreation. At the time, foiling and winging did not exist, stand-up paddling was not mainstream, and windsurfing had already been occurring in these waters for decades. Under basic principles of statutory construction, different terms in an ordinance must be given different meanings; because the ordinance explicitly names windsurfing in one subsection, the City cannot credibly claim that "personal watercraft" was intended to include it. The City's reinterpretation contradicts more than forty years of continuous, well-documented public use of the open Bay for wind-powered sports, and appears designed to avoid CEQA's requirement to analyze the impacts of the proposed breakwater and marina basin expansion on existing recreational resources. CEQA does not permit agencies to redefine existing conditions to avoid acknowledging impacts. Furthermore, Article X, Section 4 of the California Constitution guarantees public access to navigable waters and prohibits exclusion of the public from such waters when needed for public purposes. The City's interpretation would create a de facto exclusion zone in navigable state waters, undermining constitutionally protected access rights. For these reasons, the DEIR must correct its misinterpretation of the Marina Code, acknowledge the long-standing recreational use of the open Bay by wind-powered and human-powered water sports, and fully analyze the impacts of the proposed structures on these activities as CEQA requires. P29-4 P29-5 P29-6 P29-7 P29-8 P29-9

Wind-powered water sports are a defining and legally protected component of the Berkeley waterfront, and the environmental review must reflect that reality. P29-10

Respectfully submitted,

John Bosche

John Bosche
5 Scenic Ave.
Piedmont, CA 94611
(510) 387-8733
jvblvb@gmail.com

Letter P29

Commenter: John Bosche

Date: March 17, 2026

Response to Comment P29-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P29-2

Refer to Response to Comment P25-2.

The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-3

The analysis in the Draft EIR demonstrates that recreational access would be maintained and enhanced through project implementation (see Section 3.9, Impact LU-2 and Section 3.11, Impact REC-1). Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for further clarification on how recreational water access would be maintained under project implementation and refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of the existing City regulations that govern existing recreational activities at the Waterfront.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, and in related sections of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-4

Refer to Response to Comment P25-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-5

Refer to Response to Comment P25-3. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-6

Refer to Response to Comment P25-4. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-7

Refer to Response to Comment P25-6. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-8

Refer to Response to Comment P25-6. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-9

Refer to Response to Comment P25-7. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-10

Refer to Response to Comment P25-8. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P30

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Wednesday, March 18, 2026 5:03 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Issues with 2003 WTA Program EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza,

I have been having a very hard time parsing the 2003 Program EIR. After struggling for several days on this important document I finally understand why. The pages are in the wrong order, with sections and subsections in reverse order. Moreover, the actual ordering of pages does not agree with the order listed in the Table of Contents. This reversed order of pages makes it impossible to efficiently read this important document, especially for members of the public, like myself, who are reading it for the first time.

Below is a summary of the actual page order of the DEIR currently posted on the COB Pier-Ferry webpage. Sections and subsections are in reverse order, making it virtually imposible to read the document.
(NB: Numbers in parens at the beginning of each bullet point refer to the actual page number, e.g, page # of 910 total)

The main document:

- (1) Title Page
- (2-9) Table of Contents
- (10 to 605) Sections 6 through 1 – **NOTE: Sections and Subsections presented with the reverse ordering**
- (606) Section 7 - Acronyms and Technical Terms

P30-1

The following important sections are included at the end of the document but not included in the Table of Contents or easily identified:

- (610) Technical Appendices
- (774) Executive Summary (including Table of Impacts and Mitigation Measures)
- (804) Eratta for the Final EIR and Public Comments and Responses
- (830) Statement of Overriding Consideration
- (880) Mitigation Monitoring Plan

Given the enormous amount of documentation we in the public are trying to review the misordering of the 2003 WTA Program EIR pages is a real hindrance.

Moreover, I cannot find a readable copy of this document on the SF Bay Ferry webpage. It took me quite a while to navigate to the specific page where I believe the 2003 WTA Program EIR should be located. I believe it should be on the "Our History" page (https://sanfranciscobayferry.com/our-history/) . Scroll down and click on "2003" in the timeline graphic. You should now see a page that has two identical paragraphs with the header "WTA Adopts Implementation and Operations Plan" followed by the text that includes a hyperlink to the desired 2003 EIR: P30-1

"WTA developed an Implementation and Operations Plan (IOP) and companion programmatic Environmental Impact Report...."

Unfortunately, clicking the hyperlink above, for the "Implementation and Operations Plan...", seems to be broken and takes the user to a generic "About Us" page. See attached screenshots

Finally, and perhaps most importantly, the current Berkeley Water Transportation Pier Ferry Project Draft EIR relies on the 2003 WTA Program EIR as a basis for tiering many documents of concern to me, especially those associated with conditions for birds, marine animals and vegetation in the Bay. Since the project disturbs habitat, and since recent studies have found declines in species of waterbirds regionally and beyond, and since there's an increased presence of gray whales in the Bay, and since the 2003 Program EIR is now over 20 years old, it is essential that the City also review whether or not there are changed circumstances that might require updating to disclose impacts that may no longer be insignificant or adequately mitigated. P30-2

In summary, the inability to access the 2003 WTA Program EIR on the SF Bay Ferry webpage because of the apparent broken link, and the manner in which the version is available on the COB Pier-Ferry webpage, with pages reversed and innacurately displayed, makes it impossible for the public to review this document in the alloted time.

I, therefore, respectfully request that the 2003 document be updated as quickly as possible, to correct the reversed page ordering so that it sequentially correct and agrees with the page ordering listed in the Table of Contents. In addition, since it has taken more than two weeks for this oversight to be identified, I respectfully request that the final date to submit public comment on the Berkeley Water Transportation Pier Ferry Project Draft EIR be extended by at least the amount of time it will take to update and correct the 2003 document. P30-3

Thank you for your assistance. I look forward to your response.

Respectfully,
Erin Diehm

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Wednesday, March 18, 2026 11:09 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Issues with 2003 WTA Program EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza,

To clarify the final request in my prior email - since the 2003 Program EIR has been posted with problematic reversed page order for more than two weeks, I request that a compensatory extension be given to the public representing half of the number of days that will have passed from February 27 to the updated posting. For example, if the corrected 2003 document is posted this coming Monday March 23, that is 25 days after February 27. Half of 25 is approximately 13 which would push the due date roughtly 13 days later, or, from April 13 to approximately April 27.

P30-3

Thank you for your assistance.

Respectfully,
Erin Diehm

Letter P30

Commenter: Erin Diehm

Date: March 18, 2026

Response to Comment P30-1

The City acknowledges that the version of the 2003 WETA EIR initially posted to the project website on February 27, 2026, contained the complete document but was not organized in the intended sequential order. After the issue was brought to the City's attention, the document was corrected and re-posted in proper order on the project website. The corrected version is available at the following link: https://berkeleyca.gov/sites/default/files/2026-02/WETA-Program-EIR-2003.pdf.

Additionally, in response to concerns regarding public review of the document, the City also extended the Draft EIR public review period. As shown in the revised Notice of Availability, the original 45-day public review period ending on April 13, 2026, was extended to a 60-day public review period ending on April 28, 2026.[47]

The City therefore provided the public with additional time to review and comment on the Draft EIR and the documents incorporated by reference. No further response is required.

Response to Comment P30-2

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. Refer to Section 2.2.28, *Topical Response: Whale Strike* for a discussion specific to whale strikes.

Response to Comment P30-3

Regarding the request that the 2003 WETA EIR be re-uploaded so that the page order is reformatted, please refer to Response to Comment P30-1.

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

[47] Berkeley, City of. 2026. Updated Notice of Availability of a Draft EIR and Notice of Draft EIR Public Meeting for the Proposed Berkeley Water Transportation Pier Ferry. https://berkeleyca.gov/sites/default/files/2026-02/Pier-Ferry-Project-EIR-Notice-of-Availability.pdf (accessed July 2026).

Letter P31

From: Claudia Kawczynska <claudia94710@gmail.com>
Sent: Wednesday, March 18, 2026 12:05 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: 3/16 meeting recording

Thanks for the greeting! But a transcript will be much too late if only published with the Final EIR, sadly.
Claudia
Claudia Kawczynska
2810 8th St. | Berkeley, CA 94710 | 510.821.0044

On Wed, Mar 18, 2026 at 8:50 AM McNulty, Liza <lmcnulty@berkeleyca.gov> wrote:
Hi Claudia,

Happy Birthday!

The meeting was not recorded. A transcript of the meeting was taken and will be published with the Final EIR.

Best,

P31-1

Liza McNulty, PE
Capital Improvement Program Manager
City of Berkeley Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
(510) 542-4131 (cell)

From: Claudia Kawczynska <claudia94710@gmail.com>
Sent: Wednesday, March 18, 2026 6:58 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: 3/16 meeting recording

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

HI Liza
I was sorry to miss the 3/16 EIR meeting (it was actually my 80th birthday so bad timing for me) but was a recording made of it? Hopefully so, a link would be appreciated.
Thanks
Claudia
Claudia Kawczynska
2810 8th St. | Berkeley, CA 94710 | 510.821.0044

Letter P31

Commenter: Claudia Kawczynska

Date: March 18, 2026

Response to Comment P31-1

The City responded directly to this commenter and indicated that a transcript of the public meeting will be published with the Final EIR, to which the commenter replied that it would be too late if published in the Final EIR. CEQA requires that a lead agency provides public notice and an opportunity for public review and comment on a Draft EIR (per CEQA Guidelines Sections 15087 and 15105). Public meetings or hearings may be held to facilitate public participation; however, CEQA does not require that a public meeting be held or that transcripts of such meetings be published in advance of a Final EIR. Consistent with CEQA, the lead agency has provided a copy of all timely submitted comments and a response to each in this Final EIR. To the extent oral comments were provided at public meetings, those comments have been considered in the preparation of responses. No further response is required.

Letter P32

From: Igor Serebryany <igor47@moomers.org>
Sent: Wednesday, March 18, 2026 11:55 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Public Comment in Support: Berkeley Water Transportation Pier Ferry Project Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty and Members of the Berkeley City Council,

I am writing to express my strong support for the Berkeley Water Transportation Pier Ferry Project.

As a frequent visitor to the Berkeley Marina — where I walk my dog regularly and sail out of Modern Sailing Berkeley — I have a deep appreciation for the waterfront and a personal stake in its future. The revitalization work at the marina over the past several years has been a tremendous success, and this project feels like the natural next step. P32-1

The existing pier is a genuine eyesore and, from a sailor's perspective, a navigational hazard. Replacing it with a modern, dual-purpose structure that restores public access and adds zero-emission ferry service to San Francisco would be a tremendous improvement for the waterfront and for the region's transportation network.

I also want to address the parking and access fee concerns that have been raised during this process. As a regular user of the marina, I am happy to pay reasonable usage or parking fees, and would welcome a frequent-visitor pass option. Modest fees that support world-class waterfront infrastructure seem like a fair trade. P32-2

I encourage the City and WETA to move this project forward. Please include this letter in the public record for the Draft EIR. P32-3

Thank you for your work on this project.

Igor Serebryany
1505 Milvia St.

Letter P32

Commenter: Igor Serebryany

Date: March 18, 2026

Response to Comment P32-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P32-2

The comment does not identify a deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking fees and parking management. The implementation of parking fees or access fees is an operational and policy matter and is not a physical environmental impact subject to analysis under CEQA. The comment is noted and has been included in the project record considered by City decision makers. No further response or revisions to the Draft EIR are required.

Response to Comment P32-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P33

From: David Fox <david@davidfox.com>
Sent: Friday, March 20, 2026 7:09 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: re: berkeley-pier-ferry-access-project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Attn: **Liza McNulty, PE – Project Manager**
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

re: https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project

The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as windsurfing winging kiteboarding and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180 and a disregard for decades of established public use of the Berkeley waterfront. The ordinance does not regulate the open Bay west of the Berkeley Pier and the City's attempt to redefine "personal watercraft" to include human-powered and wind-powered recreation is inconsistent with its legislative history. CEQA requires an accurate baseline and a full analysis of impacts to existing recreational resources. The DEIR must correct these errors and acknowledge the long-standing legally protected recreational use of these waters. P33-1 P33-2 P33-3

On a personal note, this location is a much appreciated - and most importantly SAFE - location for wind sports. Limiting access may lead to unprepared riders venturing out from locations like Treasure Island and Crissy Fied, putting them in danger in challenging bay conditions. P33-4

Regards,
David Fox
415-264-2170
https://www.linkedin.com/in/davidfox

Letter P33

Commenter: David Fox

Date: March 20, 2026

Response to Comment P33-1

Refer to Response to Comment P26-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P33-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for a discussion of potential project impacts on recreational water access, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of City regulations governing water-based recreational activities.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P33-3

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* for discussion of the adequacy of the environmental baseline considered in the Draft EIR. For discussion of recreational water access under project implementation, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for further information regarding the role of BMC Section 6.20.180 in the assessment of recreational water access impacts.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P33-4

This comment is a summary of earlier comments, expressing concern about Berkeley Municipal Code Section 6.20.180.

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which explains that the City is not banning water-based recreation near the pier as part of the proposed project. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P34

From: Jim McGrath <macmcgrath@comcast.net>
Sent: Monday, March 23, 2026 8:17 AM
To: Tomerlin <ashley.tomerlin@bcdc.ca.gov>
Cc: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Recreational use March 22

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I took these pictures from Shorebird Park yesterday around 2:00. You can see that there is no wind. There were probably at least 200 people in that park and Adventure Playground. Nearly all parking spaces in South Cove East lot were occupied. And you can see that the lot at Seawall is heavily parked.

Consider these comments about existing recreational use on the EIR. The EIR does not include a quantitative baseline of such use.



P34-1





P34-1





P34-1



P34-1

Sent from my iPad

Letter P34

Commenter: Jim McGrath

Date: March 23, 2026

Response to Comment P34-1

With respect to parking, refer to Section 2.2.20, *Topical Response: Parking*.

The Draft EIR provides an appropriate characterization of existing recreational use and access conditions, supported by both qualitative description and quantitative transportation analysis. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P35

From: Nico Tripcevich <ntripcevich@gmail.com>
Sent: Wednesday, March 25, 2026 10:18 AM
To: Lindsay.Martien@bcdc.ca.gov
Cc: Ewing, Lesley@BCDC <Lesley.Ewing@bcdc.ca.gov>; Ilsley, Olivia@BCDC <Olivia.Ilsley@bcdc.ca.gov>; Wong, Makena@BCDC <makena.wong@bcdc.ca.gov>; Pan, Katharine@BCDC <katharine.pan@bcdc.ca.gov>; Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>; Ross, Harriet@BCDC <harriet.ross@bcdc.ca.gov>; McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Fw: Berkeley ferry response

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Lindsay, Thanks. I fixed a couple of typos in the text below so please use this later version.
I intended it as a public comment for the DEIR for city but it is relevant and important material for the upcoming May meetings of BCDC 's design review board and the engineering criteria review board on the WETA ferry/pier project in Berkeley, and so I'd like it included as a BCDC public comment and input into those meetings at BCDC. Please add me to the mailing list. Best regards, Nico

P35-1

On Wed, Mar 25, 2026 at 9:46 AM Martien, Lindsay@BCDC <Lindsay.Martien@bcdc.ca.gov> wrote:
Hi Nico,

Thank you for your public comment. Can you please clarify whether your comment is for our information (BCDC staff), or whether it is intended as public comment for the BCDC Commission or one of the Boards? Or is this a comment for the City on the Draft EIR?

Additionally, would you like to be added to the Interested Parties list to receive email communications for this project? I am not currently seeing your email on our spreadsheet.

Best,
Lindsay

Lindsay Martien
San Francisco Bay Conservation and Development Commission
Principal Shoreline Development Analyst
Direct: (415) 352-3635 | lindsay.martien@bcdc.ca.gov

From: Nico Tripcevich <ntripcevich@gmail.com>
Sent: Tuesday, March 24, 2026 4:31:26 PM
To: lmcnulty@berkeleyca.gov <lmcnulty@berkeleyca.gov>; Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>; Ewing, Lesley@BCDC <Lesley.Ewing@bcdc.ca.gov>; Ross,

Harriet@BCDC <harriet.ross@bcdc.ca.gov>
Subject: Berkeley ferry response

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Hello thanks for the opportunity to provide feedback on the Berkeley ferry plan. P35-2
As a Berkeley resident and wind-sports practitioner I am concerned about the following:
1. The ferry commuter parking will cause parking problems for long-standing recreation uses of the marina area. P35-3
2. We will spend a great deal of money subsidizing a ferry based on estimated usage when other similar projects got much lower ridership than anticipated. Here's a sobering story: P35-4
When the BART connector to the airport was first conceived it replaced a very efficient shuttle bus--and probably saved about ten minutes. It was forecast to carry 10,000 passengers as the boosters believed traffic at the Airport would increase from 12 million annual passengers to 20 million annual passengers. It cost $500 million to build, costs about $6 million a year to maintain (not including opportunity cost or capital accumulation for replacement) and serves in the low hundreds of passengers. The most recent annual air traffic through OAK was 9.3 million passengers.
I agree that the backup/redundancy of a ferry is a good idea, as we saw after the 1989 earthquake, but there are other important bay transportation options that are overdue including a bike lane across the entire bridge and a second BART tube. P35-5

3. Please clarify in the Final EIR where the wind-sports, kayaks, and other small craft will be permitted to go. The area off of His Lordships is an excellent launch and a very popular spot during the summer windy season. Proficient sailors fly several miles west towards Treasure Island and surf swells back towards Berkeley. Your Draft EIR has big red boxes around the proposed Ferry Terminal pier and the southern box west of His Lordships overlaps with the prime wind sports area. P35-6

4. Finally, in consulting with a friend in the Coast Guard he writes: *it is already against the regulations for a vessel less than 20 Meters (wing sport vessels) to impede the passage of a vessel that can only navigate safely within a channel or fairway (Nav Rules, Rule 9). There is no need for a localized "buffer." USCG Nav Rules protects the ferry in many situations*. P35-7

Other ferry terminals around the Bay such as Richmond (near the Rosie the Riveter museum) do not have a specific closure adjacent the ferry despite being right next to an extremely popular sailing spot at Marina Bay. Wind users just stay out of the way of the ferry so there is no need for the city to add additional prohibitions. P35-8

If we're to invest in a ferry at this point my vote is to put the ferry inside the marina where other craft already moor and not interfere with existing uses.
Thank you

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Letter P35

Commenter: Nico Tripcevich

Date: March 25, 2026

Response to Comment P35-1

The City has added the commenter's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Response to Comment P35-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P35-3

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding the role of parking under CEQA. The Draft EIR evaluates potential effects on recreational access, recreational facility use, transportation, and plan consistency. As discussed in Sections 3.9, *Land Use and Planning* (Impact LU-2), 3.11, *Recreation* (Impact REC-1), and 3.12, *Transportation* (Impact TRA-2), the Draft EIR concludes that project implementation would not result in physical deterioration of recreational facilities, would maintain recreational access, and would not result in significant parking-related environmental impacts. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P35-4

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P35-5

This comment raises policy considerations regarding regional transportation planning and funding priorities that are beyond the scope of the proposed project and this Draft EIR. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P35-6

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which provides clarification regarding how recreational water access would be maintained with project implementation; and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding location of watersports and the ferry route.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P35-7

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion related to the definition of personal watercraft. The analysis, significance conclusions, and mitigation

measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P35-8

The “closure adjacent the ferry” appears to reference an earlier comment about buffer zones excluding recreational activities around the pier. Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Letter P36

From: James McGrath <macmcgrath@comcast.net>
Sent: Friday, March 27, 2026 11:27 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>
Subject: comments on draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Attached is a comment letter and 4 other attachments cited in the letter. I anticipate submitting an additional letter once I have been able to absorb the content of the 2001 Final EIR by WTA

Jim McGrath

Jim McGrath
2301 Russell Street
Berkeley, CA
March 27, 2026

Liza McNulty
Cit of Berkeley
2180 Milvia
Berkeley, CA 94704

Subject: Comments on Berkeley Water Transportation Pier Ferry Project draft EIR

Dear Ms. McNulty:

INTRODUCTION

On January 20, 1967, the Bay Conservation and Development Commission issued a permit to the City of Berkeley to dredge 40,000 cubic yards of material to fill 4.6 acres of open Bay in order to create land for a marina, a restaurant, a public beach, a park area, a relocated University of California sailing facility, and the parking to support those uses. That permit was approved in a public hearing on January 5, 1967, with support from Sylvia McLaughlin because it would implement the city's plan and its commitment that "..Berkeley's portion of the shoreline of the Bay should be **reserved exclusively for public recreation** and related public use." P36-1

Now the City of Berkeley proposes to break that commitment to public recreation and eliminate most of the existing public parking spaces and devote the land in question to a ferry terminal for commuters. We are expected to accept on faith that a ferry terminal that can easily accommodate 1600 passengers will work fine with 399 parking spaces—and look the other way when those parking spaces are made unavailable to those who now use them. But we have seen how Berkeley has artificially restricted recreational parking by P36-2 P36-3

locking the Seawall lot without a BCDC permit, by approving small ferry operations without coordinating with BCDC or considering Bay Plan policies, and by relocating the Parking Bureau, a non-trust use, into the marina. Those policies restricted the amount of parking so that recreational users were turned away, and the city failed to enforce the parking management promises they made to BCDC. This EIR does not evaluate whether there will be enough parking for a new ferry terminal, or what the impact would be on recreational uses. Instead, the city argues that despite this history and the promises the city made, and Bay Plan policies that protect recreational access, CEQA does not require them to address parking. With such analysis not available in the EIR, the city then blithely concludes that any impact on recreation would not be significant. The rationale and analysis behind that conclusion is inadequate, as I will explain in detail in the following comments.

P36-3

P36-4

CONFLICTS WITH ADOPTED PLAN POLICIES

Consistency with adopted plans is discussed in EIR Section 3.9, Land Use Planning

Under the California Environmental Quality Act, an EIR is required to discuss any inconsistencies between the proposed project and the applicable plans of regional agencies. (Section 15125(d) of the CEQA Guidelines.) Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy indicates a potentially significant impact on the environment. (*Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.) Any inconsistencies between a proposed project and applicable plans must be discussed in an EIR. (14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist*. (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).) A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177). Particular emphasis in the Guidelines is given to agencies—like BCDC—that are responsible for protection of San Francisco Bay and access to and along the Bay.

P36-5

The draft EIR cherry-picks policies within BCDC's Bay Plan, as well as policies in the City's own "Berkeley Marina Master Plan" (June 1, 2003), eliding any policy in those plans that does not support their view of the project. Instead of discussing the inconsistencies, the EIR ignores them, and without discussion or analysis concludes that there are no such inconsistencies. This approach is inadequate and requires a revised Draft EIR to disclose all inconsistencies between the proposed project and applicable plans and policies.

P36-6

RELEVANT BERKELEY PLANS, LAND USE DESIGNATIONS, AND POLICIES

P36-7

There are two directly applicable Berkeley plans, the Marina Master Plan cited above, and Measure L, passed as a citizen initiative in 1986. Rather than enumerate and analyze specific policies within those plans that appear to conflict with the proposed project, the EIR pivots to very general language in the city's General Plan. But that plan does not designate this site, or indeed any site in the marina for a ferry terminal, while the Marina Master Plan designates this site for access improvements and open space. (Figures 2.0 and 12.0) Berkeley has stalled its efforts to complete a revision to the Waterfront Planning Documents. This leaves in place the Berkeley Marina Master Plan (BMMP), dated June 1, 2003.

P36-7

P36-8

In both adopted policies and in land use designations, there are fundamental conflicts between the Berkeley Marina Master Plan (BMMP) and the project contemplated in the EIR. Most of these can be seen by reviewing the adopted map, Figure 2.0. Those conflicts include:

P36-9

- The only ferry site considered in the plan is located within the marina, and the plan adopts policies to make that site seismically safe.
- The site now proposed for a ferry terminal and ferry parking is designated for other recreational uses, including enhanced windsurfing access. An illustration of that concept is provided in Figure 12, that shows head in parking for public viewing, improvements to the windsurfing launch and staging area, and open space at the water's edge. The proposed project conflicts with this plan by eliminating much of the open space on the peninsula, not increasing it, eliminating the staging area for windsurfing, and eliminating most of the parking places that are currently used for fishing access and viewing the Bay. The EIR does not discuss any of these conflicts. The project entails removal of much of the green area and landscaping that now exists, including 40 trees (or perhaps 39; both numbers are provided) and makes no quantitative assessment of the impact on open space.

P36-10

P36-11

Among the other important BMMP policies elided from the EIR are:

P36-12

- Enhance open space and recreational opportunities
- Enhance and protect wildlife habitat
- Address the future viability of the Marina
- Protect scenic view and view corridors
- Increase green space
- Upgrade the Ferry Pier to comply with seismic regulations
- **Enhance Windsurfer Activities at the point immediately to the west of H's Lordships Restaurant. Includes a reference to staging areas**

P36-13

P36-14

P36-15

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P36-18

The EIR concludes that providing a much shorter recreational pier, bikeway and plaza will enhance recreation. But this is simply provided as a conclusion, without any discussion of

P36-19

how the project might impact existing recreation. As we point out repeatedly, currently over 600,000 people visited this recreational area in the year that ended in May 2024. The EIR lacks any quantitative discussion of changes in green space or impacts to that recreation—while proposing to remove many of the scenic view parking spaces protected in the BMMP. Since the BMMP included discussion of a ferry terminal site within the marina, it cannot be said that this new location in the open Bay is consistent with that plan.

P36-19

P36-20

P36-21

The EIR doesn't merely ignore the need to address the fiscal viability of the marina, it avoids any discussion of the cost of the project or who would pay. Currently, the marina needs more than $100 million in repairs just to address existing problems. Many of those are within the commercial area of the marina, which provides about 2/3 of the revenue for the marina fund. Cost information that I obtained only through Public Records Act requests shows that the proposed project would cost about $170 million. No firm sources of revenue for those costs have been identified, but it appears that the city's share would be more than $30 million. Since there would be no direct revenue from the project, it is impossible to understand how making this site into a commuter terminal would address the future viability of the marina. It seems clear that it would divert funds, and land areas, that could be used to repair assets that generate the revenue needed to maintain the marina.

P36-22

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P36-24

As with the lack of discussion on the policies in the BMMP, the discussion of the 1986 Measure L is cursory and conclusory, without presenting the policy or discussing the provisions. Measure L was adopted by Berkeley voters on November 3, 1986. It is included in the city's laws as ORDINANCE NO. 5785-N.S. and titled THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE. The specific provisions that are relevant to consideration in this part of an EIR include:

P36-25

> Section 1. **VOTER AUTHORIZATION PROCEDURE.**
>
> That **no** public parks (hereinafter defined) or **public open space** (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, **shall be used for any other purpose** than public parks and open space, **without The Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next general election**.
>
> Section 2. **FUNDING LEVELS TO ALLOW FULL USE**
>
> 2(a): That wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services. (b) **That all undedicated or unimproved open space owned or controlled by the City of Berkeley (including land held by the City in trust) shall be retained and funded by the Berkeley**

P36-26

P36-27

P36-28

P36-28

City Council to enable public recreational use of those lands. (c) That those census tracts containing less that the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities.

P36-29

Section 3. **DEFINITIONS**

3(a): Public parks shall be defined as City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds.

P36-30

3(b): **Public open space shall be defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985**.

P36-31

This area clearly meets the definition of open space as it has been used for various recreational purposes since it was filled in about 1970. The EIR does not discuss the Measure in any detail or provide any quantitative analysis or discussion. Instead, the EIR claims that this area, designated a shoreline park in BCDC's Bay Plan and including landscaped areas of open space, is not open space. The EIR leaps to this conclusion:

P36-32

> Even if the improvements were located on public parks or open space as defined by Measure L, they would be Measure L compliant because they do not change the use or purpose of these areas but rather maintain their recreational nature and in fact enhance recreational opportunities there.

P36-33

The EIR is for a project that will regrade this area, filled to create a recreational area, eliminating trees, berms, and public parking spaces where people access the Bay and enjoy the view, to create additional space that will then be privatized for ferry or restaurant use. This will reduce open space and eliminate the parking now used for recreational access to the Bay and access to Shorebird Park. The EIR in essence argues that despite city policies which protect these uses, parking lies outside the scope of CEQA. A cursory discussion of city policies that argue that obvious open space is not really open space is fundamentally inadequate.

P36-34

P36-35

Pursuant to Section 1 of Measure L, the project must be presented to the voters for the city to comply with Measure L. Obviously, a city must comply with its own regulations. (*Pacifica Corp. v. City of Camarillo* (1983) 149 Cal.App.3d 168, 180-181.) Also, the city may not approve the project due to its conflict with Measure L. Under CEQA a city may not approve a project with significant unavoidable imposed unless it is "otherwise permissible under applicable laws and regulations." (CEQA §21002.1(c).) Since the project conflicts with Measure L, the city may not approve the project pursuant to CEQA.

P36-36

RELEVANT BCDC POLICIES

As I pointed out in my scoping comments of May 16, 2025, Section 15125(d) of the CEQA Guidelines requires discussion of inconsistencies between a proposed project and regional plans. There are multiple Bay Plan policies that govern any proposal to alter the peninsula of land filled in about 1967. Those policies establish protection for recreational uses, and a standard for consideration of a project like a ferry terminal. This site is unique; it was approved in the early days of the BCDC program to create a **permanent** recreational area, including parking to support those recreational uses. BCDC continues to have permit authority over the area, and its policies have more weight than normal EIR considerations of consistency with agency plans. The approach in the EIR cherry picks among BCDC's policies. For recreational access, which is protected by Bay Plan Policies, the EIR only considers policies 7 and 9, and limits analysis with a claim that an EIR need not consider parking, even if Local Plans require protection of recreational parking as an essential resource. The relevant Bay Plan policies include:

P36-37
P36-38
P36-39
P36-40
P36-41

Plan Map 4 includes the following guidance:

> Berkeley Waterfront - Cesar Chavez Park - Preserve marina, beach, small boat launch, windsurfing access, fishing pier, interpretive center and multi-use trails**. Possible ferry terminal. Allow if compatible with park and marina use**... (emphasis added)

P36-42

Recreation Policy 3(a)(6) states:

> **Sites, features or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational uses should be preserved and, where appropriate, enhanced for those uses**, consistent with natural and cultural resource preservation. (emphasis added)

P36-43

Recreation Policy 3(a)(7) states:

> Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and **easily available from parking reserved for the public (**emphasis added)

P36-44

Recreation Policy 3(b)(4) states:

> marinas should include public amenities, **such as viewing areas**, restrooms, public mooring docks or floats and moorages for transient recreational boaters**, nonmotorized small boat launching facilities, public parking** (emphasis added)

P36-45

Recreation Policy 3(e)(3) states:

> **Sufficient, convenient parking** that accommodates expected **use should be provided** at sites improved for launching non-motorized small boats. (emphasis added)

P36-46

Finally, Recreational Policy 9 provides:

> Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes**, provided the development and operations of the ferry facilities do not interfere with current or future park and recreational uses,** and navigational safety can be assured. Terminal configuration and operation should not disrupt continuous shoreline access. **Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons**. Shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking. (emphasis added)

P36-47

While these policies emphasize protection of windsurfing and other non-motorizing boat access opportunities, the plain language of the policies protect all current recreational uses and require consideration of future recreational needs. Yet the draft EIR does not provide the required discussion or consider mitigation measures that would resolve these inconsistencies.

P36-48

> THE CITY HAS REFUSED TO DOCUMENT EXISTING RECREATIONAL USES OR CONSIDER FUTURE RECREATIONAL NEEDS

Stakeholders representing the existing recreational users have documented current recreational uses. Specifically, we obtained a report from Placer AI using cell phone data to document visitation to the marina for the period from June 1, 2024, through May 31, 2025. Excluding the commercial areas, that report showed more than 600,000 annual visits—more than 1800 a day. It further showed a peak use of more than 4,000 visitors during summer months. A copy of a page of data from that report is attached.

P36-49

BCDC echoed our scoping comments that the planning effort needed to document existing recreational uses with this comment:

> **The EIR should document the recreational uses** of the Bay and shoreline in and around the Project site, identify the service area and service population for the recreational facilities serving those uses…

P36-50

Despite that comment, Berkeley has made no effort to document the current recreational uses and incorporate them into a baseline that could be used to evaluate the project's impacts. Existing uses are protected; therefore, a baseline of existing recreational use is essential to analyze consistency with the relevant Bay Plan policies. P36-51

Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*Communities for a Better Environment v. So Coast Air Qual. Mgmnt. Dist*. (2010) 48 Cal. 4th 310, 321.) Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> "...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." P36-52

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula*, 87 Cal.App.4th 99, 121-123.) As the court has explained, using such a skewed baseline "mislead(s) the public" and "draws a red herring across the path of public input." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.) The EIR fails entirely to analyze the recreational use baseline.

Berkeley also fails to consider future recreational needs and the guidance provided in the BCDC scoping comments. Two on-site uses are obvious; re-opening of the old H's Lordships Restaurant and opening a pier that would provide recreational access. On the restaurant use—a protected commercial recreational use—the city has an exclusive negotiating agreement for that facility that would reserve 150 of what are now public parking spaces for that use. While the portion of the proposed pier suitable for fishing is much shorter than the closed section (580 feet compared to 3000 feet), the city has made no attempt to account for these two future uses—which are protected under Bay Plan Recreational Policy 9. P36-53 P36-54

Instead of providing an adequate analysis of whether the project meets Bay Plan policies, and provides for future *regional* recreational needs, as suggested in the BCDC scoping comments, the EIR considers only the future recreational needs of Berkeley. The city contends on page 3.11-19 that there is no need for future park facilities. While this may satisfy Berkeley's requirement, it ignores the provisions in the Bay Plan, which must consider regional needs for recreational access only available in a waterfront park. P36-55

The draft EIR is conclusory and fails to support its conclusions with analysis that links to existing recreational use or the Bay plan—because the city has not established what the protected uses are. Here is the limited information to be found on page 3.9-18 of the draft EIR:

> Consistent. The proposed ferry facility is located within a waterfront park priority use area and would be located at the proposed pier that will also be used for fishing, sight-seeing, and walking. The proposed ferry facility would not interfere with current or future park and recreational users. This project would actually enhance recreational use by providing a pier that can be used for recreation. Navigational safety would be assured through adherence to WETA safety protocols. The project would not disrupt shoreline access; in fact, the project would restore shoreline access that is not publicly available under existing conditions.
>
> Regarding parking facilities, **the City would implement a parking strategy to balance shared-use parking for both future ferry patrons and recreational users. The exact strategies that would be implemented would follow the guidelines established in the project Parking and TDM Plan19,20 and may be subject to approval from BCDC via the Project permitting process. It should be noted that consistency with this policy related to parking would not be considered an environmental impact under CEQA**. Please refer to Chapter 3, Environmental Impact Analysis, for a discussion about how parking is addressed in this EIR. This EIR has found no secondary environmental impacts related to parking.

P36-56

P36-57

In support of this position, the city cites, on page 3-11 in a footnote that impacts to parking cannot be a significant impact under CEQA, citing *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App. 656 at 697, "The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality is. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. An EIR need only address the secondary physical impacts that could be triggered by a social impact."

P36-58

This is an erroneous conclusion for the current proposal. Here, under BCDC's Bay Plan, a ferry terminal can only be considered for a waterfront park if it does not usurp recreational parking. This is not matter of parking becoming less convenient, but instead it is an inconsistency with the adopted plan of a responsible agency that has a mission to protect the recreational uses that it allowed Bay fill to create. CEQA continues to consider such inconsistencies significant impacts—particularly here where the Bay Plan policy is not merely an advisory land use policy where the city could adopt a finding of overriding circumstances, but a regulatory standard. Unlike here, the *San Francisco* case did not involve any plan inconsistency.

The second paragraph in the city's document promises that the city would, outside of this EIR, implement a parking strategy to protect recreational use. The language of this proposal is too vague to be acceptable as a mitigation measure. Further, in addressing the regulatory standard, the vague promise by the city is insufficient if it has not prepared an analysis that allows the public to comment on the sufficiency and enforceability of that program. This is contrary to CEQA guidance, which provides:

P36-59

> **Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments**. 14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). (emphasis added)

CEQA disallows deferring the formulation of mitigation measures to post-approval studies. (CEQA Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309.) An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation of compliance." (*Sundstrom* at 308; see also, *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.) A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available).) This approach helps "insure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.)

P36-60

We have seen that happen when Berkeley approved charters to let Prop SF and Tidelines start a private ferry service in December 2016. As the city's first transportation consultant, Nelson\Nygaard pointed out in their September 11, 2018, report, "Ferry customers continue to park in South Coast Eat, J&K, and L&M Lots due to a lack of enforcement. Since re-opening, South Cove East Lot experiences as much as 90% occupancy." So even the much smaller ferries were usurping recreational parking, and the city was not enforcing restrictions to prevent that. The city acknowledged that in response to concerns from BCDC, stating in a letter dated April 15, 2019, that "over 300 customers depart from K-dock in the early morning hours, occupying the majority of the 400 total parking spaces…" Examination of the ridership records show that a peak daily ridership by PropSF was 68 passengers per day, while Tidelines only served a higher of 71 passengers for their highest month

P36-61

during the period of March 2022 through October 2022. Even with thatlimited number of passengers, recreational parking was usurped. While the city adopted restrictions on such parking, and promised BCDC it would protect recreational parking, they failed to enforce those restrictions.

P36-61

PARKING FEES WILL NOT PROTECT RECREATIONAL PARKING

What little detail is provided about the city's intent to protect recreational parking from usurpation convinces us that it will not only be ineffective, but end much of the recreation that currently occurs. The City Council has endorsed a staff plan to initiate parking fees for the area south of University Avenue where BCDC has continuing jurisdiction. No details of that plan or its efficacy are included in the EIR; the EIR claims that CEQA allows them to experiment with parking in the marina without oversight under CEQA. But the report to the City Council contemplates an annual pass of $500 for parking. A regular ferry commuter could purchase such a pass; it represents a cost of only about $2 a day—less than the recently established parking fee in Alameda. With such a pass, a commuter who purchased a recreational pass could park anywhere in the recreational lots, knowing that the Seawall lot is likely to fill up. Since there are only 729 parking spaces in close proximity to the proposed terminal, and a capacity for 1600 departing passengers, it can readily be seen that initiating a ferry service under such a program could result in every parking space being occupied by 10:00 a.m., effectively displacing almost all recreational users.

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P36-63

P36-64

THE CITY HAS NOT COLLECTED AN ADEQUATE BASELINE OF EXISTING USE FOR RECREATIONAL PARKING THAT SHOULD BE PROTECTED FROM USURPATION

There are many different types of recreation that occur at Berkeley waterfront. It is not in dispute that the most heavily used parking lots are on the South side of University Avenue. Data provided by the city's consultant Kittelson & Associates in a March 7, 2025, report established that peak usage occurred at 2 pm on weekends and weekdays. The Placer AI data, which tracked cell phone movement into the marina has a similar peak. The peak season for use is summer after school ends for the summer. Parking utilization by ferry patrons is most critical on weekdays because ridership projections are highest on weekdays as a primarily commuter service.

P36-65

Kittelson had Quality Counts collect parking data on only two days that correspond to summer weekdays—Thursday August 1, 2024, and Thursday August 22, 2024. However, in their report they combined those counts with other remote areas and thus avoided providing even two days of data about peak use of the recreational lots where ferry riders might usurp recreational parking. This practice underestimates the potential for impact by diluting the data and is an improper statistical approach

P36-66

to time series analysis. Other lot-by-lot counts were not included in the March 7, 2025, report or in subsequent Kittelson & Associates reports. As Kittelson informed the city in their May 7, 2025, report "The South Cove West Lot reaches peak occupancy between 1 and 3 pm on both weekdays and weekends." To be adequate, a statistically robust data set must be developed for the individual lots, and particularly those closest to the proposed terminal. I requested a copy of the Quality Counts report—and received a series of GPS readings of latitude and longitude that did not show the counts at the individual parking lots. The city has continued to hold that information away from public review. Whether intended to reverse engineer data collection to obscure actual use or not, no conclusions can be drawn about parking use at peak times from the information that the city has made public.

P36-66

P36-67

This Kittelson & Associates approach uses 1,541 parking spaces as the total parking inventory, the denominator if you will. However, there is a much smaller inventory of parking spaces which support existing recreational use and are within easy walking distance of the proposed ferry terminal. Those lots include Seawall lot, filled under a BCDC permit to support recreational use at Shorebird Park and the former H's Lordships restaurant, 320 spaces; Seawall Drive, 90 spaces used for sightseeing and fishing; Skates/N lot, 137 spaces supporting a restaurant and overflow parking for the Yacht Club; South Cove East, 96 spaces; and South Cove West, 86 spaces. That is a total of 729 spaces, supporting most of the 600,000+ annual visitors. In effect, the approach by the City and Kittelson doubles the denominator and thus cuts the actual inventory of use at these sites by at least 50%.

P36-68

The city cites other parking counts to assert that there is plenty of parking. The city has had contract employees collect parking data for several years to determine whether there were cars or RV's parked overnight in the marina. Those counts were taken at 8:00 pm and 10:00 am and provide no useful information about recreational parking demand. City staff increased the frequency of counts for a brief period from July 23, 2024, through August 23, 2024. The parking area closest to the proposed ferry terminal is along Seawall Drive, and the next closest are the two South Cove lots. The Kittelson report noted that the peak use at the South Cove lots was earlier, between 1 and 3 pm. For those two lots, the city collected parking counts on only 12 weekdays, with all data taken at 4:00 pm, after the peak period. Even then that data showed the South Cove lots as much as 96% full. Only 8 days of use were counted for parking along Seawall Drive, again at 4:00. Those parking spaces support recreational access by swimmers, windsurfers, anglers, and people simply enjoying the view, and are protected in the City's Marina Plan. The city proposes, under the revised Kittelson Memorandum dated May 7, 2025, to provide 83 ferry parking spaces along Seawall Drive, where only 90 spaces are now present. It is not clear whether that would reduce the number of public parking to 7. The project description does not provide any details about this proposal, and states that the final design might provide between 400 and 450 spaces. While there is a drawing in

P36-69

P36-70

the EIR that shows some spaces still facing the water, no discussion or quantitative analysis of how that compares to existing available parking and use is provided.

P36-70

This EIR uses 1160 departures as their projection for passengers leaving the terminal in 2040 and does not disclose expected passenger departures for 2050. As noted, if only 52% of those passengers drove to the waterfront that means that more than 600 people would be seeking parking spaces in an area where there are only 729. Even if all passengers parked in the now restricted lots, more than 200 drivers would be looking for spaces in the recreational areas. The risk of ferry parkers usurping recreational use is evident and must be considered as a significant impact because it conflicts with an adopted regulatory standard by an agency whose mission is to protect access to the shoreline. As noted later, substantially higher numbers for departures are given in WETA business plans.

P36-71

THE CITY HAS RELIED ON ASSUMPTIONS RATHER THAN EXISTING PATTERNS TO UNDERESTIMATE THE MOST LIKELY CAR USE

Instead of using mode split information from similar terminals now in operation, Berkeley has used assumptions that underestimate car use and overestimate use by bicycles. WETA, or San Francisco Bay Ferry, published a summary report on November 2022 based on on-board passenger surveys. For Richmond, an existing terminal like Berkeley more than a mile from residential areas, 57% of passengers drove alone and 11% of passengers rode bicycles. More passengers carpooled and parked, but that number was combined with drop offs and transit. The 2021 and 2017 survey had Alameda with 57% and 58% of passengers driving alone.

P36-72

Initial estimates on mode split for Berkeley were prepared by Nelson/Nygaard in a report date April 2021. That report estimated that 54% of passengers would drive alone. Another 9%, with an average of 2 passengers per vehicle, would carpool. That means that 58.5% of passengers would arrive by car and need a parking space. Berkeley hired a new parking consultant, and developed estimates based on assumptions rather than investigating the mode split that was occurring in the marina with the two small ferry operations. Without explanation or substantial evidence to counter existing practices, Berkeley now assumes that most people will not drive.

P36-73

The court in the case *Stanislaus Audobon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144 rejected a county's argument that a revised initial study prepared by the county which contradicted the findings of the first initial study had "relegated the first initial study to oblivion." (Id. at 154.) The court stated, "We analogize such an untenable position to the unringing of a bell. The first initial study is part of the record. The fact that a revised initial study was later prepared does not make the first initial study any less a record entry nor does it diminish its significance, particularly when the revised study does not conclude that the project

P36-74

would not be growth inducing but instead simply proceeds on the assumption that evaluation of future housing can be deferred until such housing is proposed." (Id. at 154) Similarly here, the city cannot simply pretend that the Nelson/Nygaard study does not exist and disregard its findings.

P36-74

If the Nelson\Nygaard estimate is applied to 955 passengers, nearly 560 drivers would be looking for parking with a supply of only 399 spaces. If the higher estimates of 1018 (2035) and 1055 (2040) from the WETA business plan, that means that 596 to 617 cars will arrive to encounter a supply of only 399 spaces. Clearly usurpation of recreational parking is an issue. The actual capacity of the proposed ferry system is even greater. WETA proposes to run 8 morning departures from Berkeley in 250 passenger ferries. WETA uses 80% occupancy as a practical estimate of capacity, giving a departure capacity of 1600 passengers. Berkeley cannot determine what equipment WETA uses on a new route, or restrict the number of departures, so the analysis is based on unrealistically low departures.

P36-75

P36-76

To meet the needs of these departing passengers, Berkeley initially proposed designating 250 of the existing 320 spaces in Seawall lot for ferry use instead of public use. Earlier proposals by WETA in a 2008 draft EIR were for at least 400 spaces. In an addendum dated May 7, 2025, Kittelson lays out the current, and revised proposal by the city and WETA. That proposal would provide 250 spaces in Seawall Lot, 83 spaces along Seawall Drive, and 66 spaces in the Skate's lot, for a total of 399 spaces to serve 1160 departing passengers. Currently, Seawall lot has only 320 spaces and the city proposes to reserve 150 spaces for a new restaurant lessee. To reach these numbers, it would be necessary to restripe Seawall lot, eliminating most of the existing landscaping. At present, the 90 spaces along Seawall Drive facing the Bay are used for access to the Bay and for viewing—uses protected by policies like Recreation Policy 3. The Kittelson addendum noted that peak use of those spaces (according to their limited counts) is 49 cars parked, while parking counts mentioned above show 63% of the 90 spaces, or 57 spaces occupied by recreational users so this proposal directly usurps existing recreational parking.

P36-77

BERKELEY'S ASSUMPTION OF 18% OF PASSENGERS ARRIVING BY BICYCLE IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

Berkeley approved two small ferry operations which operated at times between 2017 and 2024. Nelson/Nygaard reported that passengers arriving by car usurped more than half of the parking spaces in the recreational lots in the South Basin. Berkeley has made no attempt to assess the number of passengers that arrived by bicycle. At least some information about use is readily available. Berkeley approved and helped fund installation of 20 bike lockers adjacent to the bait shop and on the way to the small ferry debarkation pier. Since those lockers can only be used with a

P36-78

cell phone app, data on usage is readily available—but Berkely has shown no interest in relying on data instead of assumptions.

P36-78

Various reliable sources of bicycle use are available that suggest the estimate of 18% is wildly exaggerated. The American Community Survey, which uses census data, shows results for bicycle use in 2024 for Berkeley at 4%. https://censusreporter.org/profiles/16000US0606000-berkeley-ca/

The Metropolitan Transportation Commission recently released a draft EIR for Plan Bay Area 2050+. On page 3.15-10 they estimate travel to work by bicycle for 2023 at 1% of the total. They continue to indicate that bicycle use has been relatively steady at 1% since 1990 and has an average length of only 2.4 miles. Other sources have somewhat higher estimates of bicycle use—but still well below 18%. Data USA concluded that Berkeley's bicycle use in 2019 was 5.9%. MTC reports a similar number, perhaps relying on the Data Usa data. The Census American Community Service reported a 6.2% mode share for Berkeley for 2019—a very slight recovery. The 2019 CACS report is particularly valuable because it tracks trends.

P36-79

For Berkeley to ignore readily available information based on prototypes and rely on assumptions that conclude that 18% of the passengers will access the ferry by bicycle, is unreasonable. It is not merely inadequate; it is evidence of the continued bias and reverse engineering of the analysis of recreational impacts.

P36-80

THE CITY HAS FAILED TO ENFORCE PARKING RESTRICTIONS AND HAS NOT PRESENTED AN ENFORCEABLE PROGRAM TO PROTECT RECREATIONAL PARKING

The statement made on page 3.9-18 that the city would somehow develop and implement a parking management system that would protect recreational users is not supported by analysis or a draft workplan and budget. We have seen that the city failed to enforce parking restrictions for years after approving earlier and smaller ferries. While the city's first traffic consultant estimated the cost of the program to be $550,000 a year, the program has been substantially modified since then. There is no final budget for the program, an outline of what would be required to make it mandatory, or any indication of the potential source of funding. As noted in the introduction, the city has failed to enforce the parking restrictions now in place that might protect recreational users.

P36-81

PROTECTION OF RECREATIONAL USE CANNOT BE ACHIEVED BY ADOPTING POLICIES INTENDED TO REDUCE ACCESS TO THE MARINA BY AUTOMOBILE WHEN THE CITY'S OWN SURVEYS SHOW THAT 90% OF THE VISITORS TO THE MARINA DO SO BY AUTOMOBILE

P36-82

Rather than address the obvious issues raised by planning for more than 1000 passengers in an area where most of the existing parking is needed for recreational

use, the city pivoted to considering a transportation demand management approach. In effect, the city decided to charge recreational users enough money to drive some out of the marina's recreational area and make room for commuters. Berkeley has long been considering ways to discourage recreational activities that depend on car access—as about 90% of access presently does. As early as February 16, 2021, city recreation staff touted paid parking as a way of "disincentivizing car-based traffic to the Waterfront." City consultants seem to have been instructed to evaluate such approaches; the January 2022 Nelson\Nygaard report recommended paid parking and stated "Paid parking is an effective tool for managing demand and turnover in the most convenient, high-demand parking spaces." Rather than adopt a plan that will assure that ferry patrons do not usurp parking for protected recreational users, the city is proposing a system that would charge recreational users of this public trust park land enough to drive many away and make room for ferry parking.

P36-82

FEASIBILITY AND ALTERNATIVES

It is certainly unusual to see a project proponent ignore the scoping comments of a responsible agency. Yet in the cursory dismissal of alternatives and lack of discussion of costs and feasibility, that is exactly what this document does. BCDC provided scoping comments similar to those submitted by stakeholders and Save Berkeley Pier. BCDC's comments were clear and direct:

P36-83

> Therefore, the alternatives evaluated in the EIR should include at least one alternative that reduces or eliminates the amount of fill proposed.

BCDC's scoping letter identifies the specific Bay Plan policies that *compel* consideration of alternatives with less dredging and fill. Similar policies are included in the Clean Water Act, where Section 404(b) and its implementing regulations require analysis of alternatives that would avoid fill completely, further analysis of alternatives with less impact, and then mitigation only if there were no practicable alternatives.

P36-84

The EIR short circuits this process by insisting that there are no alternatives that would meet the city's objectives. In effect, they argue the city's objectives are superior to the regulatory standards for considering marine impacts, which don't merit discussion. That position can be found in this assertion:

P36-85

> For the purposes of this alternatives analysis, the City considers the two top bullets as the basic project objectives. In other words, for an alternative to meet the basic project objectives, they would need to meet of the following basic objectives: (1) enhance public access and recreational opportunities at the Berkeley Waterfront and (2) provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco.

The city cannot avoid considering alternatives by including some recreational benefits as mandatory elements of the city's objectives. The objectives of improving access and providing ferry service are independent objectives. Restoration of pier access and improvements to the Bay Trail are separate projects from establishment of a ferry service—although the city has consistently argued otherwise. Both are subject to feasibility and alternative tests.

P36-86

CEQA requires that an EIR provide a discussion of project alternatives that allows meaningful analysis. (*Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 403.) An overly narrow definition of project objectives renders the alternatives analysis inadequate. To narrowly define the primary "objective" of the proposed project itself constitutes a violation of CEQA since such a restrictive formulation would improperly foreclose consideration of alternatives. (See, *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438) (holding that when project objectives are defined too narrowly an EIR's treatment of analysis may also be inadequate). It is an abuse of discretion for an agency to exclude a potentially feasible alternative that would substantially reduce significant impacts from analysis in the EIR simply because it does not meet all project objectives. (*Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1304 ["limited-water alternative could not be eliminated from consideration solely because it would impede to some extent the attainment of the project's objectives"]; *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1087 [agency's refusal to analyze a reduced development alternative because it failed to meet two of 12 project objectives was legal error].)

P36-87

P36-88

The EIR's alternatives analysis is inadequate because it fails to consider a feasible reduced fill alternative suggested by BCDC, and it has defined the project alternatives so narrowly as to foreclose the consideration of environmentally superior alternatives.

P36-89

P36-90

RESTORATION OF BERKELEY PIER

Berkeley received a grant of $15 million that could have been used to restore Berkeley Pier. The most recent cost estimates, obtained through a Public Records Act request, estimate the total cost of 1080' feet of pier, including demolition, pilings, and a new deck, is about $14 million. I first pitched the idea of State funding for restoration of the pier to then Senator Nancy Skinner and then to newly elected Council Member Terry Taplin. The city requested a grant and received $15 million. It was not limited to construction of a pier and a new ferry service; the grant made no mention of a ferry service, the money was simply available for the pier and the marina. Senator Skinner wrote eloquently about the importance of a pier as a way to get people out onto the Bay without owning a boat—a sentiment I heartily support. Restoring the pier has a much easier regulatory path than the proposed

P36-91

project. Demolition of the old pier would be in-kind mitigation for a new pier. Construction of a new fishing pier, even if only 1080 feet long, would not entail new fill for a terminal breakwater or 400,000 cubic yards of dredging that would deepen the flats that have supported a pier fishery for decades. Even if not matched by the city, the $15 million grant was sufficient to restore a substantial recreational pier. The city chose not to do so; that is a policy choice, not evidence that a pier is only feasible in combination with a new, in-bay ferry terminal. P36-91

A revised EIR should consider the restoration alternative as a "no project" alternative. It would clearly be environmentally superior to the proposed project. P36-92

BUILDING A NEW PIER IN THE BAY REQUIRES CAREFUL ANALYSIS OF IMPACTS, ALTERNATIVES AND FEASIBILITY

Cost estimates obtained through a Public Records Act request, although not included in the EIR, estimate the cost of the current project, not including new ferries for operation, at $131,133,445. Previous estimates for the cost of ferries were $38 million, bringing the total cost of the project close to $170 million. A copy of that estimate is attached and incorporated by evidence. In contrast, the construction of a ferry terminal at Richmond, built inside the breakwater, was $20 million. As the City of Berkeley has admitted in their presentation to the Design Review Board at BCDC, there are no identified funding sources for the project—which undermines their argument that only the project and no cheaper alternatives are feasible. The city has not provided an update of the city's costs for construction or for management and maintenance of the landside improvements, but those costs appear to be in excess of $30 million just for the initial cost. That would fund restoration of a much longer recreational pier, with better fisheries resources, than the current proposal. A feasibility analysis would allow consideration of the considerable value of recreational access for fishing and other uses. P36-93

Feasibility, and the related term practicability, pose regulatory hurdles beyond simply finding $131 million. As noted above, the Bay Plan, the Clean Water Act, and the Porter-Cologne Act all require rigorous analysis of alternatives before new fill and 400,000 cubic yards of dredging can be permitted. Most of those hurdles disappear with a location inside the marina. P36-94 P36-95

Operation of the terminal would require ongoing costs and subsidies for direct subsidy of the passengers, and for parking management. While WETA has not updated its strategic vision document for 2050, a draft was prepared for the WETA Board. Dated April 12, 2023, and contained in Table 14: Route Summary Metrics, it estimates the annual operational subsidy required for a Berkeley service at $9 to $12 million a year. P36-96

The EIR fails to adequately establish either the impacts of dredging or propose adequate, in-kind mitigation measures for the dredging impacts, as requested in P36-97

BCDC's scoping comments. Those impacts need to be established to consider both alternatives and mitigation measures. The discussion in the EIR limits its consideration to the footprint of fill. The proposed mitigation approach is merely to remove of an equivalent amount of fill, with no consideration for mitigating the impacts of dredging and the permanent loss of benthic values. Again, the EIR is conclusory rather than analytical or transparent, limiting its analysis to broad statements like:

P36-97

P36-98

> Because implementation of Mitigation Measures BIO-3 would result in no net loss of jurisdictional waters, impacts would be less than significant with mitigation. (Page 3.3-59)

While replacement of an existing pier structure with a similar structure might be adequately mitigated by removal of an equivalent or greater area of pilings and best management practices, the proposed project involves construction of a terminal breakwater to shelter the proposed ferry berths, 400,000 cubic yards of dredging, and permanent maintenance of deeper water in an area historically used for fishing. These impacts are neither captured in analysis nor adequately mitigated, despite the directions in the BCDC scoping letter. Even the inadequate mitigation measure is proposed in general terms not acceptable for a draft EIR. The public and the regulatory agencies are entitled to see mitigation measures in sufficient detail to assess and comment upon their efficacy. This is the mitigation measure proposed:

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P36-100

> The City **shall develop a mitigation plan** documenting the existing pier footprint, the proposed pier footprint, and the required additional demolition needed to meet the mitigation goal. This plan shall be developed by a qualified regulatory specialist prior to project construction and submitted to the appropriate agencies for review and approval during permitting. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

This falls far short of the comment in the BCDC scoping letter:

P36-101

> Impacts to the subtidal habitat area should be discussed in the EIR analysis, and **it should also describe the mitigation** that will be required for those impacts.

As CEQA litigation has long held, a proposal for a future plan for mitigation does not provide for an effective or legally binding mitigation measure and does not allow the public to comment on those issues. Deferred mitigation is prohibited under CEQA. Mitigation measures must be set forth in the EIR so the public can assess the adequacy of the measure. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.)

P36-102

The BCDC scoping comment continues to direct that the EIR consider the impacts on sediment transport, erosion and accretion, and the Bay's bathymetry—a comment that has also been ignored in the document. Nothing in the EIR establishes a rationale that shows that removal of pilings is suitable mitigation for dredging impacts.

P36-103

The EIR ignores the direction of the BCDC scoping letter that it consider "...at least one alternative that reduces or eliminates the amount of fill proposed." As the project description continues to change, and there is no definitive design for the length of breakwater that would be required to provide sheltering for the ferry berths, the amount of fill proposed is not even certain. The approach in the EIR fails to meet the direction from BCDC in their scoping letter that:

> If all such alternatives are determined to be infeasible and not appropriate to include in the EIR analysis, please include a detailed discussion of why these alternatives are infeasible and how the determination was made.

P36-104

We believe that the City and WETA are required to consider a location within the marina, as well as an alternative design that entails less dredging. We have seen a report in the GHD Feasibility Study titled "Small scale Ferry Terminal Feasibility Study" that projected ferry service using aluminum catamarans that had only a 4'6" draft. It seems obvious that such equipment, considered in developing this project, would require substantially less dredging than is currently proposed and should be considered.

P36-105

ALTERNATIVE PARKING ARRANGEMENTS SHOULD BE CONSIDERED

Currently, the City of Berkely's parking division is located on public trust land just north of University Avenue. City facilities like parking for city vehicles of any sort is not a public trust use and is only allowable as an interim use. The EIR should consider leasing that land to WETA for parking, making WETA solely responsible for parking management and enforcement, and retaining the Seawall lot for recreational parking and for revenue generating recreational uses, as the city committed to when they received permission from BCDC to fill the bay.

P36-106

THE EIR LACKS A STABLE PROJECT DESCRIPTION

The description of the project has been in constant flux since the deadline for scoping comments. The project description for parking has changed number of total parking spaces and location, with the proposed parking devoted to ferry passengers increasing from 250 spaces to 399 spaces. The proposal now eliminates most of the public parking along Seawall Drive. The EIR does not bother to mention the city's exclusive negotiating agreement for leasing the old restaurant, which would reserve 150 of the existing public

P36-107

P36-108

parking spaces for the exclusive use of the restaurant lessee. The project description does not include a clear description of the project elements that would convert what are currently all public parking spaces to spaces reserved for ferry passengers, restaurant users and what might remain as public spaces. Nor does it compare what might remain as public spaces to current use. Instead, the document states:

P36-108

> The existing Seawall Drive Parking lot includes approximately 320 parking spaces, and the parking off Seawall Drive adjacent to the Bay and south of the pier entrance includes approximately 84 parking spaces for a total of 404 existing parking spaces across the project site. **The proposed project would replace all of the existing parking spaces with 400 to 450 new parking spaces (pending final design)**, including ADA-accessible and EV parking spaces.

P36-109

Depending on source, currently 84 to 90 spaces along Seawall Drive are used for recreational purposes. It is not clear how many spaces might remain, but the city proposes to end unrestricted public use for 400 of the public spaces on the peninsula filled under the BCDC permit to create parking for recreational users. The proposal would reserve 250 spaces for ferry passengers and 150 spaces for restaurant patrons. Such a vague project description does not meet the requirements for an adequate EIR.

P36-110

The number of passengers, and associated ferry trips, are also apparently in flux. The city has used 955 departing passengers in presentations to the public and BCDC's Design Review Board and now uses 1,018 departing passengers for year ten and 1,055 departing passengers for year fifteen. A footnote on page 3.11-19 increases the number of departures to 1060. Those numbers are taken from WETA's 2022 Berkeley Ferry Service Plan, and are only found in an appendix, not the body of the EIR.

P36-111

Different numbers of departures from Berkeley are also possible and must be analyzed. The EIR establishes that at least three departures would take place, (page 2-30) while the same 2022 WETA business plan forecasts 8 departures. Since WETA also forecasts using 250 seat ferries and an 80% load as a practical capacity, the proposed system might have a departure capacity of 1600 passengers. WETA in a plan dated April 12, 2023, considers an even higher number of 4000 total passengers, or 2000 departures. With only 399 parking spaces proposed, the document needs to provide clarity on what the project description really is, and what the potential impacts are.

P36-112

Finally, in their presentation to the Engineering Criteria Review Board (ECRB), Berkeley and WETA now propose a shorter breakwater, 350 feet rather than 400 feet, with a different orientation. However, the wave climate provided to the public and the ECRB dismissed wave energy from the northwest, without using wind data from that direction. That issue will return to the ECRB—after closing of the EIR comment

P36-113

period—and is only dealt with in the EIR by treating the shorter breakwater as an alternative.

P36-113

"An accurate, stable and finite project description is the sine qua non of an informative and legally adequate EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192.) "[A] curtailed or distorted project description," on the other hand, "may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." (CEQA section 15124; *City of Santee v. County of San Diego*, 263 Cal.Rptr 340 (1989).)

P36-114

All of these uncertainties affect impact analysis, and the right of the interested public to comment on the project and mitigation measures.

AIR QUALITY AND VMT

In my scoping letter I asked for an analysis of energy use normalized as British Thermal Units, (BTU's) per passenger, and a comparison of efficiency to BART and AC Transit as a carbon signature analysis. On page 3.2-21, Berkeley limits the EIR's consideration of air quality impacts to 4 factors, none of which consider carbon emissions from the whole of the project. A lack of analysis does not prevent Berkeley and the EIR from claiming, without providing enforceable implementation measures, that the project will be a zero-emission project that will reduce VMT. Such claims cannot be made without some substantial evidence and analysis that bridges the analytical gap to support the claim. Paul Kamen has prepared an analysis of energy use per passenger mile that shows the existing ferry fleet requiring 4 times as much energy (measured as BTU's/passenger mile) as AC Transit, and 40 times as much energy as BART. While that analysis may be subject to change in an adequate EIR, the very low efficiency of the ferry system and the fact that energy generation for charging batteries and for cars driving to the terminal still involves fossil fuel sources compels a more detailed analysis.

P36-115

P36-116

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P36-118

Berkeley does not control the source of emissions from ferries, or the purchase practices of WETA. As I pointed out in my scoping comments, the Executive Director of WETA has qualified any commitment to electric ferry propulsion with the caveat of "if feasible." While WETA has entered into contracts for purchase of some electric ferries and retrofit of others, meeting agendas have made it clear that continued electrification depends on sources that are not now available. None of those ferries are intended for a new Berkeley route, and WETA Board reports make it clear that continued electrification depends on funding which is not now available. As such, electric ferries may not be feasible, and Berkeley cannot require their use if a terminal is built

P36-119

Instead of analysis that shows certainty or feasibility, the EIR relies on unsubstantiated claims. For example, on page 3.6-43 the document asserts, without quantitative analysis, that the project would convert auto trips into ferry trips. The EIR claims, without substantiation, that the project would reduce VMT. That is an appropriate metric for consideration, the Bay Area Air Quality Management has issued advisory CEQA guidelines that suggest that a project might have a less than significant impact if the project "will achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average…" The air quality section does not include any quantitative discussion of the project's impact on VMT to address this guideline. The potential impacts on VMT are briefly discussed beginning on page 3.12-20, but proceeds from an assumption:

P36-120

> Operation Transit projects typically reduce VMT and are therefore **presumed** to have a less-than-significant impact on transportation.

No origin and destination information is provided, either for the anticipated passengers, or from analysis of other WETA terminals or on-board surveys. The analysis is assumption driven and concludes that VMT will be reduced if passengers on a ferry travel to the new ferry terminal instead of crossing the Bay Bridge.

P36-121

However, the practices and fare structure of WETA in recent years suggests another source for many passengers. In 2021, WETA reduced fares by 30% in order to increase ridership in the wake of the pandemic. An account of that can be found in an article in the Alameda Post dated March 7, 2023. Discussion at WETA Board meetings and on-board surveys established that fares were set at a level intended to compete with BART, and at least some of the increased ridership came from BART passengers. If some combination of elimination of parking at the North Berkeley and Ashby Bart stations, and cheaper fares or less crowded conditions on the ferry induce people to drive further to the ferry, or drive to the ferry instead of walking to BART or bus stops, VMT may increase. WETA has collected on-board surveys to determine why new passengers are now riding the ferry. Many passengers cited the lower fares as the reason they switched to the ferry and said they would return to BART if the fares increased. As WETA Executive Director is quoted in the Alameda Post, "San Francisco Bay Ferry is a premium option for travelers, but we can't charge premium prices if we want to rebuild ridership." WETA clearly attracted passengers away from BART with lower fares, on-board cocktails, and seats for all. The question is how many. Information from on-board surveys, rather than assumptions, should be used to determine whether a new ferry service in Berkeley will reduce VMT.

P36-122

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RECREATIONAL IMPACTS

In my scoping letter I pointed out that construction of a vertical breakwater in a highly used recreational area—one designated as part of a waterfront park—would

P36-124

alter wind and wave patterns. Those might in turn affect the safety of sailing near the proposed facilities. The response in the EIR is limited to 3 conclusory paragraphs on pages 3.11-19 and 3.11-20 that don't mention the impact of a breakwater on wind and waves. This not only avoids serious quantitative analysis and informed public input but is characteristic of what Berkeley calls a robust public process. Berkeley brags about the number of public meetings it has had on the project—but the experience of most users is that there is no response to that public input.

P36-124

There is no question that a vertical seawall would result in a physical change in the environment. There is no question that there are analytical tools in the coastal engineering profession that could assess the disruptions in the wind and wave fields that might result. To ignore the comment and replace analysis with pre-ordained conclusions is inadequate.

P36-125

The city dismisses scoping comments about recreational impacts being affected by a new breakwater or the presence of a marina basin occupying a section of the bay that is recreational by citing Berkeley Municipal Code Section 6.20.180. The interpretation of the city ignores the language of the code, the genesis of the language, and decades of practice. The language of the code prohibits swimming and windsurfing **in the marina**. The specific language makes that clear.

> It is unlawful for any person to swim, bathe, wade or **windsurf in any portion of the marina** except at Shorebird Park, and in South Sailing Basin.

P36-126

The city has defined the marina to include a very large area of open Bay outside the protective breakwaters and thus is arguing that the existing recreational use is illicit and they are not required to consider it in this EIR. The city further argues that neither windsurfing or similar activities can occur within 1500 feet of the Berkeley Pier—open waters of the bay outside the marina and where the city's jurisdiction is limited. The genesis of this section of the Marina Code was as an outcome from Berkeley's effort to ban jetskis that generated litigation. Berkeley and other cities which adopted ordinances banning jetskis were sued successfully. The genesis of the code is a result of this lawsuit, and its adoption in 2001, reflects this history. The literal language is:

P36-127

P36-128

> **No jetski or personal watercraft** of any kind may be operated within 1,500 feet of the Berkeley shoreline or the Berkeley Fishing Pier except in the 200-foot wide access corridor for personal watercraft designated by the Harbormaster from a boat launch at the marina to a point further than 1,500 feet from the shoreline

The city now attempts to argue that the term "personal watercraft" applies to uses that have long occurred in this area such as kayaking, windsurfing, kiteboarding, stand-up paddling, and winging. At the time, and to the present, personal watercraft is a synonym for jetski, reflecting the marketing approach of similar motorized craft. See for example https://boattests101.com/blog/2023/08/30/what-is-the-difference-between-a-boat-and-a-personal-watercraft-pwc

P36-128

From that source, "A **Personal Watercraft (PWC)**, often known as a jet ski, is a compact recreational watercraft propelled by an inboard jet drive system." The city uses a similar definition in its code, so this citation is clearly incorrect.

The application of this ordinance to windsurfing stands history on its head. This ordinance was adopted in 2001 after litigation successfully challenged a complete ban on jetskis and personal watercraft. In 2003, Berkeley adopted the Waterfront Master Plan, which recognized the launch adjacent to H's Lordships. After that, the city spent more than $100,000 developing a plan to improve that launch. In 2011, the US Windsurfing Nationals were held in Berkeley, after abandonment of the 2008 WETA plan for a new terminal, in the area where WETA had proposed that terminal. Berkeley Marina supported that effort. Berkeley was aware that windsurfing occurred within 1500 feet of the old pier and considered a project to enhance that use. Arguing now that such use is not allowed to avoid analyzing the physical impacts of the breakwater, shows both that Berkeley doesn't have much understanding of the industry or the users, and its overt hostility to protecting the uses that it recognized in the 2001 Waterfront Plan.

P36-129

For years, stakeholders at the marina have argued that the city must provide a baseline of recreational use in the marina. That viewpoint was shared by BCDC's Design Review Board, at two different hearings where they told city staff that they needed to identify recreational users—and work with them. The stakeholder community bolstered our comments by submitting a year's worth of data showing that there were more than 600,000 visits to the recreational part of the marina south of University. Placer AI data is based on cell phone geographical location records and provides the timing and location information necessary to understand recreational uses. As pointed out elsewhere in these comments, such recreational uses are protected by Bay Plan policies. In their scoping letter, BCDC make similar comments reflecting the direction of the Design Review Board:

> ...please note that the Bay itself function as a recreational facility ...The EIR should document the recreational uses in and around the Project site, identify the service area and service population for the recreational facilities serving those uses...

P36-130

The CEQA baseline must include the conditions as they actually exist, even if the baseline conditions include unauthorized uses. (*Lighthouse Field Beach Rescue v.*

P36-131

City of Santa Cruz (2005) 131 Cal. App. 4th 1170 (baseline includes current unlawful off-leash dog walking); *Fat v. Cnty. of Sacramento*, (2002) 97 Cal. App. 4th 1270; *Riverwatch v. Cnty. of San Diego* (1999) 76 Cal. App. 4th 1428). Clearly, the baseline currently includes recreational uses such as windsurfing in the Marina area.

P36-131

Further specifics about the intent of this scoping comment can be found in the minutes of the two DRB meetings. The EIR is inadequate because the city failed to develop any quantitative inventory of recreational activities or their physical location. Instead, on page 3.11-15 of the EIR, the city selectively quotes from the BCDC scoping letter, eliding the part about documenting the recreational uses. It then claims that Section 3.10.2 covers such uses. This is clearly a typo, Section 3.10 covers noise. There is a section in the discussion of recreation that provides only a general description of recreational activities without establishing the intensities at different locations, or applying Bay Plan Recreation Policy 3, which provides protection for all existing recreational uses and establishes that such uses shall be "easily available from parking reserved for the public." Indeed, the city proposes to eliminate nearly all such public parking.

P36-132

Finally, the EIR establishes unreasonably high thresholds for significant impacts, and thus avoids considering mitigation. This is clear in the discussion of construction, which would close much of the peninsula for project staging. The EIR argues that since that closure is temporary, and there are other areas in the marina, the impact would not be significant. Such truncated analysis ignores the language in the existing Marina Plan that protects access adjacent to the old restaurant and ignores Bay Plan policies which also protect those and other recreational uses like shoreline fishing and swimming.

P36-133

CUMULATIVE IMPACT

The city of Berkeley has issued a draft of the Waterfront Specific Plan, dated November 8, 2024. The City Council authorized environmental work under CEQA for that plan, which included a development scenario that would increase commercial development on the waterfront from 380,000 square feet to 1.215 million square feet. Yet a reviewer of this EIR would search in vain for any analysis of the cumulative impact of the city's development plans. Section 3.95, in land use, avoids any mention of this land use plan. The EIR devotes a short paragraph on page 1-5, section 1.2.3, that dismisses the need to consider their future plans, reasoning "Because the draft WSP is currently a draft document and has not yet been adopted by the City, policies in the Draft WSP would not apply to the proposed project unless the City adopts the WSP prior to approval of the proposed project." With that sentence the city tips us off that they have piecemealed their development plans to avoid providing any analysis of the cumulative impact of those plans.

P36-134

The city also avoids any discussion of their plans for redevelopment of the former H's Lordships restaurant. The city has entered into an exclusive negotiating agreement with a firm to market that site, including remodeling, CEQA clearance, and reserving 150 of the public parking spaces for that lease. This plan does not make it into the EIR.

P36-135

There is a fundamental problem with the city's approach. There is no existing land use plan for Berkeley that designates this site, and the adjacent parking lot, for a ferry terminal for commuters. Section 1.2.3 acknowledges that adoption of the WSP would provide such a designation, with the statement "As described in the Draft WSP, ferry access is a proposed allowable use in the Berkeley Waterfront." Rather than complete a land use planning process that is far advanced, the city has tabled the WSP and thereby argues that they don't have to consider cumulative impacts. Or, as the comedienne used to say, "Never mind." This approach is clearly inconsistent with CEQA case law.

P36-136

An EIR must discuss significant cumulative impacts. (CEQA Guidelines section 15130(a).) This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." CEQA Guidelines section 15355(a).

"The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (*Communities for a Better Environment v. Cal. Resources Agency ("CBE v. CRA")*, (2002) 103 Cal.App.4th 98, 117.) A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355(b).)

P36-137

The city clearly ignores reasonably foreseeable future projects in the area, and the EIR therefore lacks an adequate cumulative impacts analysis.

CONCLUSION

The city has produced a wholly inadequate document. It needs to be amended and recirculated. P36-138

Very truly yours,

Jim McGrath

Attachments

1. Placer AI cell phone data showing visits to Berkeley marina
2. Adopted Marins Plan for the area now proposed for a different use
3. Marina Plan exhibit showing enhancement of water access
4. Cost estimates obtained through PRA 25-2672

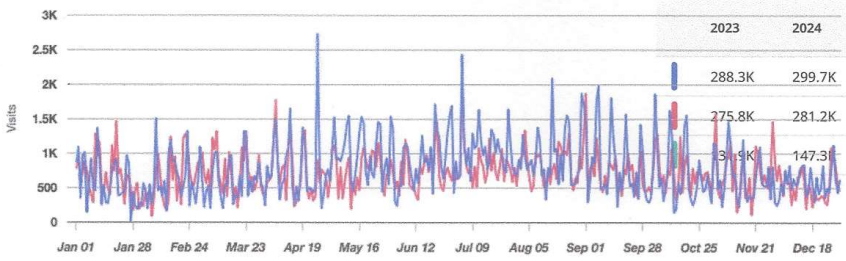
Metrics

Properties:

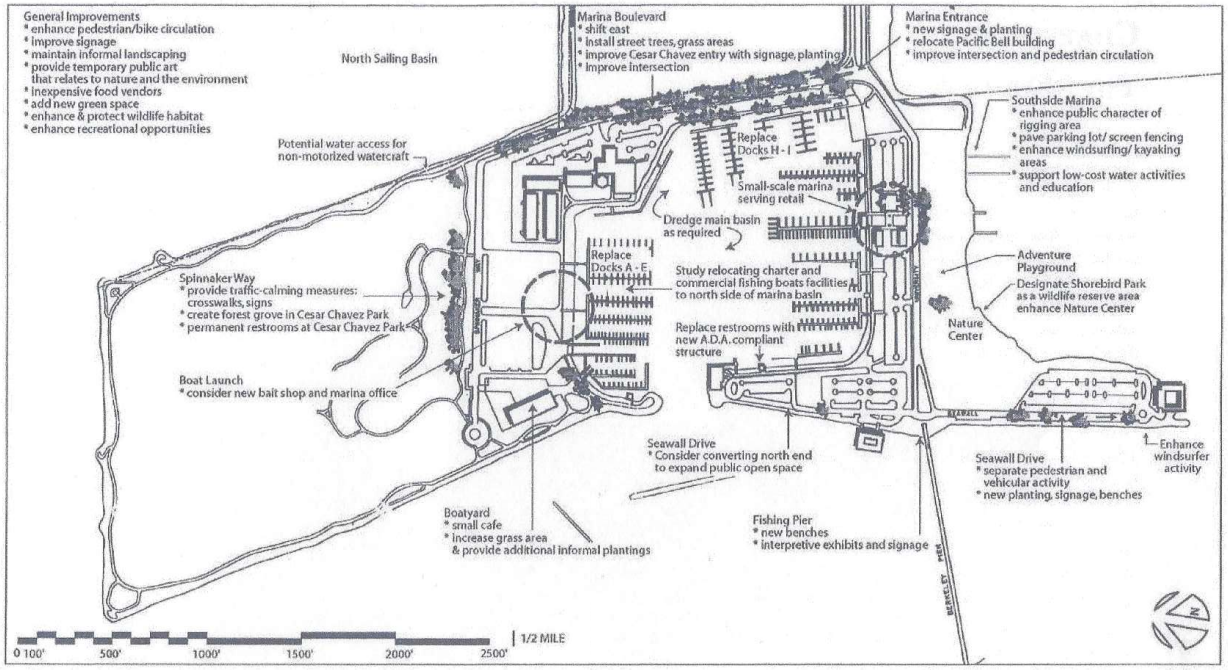
Metric Name	SOUTH MARINA BERKELEY 235 University Ave, Berkeley, CA 94710	NORTH MARINA BERKELEY 200 Marina Blvd, Berkeley, CA 94710	CENT 201 U
Visits	283K	260K	134.8K
Visits / sq ft	0.16	0.05	0.23
Size - sq ft	1.8M	4.8M	590.1K
Visitors	171.1K	111.3K	85.5K
Visit Frequency	1.65	2.34	1.58
Avg. Dwell Time	10 Min	11 Min	9 Min
Panel Visits	10.1K	7.8K	5.9K
Visits YoY	-5.6%	-7.5%	-8.5%
Visits Yo2Y	-1.8%	-5.7%	+2.2%
Visits Yo3Y	+12.9%	+10.9%	+13.9%

Visits Trend

Properties: Metric: Visits Aggregation: Daily Annual Summary Outlier Indicators



	2023	2024	2025	Last 1 Month
	288.3K	299.7K	283K	283.9
	275.8K	281.2K	260K	261.8
	3[illegible].9K	147.3[illegible]	134.8K	133.8



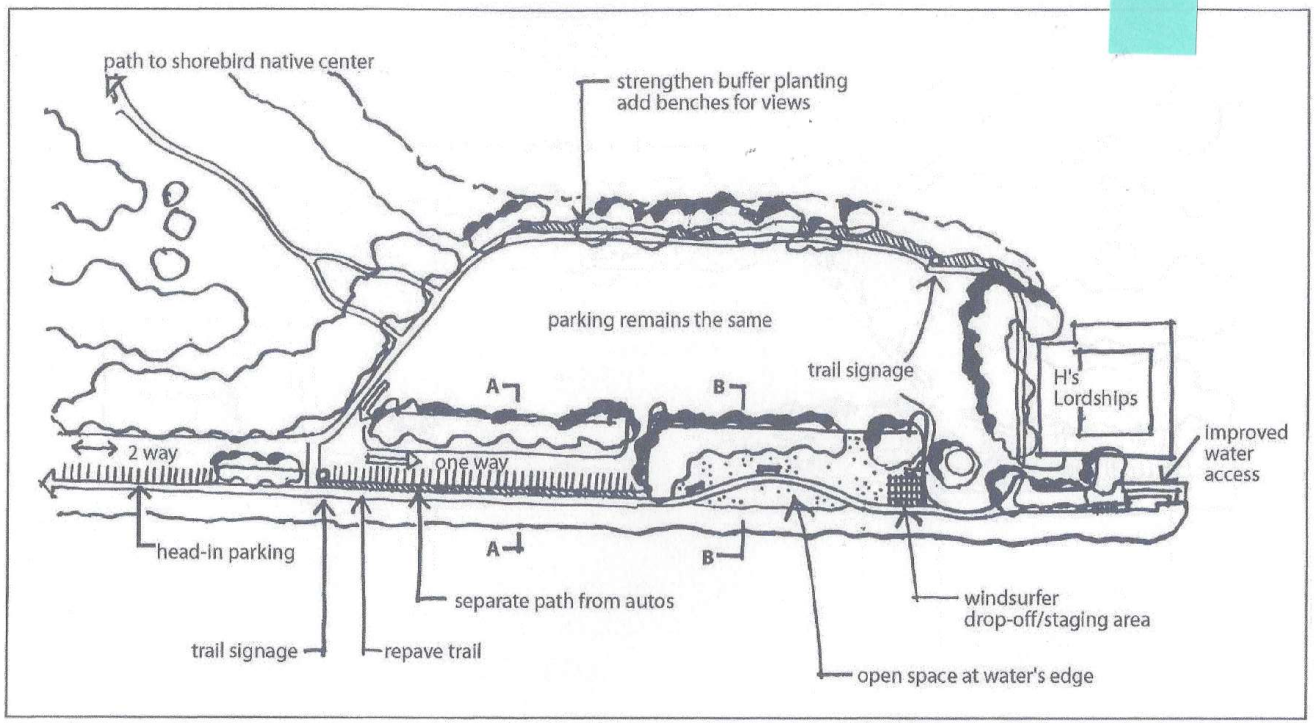
BERKELEY MARINA PLAN
JUNE 2003

Wolfe Mason Associates, Inc.
Landscape Architects / Environmental Scientists

Figure 2.0
Marina Master Plan

Page 42

P36-140



BERKELEY MARINA PLAN
JUNE 2003

Wolfe Mason Associates, Inc.
Landscape Architects / Environmental Scientists

Figure 12.0
Seawall Drive Design
Concept Plan Option B

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BERKELEY WATER TRANSPORATION PIER FERRY (BWTPF) PROJECT

JC2025BER-12 Copy of 20250607_Berkeley Ferry 30% 2025 7/11/2025 9:10 AM

BID PROPOSAL

Biditem	Description	Quantity	Units	Unit Price	Bid Total
100	**WATERSIDE**				
200	Mobilization and Demobilization	1	LS	$420,150	$420,150
400	Best Management Practices	1	LS	$112,040	$112,040
500	Demolition	1	LS	$2,989,693	$2,989,693
550	Pier Pile Installation	90	EA	$14,719	$1,324,710
600	Pier Construction	23,760	SF	$421	$10,002,960
700	Breakwater Pile Installation 24" OCT	30	EA	$16,559	$496,770
750	Breakwater Pile Installation Concrete Sheet	100	EA	$12,311	$1,231,100
775	Breakwater Construction	6,000	SF	$839	$5,034,000
800	Berthing Facility	2	EA	$27,029,667	$54,059,334
900	Ramp Construction	2	EA	$464,311	$928,622
1000	Dredging	400,000	CY	$64	$25,768,000
1100	Ferry Facility Electrification	1	LS	$350,125	$350,125
2000	**LANDSIDE**				
2100	Mobilization and Demobilization	1	LS	$245,088	$245,088
2200	Site Preparation	1	LS	$112,040	$112,040
2300	Best Management Practices	1	LS	$112,040	$112,040
2400	Parking Area	1	LS	$7,623,627	$7,623,627
2500	Bay Trail Extension	1	LS	$1,425,150	$1,425,150
2600	University Ave	1	LS	$5,431,885	$5,431,885
2700	Seawall Drive	1	LS	$1,627,304	$1,627,304
2900	Plaza and Pier Enterance	1	LS	$2,816,127	$2,816,127
4000	MSE Wall	350	LF	$2,176	$761,600
4500	Soil Mixing	2,900	CY	$259	$751,100
5000	Utilities	1	LS	$4,681,320	$4,681,320
999991	Project Management	1	LS	$2,366,495	$2,366,495
999992	Project Office, Yard, Temporary Facilites	1	LS	$462,165	$462,165
Base Total					**$131,133,445**

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Letter P36

Commenter: Jim McGrath

Date: March 27, 2026

Response to Comment P36-1

As described in Chapter 2, *Project Description*, the objectives of the proposed project include enhancing public access and recreational opportunities at the waterfront and providing efficient, environmentally sustainable ferry service to support regional mobility and resiliency. Refer to Section 3.11.4, *Impacts Analysis*, of the Draft EIR for detailed information regarding the level of impacts to recreation.

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* regarding BCDC and its policies and processes. The City of Berkeley will obtain all necessary permits and approvals from BCDC and other relevant agencies prior to commencement of construction activities. Compliance with agency-specific requirements will be confirmed through the respective permitting processes. These permits will include conditions that ensure the project meets all applicable regulatory standards before construction begins. No revisions to the EIR are necessary.

Response to Comment P36-2

The comment questions adequacy of parking relative to ferry capacity.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about parking adequacy. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-3

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance.* The City acknowledges the commenter's discussion of historical actions related to parking management at the Berkeley Waterfront. However, the environmental review conducted under CEQA is focused on the potential physical environmental impacts of the proposed project and the adequacy of the analysis presented in the Draft EIR. Prior actions, decisions, or disputes regarding parking management do not, by themselves, constitute evidence that the Draft EIR's analysis of the proposed project is deficient. Rather, the relevant question under CEQA is whether the proposed project would result in significant physical environmental impacts.

As discussed in the referenced topical responses, the Draft EIR evaluates parking-related secondary effects, recreational access, and consistency with applicable Bay Plan policies and concludes that the project would not result in significant parking-related environmental impacts. The commenter does not identify a deficiency in that analysis or provide evidence demonstrating that the Draft EIR's conclusions are incorrect. Accordingly, the analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-4

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, the analysis of whether parking changes could result in secondary physical environmental effects are addressed in Sections 3.2, *Air Quality*, 3.10, *Noise*, and 3.12, *Transportation*. Additionally, the Draft EIR evaluates potential effects on recreational access, recreational facility use, transportation, and plan consistency accordingly within Sections 3.9, *Land Use and Planning* (Impact LU-2), 3.11, *Recreation* (Impact REC-1), and 3.12, *Transportation* (Impact TRA-2), which conclude that project implementation would not result in physical deterioration of recreational facilities, would maintain recreational access, and would not result in

significant parking-related environmental impacts. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-5

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. Therein, the Draft EIR identifies applicable plans and policies and discloses any potential inconsistencies in accordance with CEQA Guidelines. This includes a consistency analysis with the Bay Plan.

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-6

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Section 3.9, *Land Use and Planning*, of the Draft EIR includes a comprehensive evaluation of applicable policies under Impact LU-2. Specifically, Table 3.9-1 (pages 3.9-12 through 3.9-23) evaluates consistency with Bay Plan policies, and Table 3.9-4 (page 3.9-31) evaluates consistency with the Berkeley Marina Master Plan. These analyses identify applicable policy topics and assess consistency based on project design, including recreational access, shoreline access, and multimodal circulation improvements. Any potential inconsistencies with Bay Plan and Marina Master Plan policies are disclosed therein in accordance with CEQA Guidelines.

Regarding the statement that the Draft EIR selectively identifies policies, Section 3.9.4, *Impacts Analysis*, Approach to Analysis discussion explains that although the subsequent analysis discusses the most relevant policies from the applicable planning documents, the City's overall consistency conclusions are based upon the complete planning documents (see Draft EIR page 3.9-10). Additionally, some planning documents or policies omitted from Section 3.9 are addressed in other Draft EIR sections within Chapter 3, *Environmental Impact Analysis*, as summarized on Draft EIR page 3.9-10.

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and throughout the Draft EIR remain valid as written. No revisions are required.

Refer to subsequent Responses to Comments for specific responses to the policies raised in the comments.

Response to Comment P36-7

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. This includes a consistency analysis with the Berkeley Marina Master Plan (pages 3.9-29 to 3.9-33) and Measure L (page 3.9-33).

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*, for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Refer to Section 2.2.16, *Topical Response: Measure L,* for a discussion related to how the project would not conflict with Measure L.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-8

This statement is not accurate. The Draft EIR includes a consistency analysis of relevant policies in the Berkeley Marina Master Plan (see Table 3.9-3 in Section 3.9, *Land Use and Planning* of the Draft EIR, pages 3.9-31 to 3.9-33). For Measure L, the Draft EIR includes a robust discussion of why the project would not conflict with Measure L (see Section 3.9, *Land Use and Planning* of the Draft EIR, page 3.9-33). Refer also to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L.

Regarding the references to Figures 2.0 and 12.0 in the Berkeley Marina Master Plan, refer to Response to Comment P36-10.

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions to the EIR are required.

Response to Comment P36-9

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. This includes a consistency analysis with the Berkeley Marina Master Plan (pages 3.9-29 to 3.9-33). Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Regarding the statement that "the only ferry site considered in the plan is located within the marina, and the plan adopts policies to make that site seismically safe", the City has reviewed the Berkeley Marina Master Plan, including Figure 2.0, which is referenced in this comment, and has found no mention of a new ferry site. The Berkeley Marina Master Plan does reference an existing "ferry pier" when discussing compliance with seismic regulations, under Principle 3. The first policy under Principle 3 is to "update the ferry pier to comply with seismic regulations." Page 3.9-32 of the Draft EIR analyses consistency with this policy, and finds that the project would be consistent with this policy.

The comment does not provide evidence that "the only ferry site considered in the plan is located within the marina, and the plan adopts policies to make that site seismically safe." No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P36-10

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

First, as a matter of clarification, the comment incorrectly characterizes the project. The project would not eliminate much of the open space of the peninsula. As described in Chapter 2, *Project Description* of the Draft EIR, the project features on land are primarily within existing roadways or parking areas. While the project would eliminate a planter that consists of a raised berm with landscaped trees withing the Seawall Parking Lot, this is not considered open space and the project would not eliminate open space. In addition, as described in Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* the project would not eliminate the staging area for windsurfing, but rather the proposed amenities for the project would be supportive and consistent with goals in the Berkeley Marina Master Plan related to recreational activities and it would not preclude the development of future recreational amenities identified in the Berkeley Marina Master Plan. Furthermore, the comment incorrectly states that the project would eliminate most of the parking places that are currently used for fishing access and viewing the Bay. Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion of the parking spaces off Seawall Drive and Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA.

The Draft EIR considered relevant policies in the Berkeley Marina Master Plan related to recreation (see Impact LU-2 in Section 3.9, *Land Use and Planning* of the Draft EIR, page 3.9-32). Nonetheless, in response

to this comment and to provide additional clarification about the project, the EIR has been revised to include a discussion of Figure 2.0: Marina Master Plan. While the comment addresses Figure 12.0, it should be noted that Figure 12.0 is a concept plan. For that reason, the EIR considers Figure 2.0. The EIR has also been revised to include a discussion of a relevant policy in Principle 4, Item C.

Table 3.9-4 Berkeley Marina Master Plan Consistency

Policy	Consistency
Principle 4. Provide for appropriate recreational, commercial and nonprofit development that both encourages use and protects or enhances the natural resources of the Marina lands.	
Policy 4A. Promote the use of the Marina for boating and appropriate recreational activities and encourage appropriate commercial and non-profit uses that support marine and recreation functions. Encourage Inexpensive Food Vendors. The availability of inexpensive food at the Marina should be encouraged. Use of pushcarts and other mobile structures should be allowed, but should not be located in areas that will obstruct public access or views. Support Low Cost Water Activities and Education. The City should continue to support affordable programs such as Cal Sailing Club, Cal Adventures and the Nautilus Institute that provide a variety of low-cost water-related activities as well as educational programs for youth and the community.	**Consistent.** Overall, the project would create a more attractive area that would encourage and support marine and recreation functions. The proposed public plaza would facilitate the potential for inexpensive food at the Marina. Additionally, the ferry service would support low-cost water activities, and informative signs on the pier would support education for visitors.
Policy 4C. Preserve the areas devoted to marine operations and recreational activities and expand to new areas where feasible and without negatively impacting natural resources. • <u>Enhance Windsurfer Activities at the point immediately to the west of H's Lordships Restaurant. Consider constructing large terraced stairs to improve windsurfer access. Consider low-maintenance materials for adjacent staging areas and screening these areas with landscaping. A new pedestrian path is needed that links with the existing pathway on the north side of the parking lot. New signage and benches should be installed.</u>	**Consistent.** The project would not be located within the Marina Basin and would, therefore, not conflict with marine operations. Implementation of the enhanced pier and ferry infrastructure would not impact waterfront recreation as recreation is prohibited at this location. The project would expand recreational activities by provided a new pier. <u>The project would also be consistent with the Policy 4C provision to enhance windsurfer activities west of H's Lordships Restaurant (199 Seawall Drive). The project would not eliminate shoreline access used by windsurfers or other non-motorized watercraft users and would not preclude future implementation of windsurfing-related improvements contemplated by the Marina Master Plan. Access to the existing launch area near 199 Seawall Drive would be maintained. In addition, the project would provide improvements that are consistent with the policy's objectives to enhance public access and shoreline amenities, including new pedestrian and bicycle facilities, Bay Trail improvements, wayfinding signage, seating areas, the public plaza and restroom, and shoreline access improvements. Accordingly, the project would improve access and recreational use of the Waterfront while remaining compatible with existing water-oriented recreational activities such as windsurfing.</u>
Principle 5. Enhance access and use of the Marina, especially for members of special user groups such as elderly, economically disadvantaged or physically challenged persons.	
Provide new and renovate pedestrian pathways and bicycle trails to increase public access at the Marina. As needed, pedestrian paths should be resurfaced and widened to provide access for all members of the community. New paths and upgraded paths will comply with ADA requirements. Bicycle paths and improvements consistent with the Berkeley Bicycle Plan should be installed along Seawall Drive, University Avenue, Marina Boulevard, and Spinnaker Way. Bike racks should be installed at key locations along the bicycle paths. *Improve shoreline access by upgrading existing pedestrian pathways along the shoreline and, where feasible, providing new pathways at the shoreline edge.* Provide a pedestrian path along the entire length of Seawall Drive. The pedestrian pathway should be grade separated from parked cars and the roadway. Plantings and berms should be used to screen cars from the pedestrian path. New signage and benches should be installed along the path. *Improve Marina Boulevard/University Avenue intersection.* As part of the Marina Boulevard realignment, the intersection should be redesigned to improve safety and clarity for pedestrian and bicyclists.	**Consistent.** The proposed project would provide the infrastructure identified in this policy. The proposed project includes the installation of a cycle track on University Avenue and a portion of the Bay Trail Extension off Seawall Drive. Where the Bay Trail Extension or recreation amenities are adjacent to Seawall Drive, the City would implement safety measures to create a barrier between vehicles and pedestrians (such as parking areas, boulders, bollards, fence, or guardrail). In addition, benches, chairs, and signage are planned to be installed on the Bay Trail Extension. The project is being designed to be ADA compliant.
Principle 6. Pursue a fiscally responsible and sustainable implementation program for the Marina.	
Maintain the Plan's prioritized capital improvement program for the construction of boating facilities, roadways, restroom facilities, and other infrastructure facilities necessary to continue Marina operations. Identify funding options to pay for the improvements.	**Consistent.** The proposed project is identified as one of Berkeley's capital projects.
<u>Figure 2.0, Marina Master Plan</u>	
<u>The Marina Master Plan concept diagram identifies numerous recreational enhancements throughout the Marina, including enhancement of pedestrian and bicycle circulation, recreational opportunities, shoreline access amenities, and of windsurfer activity in the vicinity of Seawall Drive and H's Lordships Restaurant.</u>	**<u>Consistent.</u>** <u>Figure 2.0 illustrates a conceptual vision for future improvements at the Berkeley Marina and Waterfront, including enhancement of windsurfer activity near Seawall Drive and H's Lordships Restaurant (199 Seawall Drive). The proposed project would not eliminate access to the existing shoreline areas used by windsurfers, wingers, swimmers, kayakers, paddleboarders, and other water-based recreational users. The project would maintain access to the existing 199 Seawall Drive launch area and would not preclude continued use of shoreline areas adjacent to the project site for water-oriented recreation. The project would also enhance public access through construction of the Bay Trail Extension, bicycle and pedestrian improvements, new public viewing areas, shoreline access improvements, and restoration of public access to the Berkeley Pier. Accordingly, the project would support and not conflict with the recreational access objectives depicted in Figure 2.0.</u>

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The above revisions are clarifying in nature and would not affect the analysis or significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, or related sections of the Draft EIR. The analysis, significance conclusions, and mitigation measures identified therein remain valid as written. No further revisions are necessary.

Response to Comment P36-11

As stated in Draft EIR Chapter 2, *Project Description: Landside*, page 2-23, the proposed project would remove approximately 40 existing trees and would plant between 50 and 70 new trees. The Draft EIR analysis presented under Impact BIO-5 in Section 3.3.4, page 3.3-65 concluded that impacts to protected trees would be less than significant. In addition, see Response to Comment P36-10 for a discussion regarding open space. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-12 to P36-18

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. This includes a consistency analysis with the Berkeley Marina Master Plan (pages 3.9-29 to 3.9-33). Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The comment provides a bulleted list of "policies"; however, these bullets appear to be the commenters own interpretation of policies and not the actual policies in the Berkeley Marina Master Plan. The consistency analysis in the Draft EIR (pages 3.9-29 to 3.9-33) includes the relevant policies from the Berkeley Marina Master Plan verbatim and cover the summarized list identified in the comment. For a discussion of windsurfer activities (comment P36-18), refer to Response to Comment P36-10.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-19

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding how existing recreation would be affected by the project. The analysis and conclusions presented therein remain valid as written, and no further clarifications are required.

Response to Comment P36-20

For discussion of CEQA baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*. For discussion of Seawall Drive in-car Bay viewing, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access.*

The Draft EIR appropriately characterizes existing recreational conditions, evaluates potential changes to recreational space and access, and demonstrates that scenic-view parking and recreational opportunities would be maintained. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-21

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Refer to Response to Comment P36-9, which notes that the Berkeley Marina Master Plan does not include a discussion about a new ferry terminal site within the Marina. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-22

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-23

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-24

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-25 to P36-36

Draft EIR Section 3.9, *Land Use and Planning*, evaluates the project's consistency with all applicable land use plans, including the policies of the Berkeley Marina Master Plan (refer to Impact LU-2, pages 3.9-31 to 3.9-33). The analysis provided therein concludes that the project would not conflict with the Berkeley Marina Master Plan.

With respect to the comments regarding Measure L, refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L.

With respect to comments regarding Parking, refer to Section 2.2.20, *Topical Response: Parking.*

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions to the EIR are required.

Response to Comment P36-37

Refer to Section 2.2.13, *Topical Response: Land Use Plan/Consistency* for a discussion of how the Draft EIR complies with CEQA Guidelines Section 15125(d). Please refer to subsequent response to comments for responses to specific policies identified in the comment letter.

Response to Comment P36-38

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*, for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The Draft EIR evaluates the proposed project's consistency with applicable Bay Plan policies in Table 3.9-1 (BCDC Bay Plan Consistency) under Impact LU-2 in Section 3.9, *Land Use and Planning* (Draft EIR pages 3.9-12 through 3.9-23). Table 3.9-1 identifies relevant Bay Plan policies, including policies established for the protection of recreational resources and standard for a ferry terminal.

The analyses and significance conclusions presented under Impact LU-2 remain valid as written. No revisions are required.

Refer to subsequent responses to comments for specific responses on policies raised by the commenter.

Response to Comment P36-39

See Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* for a discussion of BCDC jurisdiction with respect to the project site as well as BCDC planning consistency and permit compliance with respect to recreational public access. BCDC jurisdiction is also discussed in

Draft EIR Section 3.3.3 Regulatory Framework, and appropriate permits would be required. The Draft EIR analysis under Impact BIO-3 in Section 3.3.4, Impacts Analysis, pages 3.3-59 through 3.3-62 concluding that impacts to State-protected wetlands and waters would be less than significant with implementation of Mitigation Measure BIO-3, remains valid. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-40

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The approach used in the Draft EIR is described in Section 3.9.4, *Impacts Analysis*. As discussed therein, consistency analysis under Impact LU-2 focuses on plans and policies that are relevant to the proposed project and the environmental issues evaluated in the Draft EIR, consistent with CEQA Guidelines Section 15125(d), which requires discussion of inconsistencies with plans adopted for environmental purposes. However, the City's overall consistency conclusions are based upon the planning documents in their entirety, rather than individual policies (see Draft EIR page 3.9-10). The Draft EIR further explains that some applicable plans or policies are evaluated in other sections within Chapter 3, *Environmental Impact Analysis*, where they are more directly related to the environmental topic being analyzed (see Draft EIR page 3.9-10).

Consistent with this approach, Impact LU-2 evaluates the project's consistency with applicable BCDC Bay Plan policies in Table 3.9-1 (pages 3.9-12 through 3.9-23). The table includes a broad range of Bay Plan policies addressing topics such as environmental justice, public access, recreation, transportation, climate change, shoreline protection, operational safety, water quality, marine resources, and special area plans. In addition, where specific Bay Plan policies relate to resource areas evaluated elsewhere in the Draft EIR, those issues are addressed in the corresponding environmental sections, including Section 3.3, *Biological Resources*; Section 3.8, *Hydrology and Water Quality*; Section 3.11, *Recreation*; and Section 3.12, *Transportation*. The City also notes that BCDC, the agency responsible for administering and enforcing the Bay Plan, reviewed the Draft EIR and provided extensive comments regarding project impacts, regulatory considerations, and areas where additional analysis or clarification would be beneficial. BCDC did not identify any Bay Plan policy that was improperly omitted from the Draft EIR's land use consistency analysis under Impact LU-2. Rather, BCDC acknowledged the Draft EIR's Bay Plan consistency analysis and noted that it would conduct its own independent review of project consistency with applicable Bay Plan policies as part of its permit review process.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-41

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies and Response to Comment P36-40. The Draft EIR evaluates project consistency with applicable policies of the BCDC San Francisco Bay Plan under Impact LU-2, including Recreation Policies 7 and 9 (see Draft EIR pages 3.9-12 through 3.9-23). In addition, recreational access, public access, and recreation-related issues are evaluated throughout the Draft EIR, including in Section 3.11, *Recreation*, which discusses the applicable regulatory framework and evaluates the project's potential effects on recreational facilities and opportunities. (see Section 3.11.3, Re*gulatory Framework*, pages 3.11-8 through 3.11-10). The Draft EIR's consideration of recreational issues is therefore not limited to the two policies identified by the commenter.

The Draft EIR does not improperly limit analysis of Bay Plan policies requiring recreational parking, which is addressed under the consistency analysis for Bay Plan Recreation Policy 9. For additional discussion on parking as it relates to CEQA requirements and Bay Plan policies, refer to Section 2.2.20, *Topical Response: Parking.*

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-42

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies. Refer also to Response to Comment O10-149, which indicates that the Draft EIR does consider consistency with this policy.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-43

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The Draft EIR evaluates the project for consistency with applicable BCDC Bay Plan policies under Impact LU-2 within Section 3.9, *Land Use and Planning* (see Table 3.9-1, pages 3.9-12 through 3.9-23). Although Recreation Policy 3(a)(6) was not specifically identified in Draft EIR Table 3.9-1, the Draft EIR's recreation and land use analyses address the policy's underlying objectives related to preservation and enhancement of water-oriented recreational uses. Notably, BCDC did not identify omission of Recreation Policy 3(a)(6) as a concern in its comment Letter on the Draft EIR. Nonetheless, in response to this comment, Table 3.9-1 within Draft EIR Section 3.9, *Land Use and Planning*, has been revised to expressly evaluate consistency with BCDC Bay Plan Recreation Policy 3(a)(6) as follows.

Table 3.9-1 BCDC San Francisco Bay Plan Consistency

Policy	Consistency
Recreation	
Policy 3(a)(6). Sites, features or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational uses should be preserved and, where appropriate, enhanced for those uses, consistent with natural and cultural resource preservation.	**Consistent.** The project site is located within a waterfront area that supports a variety of water-oriented recreational uses, including fishing, windsurfing, kayaking, sailing, wildlife viewing, and shoreline recreation. As described in Chapter 2, *Project Description*, and evaluated in Section 3.11, *Recreation*, the proposed project would preserve and enhance opportunities for water-oriented recreation by restoring public access to the Berkeley Pier, constructing a new publicly accessible pier and breakwater, implementing shoreline access improvements, extending the Bay Trail, and providing new public amenities including seating, viewing areas, bicycle facilities, and interpretive features. The project would also maintain access to existing marina facilities, windsurfing areas, boat launching facilities, and other water-oriented recreational resources. As discussed in Section 3.11, *Recreation*, the project would result in a net increase in recreational opportunities and facilities available to the public (Impact REC-1). Furthermore, the project has been designed to avoid substantial impacts on natural and cultural resources, and mitigation measures identified in Sections 3.3, *Biological Resources*, and 3.8, *Hydrology and Water Quality*, would ensure that project-related impacts remain less than significant or less than significant with mitigation.
Policy 3(a)(7). Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public or from public streets or trails.	**Consistent.** As described in Chapter 2, *Project Description*, the proposed project would include wayfinding signage along University Avenue, Marina Boulevard, Seawall Drive, the Seawall Drive Parking Lot, portions of the Berkeley Waterfront, and Shorebird Park to direct visitors to the new pier, ferry facilities, parking areas, and other recreational destinations. The project would also include interpretive and educational signage along the pier, breakwater, and Bay Trail Extension. Final signage design and placement would be refined through final design and applicable permitting processes. The project would also provide continued public access to recreational facilities from public streets and trails, including University Avenue, Seawall Drive, and the Bay Trail, and would maintain and improve public parking access through renovation of the existing Seawall Drive parking lot, which would provide approximately 400 to 450 public parking spaces. In addition, the project would enhance pedestrian, bicycle, and transit access through construction of a new cycle track, Bay Trail improvements, bicycle parking facilities, and transit improvements. Accordingly, the project would be consistent with Recreation Policy 3(a)(7).
Policy 7. Because of the need to increase the recreational opportunities available to Bay Area residents, small amounts of Bay fill may be allowed for waterfront parks and recreational areas that provide substantial public benefits and that cannot be developed without some filling.	**Consistent.** The proposed pier and breakwater would provide recreational opportunities to the Bay. As such, the fill would be allowed if it provides substantial public benefits and cannot be developed without some filling. Since the proposed project will provide an alternative form of transportation that will reduce vehicle miles traveled and greenhouse gas emissions, as well as providing a new recreational opportunity to access the Bay, the proposed project will result in substantial public benefits.

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This revision is clarifying in nature and does not alter the analyses, significance conclusions, or mitigation measures presented in the Draft EIR. Accordingly, the analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No further revisions are required.

Response to Comment P36-44

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Refer also to Response to Comment O10-51, which similarly addresses Bay Plan Recreation Policy 3(a)(7). As explained therein, although Recreation Policy 3(a)(7) was not specifically identified in the Bay Plan consistency analysis provided in Draft EIR Section 3.9, *Land Use and Planning* (see Impact LU-2, Table 3.9-1), the Draft EIR's overall Bay Plan consistency analysis addresses similar objectives related to public access, wayfinding, signage, parking, and multimodal access. Additionally, BCDC did not identify omission of Recreation Policy 3(a)(7) as a concern in its comment Letter on the Draft EIR. Nonetheless, in response to Comment O10-51, Table 3.9-1 within Draft EIR Section 3.9, *Land Use and Planning*, has been revised to expressly evaluate project consistency with BCDC Bay Plan Recreation Policy 3(a)(7).

The revisions described in Response to Comment O10-51 are clarifying in nature and do not alter the impact analysis or significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, or related sections of the Draft EIR. Accordingly, the analyses and significance conclusions presented therein remain valid as written in the Draft EIR. No additional revisions are required.

Response to Comment P36-45

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The City does not agree that Recreation Policy 3(b)(4) is directly applicable to the proposed project. As described in Draft EIR Section 3.9, *Land Use and Planning*, and Bay Plan Map No. 4 referenced therein, the project site is located within the Berkeley Waterfront/Cesar Chavez Park area, which is designated as a BCDC "Waterfront Park, Beach" priority use area. Although the Berkeley Marina is adjacent to the project site, the proposed project is not located within the marina itself and would not remove or substantially alter marina facilities or marina-related uses. Rather, the project would preserve existing marina uses while constructing a ferry terminal and associated public access and recreational improvements within the Berkeley Waterfront (see Impact LU-2).

The Draft EIR evaluates the project for consistency with applicable BCDC Bay Plan policies under Impact LU-2 within Section 3.9, *Land Use and Planning* (see Table 3.9-1, pages 3.9-12 through 3.9-23), including Bay Plan Map No. 4 Policy 15, which specifically identifies a ferry terminal as a potential use at the Berkeley Waterfront provided it remains compatible with park and marina uses. As discussed in Table 3.9-1, the project would maintain compatibility with existing marina and recreational uses while providing additional public amenities. Therefore, although Recreation Policy 3(b)(4) is not directly applicable to the proposed project, the Draft EIR demonstrates that the project would not preclude continued operation of adjacent marina facilities. Additionally, the City notes that BCDC reviewed and provided extensive comments on the Draft EIR but did not identify Recreation Policy 3(b)(4) as a policy requiring additional analysis or identify omission of the policy as a deficiency in the Draft EIR. As noted within Draft EIR Section 3.9, BCDC will independently review project consistency with applicable Bay Plan policies through its permitting process.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-46

For a detailed discussion of project consistency with applicable land use plans, refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*.

Recreation Policy 3(e)(3) is not directly applicable to the proposed project. As described in Draft EIR Chapter 2, *Project Description*, the proposed project would construct a public pier, ferry terminal, breakwater, public plaza, Bay Trail extension, bicycle and pedestrian facilities, and related infrastructure (see Section 2.5, *Proposed Project Components*). The project does not include construction of new non-motorized small boat launching facilities or improvements to existing non-motorized small boat launching facilities; however, such existing facilities would remain available for use with project implementation.

To the extent the comment concerns the availability of parking for users of existing recreational facilities such as non-motorized boating facilities, refer to Section 2.2.20, *Topical Response: Parking,* which includes discussion of the shared-use parking approach and parking demand management measures planned for the project, as well as the evaluation of parking impacts under CEQA. Refer also to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which provides discussion of the project's relationship to existing waterfront recreational uses and access opportunities. As discussed therein, the project would not eliminate small boat launching facilities or preclude continued use of those facilities.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-47

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies. Refer also to Response to Comment O10-116, which describes that the Draft EIR includes an analysis of consistency with Bay Plan Recreation Policy 9.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-48

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies. Refer also to Response to Comments P36-37 through P36-47, which indicate that the City has found no inconsistencies with Bay Plan policies. For that reason, no mitigation measures have been proposed.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-49

For discussion regarding the adequacy of the CEQA baseline and level of detail required, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The Draft EIR provides an adequate description of existing recreational use consistent with CEQA requirements. The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-50

For discussion of the environmental baseline considered in the Draft EIR, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-51

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of how the analysis performed in the Draft EIR is appropriate.

The analyses and significance conclusions presented in Draft EIR Section 3.11, *Recreation*, remain valid as written. No revisions are required.

Response to Comment P36-52

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. No further response is required.

Response to Comment P36-53

As explained in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* the City has coordinated with BCDC and will continue to do so through the permitting process, where BCDC will independently evaluate consistency with its policies, including those related to recreational use and access to the Bay.

For discussion of CEQA baseline adequacy and level of detail, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

Accordingly, the Draft EIR appropriately considers recreational conditions and evaluates project impacts consistent with CEQA requirements. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-54

Under CEQA an EIR must evaluate a project's impacts relative to existing environmental conditions, which "normally constitute the baseline" for determining CEQA significance (CEQA Guidelines Section 15125(a)). The Guidelines further specify that the baseline shall not include hypothetical conditions that have not occurred, even if such uses could be allowed under existing plans or agreements. Consistent with these requirements, the Draft EIR evaluates environmental impacts based on existing conditions at the project site at the time of environmental review. The potential reopening of the restaurant at 199 Seawall and other future uses referenced by the commenter are not part of the proposed project and are not existing conditions; therefore, they are not treated as baseline conditions under CEQA. However, CEQA does require consideration of reasonably foreseeable future projects and development in a cumulative context. Accordingly, the Draft EIR evaluates the project's incremental contribution to cumulative impacts in each resource Chapter (Chapter 3), in combination with other past, present, and reasonably foreseeable future projects, consistent with CEQA Guidelines Section 15130. This cumulative analysis captures the combined effects of the proposed project and other anticipated development activities in the project vicinity.

With respect to the reopening of the 199 Seawall restaurant, refer to Response to Comment P36-108, which explains that the City does consider a potential new restaurant at the 199 Seawall Drive site as a cumulative project. Response to Comment P36-108 also includes a discussion of the City of Berkeley lease agreement providing 150 parking stalls to the new restaurant.

With respect to "opening a pier that would provide recreational access", this proposed project that has been analyzed in the Draft EIR proposed to create a new pier that would provide recreational access.

The Draft EIR appropriately evaluates project impacts based on existing environmental conditions and includes cumulative impact analysis that considers reasonably foreseeable future development.

Consistency with applicable Bay Plan policies is addressed in Sectio 3.9, *Land Use and Planning*. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions to the EIR are required.

Response to Comment P36-55

The Draft EIR evaluates recreational impacts consistent with CEQA, which focuses on a project's effects on existing physical environmental conditions at and in the vicinity of the project site (see Chapter 3, *Environmental Impact Analysis*, discussion of environmental baseline). Accordingly, Draft EIR Section 3.11, *Recreation*, appropriately focuses on recreational facilities, access, and use patterns at the Berkeley Waterfront and surrounding area to determine whether the project would result in a physical impact on those resources. At the same time, the Draft EIR does incorporate regional context where relevant. Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7), identifies San Francisco Bay as a regional recreational resource and describes water-based recreation occurring beyond the immediate project site, as well as the relationship to broader regional recreational opportunities. In addition, Section 3.11.5, *Cumulative Impacts*, considers the project's contribution to recreational demand in combination with other past, present, and reasonably foreseeable projects, which provides a regional perspective on recreational capacity.

As explained in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* the City has coordinated with BCDC and will continue to do so through the permitting process, where BCDC will independently evaluate consistency with its policies, including those related to recreational use and access to the Bay.

Accordingly, the Draft EIR appropriately focuses its impact analysis on the project site and surrounding area as required under CEQA, while also incorporating regional considerations through the environmental setting, cumulative analysis, and policy consistency evaluation. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-56

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* for a discussion of how the analysis performed in the Draft EIR is appropriate.

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-57

Refer to Response to Comment O10-116, which discusses the Draft EIR consistency analysis for BCDC Bay Plan Recreation Policy 9. As explained therein, the proposed ferry facility is located within a waterfront park priority use area specifically contemplated by the policy, would maintain recreational access, and shared-use parking would accommodate both ferry patrons and recreational users while minimizing the amount of shoreline area devoted to parking (see Draft EIR Section 3.9, *Land Use and Planning*, Table 3.9-1, page 3.9-18).

With respect to the comment's specific concerns regarding the Draft EIR's discussion of parking, parking supply, demand, transportation demand management measures, shared-use parking strategies, and access considerations are evaluated throughout the Draft EIR, including Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment*, as well as supporting documents such as the City's Parking and TDM plan. Refer to Section 2.2.20, *Topical Response: Parking,* which provides a detailed discussion of parking conditions, shared-use parking management, implementation of the Parking and TDM Plan, and the relationship between parking considerations, Bay Plan Recreation Policy 9, and CEQA Guidelines. As explained therein, CEQA requires the evaluation of physical environmental effects rather

than policy concerns regarding the allocation of parking resources. Accordingly, the Draft EIR evaluates potential physical environmental impacts associated with parking and circulation and does not identify secondary impacts resulting from parking demand.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-58

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*. The Draft EIR separately evaluates Bay Plan consistency under Section 3.9, *Land Use and Planning*, and concludes that the project would not conflict with applicable Bay Plan policies related to parking and recreational access (see Impact LU-2, Table 3.9-1, pages 3.9-12 through 3.9-23). The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Response to Comment P36-59

Parking supply is not an impact under CEQA, and no mitigation measure was identified to prepare a parking management plan. Refer to Section 2.2.20, *Topical Response: Parking,* for more information on this topic. No further response is required.

Response to Comment P36-60

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, and Section 2.2.20, *Topical Response: Parking.* Parking is not an impact under CEQA and the Draft EIR does not include deferred mitigation. No further response is required.

Response to Comment P36-61 to P36-64

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how the City appropriately discusses parking in the Draft EIR, according to CEQA. This comment does not directly pertain to proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P36-65

Refer to Section 2.2.20, *Topical Response: Parking,* and Topical Response: CEQA Baseline/Baseline Recreation. As discussed therein, the Draft EIR uses the physical conditions existing at the time the Notice of Preparation was published as the CEQA baseline and evaluates potential secondary physical environmental effects associated with project-related parking conditions. The comment does not provide evidence demonstrating that the baseline used in the Draft EIR is inconsistent with CEQA requirements or that the analyses and significance conclusions are incorrect. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-66

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, the Draft EIR's parking analysis is based on parking utilization data and supporting technical studies prepared for the project. The comment does not provide evidence demonstrating that the parking data, methodology, or resulting analyses are inadequate for purposes of CEQA review. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-67

Refer to Section 2.2.20, *Topical Response: Parking.* The Draft EIR provides sufficient information regarding existing parking conditions, parking utilization, and proposed parking facilities to support the environmental analyses required by CEQA. The commenter does not identify a deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-68

Refer to Section 2.2.20, *Topical Response: Parking.* The Draft EIR provides sufficient information regarding existing parking conditions, parking utilization, and proposed parking facilities to support the environmental analyses required by CEQA.

The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-69

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-70

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for a discussion of parking on Seawall Drive.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is assed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-71

The comment does not identify an inadequacy in the environmental analysis. As described in the Draft EIR (pages 2-30 to 2-31 of the Draft EIR), the ridership assumptions used for the project were based on ridership forecasts developed through the WETA Berkeley Ferry Service Business Plan. The Business Plan includes ridership forecasts prepared by CDM Smith using accepted transportation planning and travel demand modeling methodologies developed to evaluate proposed ferry services. The forecasts estimate weekday, weekend, and special event ridership under multiple service scenarios and incorporate assumptions regarding travel demand, service characteristics, and phased ridership growth over time. The Business Plan also recognizes that new transit services typically experience a multi-year ridership ramp-up period and incorporates a service adoption factor into its evaluation of future service performance.

Under CEQA, an EIR must be supported by substantial evidence in the administrative record and may rely on reasonable assumptions, expert opinion, and facts to support its analysis (Pub. Resources Code, § 21080, subd. (e); CEQA Guidelines, §§ 15144, 15145, 15151). CEQA Guidelines Section 15151 expressly provides that "[d]isagreement among experts does not make an EIR inadequate," and that an EIR should be judged based on whether it reflects a good-faith effort at full disclosure rather than by a standard of absolute perfection. The ridership projections relied upon in the Draft EIR were prepared by qualified professionals using accepted transportation planning methodologies and constitute substantial evidence supporting the environmental analysis. While the commenter has provided an alternative estimate of future ridership, CEQA does not require the Lead Agency to adopt a commenter's assumptions or conclusions where the EIR relies on reasonable forecasting methodologies supported by substantial

evidence in the administrative record. A difference of opinion regarding future ridership projections does not demonstrate that the Draft EIR's analysis is inadequate.

In addition, higher ridership in the future represents an environmental benefit, through the reduction of VMT and GHG emissions. Insofar the comment is expressing concern about parking, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking supply adequacy.

Accordingly, the comment has been noted. The information provided by the commenter does not alter the conclusions of the Draft EIR, and no revisions to the environmental analysis are required.

Response to Comment P36-72

Refer to Section 2.2.27, *Topical Response: VMT*, for a detailed discussion of the mode split assumptions used in the Draft EIR. Refer also to Response to Comment P36-73 for responses to additional comments related to the mode split assumptions.

Response to Comment P36-73 to P36-76

This comment is inaccurate. The Parking and TDM Plan, as well as the Draft EIR directly address the relationship between the prior and current mode share estimates. As documented in Section 3.0 of the Parking and TDM Plan (page 5), the City's Traffic Consultant (Kittelson and Associates) expressly reviewed the Berkeley Marina Ferry Parking & Transportation Demand Management Strategy (Nelson\Nygaard, October 2021) and the 2018 Short-Term Recommendations for Waterfront Parking Management on which it was based. Appendix F (page 2) of the Draft EIR identifies the 54 percent baseline as one of the sources used in developing the mode split. The City's Traffic Consultant also reviewed the WETA Business Service Plan (31 percent drive-alone) and updated WETA onboard survey data from 2022 (44 percent drive-alone) and derived a recommended baseline of 40 percent drive-alone, a figure that reflects more current observed travel behavior than the 2021 Feasibility Study estimate. This methodology is explained in Section 3.4 of the Parking and TDM Plan (page 10) and constitutes substantial evidence supporting the Draft EIR's analysis. The commenter's preferred 54 percent figure is not ignored; it is one data point among several that the City's Traffic Consultant weighed in arriving at a more current and comprehensive estimate.

The commenter's parking demand calculations in P36-75 similarly rely on the 54 percent figure and a parking supply figure of 399 spaces that does not reflect the full parking supply available to ferry riders under the project. As discussed in Section 2.2.20, *Topical Response: Parking,* the City's analysis demonstrates that sufficient parking capacity exists within the Berkeley Waterfront to accommodate projected ferry demand. While some commenters offered their own demand calculations, the City's conclusions are based on the Parking and TDM Plan prepared by the City's Traffic Consultant using empirical data and professional methodology. These mode split assumptions that have been substantiated in the Parking and TDM Plan are also identified in the Draft EIR, as part of Appendix F (subsection Mode Split Assumptions, page 2). Regarding potential ferry ridership, refer to Response to Comment P36-71.

The commenter's reliance on Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144 is misplaced. In Stanislaus, the question at issue was whether there was substantial evidence in the record supporting a fair argument that the proposed project may have a significant impact on the environment, thus necessitating an EIR. Here, the City has prepared an EIR. Accordingly, no revision to the Draft EIR is warranted in response to these comments.

Response to Comment P36-77

Refer to Response to Comment P36-109, which explains that the City has not proposed parking allocation among users. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is assed under CEQA, and how the City would provide sufficient parking to accommodate all users.

Response to Comment P36-78 and P36-79

First, as a matter of clarification, the Draft EIR uses a 16 percent mode split for bicycle use. Refer to Page 2 of Appendix F of the Draft EIR.

The data referenced in the comment (5.9% percent bicycle use in Berkeley, per Data USA) is for the entire city[48, 49] and not for the Berkeley Waterfront sub region. It is important to note that the data from the Census or Data USA is only based commuting characteristics, i.e., home-to-work trips, and does not include trips such as recreational trips or trips made for shopping and going to school. The data used for the analysis in the Draft EIR is 16 percent for the sub region and specifically looks at the bicyclist using ferry (see Table 2 in Appendix F of the Draft EIR). Other ferry terminals have documented over 10 percent of the users bicycling to the ferry terminals.[50] The WETA Business Plan estimated that approximately 16 percent of ferry passengers would access the terminal by bicycle, based on observed travel patterns at comparable WETA ferry terminals. The Berkeley Ferry Feasibility Study prepared by Nelson\Nygaard estimated a similar bicycle mode share of 18 percent. All of these sources have been identified on page 2 of Appendix F of the Draft EIR.

To further validate these assumptions, Kittelson reviewed the most recent WETA onboard survey data, including surveys conducted in 2022, and applied the methodology used in the WETA Business Plan. Based on the updated survey data, Kittelson estimated that approximately 11 percent of ferry passengers would access the terminal by bicycle.

The three estimates (11 percent, 16 percent, and 18 percent) were compared as part of the analysis. After considering the methodologies, underlying datasets, and consistency with previous WETA planning efforts, the 16 percent bicycle mode share from the WETA Business Plan was determined to be the most reasonable and defensible assumption for this environmental analysis because it is based on observed travel behavior at comparable ferry terminals and is consistent with WETA's planning assumptions.

The City concludes that the mode split assumptions used for the Draft EIR are supported by substantial evidence and appropriate for CEQA analysis. The analysis and conclusions in the Draft EIR remain valid. No further revisions to the EIR are necessary.

Response to Comment P36-80

Refer to Response to Comment P36-79 for a discussion related to the assumptions used for the percentage of people that would access the project site via bicycle.

For concerns related to recreational impacts due to parking capacity, please refer to Section 2.2.20, *Topical Response: Parking.* The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-81

This comment refers to the consistency discussion for Bay Plan Recreation Policy 9 found in Table 3.9-1, *BCDC San Francisco Bay Plan Consistency*, in Section 3.9, *Land Use and Planning*, of the Draft EIR. The

[48] U.S. Census Bureau. (2024). *American Community Survey 5-Year Estimates, Table S0801: Commuting Characteristics by Sex, Alameda County, California.* Available: https://data.census.gov/table/ACSST5Y2024.S0801?q=S0801:+Commuting+Characteristics+by+Sex&g=1400000US06001422000&moe=false. Accessed July 10, 2026.

49 U.S. Census Bureau. (2024). *American Community Survey 5-Year Estimates, Table S0801: Commuting Characteristics by Sex, Berkeley City, California.* Available: https://data.census.gov/table?q=S0801:+Commuting+Characteristics+by+Sex&g=160XX00US0606000. Accessed September 9, 2026.

[50] WETA. 2025. *2025 Onboard Ferry Survey: Summary Report.* Prepared by Corey, Canapary & Galanis Research. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20260407225430/WETA-onboard-2025-Report-Finalv2-1.pdf. accessed July 2026.

discussion in the table explains that the City would implement a parking strategy that would balance shared-use parking for ferry patrons and recreational users.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's parking management, as well as how parking is addressed in this Draft EIR, according to CEQA.

Response to Comment P36-82

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is assed under CEQA, and how the City would provide sufficient parking to accommodate all users. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-83

The City has not disregarded BCDC's scoping comment. The Draft EIR considered comments received during the scoping process, including comments submitted by BCDC. With respect to alternatives, Chapter 5 evaluates alternatives that reduce Bay fill relative to the proposed project, including the Shortened Breakwater Alternative and Shortened Pier Alternative. In addition, alternatives intended to further reduce fill were considered during project planning. As discussed in Section 2.2.2, *Topical Response: Alternatives*, the alternatives analysis was developed using reasonable assumptions and screening criteria consistent with CEQA requirements. Additionally, as discussed in Section 5.9, *Alternatives Considered but Rejected*, and further addressed in Section 2.2.2, *Topical Response: Alternatives*, these alternatives were not carried forward because they would not attain most of the project objectives, would be infeasible (i.e., operational and navigational), or would not meaningfully reduce environmental impacts. For example, the in-marina alternative would still require substantial dredging and therefore would not significantly reduce the dredging footprint while meeting the project's operational requirements. For additional information about the In-Marina Alternative, refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*.

Accordingly, the Draft EIR satisfies CEQA's requirement to evaluate a reasonable range of feasible alternatives, and the analysis and conclusions presented in Chapter 5, *Alternatives* remain valid. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-84

The City acknowledges that BCDC Bay Plan policies and Clean Water Act Section 404(b)(1) Guidelines emphasize avoidance and minimization of Bay fill and other aquatic-resource impacts. Consistent with those principles, the Draft EIR evaluates alternatives that reduce Bay fill relative to the proposed project and discusses additional alternatives considered during project planning. Refer to Response to Comment P36-83 and P36-85, which describes the City's evaluation of alternatives, consistent with CEQA requirements.

The Draft EIR's purpose under CEQA is to evaluate a reasonable range of feasible alternatives and disclose their environmental consequences. Separate regulatory review and permitting processes administered by agencies such as BCDC and the U.S. Army Corps of Engineers may apply additional alternatives analyses and permitting standards. The analysis and conclusions presented in the Draft EIR remain valid, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-85

Refer to Section 2.2.2, *Topical Response: Alternatives* (Project Objectives Sub-section). As discussed therein, CEQA permits a lead agency to define reasonable project objectives and to evaluate alternatives based on their ability to attain most of those objectives. The Draft EIR evaluates a reasonable range of alternatives capable of attaining most of the project objectives while reducing environmental impacts.

Accordingly, the alternatives analysis presented in Chapter 5, *Alternatives* is consistent with CEQA requirements. No revisions to the Draft EIR are necessary.

Response to Comment P36-86

Refer to Response to Comment P36-85, which explains how the project objectives identified in the Draft EIR are in compliance with CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-87

Refer to Section 2.2.2, *Topical Response: Alternatives*, which explains that the project objectives are not overly narrow and describes how the Draft EIR provides for meaningful decision-making. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-88

The City agrees that CEQA requires evaluation of alternatives capable of attaining most, rather than all, project objectives. Consistent with that requirement, Chapter 5, *Alternatives* evaluates alternatives that vary in the degree to which they satisfy project objectives and reduce environmental impacts. Alternatives were not excluded solely because they failed to meet every project objective; rather, screening decisions reflected a combination of factors, including feasibility, reduction of significant environmental impacts, operational considerations as they relate to feasibility, and the ability to attain most project objectives. For further discussion of the City's evaluation of Alternatives, refer to Section 2.2.2, *Topical Response: Alternatives*. No revisions to the Draft EIR are necessary. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-89

Refer to Response to Comment P36-83, for a response to this same comment made earlier in the comment letter. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-90

Refer to Section 2.2.2, *Topical Response: Alternatives*. As discussed therein, the City has established reasonable project objectives consistent with CEQA and evaluated a reasonable range of alternatives capable of attaining most of those objectives. The Draft EIR identifies an environmentally superior alternative and evaluates alternatives with varying levels of environmental impact, public access benefits, and ferry-service functionality. Accordingly, the project objectives do not improperly constrain the alternatives analysis. No revisions to the Draft EIR are necessary.

Response to Comment P36-91

The City acknowledges the commenter's opinions regarding project funding and the desirability of a recreational-use pier without ferry service. However, the issues raised regarding grant funding, project costs, financing, and comparative economic feasibility are primarily financial and policy considerations rather than environmental impacts subject to CEQA review. Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for additional discussion.

To the extent the comment advocates for a pier-only alternative, refer to Response to Comment O10-215. As described therein, the City considered a No Ferry Service with New Pier Alternative in Draft EIR Section 5.9, Alternatives Considered but Rejected (page 5-27). The No Ferry Service with New Pier

Alternative would reconstruct the pier without providing ferry service, but was not carried forward for detailed evaluation because it would not attain one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco. Refer also to Responses to Comments O10-216 and O10-217 for additional discussion regarding project funding and the recreational benefits associated with a pier-only alternative.

The City does not dispute that reconstruction of the pier without ferry service could provide public access and recreational benefits. However, CEQA does not require the City to select or evaluate in detail every alternative preferred by a commenter. Rather, CEQA requires evaluation of a reasonable range of feasible alternatives capable of attaining most of the project's objectives. The Draft EIR explains the basis for screening the No Ferry Service with New Pier Alternative from detailed evaluation and identifies the alternatives that were carried forward for analysis in Chapter 5. For more information of how the Draft EIR considers alternatives, refer to Section 2.2.2, *Topical Response: Alternatives*.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required. For further discussion of project alternatives, refer to Section 2.2.2, *Topical Response: Alternatives*.

Response to Comment P36-92

It is not accurate that restoration of the pier constitutes the No Project Alternative under CEQA. CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a No Project Alternative that describes the existing conditions and reasonably foreseeable future conditions if the proposed project is not approved. Consistent with this requirement, the Draft EIR's No Project Alternative assumes that the proposed project would not be implemented and that the existing pier would remain closed due to its deteriorated structural condition. As discussed in Chapter 5, *Alternatives*, the No Project Alternative therefore reflects continuation of existing conditions rather than implementation of a separate project involving repair or reconstruction of the pier. There are no planning documents, funding, or other evidence to suggest that the restoration of the pier, without ferry service, would be reasonably foreseeable.

Restoration or reconstruction of the pier would constitute a distinct project requiring discretionary approvals, funding, design, and construction activities. Accordingly, it is more appropriately considered an action alternative rather than a No Project Alternative. As discussed in Section 5.9, *Alternatives Considered but Rejected*, alternatives involving restoration of the pier without ferry service were considered but not carried forward because they would not attain most of the project's basic objectives, including provision of zero-emission ferry service. For further discussion, please refer to Response to Comment O10-215, as well as Section 2.2.2, *Topical Response: Alternatives*.

The comment's preference for a restored pier without ferry service is noted; however, that preference does not demonstrate that the Draft EIR's No Project Alternative is inconsistent with CEQA requirements. This comment has been included in the project record considered by City decision makers. The analysis and conclusions presented in Chapter 5 remain valid, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-93

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-94

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-95

Please refer to Responses to Comments P36-83 and P36-84 and to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*.

The comment that regulatory requirements would largely be avoided by locating the project within the marina does not alter the Draft EIR's conclusion regarding the in-marina alternative. Accordingly, the alternatives analysis presented in Chapter 5 remains valid, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-96

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-97

The Draft EIR evaluates impacts due to various in-water construction activities, including dredging and pile installation, and provides mitigation measures in Section 3.3.4 Impacts Analysis on pages 3.3-45 through 3.3-57. See Mitigation Measures BIO-1(d) that requires use of “soft start” and “ramping up” techniques and sound curtains as well as a work window of June 1 through November 30 as impact avoidance to fish and marine mammals. Additionally, a significant portion of the construction-related dredging would occur within a former U.S. Army Corps of Engineers channel and the proposed project dredge depth would result in only short-term temporary impacts to water quality and benthic infaunal communities, as discussed in Section 3.3.4 under Impact BIO-1, page 3.3-46, and those impacts would be less than significant with implementation of Mitigation Measure HYD-1. See Response to Comment A3-28 for further discussion regarding construction-related impacts of dredging. The Draft EIR significance conclusion of less-than-significant special-status aquatic species impacts with incorporation of identified mitigation remains valid. No additional Draft EIR changes are necessary in response to this comment.

Response to Comment P36-98

The Draft EIR Mitigation Measure BIO-3 (page 3.3-66) 1:1 replacement ratio requirement to avoid net loss of jurisdictional waters is a minimum baseline mitigation commitment evaluated under CEQA and is not a fixed permit-stage outcome. The actual mitigation ratio and specific mitigation actions will be determined during agency permitting based on the final design, the results of a formal jurisdictional and functional assessment, and agency review. Draft EIR Mitigation Measure BIO-3 addresses impacts to jurisdictional waters discussed under Impact BIO-3. Impacts to aquatic and benthic habitat are discussed in Section 3.3.4 under Impact BIO-1, pages 3.3-45 through 3.3-54 and concluded to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(d), BIO-1(e), and HYD-1. See Response to Comment O5-36 for further discussion of impacts to aquatic habitat. No Draft EIR changes are necessary in response to this comment. However, refer to the errata in Chapter 3 of the Final EIR for changes to the wording of Mitigation Measure BIO-3.

Response to Comment P36-99

See Response to Comment P36-98 for a discussion of how the project will address impacts beyond no-net loss of jurisdictional waters within the project site. See Response to Comment O5-36 for discussion of dredging and in-water construction impacts. See Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for further discussion of mitigation approach. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-100

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, which explains how Mitigation Measure BIO-3 fulfills CEQA requirements for mitigation. No further response is required.

Response to Comment P36-101

See Response to Comment O5-36 for discussion of dredging and in-water construction impacts. See Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for further discussion of mitigation approach. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-102

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, which explains how the mitigation measures included in the Draft EIR are not considered deferred mitigation. No further response is required.

Response to Comment P36-103

See Response to Comment A3-21 for discussion of impacts to subtidal habitats from construction-related sediment disturbance. See Response to Comment A3-25 for discussion of fill removal as mitigation. See Response to Comment P36-99 for additional discussion regarding dredging in-water construction impacts and mitigation. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-104

Regarding the comment about evaluating alternatives per BCDC recommendations, refer to Response to Comment P36-83 for a response to this same comment made earlier in the comment letter.

This comment also suggests that the project description has changed, and points to the size of the breakwater. As indicated in Response to Comments P36-107 through P36-114, the Draft EIR includes a stable project description.

The Draft EIR both evaluates alternatives that reduce Bay fill and explains why additional alternatives were not selected for detailed analysis. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-105

Refer to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*. The comment references a small-scale ferry concept described in the GHD Feasibility Study. The Draft EIR did consider a smaller-scale ferry service but ultimately rejected it from further consideration. For a discussion of the rationale for its rejection, refer to page 5-27 of the Draft EIR.

The City therefore concludes that the alternatives analysis presented in Chapter 5 satisfies CEQA requirements, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-106

The comment suggests a project design alternative related to parking management and facility location. Because neither the Draft EIR nor the comment identify a significant parking-related environmental impact pursuant to CEQA Guidelines, the analysis of additional parking alternatives for the purpose suggested by the commenter is not required. For further discussion of parking considerations related to the analysis presented in the Draft EIR, refer to Section 2.2.20, *Topical Response: Parking.* For additional information regarding the evaluation of alternatives, refer also to Section 2.2.2, *Topical Response: Alternatives*.

This comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P36-107

The Notice of Preparation (NOP), which initiates the CEQA process did not identify the specific number of parking spaces because those details were still being developed in the design process. The Draft EIR identified a range of 400 to 450 parking spaces (refer to page 2-18 of the Draft EIR). This has not changed in the Final EIR. As indicated in Response to Comments P36-107 through P36-114, the Draft EIR includes a stable project description.

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion of parking on Seawall Drive.

No supporting arguments, data, or analysis were provided to substantiate these comments. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P36-108

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which explains that the City does consider a potential new restaurant at the 199 Seawall Drive site as a cumulative project. The comment mentions 150 parking spaces, which is a reference to the City of Berkeley lease agreement providing 150 exclusive-use parking stalls at the Seawall Lot for 45 years.[51] As described in Section 2.2.20, *Topical Response: Parking,* parking scarcity alone does not constitute a significant impact on the environment. Rather, projects must be evaluated on a case-by-case basis to determine whether secondary physical impacts - such as increased VMT, roadway noise, or air quality impacts result from parking condition. The "Parking Availability Does Not Create Secondary Environmental Impacts" subsection of Section 2.2.20, *Topical Response: Parking,* explains that the Draft EIR and the supporting Parking and TDM Plan demonstrate that the Berkeley Waterfront parking supply is sufficient to accommodate project ferry parking demand without requiring drivers to circulate between parking lots or generate additional vehicle travel.

In addition, the future redevelopment of 199 Seawall Drive would be located within BCDC jurisdiction and any future redevelopment proposal would be required to demonstrate consistency with applicable BCDC policies during the BCDC permit review process. As discussed in Draft EIR Section 3.9, *Land Use and Planning*, the proposed project has been evaluated for consistency with applicable Bay Plan policies, including Bay Plan Recreation Policy 9 which provides that ferry terminals may be located within waterfront park priority use areas provided that facilities for park and marina patrons, such as parking, are not usurped by ferry users and that shared parking arrangements are provided to minimize the amount of shoreline area devoted to parking (refer to Impact LU-2, Table 3.9-1). The Bay Plan further provides that terminal parking facilities should be set back from the shoreline to allow for public access and enjoyment of the Bay, and that public access to and along the shoreline should be maintained. Likewise, any future restaurant redevelopment and associated parking arrangements would be subject to independent review by BCDC to demonstrate consistency with applicable Bay Plan policies concerning shared parking, public access, and recreational use of the Berkeley Waterfront. In addition, as described in Draft EIR Section 3.9, *Land Use and Planning*, the 199 Seawall Drive property is located within Berkeley's Unclassified (U) District, where establishment of a new use requires discretionary approval through a Use Permit process. As part of that process, the City may establish project-specific development standards, including standards related to off-street parking. Therefore, future redevelopment of 199 Seawall Drive and any associated parking allocation or management program would be subject to independent review and discretionary approval by both the City and BCDC, both of which would ensure development consistency

[51] City of Berkeley. 2026. Option Agreement with TSA Holding Group, LLC for 199 Seawall Drive. January 27. Available: https://berkeleyca.gov/sites/default/files/2026-01/2026-01-27%20Item%2006%20Option%20Agreement%20with%20TSA.pdf. (accessed July 2026).

with applicable land use plans related to public access and parking. To the extent redevelopment of 199 Seawall Drive could contribute to cumulative environmental effects, such effects were considered in the applicable cumulative impact analyses presented throughout the Draft EIR. As discussed in Section 2.2.20, *Topical Response: Parking,* the Draft EIR concludes that operation of the proposed project would not result in secondary physical environmental impacts associated with parking conditions. Therefore, the comment does not identify a new significant impact or substantial increase in the severity of a previously identified impact beyond those evaluated in the Draft EIR. No further response is required.

Response to Comment P36-109

The City has not proposed parking allocation among users. Rather, as explained in Section 2.2.20, *Topical Response: Parking,* the City has developed a Parking and TDM Plan, which identifies TDM strategies and ultimately demonstrates sufficient capacity to accommodate both ferry patrons and recreation users. The Parking and TDM Plan identifies a range of parking management regulations to manage the shared use of available parking stalls, and a range of TDM strategies, but does not propose allocation of specific stalls by user groups. Rather, it suggests various parking management regulations, generally time limits, to ensure a balance of parking availability in various parking lots, which can be utilized by any user group based on their needs (proximity, duration, cost, etc.). The information requested in the comment (i.e., clarification of parking allocation among users) is not included because it's not being proposed.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P36-110

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a clarification of parking details on Seawall Drive.

Refer to Response to Comment P36-109 for clarification that the project does not include parking allocation among users.

The description of parking in Chapter 2, *Project Description* in the Draft EIR remains valid and adequate as written. No further revisions to the EIR are necessary.

Response to Comment P36-111

First, as a matter of clarification, the statement that the number of passengers associated with the project is not on the body of the Draft EIR is not accurate. Table 2-4: Daily Ridership Projections (trips) in Chapter 2, *Project Description* of the Draft EIR (page 2-31) includes information about passenger demand. The comment references 955, 1,018, 1,055, and 1,060 passengers. These numbers aren't numbers in flux, but rather represent different scenarios for different years of service, or service to Mission Bay in addition to the Ferry Building. Most importantly, these numbers are all presented in the Chapter 2, *Project Description* of the Draft EIR. Please note that as explained in footnote 26 in Chapter 2, *Project Description* of the Draft EIR, Table 2-4 shows ridership projections in trips, so to calculate number of passengers, one would need to divide by two.

The description of parking in Chapter 2, *Project Description* in the Draft EIR remains valid and adequate as written. No further revisions to the EIR are necessary.

Response to Comment P36-112

Refer to Response to Comment P36-76 for a response to the ridership projections provided in the comment letter.

Regarding the comment that the Draft EIR should provide clarity on what the project description really is, the Draft EIR already provides a clear project description. The commenter appears to be referencing two items: parking and ridership. The parking proposed by the project is described on pages 2-18 to 2-22 of

the Draft EIR and includes graphics to identify the proposed parking. The ridership expected as a result of the project is described on pages 2-30 to 2-31 of the Draft EIR.

The description of parking in Chapter 2, *Project Description* in the Draft EIR remains valid and adequate as written. No further revisions to the EIR are necessary.

Response to Comment P36-113

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for how the City considered wave data for different configurations of the breakwater.

Response to Comment P36-114

Earlier Comments P36-107 through P36-113 include perceived changes related to parking, number of passengers associated with ferry operations, and size of the breakwater. The Draft EIR includes information about these project features in Chapter 2, *Project Description*. It is unclear what the commenter means by "changes." The Notice of Preparation (NOP), which initiates the CEQA process did not identify the specific number of parking spaces because those details were still being developed in the design process; did not identify the number of passengers associated with ferry operations; and did identify a proposed breakwater of 400 feet. The parking details identified in Chapter 2, *Project Description* have not changed in the Final EIR. The details about the number of passengers associated with ferry operations has not changed in the Final EIR. The size of the proposed breakwater has not changed in the Final EIR. However, it should be noted that the Draft EIR does identify an alternative that would reduce the size of the breakwater (Alternative 2, page 5-9 of the Draft EIR), and the decision-making body will make a decision on that alternative. No further response is required.

Response to Comment P36-115

A BTU-per-passenger measurement would mean the amount of heat energy per passenger anticipated to be consumed. The more BTUs consumed in general as well as per passenger could indicate a lower level of energy efficiency.

Air quality impacts analyze energy emissions project from natural gas use and not electricity. This is because use of natural gas results in criteria air pollutant emissions directly associated with onsite project activities, whereas the use of electricity does not result in air quality impacts directly generated at the project site. Specifically, for the proposed project, there would be no project-related natural gas use at the project site and, therefore, energy use from an air quality perspective is zero, because air quality emissions associated with electrical generation are assumed by the generating facility and are not part of an individual project's criteria pollutant emissions inventory.

From an energy and GHG standpoint, CEQA significance thresholds identified in the Draft EIR through either the CEQA Checklist or the Bay Area Air District thresholds do not use a BTU-per-passenger mile threshold nor do they require the comparison of project emissions to alternative modes of transportation not proposed as part of a project. Further, the Draft EIR Alternatives Section (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected. The analysis in the Draft EIR accurately analyzes energy impacts with respect to CEQA Guidelines Appendix G significance criteria, specifically, would the proposed project result in a potentially significant environmental impact due to a wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; and would the proposed project conflict or obstruct a state or local plan for renewable energy or energy efficiency. Thresholds are discussed in Draft EIR *Section 3.6.4* on page 3.6-30. Since the Draft EIR used CEQA Guidelines and Public Resource Code methodology to analyze impacts related to energy efficiency and use, additional energy analysis is not required.

The Draft EIR under Impact GHG-2 (pages 3.6-43 through 3.6-44) concludes that the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. And the Draft EIR under

Impact GHG-3 (pages 3.6-45 through 3.6-46) concludes that the project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, additional energy analysis is not required.

Response to Comment P36-116

Carbon is not a criteria pollutant that is addressed under the federal or State Ambient Air Quality Standards and is, therefore, not analyzed as part of the air quality analysis as it does not have a State or federal threshold for which states or regions are required to comply with. The air quality analysis does include an analysis of direct carbon monoxide emissions associated with the construction and operation of the project. As discussed in Response to Comment P36-115, carbon monoxide emissions, along with the other criteria pollutants, from electrical consumption are not analyzed under air quality impacts. Carbon monoxide emissions from the mobile sources associated with the proposed project are included in Draft EIR Tables 3.2-9 and 3.2-10 on page 3.2-28 and result in 26 lbs per day or 5 tons per year of carbon monoxide emissions. There are no air district thresholds for carbon monoxide emissions at this time and, therefore, carbon monoxide emissions are less than significant.

See Section 2.2.10, *Topical Response: Electric Ferry,* for a discussion of how the proposed project includes and the Draft EIR analyses assume installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source. In addition, see Responses to Comments O5-18 and 05-19 that discuss the project's commitment to zero-emission ferry and 100 percent renewable energy consumption past 2030. The reference to a zero-emissions project is specific to zero GHG emissions associated with proposed all-electric ferry operation as well as ferry and recreational amenities that would use 100 percent renewable energy-sourced electricity past 2030.

See Section 2.2.27, *Topical Response: VMT*, for a discussion of how the proposed project would result in a net reduction in regional VMT. Draft EIR Section 3.12 *Transportation* page 3.12-21 details the VMT analysis and how the project would reduce vehicle miles traveled from the current 1,127 trips traveling into San Francisco at 25 miles to an 8 mile commute to the ferry terminal. The source of the information for determining trip lengths is Transportation Research Board of the National Academies. Coffel, K., Parks, J., Semler, C., Ryus, P., Bose, D., Vandehey, M., Petritsch, T., Proulx, F., & Chang, J. (2012). Guidelines for providing access to public transportation stations (TCRP Report 153) are available at https://nacto.org/wp-content/uploads/2016/04/1-4_Coffell-et-al_Guidelines-for-Providing-Access-to-Public-TransportationStations_TCRP-153_2012.pdf and the use of the information is summarized in Draft EIR Section 3.12 *Transportation*. Together, this Draft EIR analysis, information source, and guidelines document how the project would result in a net reduction in regional VMT. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-117

Refer to Section 2.2.2, *Topical Response: Alternatives* for a discussion of how the Draft EIR need only assess a reasonable range of alternatives that also meet the project objectives. A project objective is to construct and operate a new all-electric ferry from Berkeley to San Francisco. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-118

Refer to Response to Comment P36-115 for a discussion of the analysis on BTU-per-passenger comparisons in terms of energy use. In addition, see Response to Comment P36-116 for a discussion of how the reference to a zero-emissions project is specific to zero GHG emissions associated with proposed all-electric ferry operation as well as ferry and recreational amenities that would use 100 percent renewable energy-sourced electricity past 2030.

In addition, while the efficiency of a ferry may be lower than that of AC transit or BART, these systems are already in place and will continue to service transportation needs between Berkeley and San Francisco after and during operation of the ferry service. Since these other modes of regional transit are not part of

the proposed project, the efficiency of the ferry in comparison to these other regional modes of transit are not relevant to the project analysis.

Furthermore, see Section 2.2.27, *Topical Response: VMT,* for a discussion of how the proposed project would result in a net reduction in regional VMT. As demonstrated in the Draft EIR (Impact TRA-2, page 3.12-20) and discussed in Response to Comment P36-116, implementation of the project would reduce regional VMT compared to the existing condition by taking an additional 1,127 cars trips off of the roads between Berkeley and San Francisco. The Draft EIR Air Quality analysis in *Section 3.2* and the Greenhouse Gas and Energy analysis in *Section 3.6* discuss the impacts from the use of fossil fuels from the vehicles accessing the project site (see Impact AQ-2 and GHG-1 on pages 3.2-29 and 3.6-36).

Finally, as discussed in Response to Comments O5-18 and 05-19, the project objective and commitment is to zero-emission ferry fleet and participation in 100 percent renewable electricity post 2030 with the emissions from electricity generation for Greenhouse Gases analyzed in Draft EIR *Section 3.6 (page 3.6-31)*. See Response to Comment P36-115 discussion regarding why the air quality analysis does not include emissions from electrical consumption. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-119

See Section 2.2.10, *Topical Response: Electric Ferry,* for a discussion of how the proposed project includes and the Draft EIR analyses assume installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source. In addition, Response to Comment O5-19 details WETA's commitments to electrification of the ferries in the San Francisco Bay area as well as the expansion of the electrified fleet. While the City of Berkeley cannot mandate the types of ferries that will be used, WETA has demonstrated a commitment to electrification of the ferry system in the Bay Area including within the expansions of ferry services, and the use of all-electric ferry service between Berkeley and San Francisco is a project objective that the City intends to meet. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-120

See Section 2.2.27, *Topical Response: VMT*, for a discussion of how the proposed project would result in a net reduction in regional VMT. The air quality analysis for vehicle trips is based on the Kittelson Technical Memorandum dated January 16, 2026, and provided as Appendix F to the Draft EIR. This analysis is by a qualified traffic engineer that substantiates the vehicle trip assumptions used in the analysis. Additionally, Draft EIR Section 3.12 *Transportation* (page 3.1-21) documents the reduction in VMT that is used in the report.

The comment is correct in stating that the air quality analysis does not address the referenced VMT guideline. The referenced guideline is part of the Bay Area Air District Greenhouse Gas Thresholds and is used for the determination of significance from a project's GHG emissions. The discussion of the project's compliance with this regulation is detailed in Draft EIR Section 3.6 *2022 Scoping Plan* beginning on page 3.6-36 which inherently relies on the methodology discussion on page 3.6-32 that details how the VMT is quantified and that the existing conditions result in an average 25 mile per trip distance where the project would reduce that to an average 8 miles per trip. Further, the GHG emissions quantification for operations in Table 3.6-5 on page 3.6-36 shows that while 889 MT CO_2e is anticipated from the 1,127 trips to the project site, the existing commute results in 2,351 MT CO_2e that would be removed from the region with the implementation of the project. Therefore, the GHG analysis adequately analyzes and substantiates the reduction in VMT below regional average, as there is a reduction in overall VMT in the region with implementation of the project. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-121

The VMT analysis is based on the ridership projections identified in the WETA Business Plan. Page 13 of the WETA Business Plan includes the discussion about the ferry ridership projections. The ridership has been estimated using the Alameda Countywide Travel Demand Model which was developed for the Plan Bay Area 2040. The forecasts were compared against the unconstrained capacity (4,250 daily boardings). The ridership projections account for several factors such as headways, capacity, directional split, parking availability. The mode split were estimated using the on-board surveys at the existing East and North Bay Terminals.

Regarding origin and destinations, the business plan includes the information ferry catchment area which is where most of the origin and destination will be in Berkeley. A trip between the Berkeley Waterfront and San Francisco's Embarcadero is approximately 10 miles by car. When a traveler chooses the ferry instead of driving, those approximately 10 vehicle miles are eliminated from the roadway network, resulting in a direct reduction in VMT. Even if only a relatively small share of travelers who currently drive choose to switch to the ferry, each of those trips contributes to a measurable reduction in VMT. Because every diverted automobile trip removes vehicle travel from the roadway system, the cumulative effect of even modest mode shift from driving to ferry service will reduce overall VMT.

Response to Comment P36-122

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts.

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-123

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the VMT analysis under CEQA, as well as the mode split assumptions and how they relied on onboard surveys. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-124

Refer to Section 2.2.29, *Topical Response: Wind*, which provides additional detail demonstrating that the project design has been informed by technical analysis to ensure safe operation and compatibility with existing recreational uses. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, regarding wave climate and breakwater effects.

With respect to public input, refer to Chapter 1, *Introduction* (Section 1.2.2), for a description of the City's public outreach efforts conducted during project development and environmental review. CEQA requires that agencies provide opportunities for public participation and consider comments received; it does not require that agencies agree with or adopt all comments or suggested changes. The Draft EIR acknowledges scoping input and incorporates relevant issues into the analysis, including within the *Approach to Analysis* discussions of each resource Section (e.g., Section 3.11.4, *Recreation*). This Final EIR provides written responses to comments received on the Draft EIR in accordance with CEQA Guidelines Sections 15086 and 15088.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions to the Draft EIR are necessary.

Response to Comment P36-125

See Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for discussion of sedimentation transport patterns, wave energy, and effects of breakwater installation within the project site and beyond. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-126

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a detailed discussion of the relationship between Berkeley Municipal Code Section 6.20.180 and the proposed project analyzed in the Draft EIR.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, and related sections in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-127

For discussion of the environmental baseline presented in the Draft EIR, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*. For analysis of potential project impacts to recreational water access beyond the breakwaters, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding Berkeley Municipal Code restrictions.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No further response or revisions are required.

Response to Comment P36-128

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* As discussed therein, the Draft EIR does not conclude that all non-motorized recreation is prohibited in these areas, nor does it rely on a broad or expanded interpretation of "personal watercraft" to exclude traditional recreational uses such as windsurfing or kayaking. The project does not modify the ordinance or expand its applicability. To provide further clarification, Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* includes a text revision to Draft EIR page 3.11-19 to clarify the role of BMC Section 6.20.180 in the analysis presented under Impact REC-1.

The Draft EIR appropriately incorporates existing regulatory conditions into the CEQA baseline and evaluates impacts to water-based recreation based on physical environmental effects, rather than regulatory interpretation disputes. The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment P36-129

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions. Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding windsurfing within 1,500 feet of the existing pier.

The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment P36-130

Regarding the comment's statement that the City neglected to work with stakeholders, as documented in Draft EIR Chapter 1, *Introduction* (Section 1.2.2), the City conducted extensive public outreach with recreational users, community organizations, and other stakeholders prior to preparation of the Draft EIR.

Input from this outreach informed the identification of key recreational uses and project features described in Chapter 2, *Project Description* (Section 2.3), and in Section 3.11, *Recreation*.

For discussion regarding the adequacy of the CEQA baseline and level of detail required, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

As described in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, the City has coordinated with BCDC throughout project development, and final policy consistency determinations will be made by BCDC during the permitting process.

Accordingly, the Draft EIR includes an adequate description of existing recreational use and applies that baseline appropriately in evaluating project impacts. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-131

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. No further response is required.

Response to Comment P36-132

Regarding the comment that the Draft EIR failed to develop any quantitative inventory of recreational use, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, which provides additional clarification regarding the formulation of the environmental baseline and demonstrates that the baseline description in the Draft EIR is consistent with CEQA Guidelines Section 15125 and sufficient to support the impact analysis.

The commenter correctly identifies a typographical error referencing Draft EIR Section 3.10.2. As described in Response to Comment O10-51, the Draft EIR has been revised to correct this reference to Section 3.11.2. This change is clarifying in nature and does not affect the analysis or conclusions.

The comment that the project would eliminate nearly all public parking is not accurate. As described in Chapter 2, *Project Description*, the proposed project would replace approximately 404 existing parking spaces with approximately 400 to 450 parking spaces, including ADA-accessible and electric vehicle (EV) charging spaces. For additional discussion of parking-related considerations under CEQA, refer to Section 2.2.20, *Topical Response: Parking*.

The analyses, significance determinations, and mitigation measures presented throughout the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment P36-133

The Draft EIR evaluates environmental impacts using the CEQA Appendix G Environmental Checklist (State CEQA Guidelines, Appendix G), which provides the standard thresholds of significance used by lead agencies throughout California. The impact analyses presented in Chapter 3 apply these thresholds consistently and include resource-specific evaluation criteria, supported by site-specific data and technical analysis, in accordance with CEQA Guidelines.

Construction-related impacts, including temporary effects on access and recreation, are evaluated in Section 3.11, *Recreation*, and other relevant sections of Chapter 3. The Draft EIR considers the nature, duration, and extent of temporary disruptions and applies CEQA significance criteria accordingly. The conclusion that certain temporary impacts would be less than significant is supported by the analysis provided and is consistent with CEQA practice, which distinguishes between temporary and permanent impacts. For further discussion, refer to Response to Comment A3-55, which revises Draft EIR Section 3.11, *Recreation*, to clarify the analysis of temporary construction impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1.

To the extent that conflict between the project and an applicable land use plan may result in physical adverse effects on the environment, those effects are evaluated and mitigated as appropriate throughout Chapter 3, *Environmental Impact Analysis*, of the Draft EIR. With respect to consistency with the Berkeley Marina Master Plan, the Draft EIR evaluates land use consistency in Section 3.9, *Land Use and Planning*. That Section evaluates the project's consistency with applicable local and regional plans, including policies related to recreational access and shoreline use within the Berkeley Marina Master Plan (refer to Impact LU-2, Pages 3.9-29 through 3.9-33). The Draft EIR concludes that the project would be consistent with the policies of the Marina Master Plan, and that related construction and operational impacts would be less than significant.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment P36-134

The Draft Waterfront Specific Plan (WSP) is a draft document that has not been adopted and therefore does not constitute an applicable land use plan or regulatory framework governing the project. Accordingly, the Draft EIR appropriately does not include an analysis of project consistency with the Draft WSP. As explained in Draft EIR Section 1.2.3, Draft Waterfront Specific Plan and General Plan/Zoning Background (page 1-5), policies in the Draft WSP would not apply to the proposed project unless the City adopts the WSP prior to project approval. This approach is consistent with CEQA Guidelines Section 15125(3), which provides that an existing conditions baseline "shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans."

With respect to cumulative impacts, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which describes that the Draft EIR includes the Draft WSP as a cumulative project and is analyzed in the cumulative impacts analysis.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-135

Refer to Response to Comment P36-108. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-136

The Draft EIR does not rely on the Draft Waterfront Specific Plan as an adopted policy document for purposes of determining land use plan consistency. Rather, the Draft EIR establishes in Chapter 1, *Introduction*, that the Draft WSP would not apply to the proposed project unless adopted by the City prior to approval of the proposed project (see Draft EIR page 1-5) and subsequently elaborates in Chapter 3, *Environmental Impact Analysis*, that the proposed project can be built with or without the development associated with the Draft WSP, as the proposed project and Draft WSP are independent projects under CEQA, as the proposed project constitutes the "whole of an action," (see Draft EIR page 3-11).

As explained in Draft EIR Section 2.4, *Existing General Plan and Zoning* (pages 2-5 through 2-6 of Chapter 2, *Project Description*), the project site is zoned Unclassified (U) and is designated Waterfront/Marina under the City's General Plan, which allows water-oriented uses, including water transit facilities. As discussed in Draft EIR Section 3.9.3, *Environmental Setting* (page 3.9-2) and Section 3.9.3, *Regulatory Framework* (page 3.9-7), the proposed ferry terminal would be required to obtain a Use Permit from the City. The Draft EIR further explains that development within the Unclassified District is governed by Berkeley Municipal Code Section 23.208.020 and that establishment of the proposed ferry use would be subject to discretionary review and approval by the City. Accordingly, land use approvals would be

guided by regulations tied to its existing zoning designations, rather than hypothetical future designations presented in the Draft WSP.

In addition, regarding the statement that "the City has tabled the WSP and thereby argues that they don't have to consider cumulative impacts", this is not an accurate statement. The Draft EIR does consider the Draft WSP in its cumulative analysis. Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to how the Draft WSP is addressed in the Draft EIR.

For further discussion regarding the Draft EIR's evaluation of consistency with applicable land use policies, refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*.

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-137

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion about why the cumulative impact analysis included in the Draft EIR is sufficient and complies with CEQA requirements.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-138

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment P36-139

In earlier comments (P36-49, P36-65, and P36-130), the commenter identified comments related to the need for a baseline of recreational uses. Refer to those Response to Comments as well as Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-140

The commenter references this Figure once in comment P36-9. Based on comment P36-9, the commenter appears to reference this Figure to indicate that there are fundamental conflicts with the Berkeley Marina Master Plan. The City has appropriately disclosed the project's consistency with the Berkeley Marina Master Plan in Impact LU-2 in Section 3.9, *Land Use and Planning* of the Draft EIR. Refer to Response to Comments P36-9 through P36-18 for further discussion about the project's consistency with the Berkeley Marina Master Plan. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-141

In an earlier comment (P36-10), the commenter references this figure as it relates to perceived conflicts with the Berkeley Marina Master Plan. Refer to Response to Comment P36-10. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-142

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P37

From: Kirsten M <kirsten_mahoney@hotmail.com>
Sent: Friday, March 27, 2026 11:04 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Water Transportation Pier Ferry Project- public comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza and Committee members,

I know you've heard from a number of my fellow wind and water sport enthusiasts and, while I agree with everything they have said regarding the proposed Berkeley Water Transportation Pier Ferry Project, including how it will impinge on our access to our various chosen activities and parking to access those activities, to me your proposed project impacts something even more essential to my needs, and quintessential to our collective needs as human beings and that is COMMUNITY. At a time in our country that is as disconnected and disheartening as ours currently is, we need as many avenues as possible for a community to be born, grow, and thrive. What we don't need is another mode of commuter transportation that leaves us disconnected from each other, staring down at our phones; we have an underutilized BART and bus systems for that. P37-1 P37-2

If I may, I would love to share a little bit about this community I am advocating for. I began learning how to wing foil in earnest about 6 years ago. I was 50 at the time and it was the first and only sport I've ever done and I kinda really sucked at it, but I kept coming back. One of the main reasons for that is the COMMUNITY. In my entire life, I have never come across a group as welcoming, kind, and helpful as this community. I've had the honor to meet Mary, the 72-year-old, purple mustang-driving, long-time Berkeley resident who swims off Hs Lordships to stave off the aches and pains of old age. I've been cheered on by Domond, a 70-something-year-old OG of the surfing world who lends me his wisdom and support as I continue to try and try again. I've had the pleasure of watching a father and son team, Bob and Antonio, come together at the Berkeley waterfront, celebrating each other through each milestone and accomplishment achieved out on the water. I know of at least one couple that found love out on their boards during a lull in the wind. Anything can happen in this place where we commune, as it doesn't discriminate against age, race, gender, or religion. The only thing you're asked to bring is a love of the water and a good enough attitude. Almost any day of the week, on or off season, if you wander down to the Berkeley waterfront, you will find one of us, seeking out not just the sport we love to do but the COMMUNITY we love to do it with. P37-3

Liza, as a University of Vermont and Cal alum, my guess is you are no stranger to the magic of nature and how it can bring people together. I would love to invite you down to his Hs Lordships on one of these days, so you can meet these people: the wingers, the swimmers, the windsurfers, the fisher people. These are the communities we need to foster, not separate. These are the communities we need to invest in, not divest from. This is your community and mine, and the cost of not preserving it will be higher than any revenue you are seeking to get from your proposed project.

Let’s heed the warning of California’s adopted daughter, Joni Mitchell, and save what we have while we still have it.
”Don't it always seem to go
That you don't know what you got 'til it's gone
They paved paradise and put up a parking lot”

- Big Yellow Taxi

P37-3

Liza, I look forward to getting you or any member of the committee out there with us. as I know it’ll take you no time to see, feel and experience exactly what we are fighting for.

Thank you for your time.

Warmly

Kirsten Mahoney
Water Mama, Wing Sister!

Letter P37

Commenter: Kirsten Mahoney

Date: March 27, 2026

Response to Comment P37-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P37-2

Draft EIR Section 3.11, *Recreation*, evaluates changes in recreational access and facility availability (see Section 3.11.4, pages 3.11-14 through 3.11-24). The Draft EIR explains that while certain access patterns may change, the project would provide new and improved access to recreational facilities, including the reopened pier and improved shoreline access.

Refer to Response to Comment P19-6, which includes a clarifying revision to page 3.11-20 of the Draft EIR confirming that the project would not restrict shoreline areas used for water-based recreation within the South Sailing Basin, that existing access points to these areas would be maintained, and that overall access to recreational resources would be maintained and enhanced despite modifications to certain access points, circulation patterns, and parking configurations. Refer to Section 2.2.20, *Topical Response: Parking,* regarding parking under CEQA and parking effects on recreational access. Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding impacts on existing recreational use.

The revision presented in Response to Comment 19-6 and referenced above is clarifying in nature and does not alter the analysis or significance conclusion presented under Impact REC-1. The analysis and conclusions presented therein remain valid as written, and no further clarifications are required.

Response to Comment P37-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P38

From: Jaine Gilbert <jainegilbert@gmail.com>
Sent: Saturday, April 4, 2026 11:40 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Save the Berkeley Marina

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty

As a lifelong Berkeley resident, I am deeply concerned and saddened that Berkeley may go ahead with the construction of a new pier and ferry terminal on our coastline. We must preserve this natural habitat as is or do work to restore the habitat based on sound environmental practices. As a lifelong Berkeley resident, I find it egregious that we are even considering such an environmentally unfriendly project. It is a shameless waste of money that would be better spent improving BART and AC Transit. The harm to what's left of the bayshore that is used by shorebirds and other wildlife is tragic. It is a wonderful area to explore on foot. Any upgrades to our marina must not impact bay waters and wildlife from the smallest crawlers that are food to the shorebirds. What a peaceful, beautiful thing it is to sit and watch the long legged birds so patiently forage for food. When my elders were too frail to walk unassisted, I could drive us to the marina, park and walk to a bench and just take in the fresh bay air, watch the birds and just sit. On my own or with biking friends, I can ride my bike there and enjoy a long sit for bird and bay watching and/or take a stroll.

The SF Bay already has plenty of ferries and ferry terminals that are underutilized. To reduce the harm caused by the existing ferries, replace or retrofit them to electric or less polluting motors! Improve bike paths along already paved areas. Under no circumstances should we reduce any of the limited natural habitat by any more pavement for bikes or walkers. Fixing existing paved areas for easier access is acceptable.

Sincerely,

P38-1
P38-2
P38-3
P38-4
P38-5
P38-6
P38-7

Letter P38

Commenter: Jaine Gilbert

Date: April 4, 2026

Response to Comment P38-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P38-2

The comment's preference for preserving existing conditions or undertaking restoration in lieu of the proposed project is noted. As discussed in Section 5.5, *No Project Alternative* (pages 5-3 through 5-9), the Draft EIR evaluates the environmental effects of not implementing the proposed project. The Draft EIR concludes that, although the No Project Alternative would avoid certain construction-related impacts, it would not provide the long-term transportation, air quality, greenhouse gas reduction, and public access benefits associated with the proposed project and would not meet the project's basic objectives. Further, as discussed in Section 5.9, *Alternatives Considered but Rejected* (pages 5-25 through 5-28), alternatives that would not provide efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco were not carried forward because they would not attain most of the project's basic objectives. Please also refer to Section 2.2.2, *Topical Response: Alternatives*.

The comment's preference for preservation or restoration is acknowledged; however, the comment does not identify a deficiency in the Draft EIR's alternatives analysis. This comment has been included in the project record considered by City decision makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P38-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P38-4

Impacts to Bay waters and wildlife are discussed in Draft EIR Section 3.3.4 and were concluded to be less than significant with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, HYD-1, and AES-1. No Draft EIR changes are necessary in response to this comment.

Response to Comment P38-5

The recreational activities described by the comment are among the types of public access and recreational opportunities that the proposed project is intended to enhance. As described in Chapter 2, *Project Description*, the proposed project would provide a restored public pier, public-access breakwater, public plaza, Bay Trail Extension, dedicated cycle track, seating areas, interpretive signage, and other amenities intended to expand opportunities for walking, bicycling, sightseeing, fishing, and enjoying views of the Bay. The proposed pier and breakwater would also provide new public access to portions of the waterfront that are currently inaccessible due to the closure of the existing pier (see Draft EIR Section 2.5, *Proposed Project Components*). Consistent with these objectives, the Draft EIR analysis concludes that the project would result in a net increase in recreational facilities and opportunities at the Berkeley Waterfront (see Draft EIR Section 3.11, *Recreation*, Impact REC-1), which would enhance the activities described by the comment. As discussed in Chapter 5, *Alternatives*, the alternatives analysis considered

how each alternative would affect public access and recreational opportunities. The No Project Alternative (Alternative 1) would not provide these recreational improvements because the existing pier would remain closed and continue to deteriorate. Alternatives 2 (Shortened Breakwater), 3 (Shortened Pier), and 4 (Reduced Landside Facilities) would provide recreational benefits similar to the proposed project but to a lesser extent, due to reductions in public access facilities and recreational amenities.

Therefore, the recreational opportunities identified by the comment were considered in the development and evaluation of the Draft EIR. The comment does not identify a deficiency in the Draft EIR's analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P38-6

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P38-7

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P39

From: DAVID RICE <drice2@comcast.net>
Sent: Monday, April 6, 2026 7:45 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Ferry Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty, PE, Project Manager,

As the ferry project moves forward, I am most concerned about parking fees at the marina. P39-1

On the one hand, if you build it, they will come, as they say, and maybe lots of people will end up riding the ferries to SF, and it will be a boom to the commute problem. (I'm assuming the ferries will be electric, or primarily electric; if not, I don't understand the project, since we need to use less oil, as you know, and because a lot of birds regularly use that area-- Least Terns (endangered) use the area in the spring and summer--and birds don't mix well with pollution.) P39-2 P39-3

On the other hand, once an area is developed, it will never be undeveloped, and the marina is a treasure, one of the few places on the edge of SF Bay where people can walk, bike, etc. P39-4

All that to say, if too much parking, which is now free, will require fees, fewer people will use the area, so the trade-off is parking fees for ferry commuters vs free parking for people using the marina. I don't know how to evaluate that issue, but I worry the city will overly prioritize parking fees, and fewer people will use the marina. P39-5

As you also know, there is not another marina that people can use. There are buses and BART that SF commuters can use. P39-6

Thank you for your attention.

David Rice
1470 Keoncrest Drive
Berkeley

Letter P39

Commenter: David Rice

Date: April 6, 2026

Response to Comment P39-1

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, parking fees are operational and policy considerations rather than environmental impacts under CEQA. The comment has been included in the project record considered by City decision makers.

The comment expresses an opinion and does not identify a deficiency in the analysis presented in the Draft EIR. Accordingly, the analyses and significance conclusions presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment P39-2

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, which discusses that the ferry vessels being proposed in the Draft EIR are electric. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P39-3

See Section 2.2.10, *Topical Response: Electric Ferry,* for discussion regarding how no non-electric ferry vessels are proposed. Impacts to protected birds are analyzed in Draft EIR Section 3.3.4 under Impact BIO-1 on page 3.3-44, which concludes impacts to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(c), and AES-1. See also Response to Comment A2-35 to A2-38 for discussion of impacts to California least tern. No Draft EIR changes are necessary in response to this comment.

Response to Comment P39-4

As discussed in Draft EIR Chapter 2, *Project Description*, and Section 3.11, *Recreation*, the proposed project is intended to enhance public access and recreational opportunities at the Berkeley Waterfront through construction of a restored public pier, public-access breakwater, public plaza, Bay Trail Extension, dedicated cycle track, seating areas, and other public amenities (see Section 2.5, *Proposed Project Components*). The proposed project would provide new public access to portions of the waterfront that are currently inaccessible due to closure of the existing pier and would result in a net increase in recreational facilities and opportunities at the Berkeley Waterfront (see Section 3.11.4, *Impacts Analysis,* Impact REC-1).

The alternatives analysis in Chapter 5 specifically considered the project's recreational benefits. As discussed in the analysis of the No Project Alternative (Alternative 1), the existing pier would remain closed and continue to deteriorate, and none of the proposed public access, recreational, bicycle, pedestrian, or waterfront improvements would be implemented. The Draft EIR concludes that the No Project Alternative would not meet the project's objective of enhancing public access and recreational opportunities at the Berkeley Waterfront.

Accordingly, the recreational values identified by the comment were considered in the development and evaluation of project alternatives. The comment does not identify a deficiency in the Draft EIR's alternatives analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P39-5

The comment expresses concern that parking fees could discourage marina use.

Refer to Section 2.2.20, *Topical Response: Parking.* As described therein, potential changes in user behavior associated with parking fees are social and economic considerations rather than environmental impacts under CEQA unless they result in a secondary physical environmental effect. The Draft EIR does not identify such impacts, nor does the comment present evidence of a deficiency in the Draft EIR analysis. The comment has been included in the project record considered by City decision makers. No revisions are required.

Response to Comment P39-6

The City acknowledges the comment's views regarding the relative value of marina recreational resources and alternative transportation options. The comment expresses a preference regarding the balance between recreational access and transportation improvements, which is a policy matter for City decision-makers to consider. The Draft EIR evaluates the environmental impacts of the proposed project and a reasonable range of alternatives, including the No Project Alternative, and provides information regarding the project's recreational and transportation benefits. As discussed in Draft EIR Chapter 5, *Alternatives*, the project's objectives include both enhancing public access and recreational opportunities at the Berkeley Waterfront and providing efficient, environmentally friendly zero-emission ferry service between Berkeley and San Francisco.

The comment's preference regarding how these objectives should be balanced has been noted and has been included in the project record considered by City decision-makers. No revisions to the Draft EIR are necessary in response to this comment.

Letter P40

From: Fran Haselsteiner <franhaselsteiner@gmail.com>
Sent: Saturday, April 11, 2026 12:24 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Taplin, Terry <ttaplin@berkeleyca.gov>
Subject: Comment on Ferry Proposal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Let's please not pretend that the ferry project will actually improve the transbay commute. Has anyone calculated how many single-passenger trips would be eliminated if those riders used the ferry? I doubt it would be anything more than five minutes' worth on the Bay Bridge. P40-1

State and municipal land intended for recreation will host all-day parking for commuters. P40-2

As one who commuted daily to the city for 15 years, even with a transit subsidy I could not afford to pay for a ferry. Nor would it deliver me to my destination at SF Civic Center Plaza. Instead of paying for bus and BART, I would have been paying for bus (with transfer), ferry, and SF Muni. P40-3

I also wish to express concern about the toxic waste generated by dredging. P40-4

I am a homeowner and resident of Berkeley since 1984. P40-5

Fran Haselsteiner
1202 Dwight Way
franhaselsteiner@gmail.com

Letter P40

Commenter: Fran Haselsteiner

Date: April 11, 2026

Response to Comment P40-1

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the evidence used to evaluate VMT impacts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P40-2

With regard for policies about use of state and municipal land, refer to Draft EIR Section 3.9, *Land Use and Planning*, which analyzes the project for conflicts with applicable land use plans and policies and demonstrates that the project would be consistent with plans and policies intended to preserve and expand recreational access at the Waterfront (see Impact LU-2). With respect to the comment's concerns about project-related parking changes, refer to Section 2.2.20, *Topical Response: Parking*.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No further response or revisions are required.

Response to Comment P40-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P40-4

The Draft EIR considered the potential impacts related to hazardous materials in dredged materials in Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials* of the Draft EIR. Pages 3.7-27 and 3.7-28 specifically discusses the results of sediment sampling and the potential impacts associated with dredging. The conclusions in Impact HAZ-1 in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P40-5

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P41

From: Gina Gutierrez <ggfreysz@gmail.com>
Sent: Monday, April 13, 2026 5:23 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Very pro ferry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi there,

Emailing to express my strong support and desire to use the Berkeley —> San Francisco ferry. What a game changer. P41-1

Thank you,
Gina Gutierrez

Letter P41

Commenter: Gina Gutierrez

Date: April 13, 2026

Response to Comment P41-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P42

-----Original Message-----
From: cafred1@juno.com <cafred1@juno.com>
Sent: Monday, April 13, 2026 12:36 AM
To: BMASP <BMASP@berkeleyca.gov>
Subject: FERRY PROJECT DRAFT EIR COMMENTS

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

April 12, 2026
Clifford Fred
Berkeley Calif

To Ali Endress
Waterfront Manager
Parks, Recreation & Waterfront

BERKELEY FERRY PROJECT DRAFT EIR COMMENTS

THE BERKELEY FERRY PROJECT VIOLATES BERKELEY'S 1986 MEASURE 'L' –THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE

By pursuing the massive Berkeley Ferry Project, the City is clearly violating the 1986 Citizens' Initiative Measure 'L'.

Measure 'L' - The Berkeley Parks and Open Space Preservation Ordinance, was adopted by Berkeley voters in November 1986 by a vote of 21,946 to 18,854. It is codified in BMC Chapter 6.42.

Measure 'L' states, "Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?"

I was one of the signers of the ballot argument in favor of Measure 'L'.

P42-1

Measure 'L' is still in effect today.

Measure 'L' thus requires approval by Berkeley's voters before any aspect of the Berkeley Ferry Project can be built.

In 1996, the City of Berkeley wanted to place temporary buildings on Civic Center (Provo) Park for various city bureaucratic functions while the Civic Center building on Milvia Street went through extensive renovations and a seismic upgrade. Because of Measure 'L', the City had to put a measure on the November 1996 ballot - Measure X - to get the public's approval.

The last of the "where as's" at the start of the Full Text of Measure X" states,

"Where as Measure 'L', BMC Chapter 6.42 requires voter approval to use public parks for purposes other than park or open space uses,"

"Shall the MLK Jr. Civic Center Park be used for a period to expire no later than June 30, 2001 for the purpose of temporarily housing City of Berkeley offices in portable buildings, as well as associated site preparation and maintenance activities in order to allow the abatement of seismic hazards at the site of the MLK Jr. Civic Center Building at 2180 Milvia Street if the Council finds after a public hearing that there is no other feasible alternative to relocate City employees during such seismic work?"

Measure X failed 17,476 to 23,151. The City could not install temporary offices in Civic Center Park, and thus leased commercial property around downtown instead.

Thus, Measure 'L' requires voter approval before any park or open space under the city's control can be used for other purposes.

P42-1

Measure 'L' is still in effect, & covers all City parks & city owned or controlled open space.

Councilmember Terry Taplin has cited Measure 'L' in insisting that the City preserve the open space at the former Lawn Bowling Club site.

Last year, Councilmember Cecilia Lunaparra cited Measure 'L' to insist that the City preserve the public open space at the Dwight - Telegraph triangle.

And in recent years, former Councilmember Kate Harrison cited Measure 'L' to designate the open space around old City Hall as a city park, so as to give it more protection.

THE FERRY PROJECT IS CLEARLY FOR TRANSPORTATION, NOT RECREATION

The Ferry Project would include a breakwater, a 1200 square foot gangway, 750 square foot gates and landings, and a 5700 square foot ferry charging/boarding float.

P42-2

The official description of the Project specifically states that it is for transportation, to take commuters to and from San Francisco.

REMOVING THE EXISTING LANDMARKED PIER WOULD VIOLATE MEASURE 'L'.

The landmarked and iconic Berkeley Pier was for many years used for open space and recreation. The Project would replace it with a much smaller Pier that would not be conducive the recreation.

It's not the public's fault that the Pier has been deemed unsafe to use for the last eleven years. By keeping the Pier closed and refusing to repair it for the last 11 years, the City has been violating Measure 'L'.

P42-3

Demolishing the existing pier and replacing it with a smaller and more officious pier should first require approval of the voters as per Measure 'L'.

All of the SF Bay that is within Berkeley's City Limits is as much City of Berkeley recreational open space as is the Aquatic Park Lagoon.

Any development on the SF Bay that is within Berkeley's City Limits is no less the destruction of recreational open space for non-recreational uses than would the dredging of the Aquatic Park Lagoon and constructing office buildings where the Lagoon once was. P42-3

The proposed Ferry Complex's gates, and landing, the gangway, and the ferry charging and boarding float would all destroy the incomparable view of the SF Bay looking out toward the Golden Gate that generations of Berkeley residents have long enjoyed. P42-4

The San Francisco Bay within Berkeley's City Limits is Berkeley public open space. It has been enjoyed by tens of thousands of Berkeley residents for over 100 years as passive recreation, and by many other people for recreational boating.

Transportation is not recreation. As the City's own official description of the Ferry Project clearly states, the purpose of the Project is Transportation.

Construction is construction, whether on land or water.

Measure 'L' should not be seen as an inconvenience, but as an opportunity to allow the public to vote on proposed changes to existing city parks and open space.

In 1996, city officials were not dismissive of Measure 'L' even though it would slow down the seismic upgrade of the 2180 Milvia Civic Center Building. They put approval of the temporary use of Civic Center Park for city offices on the ballot, because honoring the law and the will of the voters was the right thing to do. P42-5

Today in 2026, city officials should not be dismissive of Measure 'L' just because its implementation could delay construction of the Berkeley Ferry Project Complex.

If city officials could delay the seismic upgrade of the City of Berkeley offices at 2180 Milvia in 1996 to honor the will of the voters, city officials can certainly delay the construction of the Berkeley Ferry Project, to honor the will of the voters.

If city officials believe that taking away incomparable open space at the Waterfront is acceptable so as to construct the Ferry Project Complex, it can certainly make that argument in the ballot handbook and in campaign literature.

THE DRAFT EIR FAILS TO IDENTIFY AND ANALYZE REASONABLE ALTERNATIVE TO THE FERRY PROJECT P42-6

The DEIR should give equal weight to repairing and renovating the existing Pier so that the public and again enjoy walking on it and enjoying the views of the SF Bay from the Pier. P42-7

Equal weight should be given to a No Project Alternative. Why not continue to have ferry service to San Francisco from where the commuter ferries have been running the past several years. P42-8

What is the compelling reason for this massive new Project?
Serious considering and acknowledgement must be given to the rapid and on-going increase in Berkeley's population. Over ten thousand housing units have been constructed in the last several years, P42-9

and over ten thousand additional housing units are in the pipe line. The University is growing at an unprecedented pace, with new high rise dorms being approved on a regular basis.

Berkeley is now likely the most densely populated city in California. We need to maximize open space at the waterfront, and throughout Berkeley. Existing parking spaces at the waterfront should be converted to green open space. P42-9

We need to preserve all existing views from the waterfront of the SF Bay, the Golden Gate, San Francisco and of Marin County. P42-10

EMF STUDY NEED OF FERRY PROJECT CHARGING STATION

The EIR needs to analyze the EMF's that would be emitted from the Ferry Project Charging Station. With the proliferation of cell phones, 5G cell towers, and telecom satellites, we are being exposed to higher and higher levels of radiation in our day to day lives. Studies of the dangers of EMF radiation exposure can easily be found on the internet. P42-11

An independent analysis of the EMF radiation level from the proposed Ferry Project Charging Station is needed to determine is the cumulative radiation from the Charging Station and all other telecom radiation sources would pose an unacceptable health risk to Berkeley residents.

PEOPLE SHOULD BE ABLE TO USE THE FERRY BY PAYING WITH CASH OR CREDIT CARD AT TIME OF BOARDING

Not everyone is high tech. Not everyone has a smart phone. People should be able to use the ferry by paying with cash or a credit card at time of boarding. P42-12

Otherwise, the City would be discriminating against those who choose not to have smart phones, or cannot afford smart phone, or who are made ill by the EMF radiation from smart phones.

PROJECT APPROVAL PROCESS HAS BUILT IN BIAS

The Project applicant and project decision maker are both the City of Berkeley. P42-13

The Draft EIR comments need to be responded to by an impartial third party.
A determination as to whether or not Measure 'L' requires that the Ferry Project first be submitted to the voters for approval needs to be made by an impartial third party. P42-14

And the determination as to whether or not the Project should be approved should be made by an impartial third party. P42-15

DO NOT RUSH APPROVAL OF THE EIR OR OF THE PROJECT

Do not rush approval of the EIR or of the Project P42-16

A Revised Draft EIR should be prepared based on the comments received for the Draft EIR. P42-17

Any Final EIR should be approved separately from consideration of whether the Project itself should be approved. P42-18

Please put me on the notification list for all documents and meetings concerning the Ferry Project. P42-19

Please confirm receipt of these comments. P42-20

Clifford Fred

Letter P42

Commenter: Clifford Fred

Date: April 13, 2026

Response to Comment P42-1

Refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P42-2

As described in Section 2.5, *Project Components*, of the Draft EIR, the project includes both ferry infrastructure and public recreational amenities. Section 2.3, *Project Objectives*, identifies dual objectives of enhancing recreation and providing ferry service. Accordingly, the environmental analysis presented throughout Chapter 3, *Environmental Impacts Analysis*, evaluates both aspects.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P42-3

Refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P42-4

As described in Section 3.1, *Aesthetics (*Impact AES-1), views of the Bay and Golden Gate would not be obstructed by the proposed project. Environmental impacts associated with availability of scenic views and vistas are evaluated in Impact Evaluation, pages 3.1-20 through 3.1-36 of the Draft EIR. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic views and vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to availability of public views. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment P42-5

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. This includes a consistency analysis with Measure L (page 3.9-33). Refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P42-6

Please refer to Section 2.2.2, *Topical Response: Alternatives*, which identifies that the City has identified a reasonable range of alternatives consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P42-7

The City acknowledges the comment's support for restoration of public access to the pier. The proposed project includes reconstruction of the existing deteriorated pier and would restore public access opportunities that have been unavailable since the pier was closed. As discussed in Draft EIR Chapter 2, *Project Description*, the proposed project would provide a new public-access pier and breakwater, along with additional recreational amenities designed to enhance opportunities for walking, sightseeing, fishing, bicycling, and enjoyment of Bay views (see Section 2.5, *Proposed Project Components*).

To the extent the comment is advocating for reconstruction of the pier without ferry service, please refer to Response to Comment O10-215. As discussed therein, the City considered a "No Ferry Service with New Pier Alternative" and explains in Draft EIR Section 5.9, *Alternatives Considered but Rejected*, why that alternative was not carried forward for detailed analysis (refer to page 5-28). Specifically, while a pier-only alternative would provide recreation and public access benefits, it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. In addition, Chapter 5 evaluates the No Project Alternative and three action alternatives and concludes that the No Project Alternative would not restore public access because the existing pier would remain closed and continue to deteriorate, while alternatives with reduced project features would provide fewer public access and recreational benefits than the proposed project. For additional discussion regarding the assumptions, screening criteria, and requirements used in developing and evaluating alternatives, and alternatives considered but rejected, refer to Section 2.2.2, *Topical Response: Alternatives*.

Accordingly, the Draft EIR considered recreational and public-access objectives in formulating and evaluating alternatives. The comment does not identify a deficiency in the Draft EIR's alternatives analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P42-8

Draft EIR Chapter 5, *Alternatives*, evaluates the No Project Alternative (Alternative 1), as required by CEQA Guidelines Section 15126.6(e), and compares its environmental impacts and ability to meet project objectives relative to the proposed project and other alternatives. The Draft EIR concludes that, under the No Project Alternative, the existing pier would remain closed and continue to deteriorate, no ferry service would be established from Berkeley, and none of the proposed public access, recreational, bicycle, pedestrian, or transportation improvements would occur. The Draft EIR further concludes that the No Project Alternative would not meet either of the project's basic objectives and would generally result in greater impacts related to air quality, greenhouse gas emissions, land use and planning, and transportation because it would not provide the transportation and environmental benefits associated with the proposed ferry service.

To the extent the comment suggests providing ferry service from another location, please refer to Section 2.2.2, *Topical Response: Alternatives*. As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected*, the City considered alternative ferry terminal locations, including locations outside the Berkeley Waterfront, and determined that such alternatives would either not be feasible, would not attain most of the project's basic objectives, or were outside the City's jurisdiction. The project's objectives include both enhancing public access and recreational opportunities at the Berkeley Waterfront and providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco.

Accordingly, the City concludes that the Draft EIR evaluates a reasonable range of feasible alternatives, including the No Project Alternative, consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P42-9

Section 2.3, *Project Objectives*, (Pages 2-7 and 2-8 of the Draft EIR) and Section 1.2.1, *Project Background*, (Page 1-3 and 1-4 of the Draft EIR) describe the objectives for the project, including enhancing public

access and recreational opportunities at the Berkeley Waterfront and providing zero-emission ferry service to improve regional mobility. The project would support ongoing growth by expanding multimodal transportation options and improving regional connectivity between Berkeley and major employment centers such as San Francisco, as well as within Berkeley itself. The proposed ferry service and associated landside improvements would support regional population and employment growth by providing an alternative to automobile travel, thereby enhancing transportation system efficiency and first- and last-mile connectivity through integration with pedestrian, bicycle, and transit facilities. In this way, the project functions as supporting infrastructure that helps accommodate planned growth in the region consistent with regional transportation and land use planning frameworks.

With respect to open space, the project would not eliminate open space nor public access to the waterfront. As described in Chapter 2, *Project Description*, the project includes new and enhanced recreational features, including a publicly accessible pier, breakwater walkway, public plaza, Bay Trail extension, and improved bicycle and pedestrian facilities. Section 3.11, *Recreation*, evaluates these features and concludes that the project would provide a net increase in recreational opportunities and public access at the Berkeley Waterfront.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P42-10

This comment is noted; however, it does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required. Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for a discussion related to preservation of existing views.

Response to Comment P42-11

The environmental topics evaluated in the Draft EIR are based on CEQA Guidelines Appendix G, which does not explicitly identify EMF radiation exposure as a topic for consideration. Electric and magnetic fields are generally associated with power substations and utility facilities. For example, the California Energy Commission regularly approves electrical facilities. These are dedicated region-serving battery energy storage systems. In one such assessment, the CEC explicitly addressed EMF from the project's electrical facilities: “The construction and operation of the project’s new collector feeders, gen[eration]-tie line, on-site substation, and switchyard would not contribute to electromagnetic field (EMF) levels ... beyond acceptable standards.52” Staff further concluded that worker and public exposure would be short term and consistent with comparable PG&E facilities, and that grounding and field reduction measures would minimize nuisance-shock potential. The same assessment concluded that transmission-line safety and nuisance impacts, including EMF-related considerations, would be less than significant with proposed conditions of certification. The proposed conditions are in compliance with CPUC General Order 131-E. The project does not include components that require compliance with CPUC General Order 131-E. Consequently, an assessment of EMF effects was not provided. Accordingly, EMF is not included in the Draft EIR. No revision to the Draft EIR is required in response to this comment.

Response to Comment P42-12

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

[52] California Energy Commission. 2026. Potentia-Viridi Battery Energy Storage System Staff Assessment (24-OPT-04). CEC-700-2026-001-SA. TN 268314. January 2026.

Response to Comment P42-13

As discussed in Section 1.4.1, *Lead Agency*, of the Draft EIR, the City of Berkeley is the lead agency for the project as defined by CEQA Guidelines Section 15367 because it holds the principal responsibility for approving the proposed project. The City of Berkeley Parks, Recreation, and Waterfront Department is proposing the project. Section 1.1.4, *Legal Authority*, explains that the approval of the project cannot be considered until the EIR has been certified by the Berkeley City Council. Consistent with CEQA Guidelines Section 15084, the draft EIR reflects the independent judgement of the City as lead agency. It is common for a government agency to propose a project and act as CEQA lead. Even in cases where the lead agency is not a project's applicant, the lead agency still must review the Draft EIR and take responsibility for its contents. CEQA requires that led agencies exercise independent judgement and maintain objectivity in CEQA documentation. No further response is required.

Response to Comment P42-14

Refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P42-15

This is not correct. Under CEQA, the lead agency (in this case, the City of Berkeley) is the entity responsible for preparing and certifying the EIR and for making the project approval decision. CEQA Guidelines Section 15050 designates the lead agency as the public agency with the greatest responsibility for carrying out or approving a project. The Berkeley City Council, as the lead agency's decision-making body, is vested by law with the authority and responsibility to: (a) certify that the Final EIR has been completed in compliance with CEQA; (b) consider the environmental information presented in the Final EIR; and (c) decide whether to approve, modify, or reject the proposed project (CEQA Guidelines Sections 15090–15096). There is no provision in CEQA or the CEQA Guidelines for delegation of this decision-making authority to an impartial third party. No revision to the Draft EIR is warranted on this basis.

Response to Comment P42-16

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P42-17

All comments on the Draft EIR have been responded to and are included in their respective responses to comments. Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment P42-18

The City notes that this is precisely what CEQA requires, and the project's approval process is designed accordingly. Section 1.1.4, *Legal Authority* in Chapter 1, *Introduction* of the Draft EIR (page 1-3) states the following: "Adoption of the proposed project may not be considered until this EIR has first been considered by the decision makers and certified by the approving body, in this case the Berkeley City Council." Similarly, Section 1.5, *Environmental Review Process* in Chapter 1, *Introduction* of the Draft EIR (page 1-15, bullet number 5) describes the Final EIR certification process as a prerequisite to any project

approval decision, consistent with CEQA Guidelines Section 15090, which requires the lead agency to certify the Final EIR before approving the project.

The City Council will first consider whether to certify the Final EIR as a complete and adequate environmental document, and only after certification may it consider whether to approve the project itself. Though both actions could occur sequentially at the same meeting, these are distinct actions with distinct legal standards. Certification requires findings that the EIR has been completed in compliance with CEQA, was reviewed and considered by the decision-making body prior to project approval, and reflects the lead agency's independent judgment and analysis, pursuant to CEQA Guidelines Section 15090. By contrast, project approval requires findings including that significant environmental impacts have been avoided, mitigated, or are outweighed by project benefits, pursuant to CEQA Guidelines Sections 15091 and 15093. The Draft EIR describes this sequence accurately, and the City's approval process will follow it (see Section 1.5, *Environmental Review Process* in Chapter 1, *Introduction* of the Draft EIR). No revision to the Draft EIR is warranted on this basis.

Response to Comment P42-19

The City has added the commenter's contact information to the project notification list and will provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Response to Comment P42-20

This comment has been received. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P43

From: cafred1@juno.com <cafred1@juno.com>
Sent: Monday, April 13, 2026 12:32 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: FERRY PROJECT DRAFT EIR COMMENTS

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

April 12, 2026
Clifford Fred
Berkeley Calif

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

BERKELEY FERRY PROJECT DRAFT EIR COMMENTS

THE BERKELEY FERRY PROJECT VIOLATES BERKELEY'S 1986 MEASURE 'L' –THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE

By pursuing the massive Berkeley Ferry Project, the City is clearly violating the 1986 Citizens' Initiative Measure 'L'.

Measure 'L' - The Berkeley Parks and Open Space Preservation Ordinance, was adopted by Berkeley voters in November 1986 by a vote of 21,946 to 18,854. It is codified in BMC Chapter 6.42.

Measure 'L' states, "Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?"

P43-1

I was one of the signers of the ballot argument in favor of Measure 'L'.

Measure 'L' is still in effect today.

Measure 'L' thus requires approval by Berkeley's voters before any aspect of the Berkeley Ferry Project can be built.

In 1996, the City of Berkeley wanted to place temporary buildings on Civic Center (Provo) Park for various city bureaucratic functions while the Civic Center building on Milvia Street went through extensive renovations and a seismic upgrade. Because of Measure 'L', the City had to put a measure on the November 1996 ballot - Measure X - to get the public's approval.

The last of the "where as's" at the start of the Full Text of Measure X" states,

"Where as Measure 'L', BMC Chapter 6.42 requires voter approval to use public parks for purposes other than park or open space uses,"

"Shall the MLK Jr. Civic Center Park be used for a period to expire no later than June 30, 2001 for the purpose of temporarily housing City of Berkeley offices in portable buildings, as well as associated site preparation and maintenance activities in order to allow the abatement of seismic hazards at the site of the MLK Jr. Civic Center Building at 2180 Milvia Street if the Council finds after a public hearing that there is no other feasible alternative to relocate City employees during such seismic work?"

Measure X failed 17,476 to 23,151. The City could not install temporary offices in Civic Center Park, and thus leased commercial property around downtown instead.

Thus, Measure 'L' requires voter approval before any park or open space under the city's control can be used for other purposes

Measure 'L' is still in effect, & covers all City parks & city owned or controlled open space.

Councilmember Terry Taplin has cited Measure 'L' in insisting that the City preserve the open space at the former Lawn Bowling Club site.

Last year, Councilmember Cecilia Lunaparra cited Measure 'L' to insist that the City preserve the public open space at the Dwight - Telegraph triangle.

And in recent years, former Councilmember Kate Harrison cited Measure 'L' to designate the open space around old City Hall as a city park, so as to give it more protection.

P43-1

THE FERRY PROJECT IS CLEARLY FOR TRANSPORTATION, NOT RECREATION

The Ferry Project would include a breakwater, a 1200 square foot gangway, 750 square foot gates and landings, and a 5700 square foot ferry charging/boarding float.

The official description of the Project specifically states that it is for transportation, to take commuters to and from San Francisco.

REMOVING THE EXISTING LANDMARKED PIER WOULD VIOLATE MEASURE 'L'.

The landmarked and iconic Berkeley Pier was for many years used for open space and recreation. The Project would replace it with a much smaller Pier that would not be conducive the recreation.

It's not the public's fault that the Pier has been deemed unsafe to use for the last eleven years. By keeping the Pier closed and refusing to repair it for the last 11 years, the City has been violating Measure 'L'.

Demolishing the existing pier and replacing it with a smaller and more officious pier should first require approval of the voters as per Measure 'L'.

All of the SF Bay that is within Berkeley's City Limits is as much City of Berkeley recreational open space as is the Aquatic Park Lagoon.

Any development on the SF Bay that is within Berkeley's City Limits is no less the destruction of recreational open space for non-recreational uses than would the dredging of the Aquatic Park Lagoon and constructing office buildings where the Lagoon once was.

The proposed Ferry Complex's gates, and landing, the gangway, and the ferry charging and boarding float would all destroy the incomparable view of the SF Bay looking out toward the Golden Gate that generations of Berkeley residents have long enjoyed.

The San Francisco Bay within Berkeley's City Limits is Berkeley public open space. It has been enjoyed by tens of thousands of Berkeley residents for over 100 years as passive recreation, and by many other people for recreational boating.

Transportation is not recreation. As the City's own official description of the Ferry Project clearly states, the purpose of the Project is Transportation.

Construction is construction, whether on land or water.

Measure 'L' should not be seen as an inconvenience, but as an opportunity to allow the public to vote on proposed changes to existing city parks and open space.

In 1996, city officials were not dismissive of Measure 'L' even though it would slow down the seismic upgrade of the 2180 Milvia Civic Center Building. They put approval of the temporary use of Civic Center Park for city offices on the ballot, because honoring the law and the will of the voters was the right thing to do. P43-1

Today in 2026, city officials should not be dismissive of Measure 'L' just because its implementation could delay construction of the Berkeley Ferry Project Complex.

If city officials could delay the seismic upgrade of the City of Berkeley offices at 2180 Milvia in 1996 to honor the will of the voters, city officials can certainly delay the construction of the Berkeley Ferry Project, to honor the will of the voters.

If city officials believe that taking away incomparable open space at the Waterfront is acceptable so as to construct the Ferry Project Complex, it can certainly make that argument in the ballot handbook and in campaign literature.

THE DRAFT EIR FAILS TO IDENTIFY AND ANALYZE REASONABLE ALTERNATIVE TO THE FERRY PROJECT

The DEIR should give equal weight to repairing and renovating the existing Pier so that the public and again enjoy walking on it and enjoying the views of the SF Bay from the Pier.

Equal weight should be given to a No Project Alternative. Why not continue to have ferry service to San Francisco from where the commuter ferries have been running the past several years.

What is the compelling reason for this massive new Project?
Serious considering and acknowledgement must be given to the rapid and on-going increase in Berkeley's population. Over ten thousand housing units have been constructed in the last several

years, and over ten thousand additional housing units are in the pipe line. The University is growing at an unprecedented pace, with new high rise dorms being approved on a regular basis.

Berkeley is now likely the most densely populated city in California. We need to maximize open space at the waterfront, and throughout Berkeley. Existing parking spaces at the waterfront should be converted to green open space.

We need to preserve all existing views from the waterfront of the SF Bay, the Golden Gate, San Francisco and of Marin County.

EMF STUDY NEED OF FERRY PROJECT CHARGING STATION

The EIR needs to analyze the EMF's that would be emitted from the Ferry Project Charging Station. With the proliferation of cell phones, 5G cell towers, and telecom satellites, we are being exposed to higher and higher levels of radiation in our day to day lives. Studies of the dangers of EMF radiation exposure can easily be found on the internet.

An independent analysis of the EMF radiation level from the proposed Ferry Project Charging Station is needed to determine is the cumulative radiation from the Charging Station and all other telecom radiation sources would pose an unacceptable health risk to Berkeley residents.

PEOPLE SHOULD BE ABLE TO USE THE FERRY BY PAYING WITH CASH OR CREDIT CARD AT TIME OF BOARDING

Not everyone is high tech. Not everyone has a smart phone. People should be able to use the ferry by paying with cash or a credit card at time of boarding. P43-1

Otherwise, the City would be discriminating against those who choose not to have smart phones, or cannot afford smart phone, or who are made ill by the EMF radiation from smart phones.

PROJECT APPROVAL PROCESS HAS BUILT-IN BIAS

The Project applicant and project decision maker are both the City of Berkeley.

The Draft EIR comments need to be responded to by an impartial third party.
A determination as to whether or not Measure 'L' requires that the Ferry Project first be submitted to the voters for approval needs to be made by an impartial third party.

And the determination as to whether or not the Project should be approved should be made by an impartial third party.

DO NOT RUSH APPROVAL OF THE EIR OR OF THE PROJECT

Do not rush approval of the EIR or of the Project

A Revised Draft EIR should be prepared based on the comments received for the Draft EIR.

Any Final EIR should be approved separately from consideration of whether the Project itself should be approved.

Please put me on the notification list for all documents and meetings concerning the Ferry Project.

P43-1

Please confirm receipt of these comments.

Clifford Fred

Letter P43

Commenter: Clifford Fred

Date: April 13, 2026

Response to Comment P43-1

Refer to Response to Comments P42-1 through P42-20. No further response is required.

Letter P44

From: Elliot Cobb <elliotcobb@gmail.com>
Sent: Monday, April 13, 2026 4:46 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: bring the ferry to Berkeley!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I'm excited to ride the ferry! I bike to the marina often and would love to have a ferry to SF there. Reasons I'm excited about a berkeley ferry terminal

- more car free transit options to SF
- taking ferries is beautiful and fun. I always suggest that guests take the jack london ferry
- connect people to the waterfront
- rebuild the pier for fishing

P44-1

I don't drive, but maybe people's concerns about parking could be allayed if we told them parking would be paid and the funds used to improve the marina park facilities. I know how much people like it when you propose paid parking ;)

P44-2

There's also the 51 bus and nice bike paths to the park.

P44-3

Letter P44

Commenter: Elliot Cobb

Date: April 13, 2026

Response to Comment P44-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P44-2

The comment does not identify a deficiency in the analysis presented in the Draft EIR but rather expresses an opinion regarding parking management and funding strategies. Refer to Section 2.2.20, *Topical Response: Parking,* for further discussion of parking evaluation and management strategies proposed by the City. Refer also to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, which explains that funding strategies such as those suggested by the comment represent policy considerations outside the scope of CEQA review. The comment is noted and has been included in the project record considered by City decision makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P44-3

The proposed project would include infrastructure improvements for both the existing AC Transit Route 51B and bicycle use. Refer to pages 2-12 through 2-18 of the Draft EIR.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P45

From: Charlene Woodcock <charlene@woodynet.net>
Sent: Monday, April 13, 2026 4:30 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on Berkeley Pier-Ferry project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

TO: Parks, Recreation & Waterfront Department

RE: Berkeley Pier-Ferry Project

I write to express opposition to the Berkeley Ferry project because this project would serve a very few commuters and tourists, compared to BART and buses, at a very significant environmental cost. P45-1

Additionally, it disregards the city's longtime commitment to use the Bay Shoreline "exclusively for public recreation and related public use." The mere designation of P45-2

Adding a ferry, even if electric, to the Bay will add noise and pollution to the Bay. P45-3

It will replace open space with parking for hundreds of cars, further degrading an area intended for local recreation. P45-4

It will be extremely costly without away to recover the investment which, as above, will serve a very small portion of Bay Area residents. P45-5

The city of Berkeley needs to find a less destructive means of raising money to rehabilitate our pier. P45-6

Sincerely,
Charlene M. Woodcock
2355 Virginia Street
Berkeley

Letter P45

Commenter: Charlene Woodcock

Date: April 13, 2026

Response to Comment P45-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P45-2

Draft EIR Section 3.9, *Land Use and Planning*, analyzes the project for conflicts with applicable land use plans and policies and demonstrates that the project would be consistent with plans and policies intended to preserve and expand recreational access at the Waterfront (see Impact LU-2). With respect to the comment's concerns about project-related parking changes, refer to Section 2.2.20, *Topical Response: Parking*.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No further response or revisions are required.

Response to Comment P45-3

Operational impacts to wildlife from noise and to water quality and sensitive natural communities are discussed in Draft EIR Section 3.3.4 under Impacts BIO-1, BIO-2, and BIO-3 (pages 3.3-52 through 3.3-63) and are determined to be less than significant with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, HYD-1, and AES-1. Cumulative impacts are discussed in Section 3.3.5 and were determined to be less than significant. No Draft EIR changes are necessary in response to this comment.

Response to Comment P45-4

With respect to project-related parking changes, refer to Section 2.2.20, *Topical Response: Parking*.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No further response or revisions are required.

Response to Comment P45-5

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P45-6

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless this comment has been included in the project record considered by City decision makers. No further response or revisions to the EIR are required.

Letter P46

From: Jennifer Chan <jenniferchandc@gmail.com>
Sent: Thursday, April 16, 2026 3:39 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Ferry opposition

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty,

I write to express my strong opposition to the proposed Ferry/Pier project, as outlined in the Draft Environmental Impact Report (DEIR). The DEIR is fundamentally deficient and fails to adequately address critical environmental and community impacts. P46-1 P46-2

The project's environmental costs are substantial and unacceptable. The removal of approximately 14 trees at Seawall Drive for parking infrastructure, combined with the loss of 1,200 feet of the historic Berkeley fishing pier, represents irreversible damage to our waterfront ecosystem. The pier's tip currently serves as a crucial high-tide roosting habitat for shorebirds—a function that the DEIR inadequately evaluates. P46-3 P46-4

Additionally, ferries operating at 30-minute intervals will generate wake activity across a 650-foot swathe, unavoidably stirring up sediment and displacing waterbirds throughout the area. The cumulative environmental disruption contradicts any claimed benefits. P46-5 P46-6

On the community level, converting currently free parking at the marina into a fee-based system will burden local users who depend on this public resource. This shifts costs onto residents while creating traffic and congestion challenges. P46-7

For a $170 million investment, the project fails to justify its environmental cost or community benefit. I urge you to reject this proposal and return to the drawing board with a genuinely responsible plan. P46-8

Thank you,
Jennifer Chan
1228 Dwight Way,
Berkeley, CA 94702

Letter P46

Commenter: Jennifer Chan

Date: April 16, 2026

Response to Comment P46-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P46-2

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* for a discussion about the Draft EIR's adequacy. Please also refer to subsequent Response to Comments for responses to the specific issues raised in the comment letter. No further response is required.

Response to Comment P46-3

The Draft EIR discusses tree removal and replacement under Impact BIO-5 in Section 3.3. (page 3.3-65) and concludes that impacts to protected trees would be less than significant. Impacts to wildlife, sensitive natural communities, and water quality due to removal of the existing pier are discussed in Draft EIR Section 3.3.4 under Impacts BIO-1, BIO-2, and BIO-3 (pages 3.3-43 through 3.3-63) and were determined to be less than significant with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, HYD-1, and AES-1. No Draft EIR changes are necessary in response to this comment.

Response to Comment P46-4

As discussed under Response to Comment O7-17, most roosting waterbird species are not considered special-status under CEQA, because they are common, widespread, and not listed as threatened, endangered, or otherwise protected under federal or State endangered species acts or CDFW special-status criteria. Therefore, such species are not evaluated individually as special-status species in the EIR. In response to this comment, the following clarification text revisions have been made to the Draft EIR:

Section 3.3.2 page 3.3-7:

> The California Essential Habitat Connectivity Project, commissioned by the California Department of Transportation (Caltrans) and CDFW, identifies "Natural Landscape Blocks" which support native biodiversity and the "Essential Connectivity Areas" which link them.[35]
>
> The Pacific Flyway is the westernmost of North America's four major migratory corridors. Each year millions of birds travel the Pacific Flyway between northern breeding areas and southern wintering grounds, relying on a chain of coastal and inland stopovers for feeding and rest. This migration corridor extends from Alaska through western North America to Central and South America, and is used by waterfowl, shorebirds, raptors, and passerines. The San Francisco Bay is one of the most important stopovers along the Pacific Flyway, as the largest estuary on the West Coast.
>
> [35.] Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.

Section 3.3.2 page 3.3-7:

> Most of the project site is developed and urbanized and does not provide for wildlife movement corridors. The project site is not located within an Essential Connectivity Area or Natural Landscape Block.[36] However, the project site is located within Baylands adjacent to marine foraging habitat, and trees within the project site may provide roosting habitat for migratory birds. The old pier and pilings also provide roosting and migration staging habitat for migratory waterfowl, seabirds, and shorebirds.
>
> [36.] CDFW. 2024. Biogeographic Information and Observation System (BIOS). Available: www.wildlife.ca.gov/data/BIOS (accessed September 2024).

Section 3.3.4 page 3.3-63:

> Operation of the project would include vehicles, bicycles, and pedestrians using University Avenue, Seawall Drive, and parking lots. These uses of the project site would be consistent with existing recreation and commercial uses. No new barriers or disturbances to terrestrial wildlife movement are proposed. Roosting birds and birds staging during migration may be temporarily displaced by removal of portions of the existing pier deck and pilings; however, the old wooden pilings at the west end where the majority of roosting birds occur would remain in place. Additionally, there are other roosting sites available in the project vicinity and wider bay, including a platform that was specifically constructed for cormorants on the new eastern span of the Bay Bridge. Therefore, there would be no operational impact related to terrestrial wildlife movement.

These clarification text changes do not change the Draft EIR significance conclusions in Section 3.3, *Biological Resources*.

Response to Comment P46-5

See Response to Comment O4-8 for discussion of effects of ferry operation, including wakes, on waterbirds and Response to Comment A3-20 for discussion of ferry wake with regard to sedimentation and water quality. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P46-6

This comment expresses an opinion on the merits of the project. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P46-7

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, parking fees and other parking management measures are policy considerations rather than environmental impacts under CEQA. This comment is noted and has been included in the project record considered by City decision makers. The analyses presented in the Draft EIR remain valid as written, and no revisions to the Draft EIR are required.

Response to Comment P46-8

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P47

From: James McGrath <macmcgrath@comcast.net>
Sent: Friday, April 17, 2026 10:12 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: EIR comments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Attached

Jim McGrath
2301 Russell Street
Berkeley, CA
April 17, 2026

Liza McNulty
Cit of Berkeley
2180 Milvia
Berkeley, CA 94704

Subject: Comments on Berkeley Water Transportation Pier Ferry Project draft EIR

Dear Ms. McNulty:

The following are additional comments on the EIR which reflect my reading of the Final Program EIR by the Water Transit Authority "Expansion of Ferry Transit Service in the San Francisco Bay Area." That EIR was completed in June of 2003. While a programmatic FEIR prepared twenty-three years ago *may* still be used for preparation of a draft EIR for one of the projects contemplated in that document, it is essential to update the parts of that document that may no longer be accurate. The subject EIR relies on that FEIR for its consideration of environmental impacts, particularly operational impacts, but does not update the analysis to address the many significant differences between the project described in that document and the current proposal. Where those changes may constitute "changed circumstances" under the California Environmental Quality Act, or increase cumulative impacts, the current EIR is required to analyze and disclose those changes and impacts, and include feasible mitigation measures. Where there are conflicts between that adopted document and the current proposal, those conflicts may rise to the level of significant impacts. The current document fails to do that.

P47-1
P47-2
P47-3
P47-4

CHANGED PROJECT DESCRIPTION

The WTA Final EIR contemplates a very different project for expanding service to Berkeley, and includes mitigation measures that the current document has ignored. In describing the regional system, the Final EIR makes it clear that only limited dredging will be required,

P47-5
P47-6

and only for the Rodeo/Hercules service. The current proposal includes a proposal for up to 400,000 cubic yards of dredging. The rationale behind the Final EIR proposal can be found in this language from page 2-2:

> ...only the Hercules/Rodeo terminal would require additional dredging for implementation. **All other terminal sites** proposed for expanded ferry service **are within existing ports or marinas**.

The FEIR clearly contemplated a terminal site in Berkeley that would not require dredging. This language is included under Impact D-1: "Ferries have relatively low draft requirements (approximately 7 feet) and would not be deeper than those at existing marinas and ports." The associated mitigation measure D-21, ignored in the draft EIR states "**Dredging shall be minimized**." Additional information about the rationale for concluding that there would be little or no dredging required for initiating Berkeley ferry service can be found on page 2-6, where it indicates that the vessels that would be used would be "relatively shallow draft." Exhibits in the FEIR confirm that the programmatic document did not contemplate an open water site that would require massive dredging. Figure 5.1.1 and the related Table 5.1.5 conclude that a Berkeley marina terminal would only require 13,260 cubic yards of construction dredging—not the 400,000 cubic yards in the current draft EIR. P47-6

This is particularly relevant to the current proposal, which is fundamentally different from that contemplated in the 2003 FEIR, and that considered in the existing Berkeley Marina Master Plan, dated June 1, 2003, which also contemplated ferry service only inside the marina. That can be seen in Principle 3, which establishes a principle to "Upgrade the Ferry Pier to comply with seismic regulations." It is also relevant to the Bay Plan Recreation Policy 9, adopted in September 2006. At that time—and still—the adopted plans for ferry expansion and the adopted Marina Plan anticipated a ferry expansion staged out of the marina. As noted in my first letter, the current proposal is inconsistent with those adopted plans and clearly falls under the changed circumstances provisions of CEQA because it entails a different location that would require extensive dredging. Yet no discussion of those changes can be found in the draft EIR, and the discussion of the environmental effects of dredging is brief and conclusory. That issue will be discussed below. P47-7

It may be that the type of equipment currently contemplated for a new Berkeley service has also changed and that a deeper channel and berthing areas are required for that different equipment. But again, that would be a changed circumstance, limiting the degree to which the 2003 FEIR can be relied upon. The 2003 FEIR had an extensive discussion of ferry wakes, or wake wash in Section 3.3. The current draft EIR does not revisit that discussion and concludes that the analysis is still valid with the deeper draft vessels now proposed. P47-8

IMPACTS OF CONCERN WITH CHANGED CIRCUMSTANCES

Since the adoption of the FEIR in 2003, there are changes in the sensitivity of the marine environment that might be affected by a new service and substantial dredging. The FEIR concluded that whale strikes were unlikely but would be significant if they occurred. But whale visits to San Francisco Bay have become much more frequent, with clear evidence that whales are feeding in the Bay. No consideration of this as a changed circumstance is included in the draft EIR. P47-9

The longfin smelt was listed as endangered by the State of California in 2009, and as of August 29, 2024, is also listed under the Federal Endangered Species Act. Smelt can be entrained and killed in dredging operations. Both construction and operation of a ferry terminal might affect this species. P47-10

While the Green sturgeon was listed as endangered, and discussed in the program FEIR, additional research has been completed and NOAA formally adopted "take" provision rules for the species. Dredging may reduce benthic habitat value and operations may have greater impacts than previously disclosed in the program FEIR. P47-11

The increased presence of whales feeding in San Francisco Bay is yet another area where the changed circumstances warrant discussion in the draft EIR. Biologists are well aware of both whales feeding in the bay, and increasing deaths due to vessel strikes. Press media has reported this concern, for example
https://www.nytimes.com/2026/04/13/climate/gray-whales-san-francisco-bay.html P47-12

and the April 15, 2026 San Francisco Chronicle. Whale strikes are identified as a significant impact in the 2023 FEIR, but considered rare—a conclusion no longer tenable. Yet the current draft EIR makes no effort to analyze the impacts.

RECREATIONAL IMPACTS

As noted in my initial letter, Berkeley dismisses recreational impacts, concluding without providing substantial evidence that a ferry project would be beneficial to recreation. In doing so, the city ignores the concerns about impacts on parking, largely ignoring any quantitative effort to demonstrate compliance with Bay Plan Recreational Policy 9. The city's claim that parking analysis is not required flies in the face of impacts and mitigation measures contained in the program FEIR that they are relying on. I would note that the relocation of the ferry site from within the marina and the use of parts of the bay filled to create recreational uses and supporting parking make this impact much more significant than considered in 2003. The city also ignores the enactment of the Water Trail Act, enacted in 2005:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB1296
That act establishes legislative policy that: " Water-oriented recreational uses of the San Francisco Bay... are of great benefit to the public welfare of the San Francisco Bay Area." Commuter ferries are not among the listed water-oriented uses. Berkeley has obtained grants through the Water Trail program but fails to use the standards of

P47-13
P47-14
P47-15

that act for evaluation of recreational impacts. The FEIR recognizes the potential for recreational impacts and includes a mitigation provision to prevent significant impacts. P47-15

The Final EIR lists Impact LU-4 on page 3.7-16, recognizing that adverse impacts to shoreline access could occur. It establishes mitigation LU-4.1 that includes the phrase that incorporating public access at the next stage of planning "...may include trails, **parking set aside for shoreline users**, viewpoints, disabled access, etc." That Final EIR also establishes a very different mode split for access to the terminal, estimating that on an average day 24 would walk, 1789 would drive, and 344 would take transit. (Table 3.12.12) Table 3.12.13 forecasts a demand for at least 510 parking spaces to meet the estimated ridership. The current EIR simply casts aside all previous analyses of mode split without explanation, as well as the mitigation responsibilities established in the 2003 FEIR. P47-16

The draft EIR fails to follow up with a mitigation plan that implements the standard in the FEIR in a manner that provides full disclosure and allows public review of the sufficiency. Indeed, it is impossible to generate such a plan without developing an adequate baseline of existing recreational use and considering latent use and regional population growth. P47-17

ENERGY EFFICIENCY AND VMT REDUCTION

The 2003 FEIR discusses energy efficiency, as required by Public Resources Code Section 21100(b)(3). The analysis in that document presents energy use by transit modes using a metric of BTU's per passenger mile. That analysis showed that ferries use nearly 10 times as much energy as buses, and about 90 times as much energy as BART. The draft EIR includes no discussion of energy efficiency and assumes that all ferry passengers would be drivers at present, rather than considering the number that might be diverted from current bus and BART crossings. That despite the dedicated marketing efforts of WETA for exactly that purpose. Energy is of sufficient import to merit an appendix, F, in the CEQA Guidelines. Despite those guidelines and my scoping comments on the need for to update the efficiency analysis, the EIR fails to address this issue or include a CO2 emission comparison. This analysis is clearly inadequate. Among the many policies elided from the draft EIR is **Policy T-9 Ferry Service** from the General Plan: P47-18 P47-19 P47-20

> B. Prioritize transit, pedestrian, and bicycle public expenditures over expenditures of public funds for ferry service, and **ensure that new ferry service will not result in a reduction in public subsidies for existing transit services.**

FEASIBIILTY

Feasibility is an important term of art under CEQA, under BCDC's requirements for providing maximum feasible public access, and for consideration under the Clean Water Act. Yet a discussion of even the current cost of the project is absent from the current draft EIR. In my previous letter, I attached a copy of the cost estimates prepared by city P47-21

consultants, prepared on 7/11/2025, that showed the estimate for the project, not including ferries, was $131,133,445. The previous cost estimate for ferries, not updated to include the current costs, was $38 million, leaving a total cost of about $170 million. It appears that the City of Berkeley's share of that costs would be about $32 million.

P47-21

No sources for Berkeley's funding have been identified. Significantly, Berkeley's marina fund has struggled with a structural deficit, in part because boating revenues instead of Berkeley's parks tax have been used to maintain the waterfront parks. The most recent estimate of the deferred maintenance at the waterfront can be found in the recent Auditor's report. On page 15 of that report, the size of that problem was noted: "unfunded capital infrastructure needs at the waterfront still exceed an estimated $163 million."

P47-22

Berkeley relies on WETA's Berkeley Ferry Service Business Plan in numerous places in the draft EIR, but then avoids the discussion of local funding in that plan which concludes:

> One option would include a Transient Occupancy Tax surcharge on hotel night stays in the marina that would reinvest revenue in the Berkeley waterfront and support maintenance of the pier and shared parking facilities.

With revenues from the DoubleTree Hotel already reduced, and the hospitality industry continuing to contract, with bankruptcy of yet another Berkeley hotel reported in the news on April 16, 2026, the staff who prepared this EIR hardly need to be reminded of the infeasibility of such an approach.

P47-23

The current approach, avoiding any discussion of feasibility or costs, is a departure from the FEIR. That document included in Table 2.2 estimates of the capital cost per rider ($4) and the annual operating subsidy per rider ($5) to compare the feasibility of reducing VMT by improving ferry service as compared to rail and bus alternatives. WETA no longer reports either the capital cost or the operating subsidy per rider, and no discussion of feasibility of any depth is included in the draft EIR. Yet current operational subsidies for are more than $30 per passenger for a round trip and WETA documents have made it clear that the available subsidies will be exhausted to support the existing system..

P47-24

While many of the recreational activities that currently occur at the waterfront do not generate revenue into the marina fund, they have substantial economic value. Boating activities directly contribute about 2/3 of the funding for the marina fund. Other visitors from outside Berkeley visit the waterfront as part of other activities such as dining that indirectly generate revenue. If parking for those users is usurped by commuters, those activities would be reduced. If Berkeley leases the Seawall lot to WETA but does not collect revenue for that lease, there will be no opportunity to use that site for uses that might generate revenue. Further, if managing parking costs more than parking fees generate, or Berkeley agrees to devote some of the TOT funds from the marina to subsidies, a measure proposed by their consultants, the structural deficit in the marina fund will be increased.

P47-25

To put the cost of the proposed terminal into context, if there are an average of 955 occupied seats on the new service, the capital cost per seat is $178,000. At a 5% discounting rate, that is $8900 a year, or $35.60 a day as an opportunity cost. Well above the $4 in the programmatic document. The lower annual operating subsidy cost estimate by WETA is $9 million a year. Again using 955 seats, that is about $9,425 per seat of subsidy required, or $37.70 per seat per day. This does not include the cost to manage parking in an attempt to preserve some recreational use. Of course, if less than 955 passengers use the service the impacts on recreation will go down, but the subsidy required will go up proportionately. With the most recent East Bay terminal at Richmond constructed at a cost of $20 million, the need for analysis of alternatives becomes compelling. P47-26

No sources for city capital costs, WETA capital costs, or annual operating subsidies are identified—yet the EIR insists that only this project is feasible. Without analysis of the economic value of recreational uses that might be lost and might be improved on the land instead of a commuter terminal, this is a fatal flaw. Conclusions in an EIR must be supported by substantial evidence, and by analysis that links the facts to the conclusion. But in this EIR, feasibility does not warrant even a discussion. That is inadequate to support consideration of alternatives or answer questions of maximum feasible public access under BCDC's law. P47-27

Very truly yours,

Jim McGrath
Save Berkeley Pier

Letter P47

Commenter: Jim McGrath

Date: April 17, 2026

Response to Comment P47-1 to P47-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Berkeley Water Transportation Pier Ferry Project Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Please refer to Response to Comments P47-8 to P47-12 for responses to specific comments related to perceived changes in circumstances, and how the Draft EIR appropriately addresses these potential impacts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-5

The 2003 WETA EIR was a programmatic EIR and did not result in the approval of a specific site for a ferry terminal in Berkeley. In fact, the 2003 WETA EIR included the following text on page 4 of the Errata for the Final Program Environmental Impact Report and Public Comments and Responses: "A future site specific EIR will need to evaluate the Berkeley route(s) and associated terminal. The project level EIR will consider those issues that could not be fully addressed at the general programmatic level, including potential ridership and catchment area and specific project impacts." The City has prepared a project-level Draft Environmental Impact Report based on their planning efforts. Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion of how the City uses the 2003 WETA EIR.

The analysis, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written, and no revisions are required.

Response to Comment P47-6

As described in Draft EIR Section 2.6, Construction Details (page 2-28), 400,000 cubic yards of dredge volume represents the maximum potential dredging extent and is a conservative upper bound that may be reduced as final design progresses. The project would primarily occur within the existing 100-foot-wide USACE federal navigation channel that parallels the closed pier. Dredging impacts are discussed in Draft EIR Section 3.3.4 under Impacts BIO-1 and BIO-3 (pages 3.3-46 through 3.3-51 and pages 3.3-60 through 3.3-61), respectively, and were determined to be less than significant with implementation of mitigation (see Mitigation Measures BIO-1[a], BIO-1[d], BIO-1[e], BIO-3, and HYD-1). See also Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for discussion of how analysis of project dredging impacts has been addressed independently in the Draft EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-7

Refer to Response to Comment P47-1 through P47-6 regarding the 2003 WETA EIR.

Regarding the comment that the Berkeley Marina Master Plan "contemplated ferry service only inside the marina", this is not an accurate statement. Refer to Response to Comment P36-9, which explains that there is no meaningful mention of a ferry in the Berkeley Marina Master Plan and that it appropriately considered consistency with Berkeley Marina Master Plan Principle 3 in the Draft EIR.

Regarding Bay Plan Policy 9, refer to Response to Comment O10-116, which describes that the Draft EIR includes an analysis of consistency with Bay Plan Recreation Policy 9.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion about why the In-Marina Ferry Terminal Alternative was rejected from further evaluation by the City.

The City has found no inconsistencies with adopted plans and the City has prepared a project-level Draft EIR that addresses the environmental impacts from the proposed project that the City is proposing.

Response to Comment P47-8

The type of ferry equipment and volume of dredging proposed for project site may have changed since the 2003 WETA EIR; however, this does not represent a changed circumstance under CEQA. Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR, and that the Draft EIR provides a project-specific analyses regarding the potential impacts from dredging.

The 2003 WETA EIR evaluated a range of vessel types, operational speeds, and wake characteristics for regional ferry service, and its analysis was intentionally programmatic to accommodate future vessel design improvements, including variations in draft, propulsion systems, and hull form. The current vessels proposed for service to/from the project site fall within the performance envelope and operational assumptions evaluated in the 2003 WETA EIR, including wake generation, maneuvering behavior, and transit speeds. The Draft EIR discusses the impacts of ferry wake in Section 3.8.4. Impacts Analysis (on page 3.8-33) and concludes that water-side operational impacts related to water quality would be less than significant. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-9

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 3.3-52 to -54), the analysis acknowledges that vessel strikes are a known source of mortality for whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor, which includes substantial existing commercial, recreational, and ferry vessel operational levels. See Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-10

Impacts to longfin smelt are discussed in Draft EIR Section 3.3.4. The Draft EIR analysis and significance conclusion of less than significant impacts with implementation of mitigation (Mitigation Measure HYD-1) presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 remains valid. See Response to Comment A3-28 for discussion of and text clarification change with regard to dredge impacts to special status fish species. No additional changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-11

The comment does not provide the research cited. Impacts to green sturgeon are discussed in Draft EIR Section 3.3.4. The Draft EIR analysis and significance conclusion of less than significant impacts to water quality with implementation of mitigation (Mitigation Measure HYD-1) under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 remains valid. See also Response to Comment A3-28 for discussion regarding minimization of impacts to special-status fish species during construction dredging and Response to Comment O5-35 for further discussion of dredge impacts to special status fish species and benthic communities. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-12

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 3.3-52 to -54), the analysis acknowledges that vessel strikes are a known source of mortality for whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor, which includes substantial commercial, recreational, and ferry vessel operational levels. See Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-13

With respect to the comment's claim that the City fails to provide substantial evidence that the proposed ferry would be beneficial to recreation, CEQA does not require an EIR to demonstrate that a project is affirmatively beneficial to recreation. Rather, CEQA requires evaluation of whether a project would result in significant adverse physical environmental impacts related to recreational facilities. Accordingly, Draft EIR Section 3.11, *Recreation*, evaluates recreation based on the applicable CEQA Guidelines Appendix G thresholds of significance, specifically analyzing whether the proposed project would (1) increase the use of existing recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, or (2) require the construction or expansion of recreational facilities that might result in adverse physical environmental effects (see Section 3.11.4, *Impacts Analysis*). Based on the analysis therein, the Draft EIR concludes that the project would enhance recreational activities and would not result in substantial physical deterioration of recreational facilities (see Impact REC-1). Regarding concerns about parking, as it relates to consistency with Bay Plan Policy 9, refer to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion related to how parking is considered consistent with CEQA.

The analysis, significance conclusions, and mitigation measures presented within Section 3.9, *Land Use and Planning*, and related sections in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P47-14

When referring to an increase in significant impacts, the comment is referring to the impacts compared to what was provided in the 2003 WETA EIR. However, the 2003 WETA EIR is a programmatic document that did not include a project-level analysis for a terminal at the Berkeley Waterfront. Page 2-2 of the WETA EIR states the following: "While the IOP does not represent a precisely fixed set of routes and terminal sites, the Proposed Project is based on the anticipated routes and terminals that would result from implementation of the IOP. The routes, terminals, and frequency of service (headways) associated with the Proposed Project are listed in Table 2.1. The routes and terminals are shown on Figure 2.1. Further site-specific studies and design would be necessary prior to IOP implementation to determine actual terminal sites and routes." The suggestion that the 2003 WETA EIR proposed a terminal within the marina is not accurate and the 2003 WETA EIR specifically identifies that additional studies will be needed to determine the actual terminal site. This Draft EIR provides that project-level analysis for a terminal site in the Berkeley Waterfront.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment does not identify a deficiency in the Draft EIR's environmental analysis or alternatives evaluation. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P47-15

Refer to Response to Comments A3-57 and A3-58, which identify text changes to the Draft EIR identifying that the McAteer-Petris Act includes the San Francisco Bay Area Water Trail, which includes the South Sailing Basin and Marina as designated sites. The Water Trail Act is noted.

With regard to commuter ferries not included in the Bay Area Water Trail listed water-oriented uses, that is correct, the list is inclusive of **non-motorized** (emphasis added) small boaters and associated

launching and landing sites. The comment is noted that the Water Trail Act Final EIR recognizes recreational impacts and identifies mitigation for that Project. The analysis of recreational impacts related to the Berkeley Water Transportation Pier Ferry Project is included within this Draft EIR in Section 3.11, *Recreation*. The Draft EIR acknowledges the Berkeley Waterfront as a heavily used recreational resource in Section 3.11.2, Environmental Setting, and evaluates whether the project would adversely affect these uses in Section 3.11.4. The analysis concludes that the project would maintain and enhance recreational opportunities and access (Impact REC 1). Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding existing recreational uses and analysis of impacts. No further response is necessary.

Response to Comment P47-16

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion related to how the 2003 WETA EIR is used as part of the Draft EIR.

Regarding the comment about the mode split assumptions from the 2003 WETA EIR, the City acknowledges that previous planning documents evaluated a range of assumptions regarding mode split. As project planning advanced, additional information became available and the Draft EIR relies on the most current information available during preparation of the environmental analysis. Refer to Section 2.2.27, *Topical Response: VMT,* for a detailed discussion of the mode split assumptions used in the Draft EIR.

Regarding the comment about mitigation responsibilities from the 2003 WETA EIR, refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-17

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements,* for a discussion about how the mitigation in the Draft EIR is compliant with CEQA requirements.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-18

With respect to the commenter's comparison of the energy efficiency of ferry service relative to buses and BART as analyzed in the 2003 WETA EIR, the comment concerns the relative merits of different transportation modes and the policy decision to provide ferry service in Berkeley. CEQA does not require an EIR to determine whether the proposed project is the most energy-efficient transportation option available. Rather, CEQA requires disclosure and evaluation of a project's environmental impacts. The City acknowledges the commenter's opinion regarding the comparative efficiency of various transit modes and has included the comment in the project record provided to City decision-makers for consideration. The City also notes that the energy comparisons cited by the commenter were developed as part of the 2003 WETA EIR, which evaluated a substantially different ferry program and did not analyze the electric ferry vessels proposed as part of the Berkeley Water Transportation Pier Ferry Project. For additional discussion regarding the proposed project's electric ferry operations and the relationship between the Draft EIR and the 2003 WETA EIR, please refer to Section 2.2.10, *Topical Response: Electric Ferry,* and Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*.

The comment that the Draft EIR does not evaluate energy efficiency is not correct. Draft EIR Section 3.6, *Greenhouse Gas Emissions and Energy*, evaluates energy consumption associated with both project

construction and operation and assesses the project's consistency with applicable energy conservation goals and policies (see Impact GHG-2, pages 3.6-44 through 3.6-48). The analysis concludes that the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. In addition, the analysis evaluates project greenhouse gas emissions associated with operation of the proposed ferry service and associated transportation improvements. Accordingly, the Draft EIR includes an energy analysis consistent with CEQA requirements.

With respect to the comment regarding diversion of riders from existing transit services, refer to Section 2.2.27, *Topical Response: VMT,* for a discussion of transit-to-transit mode shifts.

Accordingly, the Draft EIR includes analyses of both energy consumption and transportation-related VMT effects supported by substantial evidence and technical documentation. The analyses and conclusions presented in Draft EIR Sections 3.6, *Greenhouse Gas Emissions and Energy*, and 3.12, *Transportation*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P47-19

The CEQA significance thresholds for GHG emissions and energy consumption do not have a requirement for comparing efficiencies from one form of transit to another. The project as proposed is not anticipating replacing existing forms of transit but rather including an additional option to remove passenger vehicles from the roadways. The current bus and BART operations would continue with or without the project, and the implementation of the project would not require a reduction in trips of these alternate modes of transit. Therefore, the GHG emissions and energy consumption from buses and BART are assumed to continue consistent with what they are consuming today. The analysis of the project in isolation of a GHG emissions and energy efficiency comparisons with other forms of transit is accurate. Further, Draft EIR Alternatives (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected as they did not meet the project objective of provision of all-electric ferry service between Berkeley and San Francisco. The analysis in the Draft EIR accurately analyzes GHG emissions and energy consumption with respect to CEQA and Bay Area Air District methodologies and thresholds. Therefore, additional analysis is not required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P47-20

This statement is not accurate. The Draft EIR considered consistency with Policy T-9, including Action B, as part of its analysis in Section 3.9, *Land Use and Planning* (see Table 3.9-3 in Impact LU#2, page 3.9-26).

As stated in the EIR, page 3.9-26, the project would build infrastructure to facilitate regular ferry service and would be supported by nearby AC Transit routes and bus stops, as well as existing and proposed bicycle and pedestrian paths to encourage visitors to reduce vehicle miles travelled. The project includes substantial transit improvements to AC Transit, and bicycle and pedestrian pathways including the Bay Trail.

As concluded in Draft EIR Section 3.9, *Land Use and Planning*, Impact LU-2 (pages 3.9-12 through 3.9-35), the proposed project would be generally consistent with the goals and policies identified in applicable plans; however, because the project would generate noise that even after mitigated would exceed thresholds established in the Berkeley Municipal Code, impacts would be significant and unavoidable (due to noise impacts).

Furthermore, to the extent that an inconsistency with a land use plan or policy would result in a physical environmental effect, such effects are evaluated throughout the Draft EIR, and mitigation measures are identified as appropriate. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to this comment.

Response to Comment P47-21 to P47-24

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-25

The issues raised regarding marina revenues, parking revenues, lease payments, tourism-related spending, subsidy levels, and the fiscal management of the Marina Fund are primarily economic, financial, and policy considerations for City decision-makers. CEQA focuses on the disclosure and evaluation of physical environmental impacts and does not generally require analysis of the economic effects identified by the comment. For additional discussion regarding project funding, costs, and financial feasibility considerations, please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

Regarding concerns that parking used by recreationalists could be usurped by ferry commuters, refer to Section 2.2.2, *Topical Response: Alternatives,* and Section 2.2.20, *Topical Response: Parking*.

The comment has been noted and has been included in the project record considered by decision-makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P47-26

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-27

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

Regarding feasibility, before the CEQA process, the City considered the feasibility of the project through a feasibility study.[53]

Regarding maximum feasible public access, the project objectives includes the following: “Provide sufficient public access and recreational opportunities at the Berkeley Waterfront that meet regional needs, consistent with BCDC Bay Plan Policies maximizing access to the Bay” (refer to page 2-4 of the Draft EIR). The City will continue to work with BCDC, as it relates to BCDC’s regulatory authority.

[53] Berkeley, City of. 2023. Feasibility Study. Ferry Facility at Berkeley Municipal Pier. Available: https://berkeleyca.gov/sites/default/files/documents/FINAL_Ferry%20Terminal%20Facility%20Feasibility%20Study%20-%20Berkeley%20Municipal%20Pier.pdf (accessed February 2025)

Letter P48

From: Kally Price <haveaheartortwo@gmail.com>
Sent: Friday, April 17, 2026 11:49 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: 26 Berkeley ferries proposed

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To whom it may concern:

I am opposed to the new Berkeley Ferry Project. I am a daily swimmer in the SF bay and would like to protect the 1200' of pier for shorebirds and think that this project is not cost efficient and is not actually that green considering the low ridership, esp at ferries every 30 mins and a cost of $170 million. This stirs up sediment with this increased traffic, and does not allow the natural ecosystem to have time to grow and settle with all that disruption. I would like to keep free parking and access to beachfront free for low income families. Thank you! P48-1 P48-2 P48-3 P48-4 P48-5

Kally Price

Letter P48

Commenter: Kally Price

Date: April 17, 2026

Response to Comment P48-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P48-2

The City acknowledges the comment's views. To the extent the comment is advocating for an alternative that would preserve the existing pier without providing ferry service, please refer to Response to Comment O10-215. As discussed therein, the City considered alternatives that would not include ferry service but determined that such alternatives would not attain one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. Draft EIR Section 5.9, *Alternatives Considered but Rejected*, explains the reasons such alternatives were not carried forward for detailed analysis. The Draft EIR also evaluates the No Project Alternative and alternatives with reduced project features and concludes that those alternatives would provide fewer public access and recreational benefits than the proposed project and, in the case of the No Project Alternative, would not provide the transportation, air quality, and greenhouse gas reduction benefits associated with ferry service.

The comment's concerns regarding project cost, ridership levels, and overall project value are noted. These issues are primarily economic, financial, and policy considerations for City decision-makers. This comment has been included in the project record considered by City decision makers. For additional discussion regarding project costs, funding, and economic feasibility considerations, please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

The comment does not identify a deficiency in the Draft EIR's environmental analysis or alternatives evaluation. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P48-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P48-4

See Response to Comment O4-8 for discussion of ferry operational impacts. In addition, see Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of sedimentation and wave effects within the project site and beyond. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P48-5

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless the comment has been included in the project record considered by City decision makers. No further response or revisions to the EIR are required.

Letter P49

From: Libby Karolczak <libbyok@gmail.com>
Sent: Friday, April 17, 2026 5:48 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: The environmental impacts of the Ferry are not worth it

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

The wildlife it will disturb has no where else to go. - Libby Karolczak P49-1

Letter P49

Commenter: Libby Karolczak

Date: April 17, 2026

Response to Comment P49-1

Wildlife species temporarily displaced by project construction or operation have the wider San Francisco Bay to occupy. The Draft EIR analysis and significance conclusion of less than significant impacts to wildlife species with implementation of mitigation (Mitigation Measures BIO-1, HYD-1, and AES-1) presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-44 remains valid. No changes to the Draft EIR are necessary in response to this comment.

Letter P50

From: Margots999@sonic.net <Margots999@sonic.net>
Sent: Saturday, April 18, 2026 12:15 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Concerns re: Berkeley Water Transportation Pier Ferry construction

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

Dear Ms. McNulty,

Reading the EIR City report on the Berkeley Water Transportation Pier Ferry, I have several concerns regarding subjects that are not mentioned: P50-1

1. Sea rise projections and their impact on the Berkeley shore, see this Berkeley report: P50-2

2019-8-30 Draft Sea Level Rise Assessment ..The City of Berkeley (.gov)
https://berkeleyca.gov › default › files › documents

2. Given our current severe budget limitations, the cost to the city, P50-3

3. Current BART ridership has drastically declined, The report states, based on old information, that P50-4

• Transbay **BART** and Bridges **Are at Capacity.** Several of the worst congestion points involve approaches to Bay Area bridges, and transbay bridge trips are expected to substantially increase.

4. Increased working from home with fewer commuters, P50-5

5. Outdated estimates from past years which do not anticipate climate changes: P50-6

3.3.1 Monthly Sustained Wind Wave Heights (m) for Selected Locations in San Francisco Bay **1992-1993**

3.3.2 Monthly Wave Energy (MJ/m) Reaching the Shore for Selected Locations in San Francisco Bay **1992-1993** P50-7

3.5.5 Acreage of Individual Eelgrass Beds in San Francisco/San Pablo Bay in **1989** P50-8

3.6.1 Ambient Air Quality **(1997-2000)**

3.6.7 Existing (**Year 2000**) Bay Area Emissions Inventory - Total Bay Area Summer Average Emissions (Tons/Day) P50-9

These outdated EIR considerations should cease implementation of Ferry construction until current data are examined and all implications pursued. P50-10

Margot Smith
1300 A Shattuck Ave, 94709
510-486-8010
510-660-5508 (Text)
Margots999@sonic.net

Letter P50

Commenter: Margot Smith

Date: April 18, 2026

Response to Comment P50-1

Refer to Response to Comments P50-2 through P50-10 for responses to individual comments. No further response is required.

Response to Comment P50-2

Refer to Section 2.2.23, *Topical Response: Sea Level Rise,* for a discussion of the sea level rise projections used in the project design. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P50-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P50-4

While transit ridership patterns have fluctuated in recent years, recent trends indicate that ridership on regional transit systems, including BART, has been steadily recovering as travel demand increases, fuel costs rise, and more employees return to in-person work. According to BART, average weekday ridership has continued to grow and is trending toward pre-pandemic levels.[54]

Transit infrastructure projects are planned and evaluated based on long-term transportation needs rather than short-term ridership fluctuations. The proposed ferry service is intended to provide an additional transportation option, improve regional mobility, provide emergency response and resiliency, and accommodate future travel demand. As population and employment continue to grow in the region, maintaining and expanding a diverse transit network helps ensure that residents and workers have access to reliable transportation choices.

The analysis performed in the Draft EIR is based on the best available information at the time. Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the information used to conduct the VMT analysis.

The Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P50-5

Refer to Response to Comment P50-4. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P50-6

This comment is a reference to the 2003 WETA EIR. Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* regarding use of the 2003 WETA EIR in this EIR. Refer to Section 2.2.29, *Topical Response: Wind*, for discussion concerning CEQA and wind. Refer to Section 2.2.25, *Topical Response:*

[54] Metropolitan Transportation Commission. 2026. *Monthly Transportation Statistics.* Bay Area Metro. Available: https://mtc.ca.gov/tools-resources/data-tools/monthly-transportation-statistics. (accessed July 2026).

Siltation/Wave Climate, for discussion regarding wind and wave data prepared for the project. No further response is required.

Response to Comment P50-7

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the wave data used for the project design. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P50-8

The comment is incorrect. The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR where the 2004, 2009, and 2014 Baywide Eelgrass Inventories are cited. No revisions to the EIR are necessary.

Response to Comment P50-9

The comment does not explain the exact nature of the concerns with respect to the topics. Background information in the Draft EIR air quality analysis uses historic information where applicable to define the setting and regulatory environment that is applicable to the project. The analysis itself uses current emissions estimates based on current air district methodology and are not based on historical data. Emissions estimates in the Draft EIR are provided in Impact AQ-2 starting on page 3.2-27 and conclude that impacts were less than significant with mitigation. Therefore, the Draft EIR air quality analysis is adequate, and no changes to the Draft EIR are necessary in response to this comment.

Response to Comment P50-10

Refer to Response to Comments P50-2 through P50-9 for responses to individual comments. Regarding the project and EIR, refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* for more information on this topic. No further response is required.

Letter P51

From: Eric J Schroeder <ejschroeder@ucdavis.edu>
Sent: Sunday, April 19, 2026 1:48 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Opposition to the current proposal for the Berkeley/SF ferry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am a resident of Berkeley and I oppose the proposed ferry legislation for five reasons: P51-1

1) the new parking lots will cause the removal of at least 14 trees on Seawall Drive; P51-2

2) the removal of a piece of the old Berkeley fishing pier will displace a large shorebird roost; P51-3

3) those of us who currently use the marina for recreational purposed will lose what is currently free parking; P51-4

4) the ferry wake will disturb waterbirds due to a wake that stirs up sediment in a 650 ft swathe; P51-5

5) ferries to SF from Berkeley are a great idea but running the service every 30 minutes is excessive by most standards. P51-6

Thank you for recording my opinion on this matter.

Eric Schroeder
1353 Francisco St., Berkeley, CA

massive parking lots (14 or so trees to be removed at Seawall Dr.)c P51-2
t is deficient--doesn't address the massive parking lots (14 or so trees to be removed at Seawall Dr.), the ferry wake stirring up sediment and disturbing waterbirds in a 650' P51-5
swathe (plans are to run ferries every 30 minutes), the loss of 1200' of the old Berkeley P51-3
fishing pier (tip harbors a large high tide shorebird roost), or the aggravation to us humans as a proportion of the currently free parking at the marina will become subject to fee. P51-4

Letter P51

Commenter: Eric Schroeder

Date: April 19, 2026

Response to Comment P51-1

Refer to Response to Comments P51-2 through P51-6 for responses to individual comments. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P51-2

The comment summarizes the project description with respect to tree removal. Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required.

Response to Comment P51-3

See Response to Comment P46-4 for a discussion regarding impacts to roosting birds, as well as a revision to the Draft EIR which provides additional clarification regarding roosting birds and the potential for the project to affect roosting bird habitat. The revisions presented under Response to Comment 46-4 are clarifying in nature and do not alter the analysis or significance conclusions presented in Section 3.3, *Biological Resources*, of the Draft EIR. No further changes to the Draft EIR are necessary in response to this comment.

Response to Comment P51-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P51-5

See Response to Comment O7-17 for a discussion of and Draft EIR clarification text changes addressing ferry operations impacts on waterbirds. In addition, see Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of sedimentation and wave effects within the project site and beyond. No additional changes to the Draft EIR are necessary in response to this comment.

Response to Comment P51-6

Refer to page 2-30 of the Draft EIR, which clarifies that the headways, or the travel times between successive ferry departures would be 35 minutes during peak hours.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P52

From: Carroll Elizabeth <carrollelizabeth@gmail.com>
Sent: Monday, April 20, 2026 10:33 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Water Transportation Pier Ferry Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza,

I am writing to oppose the Berkeley Water Transportation Pier Ferry Project, for two separate reasons. This seems like a project designed to funnel public funds into construction company pockets to provide an unasked-for ferry system which will need to be kept afloat by higher and higher taxes, meanwhile destroying a much-loved and used public space. P52-1

First, I commuted by ferry from Oakland between the years 2021-2025 and found many downsides which ultimately led me back to driving. The cost to commute by ferry is more expensive than either BART or driving (if you don't have to pay for parking at work). Then, the ferries were usually not even close to capacity, and according to the people working on it, this was a concern of theirs as the ferries do not earn enough to pay their own costs, relying on public (taxpayer) subsidizing. The ferry was also unreliable, frequently getting cancelled without notice due to heavy rains, heavy winds, or when special event ferries were being run. For commuters, it is an unreliable mode of commuting. P52-2 Considering the wind tunnel that boaters know the Berkeley Marina area to be, I would expect ferries to have a lot of trouble docking reliably during high winds. P52-3

Right now, we see BART struggling due to lack of ridership which never returned post pandemic and is likely to require more ever taxpayer support to stay solvent. Who is the intended commuter expected to use a Berkeley ferry system placed within 2.5 miles of multiple BART systems but not walking distance from housing? This will only serve to further decrease an already limited commuter pool. P52-4

Secondly, the area around the Berkeley fishing pier is prized by locals as the best or only area for use for recreational use like learning how to sail, sailboarding, swimming and fishing. Walkers are there all day every day and prize the natural beauty, the birds, fish and mammals that will be destroyed by this project. P52-5

If the project goes through, it will be destroying an amazing natural space available to people and animals, while committing both the people of Berkeley and likely the larger Bay Area to increasingly larger subsidizing of costs for a niche ferry system used by very few people. It seems very elitist to go through with such a project. P52-6

Regards,
Carroll Henschel

Letter P52

Commenter: Caroll Henschel

Date: April 20, 2026

Response to Comment P52-1

Refer to Response to Comments P52-2 through P52-6 for responses to individual comments. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P52-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P52-3

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for a discussion of navigation safety. Refer to Section 2.2.29, *Topical Response: Wind*, for discussion concerning wind conditions and the safety of ferry docking in high wind events. No further response is required.

Response to Comment P52-4

Refer to Response to Comment P50-4 for a response regarding BART ridership.

Regarding the question of who the commuters would be, page 33 of the WETA Business Service Plan identifies that the resident from West Berkeley will be able to access the high paying jobs in San Francisco near Embarcadero and Mission Bay. In addition, it should be noted that redundancy in transit systems is important to ensure that the people using transit have an alternative.

The Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P52-5

The Draft EIR evaluates impacts to natural resources such as the San Francisco Bay, birds, fish, and mammals within Section 3.3, *Biological Resources*, which concludes that impacts associated with project implementation would be less than significant with mitigation (see Section 3.3.4, Impacts Analysis), while Section 3.11, *Recreation*, evaluates impacts to natural resources with respect to their role in facilitating recreation and concludes that the project would be compatible with existing uses and enhance recreational access (see Section 3.1.4).

The comments regarding opposition to the project has been included in the project record considered by City decision makers.

The analyses and significance conclusions presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment P52-6

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless, the comment has been included in the project record considered by City decision makers. No further response or revisions to the EIR are required.

Letter P53

From: James McGrath <macmcgrath@comcast.net>
Sent: Monday, April 20, 2026 1:06 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Draft EIR for ferry

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please accept version with typos corrected.
On 04/20/2026 11:30 AM PDT James McGrath <macmcgrath@comcast.net> wrote:

letter and phots attached

Jim McGrath
2301 Russell Street
Berkeley, CA
April 20, 2026

Liza McNulty
City of Berkeley
2180 Milvia
Berkeley, CA 94704

Subject: Comments on Berkeley Water Transportation Pier Ferry Project draft EIR

Dear Ms. McNulty:

I have taken another look at the claim made by Berkeley in Section 3.11 that construction would not have a significant impact on recreational access. In support of that conclusion the draft EIR states:

> While construction of the proposed project may temporarily influence recreational users to seek alternative park facilities, the Berkeley Waterfront area spans approximately 100 acres with multiple access points at other locations that would not be affected by construction staging. Therefore, project construction would not preclude recreation at the Waterfront to such an extent that recreational facilities would physically deteriorate or new recreational facilities would be needed. There are other launch points within the Berkeley Waterfront area where access would not be affected for these recreational users during most tidal conditions such as the South Sailing docks for swimmers, windsurfers, and kayakers as well as the Marina Basin for sailors and kayakers. In addition, there are other launch points in

P53-1

adjacent cities where access would not be affected for these recreational users

Here the EIR repeats the flaws that permeate the document. It ignores adopted policies by both the city and BCDC that provide protection for recreational use in the area. Moreover, the language here is conclusory and does not consider the physical conditions available at the site that are not available at other sites. P53-1

Both the Berkeley Marina Master Plan (BMMP) and the Bay Plan Recreational Policy 9 are germane to impact analysis; neither is referenced in the language above. Language and maps in the BMMP repeatedly refer to this site, with language like "Enhance windsurfer activity", (Figure 2.0) and "Preserve the areas devoted to ...recreational activities [and] Enhance Windsurfer Activities at the point immediately to the west of H's Lordships Restaurant" (item C, page 37). P53-2

The Bay Plan Policy 9 is also clear that protection of access includes protection during construction. Recreational policy 9 which provides that ferry terminal may only be allowed if "development" does not interfere with current recreational uses. A project where development would terminate protected recreational uses for an indeterminate time is inconsistent with that policy and thus has a significant impact. Consideration of alternatives and mitigation is therefore required. P53-3

Finally, the claim that replacement access is available elsewhere in the marina ignores the physical reality of tides. Public meetings chaired by the city have repeatedly featured testimony from windsurfers and swimmers using the site that it is the only location in the marina where access is possible at low tides. P53-4

Earlier analysis in the document, e.g. the Table on page 3.9-32 that purports to analyze the consistency of the project with the BMMP provides no resolution for this issue. That table ignores the policies referenced in this letter and thus is inadequate on its face. P53-5

I've attached two photographs taken on April 19, 2026. They show the South Basin lot completely full of parked cars, with cars parked along the curbs as well. This shows activities well before the peak season for the marina—and the necessity of parking to support those activities. P53-6

Very truly yours.

Jim McGrath

attachments



P53-6



P53-6

Letter P53

Commenter: Jim McGrath

Date: April 20, 2026

Response to Comment P53-1

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding impacts during construction. Refer also to Response to Comment A3-55, which revises Section 3.11, *Recreation*, of the Draft EIR to clarify the analysis of temporary recreational impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1.

For additional discussion of shoreline and equipment-dependent access and how site-specific conditions are considered in the analysis, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.* Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* regarding appropriate consideration of plans and policies.

Accordingly, the Draft EIR provides an appropriate evaluation of construction-related recreational impacts consistent with CEQA requirements. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment P53-2

The comment that the Berkeley Marina Master Plan and Policy 9 of the Bay Plan are not referenced in the EIR is not accurate. A consistency analysis with the Berkeley Marina Master Plan is discussed on pages 3.9-29 to 3.9-33 of the Draft EIR. Recreation Policy 9 of the Bay Plan is discussed on page 3.9-18 of the Draft EIR.

The comment identifies two specific policies in the Berkeley Marina Master Plan. One is Figure 2.0, which includes a label that says “Enhance Windsurfer Activity.” The second is Item C under Principle 4, which states: “Enhance Windsurfer Activities at the point immediately west of H’s [sic] Lordships Restaurant.” Refer to Response to Comment P36-10 for a discussion of the project’s consistency with these policies.

Response to Comment P53-3

Construction-related impacts to recreation are evaluated in Section 3.11, *Recreation*, which considers temporary disruptions and concludes that impacts would be less than significant because construction effects are temporary and the project would provide long-term increases in recreational facilities (refer to Impact REC-1). While localized construction areas, staging areas, and temporary detours may affect access within portions of the project vicinity during construction, recreational access to the broader Berkeley Waterfront would remain available throughout the construction period.

As described in Chapter 2, *Project Description*, and Section 3.11, *Recreation*, construction would be managed to maintain recreational access to the maximum extent feasible. Access routes may be temporarily modified; however, the City would implement standard access management practices, including maintaining access where feasible, providing temporary detours around active construction areas, and installing temporary signage and wayfinding to direct recreational users to available waterfront facilities. In addition, the Berkeley Waterfront encompasses a large recreational area with multiple access points and numerous recreational resources that would remain available during construction. Under CEQA, the relevant question is whether temporary construction activities would result in a substantial adverse physical impact on recreational facilities or require the construction of new recreational facilities. As discussed in Impact REC-1, temporary construction-related access limitations would not result in substantial physical deterioration of recreational facilities, would not require construction of new

recreational facilities, and therefore would not result in a significant recreational impact. For further discussion of recreational access during project construction, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

To the extent the comment contends that temporary construction-related access limitations result in an inconsistency with Bay Plan Recreation Policy 9, refer to Response to Comment O10-116 regarding the Draft EIR's consistency analysis for Recreation Policy 9 and Section 2.2.13, *Topical Response: Land Use/Plan Consistency.* The Draft EIR concludes that the project would maintain and enhance long-term recreational access through restoration of public access to the Berkeley Pier, construction of a new public pier and breakwater, shoreline access improvements, Bay Trail improvements, public open space, and other recreational amenities (see Impact LU-2 and Impact REC-1). The temporary and phased nature of construction activities does not alter those conclusions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.9, *Land Use and Planning*, Section 3.11, *Recreation*, and related sections in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P53-4

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analyses, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions are necessary.

Response to Comment P53-5

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*, for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The comment identifies two specific policies in the Berkeley Marina Master Plan. One is Figure 2.0, which includes a label that says “Enhance Windsurfer Activity.” The second is Item C under Principle 4, which states: “Enhance Windsurfer Activities at the point immediately west of H’s [sic] Lordships Restaurant.”

Refer to Response to Comment P36-10 for a discussion of the project’s consistency with these policies.

Response to Comment P53-6

The City acknowledges the photographs and observations provided by the commenter. Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking inventories, parking utilization, recreational access, and the methodology used to evaluate parking conditions at the Berkeley Waterfront. While the photographs document parking demand at a particular location and point in time, they do not demonstrate that the methodology or conclusions presented in the Draft EIR are incorrect.

The Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts and concludes that recreational access would be maintained. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Letter P54

-----Original Message-----
From: Sally Tobin <otwsally@gmail.com>
Sent: Monday, April 20, 2026 6:06 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Feinstein Arthur <arthurfeinstein@earthlink.net>; La Force Norman <n.laforce@comcast.net>; Robert Cheasty <Rcheasty@cheastylaw.com>
Subject: Comment on Draft EIR for Berkeley Pier with Ferry Access Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,
As a member of the Bay Area Sea Kayakers, I have spent considerable time at the Berkeley Marina. Much of my time has been spent on the little gravelly beach south of the Shorebird Nature Center, practicing, and then teaching, kayaking skills. During the course of many hours of observation, I came to realize that the Berkeley Marina was one of the Bay Area's most successful parks, especially for low-income families with young children. I have seen multi-generational families pile out of a dilapidated car with their picnic baskets and coolers and kiddie bicycles, beaming with joy. Older kids head for the Adventure Playground. Toddlers are carried down to the beach to get their toes in the water for the very first time. Parents lay out the picnic or just walk around with big smiles. P54-1
What makes this miracle possible? Free parking with no one rushing about to find a parking space before the ferry leaves. There is no way that these families could use public transit because of their bulky picnic equipment, let alone the out-of-pocket expense.
My take on this proposed project is that its aim is to monetize a fantastic park experience that has benefitted Berkeley and regional residents for many years. The project is worthy of Ebenezer Scrooge, and as a former resident of Berkeley, I am deeply ashamed.
So how do you monetize a park? It is really pretty simple:
1. You ignore the debt owed by the Doubletree Hotel and the slip fee structure for boats at the Marina and continue to siphon off Marina-generated funds.. P54-2
2. You bring in a ferry that is sure to be undersubscribed.
3. You charge for everything, but especially for parking. After all, the ferry riders come first, and they need to have places to park.
4. Maybe there will even be a charge for the Adventure Playground?
Why is Berkeley's Marina required to run a profit? What other Berkeley Parks are accompanied by pay parking?
If the future holds more multi-unit housing, where can kids go to make noise without being shushed? I remember one boy having a glorious time pounding with a hammer in the Adventure Playground, and I realized that he probably would not have been able to make noise like that in his home. P54-3
If the City of Berkeley has its way, there will be no free and convenient Marina parking, no social justice, no families, no water sports, and no more fabulous park. P54-4
Personally, I am staking my hopes on BCDC to stop this downward spiral. BCDC has clear policy documents that prioritize recreational uses along the shoreline. If recreational activities will be impacted by a ferry, as in this proposed project that would transform a public park into a paid parking lot, their guidelines call for disapproval of the ferry. I hope they stick to their principles because the City of Berkeley has lost its way. P54-5
Sincerely,
Sally Tobin

Letter P54

Commenter: Sally Tobin

Date: April 20, 2026

Response to Comment P54-1

The City acknowledges the importance of Waterfront recreation accessibility for all residents. However, parking scarcity, as well as social, economic, and affordability considerations related to parking fees are not environmental impacts under CEQA. The Draft EIR accordingly evaluates the potential physical environmental impacts associated with parking conditions. For further discussion of the Draft EIR evaluation of parking considerations, please refer to Section 2.2.20, *Topical Response: Parking.*

While socioeconomic and affordability considerations are generally outside the scope of CEQA unless they result in a physical environmental impact, the City recognizes the importance of equitable access to public amenities and recreational resources. Accordingly, the City has undertaken separate efforts to evaluate environmental justice and equity considerations, including preparation of an Environmental Justice Technical Study[55] for the proposed project and ongoing development of the City's General Plan Environmental Justice Element[56]. These efforts provide additional opportunities for the City to consider issues related to accessibility, equity, and community benefits beyond the environmental review required under CEQA.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P54-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment P54-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P54-4

The comment expressing opposition to the project has been included in the project record provided to decision makers for consideration.

Refer to Section 3.11, *Recreation*, in particular Section 3.11.2 (*Environmental Setting*, pages 3.11-1 through 3.11-7) and Section 3.11.4 (*Impacts Analysis*, pages 3.11-14 through 3.11-24), which describe existing recreational uses and evaluate whether the proposed project would result in a physical loss of recreational resources or restriction of access. As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including new and improved shoreline access, a restored public pier, and additional amenities.

[55] Berkeley, City of. 2025. Berkeley Water Transportation Pier Ferry Environmental Justice Existing Conditions and Constraints Final Technical Study. Prepared by Rincon Consultants. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/Berkeley_2025_BWTPF-Environmental-Justice-Technical-Study.pdf (accessed July 2026).

[56] Berkeley, City of. 2025. City Council Report, Prepared, Safe and Healthy Berkeley: General Plan Disaster Preparedness and Safety Element and Environmental Justice Element. https://berkeleyca.gov/sites/default/files/documents/2025-01-17%20-%20Prepared%2C%20Safe%20and%20Healthy%20Berkeley%20-%20General%20Plan%20Disaster%20Preparedness%20and%20Safety%20Element%2C%20Environmental%20Justice%20.pdf (accessed July 2026).

With respect to parking and access, refer to Section 2.2.20, *Topical Response: Parking.* As described in Chapter 2, *Project Description*, the project would replace existing parking with a comparable number of spaces and maintain access to the waterfront for both recreational users and ferry patrons.

The comment's reference to "social justice" reflects broader policy considerations. While such considerations may be addressed by decision-makers through planning and policy processes, they are not, in themselves, environmental impacts under CEQA unless they would result in a physical change to the environment. The Draft EIR focuses on the physical environmental effects of the project, as required by CEQA.

The comment does not identify a specific deficiency in the Draft EIR's analysis of environmental impacts. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P54-5

The comment regarding opposition to the project has been included in the project record provided to decision makers for consideration.

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* regarding the BCDC permitting and approval process and consistency determinations.

For discussion of parking considerations, refer to Section 2.2.20, *Topical Response: Parking.*

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P55

From: Paul Kamen <pk@well.com>
Sent: Tuesday, April 21, 2026 12:49 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the DEIR for the Berkeley Ferry Terminal

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Comment: There is no analysis of economic feasibility, the true per-ride subsidy level, and realistic funding sources. P55-1

Here's the 'published 24-'25 WETA budget:

https://weta.bynder.com/share/85AFA60B-3C3F-43B9-A69010245CFBEC9D/

"The FY 2024/25 operating budget is made up of two primary components: a $69.2 million Ferry
Service Operating Budget and a $5.5 million Planning and Administration budget. Together those
two components result in a total Operating Budget of $74.7 million." P55-2

From Table 2: Fares = $14.1M; Ridership (projected) = 2.6M

Operating cost per ride = $74.4M / 2.6M = $28.8 per ride
Fare revenue per ride $14.1M / 2.6M = $5.4 per ride
Subsidy per ride = operating cost per ride - revenue per ride = $28.8 - $5.4 = $23.4 per ride

But omitting the capital budget is not a valid estimate of actual subsidy level. Boats need to be replaced, terminals need to be maintained, maintenance dredging is required. Capital expense from the '24-35 budget is $83M.

With capital budget included, the actual cost per one-way trip is $60.68.

The DEIR needs to justify this level of subsidy in the context of other public transportation modes that are far less expensive and have much greater impact on VMT and congestion. P55-3

Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
1224 Campus Drive, Berkeley, California 94708
pk@well.com http://www.SurfacePropulsion.com
510-540-7968 510-219-8106 (cell)

Letter P55

Commenter: Paul Kamen

Date: April 21, 2026

Response to Comment P55-1

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P55-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P55-3

The issues raised regarding transportation subsidies, operating costs, cost-effectiveness, and the comparative allocation of public transportation funding are primarily economic and policy considerations for City and regional transportation decision-makers. CEQA focuses on disclosure and analysis of a project's physical environmental effects and does not require an EIR to determine whether a project represents the most cost-effective transportation investment. For additional discussion regarding project costs, funding, and financial feasibility considerations, please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

To the extent the comment suggests that a different transportation alternative should have been evaluated, Chapter 5, *Alternatives*, evaluates a reasonable range of feasible alternatives consistent with CEQA requirements and explains the assumptions and criteria used to formulate and evaluate those alternatives. Please refer to Section 2.2.2, *Topical Response: Alternatives*, for additional discussion of how the Draft EIR considers alternatives in its analysis.

The comment has been noted and has been included in the project record considered by decision-makers. No revisions to the Draft EIR are necessary in response to this comment.

Letter P56

From: Kerrily Kitano <kerrilyjoy@gmail.com>
Sent: Tuesday, April 21, 2026 7:05 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Berkeley Pier Ferry Project EIR - Extension of Public Review Period

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

April 21, 2026

Dear Ms. McNulty,

I understand that you are still accepting public comments on the Berkeley Pier with Ferry Access Project and I am writing to do this very thing now. I have attended a couple of the planning meetings on Zoom and have even tried to articulate a parking plan at one of them, that I'd like to try to repeat in this note. P56-1

I am an open water swimmer that swims both in the Berkeley marina basin and the site at the defunct HsLordships for low tide swims. These are two precious swim sites that attract a loyal following of swimmers/users. I know that they are also used by a host of other water recreational users; windsurfers, wing boarders, kayakers, to name just a few. I am concerned that the Berkeley Pier/Ferry project will render these sites as unusable if nothing is done to protect access and parking access to them. I find this completely unacceptable. I'll let other more well-informed people speak to environmental and other aspects of the project. P56-2

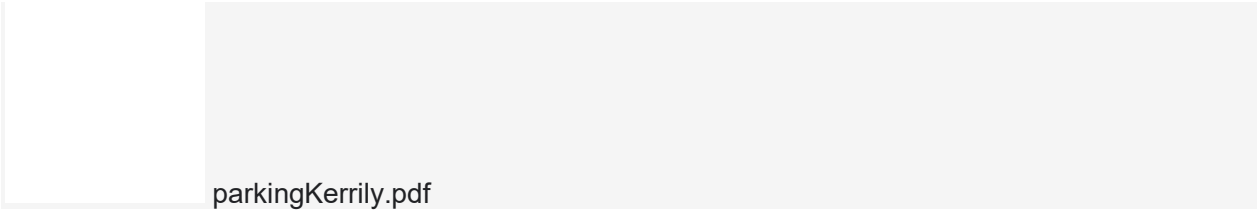
I do have an idea for parking that I think could protect access to these sites. My idea is actually quite simple. At the entrance to the Berkeley marina, have a road to the left which includes present day Cal Adventures, Adventure Playground, Berkeley marina, HsLordships. To the right, another road leading to Berkeley Ferry and Pier. SEPARATE the two with a fence or wall, which could be as cheap and ugly or as beautiful and expensive as you want. Keep designated parking along the left side/recreational sites as limited or as extensive as you want, depending on placement of the fence/wall. Recreational users will not compete with ferry users for their spots to which they can carry heavy equipment and swimmers won't have to walk long ways in their cold, wet gear especially in the winter time. Ferry users won't be able to access these limited parking spots without having to climb the wall/fence. You can keep the lion's share of parking spaces for ferry users, as long as there are ample spaces for recreational users. I'm not sure if the description here is as clear for you to visualize as it is in my imagination. I am happy to expound on it if you'd like. In fact, I will follow-up with a hand drawing of this idea in the next few days. P56-3

The way that parking and access to recreation is currently planned does not respect and realistically address the needs of those who use it for this purpose. Please find an alternate way of addressing it. P56-4

Thank you,
Kerrily Kitano, PhD, MSW
Open water swimmer
510-387-5066

From: Kerrily Kitano <kerrilyjoy@gmail.com>
Sent: Monday, April 27, 2026 5:59 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Berkeley Pier Ferry Project EIR - Extension of Public Review Period

Dear McNulty,
Attached is a very rudimentary drawing of my parking idea. I apologize for its elementary expression. Not my strong suit but hopefully conveys my idea. Thank you for your time and attention.
Best,
Kerrily Kitano



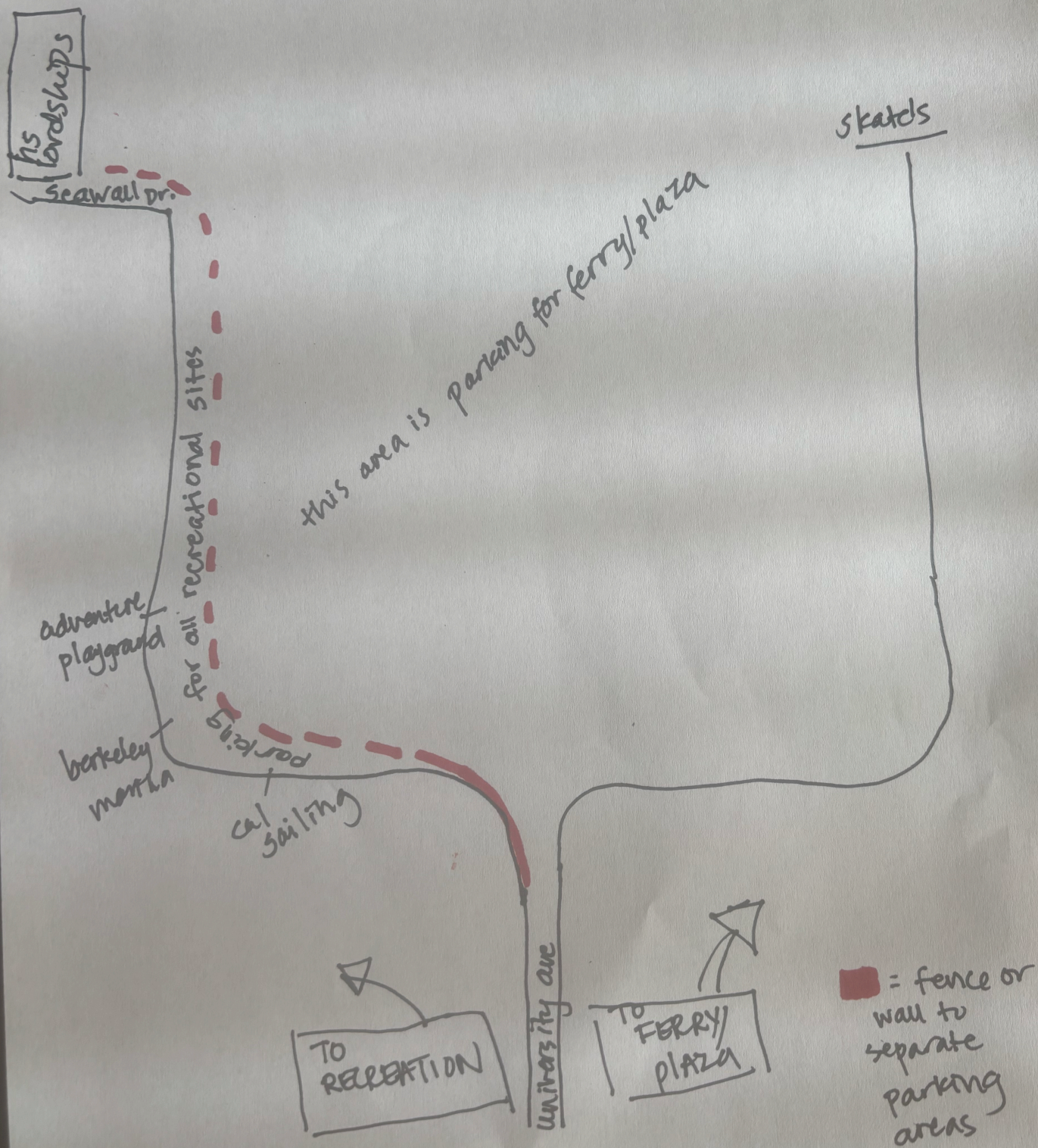
parkingKerrily.pdf

P56-5

From: Kerrily Kitano <kerrilyjoy@gmail.com>
Sent: Wednesday, April 29, 2026 9:57 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Berkeley Pier Ferry Project EIR - Extension of Public Review Period

Dear Ms McNukty,
That sketch attachment is meant to accompany the email I sent you on April 21, 2026. Can it just be added to that email? Sorry for the inconvenience and confusion.
Best,
Kerrily Kitano

Kerrily's parking idea



P56-6

Own less. Do more.

Letter P56

Commenter: Kerrily Kitano

Date: April 21, 2026 (appended April 28, 2026)

Response to Comment P56-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Please refer to Response to Comment P56-6 for a response on the comment's parking plan.

Response to Comment P56-2

With respect to the specific concern regarding launch points for swimming and water-based recreation, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*; Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.* Refer to Section 2.2.20, *Topical Response: Parking,* regarding adequate parking for recreational uses, access to the waterfront, and access with equipment.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P56-3

The comment suggests a project design alternative related to parking management, circulation, and facility layout. The comment does not identify a deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. As discussed in Section 2.2.20, *Topical Response: Parking,* the Draft EIR does not identify a significant parking-related physical environmental impact under CEQA. Accordingly, detailed analysis of the proposed parking configuration is not required. Decisions regarding parking management, parking allocation, access controls, and related design features are operational and policy considerations that may be considered by City decision-makers. Refer to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.20, *Topical Response: Parking.* The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users.

The comment has been included in the project record provided to City decision-makers for their consideration. No revisions to the Draft EIR are required.

Response to Comment P56-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P56-5

Please refer to Response to Comment P56-6 for a response on the commenter's parking plan.

Response to Comment P56-6

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA. As discussed therein, the City has found that with implementation of the proposed project, there would be sufficient parking to accommodate all users. Refer also to Section 2.2.2, *Topical Response:*

Alternatives, for a discussion of how the City considered alternatives in the CEQA process. Because this parking concept would not reduce an environmental impact, the City has not considered it for further evaluation. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P57

From: Qiu Xie <pikachupikaqiu@gmail.com>
Sent: Tuesday, April 21, 2026 10:22 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment on the Berkeley Pier and Ferry Project Draft EIR (April 2026)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley Planning Division,

I am writing to express my formal opposition to the Berkeley Pier and Ferry Project as currently proposed in the Draft EIR. As a frequent user of the Berkeley waterfront for wind-powered water sports, I find the document's analysis of recreational impacts to be deeply flawed and legally insufficient. P57-1 P57-2

1. Misinterpretation of Berkeley Municipal Code § 6.20.180
The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as winging, kiteboarding, and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180. This ordinance was never intended to regulate the open Bay west of the Berkeley Pier. Furthermore, the City's attempt to redefine "personal watercraft" to include human-powered and wind-powered recreation is inconsistent with the legislative history of the code, which was designed to address motorized craft. P57-3

2. Failure to Establish an Accurate CEQA Baseline CEQA requires an accurate baseline and a full analysis of impacts to existing recreational resources. By failing to acknowledge decades of established public use of these waters for wind sports, the DEIR fails to provide a truthful starting point for its impact analysis. The DEIR must be revised to acknowledge the long-standing, legally protected recreational use of these waters. P57-4

3. Direct Impacts to Launch Access and Safety
The proposed ferry terminal and security exclusion zones create a direct conflict with established launch sites at the South Basin. For sports like foiling and kiteboarding, which require specific wind angles and clear paths for safe launching, the introduction of large ferry traffic and physical barriers constitutes a significant "Loss of Recreational Resource" under CEQA that has not been adequately mitigated. P57-5

4. Transportation and Parking Impacts
The DEIR fails to account for the loss of parking near the water that is essential for participants transporting heavy, specialized equipment. Without dedicated, proximate parking for recreational users, the project effectively "prohibits" access for a large segment of the community. P57-6

I urge the City to recirculate the EIR with a corrected analysis that respects the rights of the existing water sports community and explores project alternatives that do not displace these historic uses. P57-7

Sincerely.

Letter P57

Commenter: Qiu Xie

Date: April 22, 2026

Response to Comment P57-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P57-2

For discussion of specific issues related to wind-powered water sports, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.29, *Topical Response: Wind.* For further discussion of the adequacy of the environmental baseline considered in the Draft EIR, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The comment does not identify specific deficiencies in the Draft EIR's analysis beyond general concern with its conclusions. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P57-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a detailed discussion of the relationship between Berkeley Municipal Code Section 6.20.180 and the proposed project analyzed in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P57-4

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. No further response is required.

Response to Comment P57-5

The comment is based on an incorrect description of the proposed project. The Draft EIR does not identify or assume the establishment of a permanent water-based "security exclusion zone" extending into surrounding waters. As confirmed by the project operator, WETA, applicable federal maritime security regulations (33 CFR Part 105) require facility security planning, access control, and operational procedures, but do not impose fixed exclusion zones of the type described by the comment. Operational ferries would be managed consistent with existing U.S. Coast Guard navigation requirements and standard maritime safety practices.[57]

Additionally, the comment conflates the location of proposed ferry infrastructure with existing recreational launch areas. The ferry terminal, pier, and approach areas are located north of the existing pier within the Berkeley Marina Basin, whereas the South Sailing Basin launch areas referenced by the comment are located south of the project site. As described in Section 3.11.2 and Section 2.5.1 of the Draft EIR, these areas are physically separated, and ferry vessels would not traverse the South Sailing

[57] Gerrity, Brian. 2026. Project Manager, Capital Planning, San Francisco Bay Ferry. Personal communication regarding maritime safety regulations with Liza McNulty, Capital Improvement Program Manager, City of Berkeley. May 20, 2026.

Basin. Accordingly, the project would not interfere with established launch areas used for windsurfing, kiteboarding, foiling, or similar activities.

Draft EIR Section 3.11.4, *Impacts Analysis*, further explains that ferry navigation would occur within defined approach and berthing areas, allowing continued compatibility with Marina related recreational boating and water-based activities. The analysis concludes that operation of the ferry would not hinder physical access to recreational resources, including water-based recreation, and would not result in a substantial adverse effect on such uses (see Impact REC-1).

Under CEQA, a "loss of recreational resource" is evaluated based on whether a project would cause a substantial physical deterioration of existing recreational facilities or require new facilities with resulting environmental effects. The Draft EIR concludes that the project would instead expand recreational access and facilities, including a restored public pier and improved shoreline access (Impact REC-1). The comment's concerns regarding user preferences, operational interactions among water users, or perceived reductions in convenience do not constitute a significant environmental impact under CEQA unless they would result in a physical degradation of the recreational resource. Therefore, the Draft EIR adequately evaluates potential interactions between ferry operations and water-based recreation and correctly concludes that impacts would be less than significant.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P57-6

For discussion of the analysis of water-based recreational impacts, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, which includes a revision to page 3.11-6 of the Draft EIR to acknowledge that many Waterfront recreators require access to specific equipment. With respect to parking concerns, refer to Section 2.2.20, *Topical Response: Parking.*

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P57-7

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Letter P58

-----Original Message-----
From: Dick Maclay <dick@maclay.net>
Sent: Wednesday, April 22, 2026 3:14 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Building a new facility in a location exposed to winds from the south at a cost of $170,000,000 is a big boondoggle. P58-1

When I read the EIR I assumed it was based on never reopening the old HIs Lordships since parking for established uses near the proposed ferry terminal is already over committed. A new ferry here without new dedicated parking for 900 cars will make it impossible to reopen His Lordships due to lack of adequate parking and will damage the viability of Skates on the Bay and the Berkeley Yacht Club by making parking woefully inadequate for them. P58-2

Letter P58

Commenter: Dick Maclay

Date: April 22, 2026

Response to Comment P58-1

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Breakwater Design, Wave Climate, and Ferry Operations), for discussion concerning ferry operation with existing wind conditions. Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a general response about project cost. No further response is required.

Response to Comment P58-2

Refer to Section 2.2.20, *Topical Response: Parking.* The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users.

Also as discussed therein, the Draft EIR evaluates potential secondary physical environmental effects related to parking and concludes that recreational access would be maintained and that the project would not result in significant environmental impacts related to parking or recreational access. In addition, the Draft EIR's environmental baseline reflects existing conditions, including the closure of Hs. Lordships at 199 Seawall Drive, and the cumulative analysis accounts for the potential reopening of the facility as part of the Draft Waterfront Specific Plan cumulative scenario (see Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, Section 2.2.9, *Topical Response: Cumulative Impacts,* and Draft EIR Chapter 3, *Environmental Impact Analysis*, pages 3-1 through 3-11). The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Letter P59

-----Original Message-----
From: Laurie Nardinelli <laurie.e.nardinelli@gmail.com>
Sent: Wednesday, April 22, 2026 4:13 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Pier Ferry Proposal EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I read the draft EIR. With the ferry positioned at the pier, the parking would become untenable for walkers, water sports enthusiasts, live-aboards, and dock users. Your current parking usage survey is simply laughable. There is no way that a careful survey was conducted. P59-1

We walk four miles four times a week at the Marina starting near the pier and around to the North Side and hade done so for years. The survey reports are obviously well under actual usage. P59-2

Our other objection is ….what about the fisherman? The pier needs to be rebuilt to support fishing again. This is a low cost sport that the lowest income community members dearly love. It needs to be restored. P59-3

Laurie Nardinelli
834 Delaware Street

Letter P59

Commenter: Laurie Nardinelli

Date: April 22, 2026

Response to Comment P59-1

Refer to Section 2.2.20, *Topical Response: Parking.* The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users. Also, as discussed therein, parking scarcity is not considered a significant environmental impact under CEQA unless it would result in a secondary physical environmental effect. Accordingly, the Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts within Sections 3.2, *Air Quality*, 3.10, *Noise*, and 3.12, *Transportation*, which conclude that no significant impacts related to parking changes would occur (see Draft EIR Chapter 3, *Environmental Impact Analysis*, page 3-11). The Draft EIR also evaluates effects on recreational facilities in Section 3.11, Recreation, and concludes that the project would not cause substantial physical deterioration of existing recreational facilities or require construction of new recreational facilities that would result in significant physical environmental effects (Impact REC-1). The comment does not provide evidence demonstrating that the parking utilization data, methodology, or resulting impact conclusions are inadequate or inconsistent with CEQA requirements. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P59-2

Refer to Section 2.2.20, *Topical Response: Parking.* The parking analysis presented in the Draft EIR relies upon parking utilization data and supporting technical analyses prepared by professional transportation engineers for the project. Personal observations regarding marina use do not demonstrate that the data or methodology underlying the Draft EIR analysis are inaccurate. Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding analysis of impacts on existing recreational uses. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P59-3

The project includes a new publicly accessible pier and amenities such as fish cleaning stations, as described in Section 2.5, beginning on Page 2-9 of Chapter 2, *Project Description*. Recreational benefits are evaluated in Section 3.11, Recreation (refer to Subsection 3.11.4, *Impacts Analysis*).

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, the comment has been included in the project record provided to decision makers for consideration. No further response is required.

Letter P60

From: Hawkeye King <hawkeye.king@gmail.com>
Sent: Wednesday, April 22, 2026 4:26 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment: Objection to Berkeley Water Transportation Pier Ferry Project Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

I am writing to submit my objections to the proposed Berkeley Water Transportation Pier Ferry Project as part of the public comment period on the Draft EIR. P60-1

I am an avid boater with a vessel berthed at the Berkeley Marina, and a father of two toddlers who regularly visits Shorebird Park, César Chávez Park, and Adventure Playground with my family. The Berkeley waterfront is one of the great public treasures of the East Bay, and I am deeply concerned that this project would irreparably harm the recreational communities and quality of life that define it. P60-2 P60-3

My key concerns are:

1. Threat to Recreational Access – The south side of the Berkeley Marina is home to an irreplaceable collection of recreational amenities: the Berkeley Yacht Club, Cal Sailing Club, Adventure Playground, Shorebird Park, kayaking, windsurfing, fishing, and open green space enjoyed by families, school groups, and people of all ages and incomes. Parking overflow from ferry commuters would directly displace these users, many of whom — including families with young children like mine — cannot easily arrive by bike or transit. P60-4

2. Parking Demand Is Severely Underestimated – The EIR estimates peak demand of 950+ cars on weekday mornings, yet identifies only 250–400 available spaces even with major redesign. Surveys missed peak recreational use periods, excluded fishing pier demand, and failed to account for the anticipated Hs. Lordships redevelopment. The result is a plan that will pit ferry commuters against the recreational users who have long made this waterfront their home. P60-5

3. Impact on the Berkeley Yacht Club and Marina Berthers – As a berther, I am concerned that ferry parking demand will directly compete with boating guest parking, adding administrative burdens and reducing the marina's revenue. Berthers currently provide approximately two-thirds of Marina Fund income. Undermining that base threatens the long-term financial health of the entire facility. Every Friday night through the summer, and Sundays through the winter, boatloads of sailors converge on this exact location! P60-6

4. This Waterfront Belongs to the Community – The Berkeley waterfront exists because it was filled for public recreation. Shorebird Park, Adventure Playground, Cal Sailing, and the Yacht Club are not incidental to the marina — they are its heart. A ferry project that P60-7

degrades parking, restricts access, and prioritizes commuter infrastructure over community recreation gets the priorities exactly backwards. P60-7

5. Funding Feasibility – With no identified funding sources and a potential $25M+ ongoing financial exposure for the City on top of construction costs, Berkeley taxpayers would be left holding the bill for a project that diminishes the very waterfront it claims to serve. P60-8

6. The proposed plan replaces the old Berkeley Pier with a mere 580-foot structure primarily designed to serve the ferry terminal. I grew up fishing and playing on that pier with my parents. It's a damn shame to go past it regularly and see that beautiful site closed to having fun on as I used to! P60-9

I urge the City to prioritize the recreational character of the Berkeley waterfront and to fully account for the impacts this project would have on the communities who depend on it daily. P60-10

Thank you for your consideration.

Sincerely,
H. Hawkeye King, Ph.D.
1907 Parker St., Berkeley, CA
hawkeye.king@gmail.com

Letter P60

Commenter: Hawkeye King

Date: April 22, 2026

Response to Comment P60-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P60-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Please refer to the following responses to the remaining comments submitted by this individual.

Response to Comment P60-3

Section 3.11, *Recreation*, of the Draft EIR describes existing recreational uses and facilities at the Berkeley Waterfront (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7) and evaluates potential impacts to those resources in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including improved shoreline access, a restored public pier, and additional amenities, and would not result in a substantial adverse effect on recreational resources (Impact REC-1).

These comments have been included in the project record considered by City decision makers.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P60-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

The parking analysis in the Parking and TDM Plan evaluated the potential effects of ferry-related parking demand on recreational users of the Waterfront and concluded that sufficient parking would remain available to accommodate recreational activities. On Page 34 of the Parking and TDM Plan, Weekday Parking Demand by Time of Day is presented both for existing and future uses including the ferry users. Existing uses include recreational visitors.

Response to Comment P60-5

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

To the extent the comment raises concerns regarding operational conflicts with the potential reopening of a restaurant, the analysis presented in the Draft EIR considers whether project-related changes to the environmental baseline would result in significant physical impacts consistent with CEQA Guidelines. As discussed in Draft EIR Chapter 3, *Environmental Impact Analysis* (pages 3-1 through 3-11) and in Topical Response: CEQA Baseline/Baseline Recreation, the environmental baseline reflects existing conditions, including the closure of the restaurant at 199 Seawall. The potential reopening of this restaurant is considered as part of the cumulative impact analysis associated with the Draft Waterfront Specific Plan. The commenter does not provide evidence demonstrating that the analyses or significance conclusions

presented in the Draft EIR are incorrect. The analyses and conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P60-6

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

In addition, as a matter of clarification, no changes have been proposed to the parking allocated to berthers as a part of the proposed project. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P60-7

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

Regarding impacts on restricted access and prioritization of commuter infrastructure over community recreation, the project has the dual objective of providing recreation and ferry service. The project would implement several recreational facilities that would enhance recreational access, including the reopening of the pier, the installation of the Bay Trail, public plaza, and cycle track. Insofar the commenter is concerned on impacts on the recreational experience due to access to parking, refer to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion about parking supply.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P60-8

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P60-9

Section 2.5, *Project Components*, describes the proposed pier dimensions and design. As described therein on Page 2-9, the proposed pier would be approximately 1,080 feet in length and would incorporate amenities such as a fish cleaning station, seating, a shade canopy, and security gates, to support recreational fishing as well as ferry service. Project alternatives with different pier configurations are evaluated in Chapter 5, *Alternatives*.

The EIR evaluates recreational impacts associated with the project, including those related to fishing, in Section 3.11, *Recreation*.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P60-10

Section 3.11, *Recreation*, of the Draft EIR describes existing recreational uses and facilities at the Berkeley Waterfront (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7) and evaluates potential impacts to these resources in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including improved shoreline access, a restored public pier, and additional amenities, and would not result in a significant impact to recreational resources (Impact REC-1).

The comment's request reflects policy considerations regarding how recreational resources should be prioritized. These comments have been included in the project record considered by City decision makers.

The analysis and significance conclusions presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Letter P61

From: Paul Kamen <pk@well.com>
Sent: Wednesday, April 22, 2026 10:22 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the DEIR for the Berkeley Ferry Terminal

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The DEIR does not recognize the value of certain features of the South Cove sailing area. Considerable value is lost if any component of water-borne recreation is forced to relocate, or restricted by limited parking supply or parking fees. P61-1 P61-2

The ski resort analogy is appropriate here. A viable ski resort needs to accommodate multiple skill levels:The "bunny" slope, the intermediate runs, and the expert runs. This accommodates groups at various skill levels. Access to variable skill environments from a single facility adds much value. P61-3

The South Cove is unique among Bay Area windsurfing and small craft sailing sites in that it provides a range pf skill levels from a single launch site and a single social gathering area. the "Inner Daysailing Area" is well protected (in part by trees slated for removal if Seawall Drive parking is reconfigured) and is perfect for beginners, with steady but attenuated wind and very good wave protection.

Beyond the protection of the Hs. Lordships Peninsula, we have wind and waves from the open Bay in close proximity, but within easy range of rescue skiffs (made even more valuable by Cal Adventures and Cal Sailing Club duplicating some of the safety resources).

Farther west, the wind and waves increase significantly as the influence of the shoreline decreases. It's out of range and out of sight of the rescue options. This is the expert slope. P61-4

This unique feature of the South Cove sailing and windsurfing site is the source of much of its value for mixed-skill user groups, families, and sailors moving rapidly along their learning curves. This value would be seriously compromised if some categories of water users were to be displaced to other sites.

To maintain the recreational value of the South Cove site, the diversity of user skill should not be limited. Maximum access for all skill levels requires that the parking cannot be throttled back via time limits, time-of-day restrctions or fees. None of this diverse use of users and user environments can be relocated if the the unique value of South Cove sailing is to be maintained.

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Letter P61

Commenter: Paul Kamen

Date: April 22, 2026

Response to Comment P61-1

Section 3.11, *Recreation*, of the Draft EIR describes the Berkeley Waterfront's recreational resources, including windsurfing, sailing, and other water-based activities occurring in the South Sailing Basin and adjacent areas (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7). This discussion identifies the physical characteristics and uses that make these areas important for recreation. Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the proposed project would adversely affect these recreational resources or restrict access to them and concludes that the project would maintain and enhance recreational opportunities and access (Impact REC-1).

The Draft EIR's analysis is focused on physical environmental conditions and facility capacity, consistent with CEQA requirements, and therefore evaluates the functional aspects of recreational resources rather than subjective measures of value.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P61-2

Section 3.11, *Recreation*, of the Draft EIR evaluates whether the proposed project would result in the physical loss of recreational resources or restriction of access consistent with CEQA Guidelines Appendix G (see Section 3.11.4, pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and physical access, and would not result in a substantial adverse effect on recreational resources (Impact REC-1).

The Draft EIR does not identify displacement of water-based recreational uses or removal of shoreline access areas that support such uses. For additional discussion of shoreline and equipment-dependent water access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

With respect to parking, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. The Draft EIR evaluates potential secondary physical effects related to access and circulation and concludes that access to recreational resources would be maintained.

The comment's reference to changes in "value" reflects user preference and convenience rather than a physical environmental impact as defined under CEQA. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P61-3

Section 3.11, *Recreation*, of the Draft EIR identifies windsurfing, sailing, and other water-dependent activities as key recreational uses of the Berkeley Waterfront and describes the physical conditions that support these uses (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7). Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the proposed project would adversely affect these recreational resources and concludes that the project would maintain and enhance recreational opportunities and access, and would not substantially interfere with water-based recreation (Impact REC-1).

Potential effects to environmental conditions influencing water-based recreation, including wind and wave patterns, have been considered through engineering design and supporting technical analyses. As

discussed in Section 2.2.29, *Topical Response: Wind,* the project does not materially alter the suitability of the South Sailing Basin and surrounding areas for recreational uses. For additional discussion of recreational water access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

While the comment emphasizes the value of a range of conditions for different skill levels, CEQA requires evaluation of physical environmental impacts, such as loss of access or deterioration of recreational facilities. The Draft EIR demonstrates that these conditions would remain available and that water-based recreational opportunities would continue at the Berkeley Waterfront.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P61-4

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for discussions regarding project-related parking considerations and analysis under CEQA, as well as water-based recreation access considerations. As discussed therein, the Draft EIR evaluates whether project-related changes would result in significant adverse impacts, such as physical restrictions to access or degradation of existing recreational facilities and concludes that recreational opportunities and access would be maintained and enhanced by the project. The commenter does not provide evidence demonstrating that the analyses or significance conclusions presented in the Draft EIR are incorrect. The analyses and conclusions remain valid as written. No revisions to the Draft EIR are required.

Letter P62

From: Leia Ambra <leiaambra@gmail.com>
Sent: Thursday, April 23, 2026 12:00 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: I am writing you to let me you know that I am against the Berkeley water Transportation ferry project

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There's already a huge shortage of parking currently at the Berkeley Marina and I do not believe that this proposal in any way provides for the additional parking requireThere's already a huge shortage of parking currently at the Berkeley Marina and I do not believe that this proposal in any way provides for the additional parking requirements. Thank you kindly for your attention Leia Ambra, Berkeley residence and user of the Marina.

P62-1

Letter P62

Commenter: Leia Ambra

Date: April 23, 2026

Response to Comment P62-1

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. As discussed therein, the Draft EIR evaluates whether project-related parking conditions could result in secondary physical environmental impacts and concludes that no significant parking-related environmental impacts would occur. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Letter P63

From: Paul Kamen <pk@well.com>
Sent: Friday, April 24, 2026 2:14 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the Draft EIR

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The Draft Environment Impact Report is deficient in its evaluation of carbon impacts because it considers the ferry as an isolated transportation link rather then a part of an integrated system. The DEIR must consider the door-to-door commute rather than the water-borne time in isolation. P63-1

For the anticipated primary commuter service, the "last mile" is adequately address by multiple public transit options near the SF Ferry Building (and the density of destinations within walking distance) P63-2

But the "first mile" is problematic. Dedicated ferry passenger parking in the Berkeley Marina is estimated to be only about one-third to on-quarter of anticipated demand. After the dedicated parking area fills, commuters will need to spend much additional time finding a place to park, legally or otherwise. Or walking back to the ferry terminal from a distant parking space. This extra time needs to be considered in the design of the system. Time spent parking adds to the target door-to-door commute time. P63-3

When there is uncertainty in the time required to complete the first mile, studies have shown that commuters will usually allow two standard deviations based on the variable extra time to insure reaching their destination on schedule. In simple language, insufficient convenient parking requires faster boats. Required ferry propulsion power is approximately proportional to speed cubed, so for the short route from Berkeley to SF, time spent finding parking, plus two times the variation in this additional time will add many extra minutes to the commute. This translates to additional required boat speed with an exaggerated effect on both first cost and carbon footprint. P63-4 P63-5

We note that even after electrification, there is still a significant remote carbon footprint proportional to the energy used to generate the electricity. This will be true far into the future, until the grid is entirely supplied by renewable power generation. P63-6

The DEIR also assumes an unrealistic first mile mode split not justified by applicable data. Typical parking requirement is 0.6 spaces per ferry passenger, and this will not be provided by the planned parking scheme. The result is wasted time, requiring faster boats if the ferry is to remain marketable to commuters. P63-7

An efficient system requires more parking, smaller ferries, or a massive expansion of local bus routes. The effect of the ferry service on vehicle miles driven must also be considered. Without more study, it's difficult to show that the ferry will not pull passengers away from thier narby BART station for a drive to the more distant ferry terminal. P63-8

We also note that the catchment area for bus service, where it exists at all, is patently impractical except for the minority of ferry passengers living near a marina bus line that serves the marina without a transfer. P63-9

The point is, the environmental impact of a ferry service must be as evaluated as a multi-modal system, and not in isolation as the DEIR appears to assume.

--
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Letter P63

Commenter: Paul Kamen

Date: April 24, 2026

Response to Comment P63-1

The Draft EIR is a project-level EIR that is required to assess the GHG emissions impacts of the proposed project with respect to the thresholds of significance discussed on Draft EIR page 3.6-33. As discussed in Draft EIR Section 3.6.4 *Operations*, (page 3.6-32) the analysis includes the GHG emissions from mobile sources, cars, that are anticipated to access the site from the commuters that would use the ferry once it is operational. Therefore, the analysis does include an analysis of a door-to-door commute. It is anticipated that riders would use other forms of transit currently operational to reach their destination. There is no anticipated need to change the number of trips of these transit modes due to implementation of the project and, therefore, the GHG emissions from these modes would be incurred regardless of project implementation and is correctly not attributed to the project in the project-level Draft EIR. The GHG analysis is accurate as presented, and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P63-2

The EIR evaluates near shore impacts of implementing ferry service at the Berkeley waterfront. Last mile refers to the travel between a transit station and a user's ultimate destination. This EIR does not address last mile effects from implementing the project.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P63-3

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how the project is not expected to result in secondary impacts on the environment due to parking. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P63-4

Refer to Response to Comment P7-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P63-5

Refer to Response to Comment P7-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P63-6

The comment is accurate. However, as stated in Draft EIR Section 3.6.4 *Energy Sources,* on page 3.6-31, "The project would be serviced by the Ava Community Energy, which will source all of its power from renewable resources by 2030. The analysis conservatively assumes the CalEEMod estimated emissions from electrical consumption for the project operations in 2028 would also occur in 2029 with a jump to 100 percent renewable electricity in 2030. In addition, for purposes of energy-related GHG emissions

modeling, the project is assumed to stay in its initial automatically enrolled Ava Renewable 100 plan." Therefore, the analysis includes carbon emissions from non-renewable electrical sources for the two years where AVA energy would not be 100 percent renewable. The analysis conservatively assumes a carbon content for current year rather than estimating a future year. Therefore the analysis, as provided, accurately accounts for energy consumption emissions. No Draft EIR changes are necessary in response to this comment.

Response to Comment P63-7

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the mode split used for the project and the analysis in the Draft EIR.

Regarding the comment that ferry vessels will need to be faster to remain marketable, ferry vessels will not operate at higher speeds to compensate for time required to find a parking space. The analysis and significance conclusion presented in the Draft EIR remains valid as written in the Draft EIR. No revisions are required.

Response to Comment P63-8

Refer to Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR (pages 3.12-20 to 3.12-21) for a discussion of the VMT analysis performed in the Draft EIR. Refer also to Section 2.2.27, *Topical Response: VMT,* for a discussion related to transit-to-transit mode shifts.

Response to Comment P63-9

Refer to Table 2 in Appendix F of the Draft EIR, which identifies the various ways in which people are expected to access the project site.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P64

From: Shyla Gupta <shyla_gupta@berkeley.edu>
Sent: Friday, April 24, 2026 6:28 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Kina H Li <kina_li@berkeley.edu>; Ardyn Elizabeth Henry <ardynhenry@berkeley.edu>; John Hao Do <johnhdo@berkeley.edu>
Subject: Berkeley Engineering Students' Comment Letter on Berkeley Pier with Ferry Access Project

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Dear Liza McNulty,

I hope you are well. I am Shyla, a freshman studying at Berkeley's College of Engineering. I am writing to you on behalf of my fellow engineering students and I. As a part of our course on Engineering, Ethics, and Society (ENGIN 125), we completed a Civic Engagement Project. Our group read the EIR for the "Berkeley Pier with Ferry Access Project" and wanted to submit our comments regarding some of the points of impact discussed in the report. Attached is our comment letter. Please let me know if you have any questions or thoughts. Thank you for your time.

P64-1

Best regards,
— Ardyn Henry, John Do, Kina Li, and Shyla Gupta

Ardyn Henry, John Do, Kina Li, Shyla Gupta
Professor Raluca Scarlat, GSIs Hanah Habash, Meghana Sanjay
E125 Engineering Ethics — Public Comment Letter

Re: Public Comment on the Draft Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project

To the City of Berkeley and Responsible Agencies:

We are undergraduate engineering students at the University of California, Berkeley submitting this comment as part of a course on engineering, ethics and society (ENGIN 125). We have reviewed the Draft Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project and want to submit the following comments in the interest of improving the accuracy of the environmental review under the California Environmental Quality Act. We support the project's goals of reducing car dependency and expanding sustainable transportation. We hope to strengthen the analysis through our commentary, not oppose the project. P64-2

Comment 1: Marine Life Impacts

Marine Life Impacts Section 3.3, Biological Resources, pp. 3.3-1 through 3.3-66

Claim 1: The eelgrass surveying method is outdated

Eelgrass (*Zostera marina*) are an extremely beneficial organism to marine ecosystems, especially in bays and estuaries (areas impacted by the ferry project). The EIR addresses this claim by stating that there was no Eelgrass in the project footprint as of baywide surveys in 2003, 2009, and 2014. However, the most recent survey data used to determine whether there is eelgrass is over a decade old, and does not represent the current state of the ecosystem. Small changes in water quality or temperature can change the distribution and growth of eelgrass. In fact, immediately after, the EIR states that there is a possibility that a portion of the project footprint that lies in sandy regions may be a potential site of eelgrass growth. This suggests that the city is unaware of what regions eelgrass actually currently inhabits. When harm can be reduced, it should be. This is a fundamental responsibility of engineers. The city shouldn’t build upon this engineering project just because those who are affected cannot say so. P64-3

We recommend that the city do a thorough, pre-construction survey of eelgrass, determining where it resides currently, and where are potential growth spots for it in the future. The city should only go forth with the plan if no significant eelgrass habitats are being affected.

If the construction footprint does in fact infringe on current eelgrass habitats, the city should modify the plan, or at least acknowledge the impact and try to mitigate the downsides of this in some other way.

P64-4

Claim 2: The noise impact on marine mammals is inadequately analyzed

The EIR discusses how the noise levels of pile driving, an important step in the construction process, is "potentially significant" for marine mammals (such as seals, sea lions, porpoises, and dolphins). In order to decrease the impact to "less than significant", the EIR proposes that construction will begin slowly and that there will be exclusion zones around the construction site (BIO-1(d)). Essentially, the pile driving will start softly, slowly, and at low intensities, giving animals time to migrate. Additionally BIO-1(d) promises a Marine Mammal Mitigation Plan (MMMP): trained workers will watch for mammals who cross into the construction site and then halt construction accordingly. However, there is no concrete plan or details as to what the MMMP contains and how it will be carried out.

P64-5

While the city has good intentions to protect marine mammals, we recommend that the Final EIR contain a detailed MMMP document, along with ways to enforce it, so we can ensure their safety and wellbeing. A sufficient MMMP will include the following at a minimum:

- Where the exclusion zones are and how large each zone is
- How many monitors are required (per site)
- The training/qualifications required for each monitor
- Specific instances and conditions under which pile driving construction must halt
- Conditions/timeframe under which construction can begin again
- Protocols and procedures for if a casualty or emergency occurs

P64-6

Without a detailed MMMP, the true reduction from "potentially significant" to "less than significant" cannot be justified.

Comment 2: Construction Impacts

Air Quality Section 3.2, pp. 3.2-27 to 3.2-28; Section 3.6, pp. 3.6-34 to 3.6-35; Table 3.2-7/3.2-8

Claim 1: Air quality analysis relies on averaged emissions that may underestimate peak impacts

P64-7

The EIR concludes that construction-related air pollutant emissions would not exceed what is reasonable and so results in less-than-significant impacts. This conclusion relies on annual and average daily emission estimates presented in Tables 3.2-7 and 3.2-8, which show

that modeled estimates of pollutants such as NOx, PM10, and PM2.5 remain below established thresholds. This conclusion relies on annual and average daily emission estimates, which may obscure short-term peak emissions generated during high-intensity construction activities such as pile driving, dredging, and demolition. These activities occur intermittently, but can produce concentrated bursts of pollutants over short time periods, particularly when multiple pieces of heavy equipment are operating simultaneously. Because the tables present emissions as averaged values, they do not clearly indicate whether emissions during specific constriction phases or peak activity periods exceed those thresholds. This is particularly relevant for pollutants such as PM2.5, which are associated with short-term exposure risks. Averaging emissions over longer timeframes may not accurately represent real-world exposure conditions, so as a result, the analysis may underestimate localized air quality impacts experienced by nearby people during certain phases of the project.

P64-7

Under the California Environmental Quality Act, conclusions of less-than-significant impacts must be supported by substantial evidence and a good faith effort at full disclosure. We recommend that the Final EIR evaluate worst-case, short-term emission scenarios during peak construction activity, including periods of simultaneous equipment operation. This analysis should also identify which construction phases contribute most significantly to emissions and compare those peak conditions to the applicable thresholds. Providing this analysis would improve transparency and ensure that temporary but potentially significant exposure events are adequately considered and mitigated.

P64-8

Claim 2: Construction noise analysis does not adequately address peak noise and vibration from pile driving

The EIR states that construction noise impacts would be less-than-significant with implementation of standard mitigation measures, and that vibration impacts would also be less-than-significant. The analysis describes general construction noise sources and identifies commonly used mitigation practices such as equipment controls and operational limits. In a similar issue as above, it appears to focus primarily on average noise levels and does not fully evaluate high-intensity, short-duration noise events such as impact pile driving. These activities are known to generate sharp, intermittent noise spikes and ground vibrations that can exceed established thresholds even if average noise levels remain within acceptable limits. For example, impact pile driving can generate peak noise levels exceeding 90 dBA at close distances, which are not reflected in average noise metrics. The EIR does not clearly quantify maximum noise levels, duration of peak events, or the extent of vibrational impacts.

P64-9

The Final EIR should quantify peak noise and vibrational levels from pile driving, including maximum sound levels, duration, and frequency of these events. This analysis should

P64-10

include estimated peak noise levels and vibration levels compared to the acceptable limits. It should also incorporate specific, enforceable mitigation measures, such as restrictions on pile driving hours, use of noise attenuation technologies, and vibrational monitoring, to ensure peak noise and vibration impacts are effectively reduced.

P64-10

P64-11

Comment 3: Accessibility and Public Transit Connections

Transit Accessibility Section 2 (Project Description), pp. 2-12 to 2-13; Section 3.12, Transportation

Claim 1: The feasibility study relies on uncertain assumptions about ferry-bus coordination

The feasibility study suggests current infrastructure is sufficient, but adjustments must be made to improve public transit, such as the ones pertaining to the 51B line, in order to make the use of this transport an appealing and feasible option for riders departing from the proposed terminal. Given that this ferry has a main focus of providing an alternative to the typical commute with a personal vehicle, it still largely hinges on the coordination that can be made between the buses connecting to the terminal. However, with the inevitable inability to adhere to a strict schedule given the unforeseen or erratic events that happen on roadways, the syncing of the schedules with the bus and the ferry is a considerable hindrance for commuters who are under strict time constraints. The reliance on precise schedule coordination introduces uncertainty and may reduce the reliability of public transit as a viable alternative to personal vehicle use.

P64-12

The Final EIR should evaluate bus-ferry coordination under real-world conditions, including delays, traffic variability, and schedule disruptions. This analysis should assess how these factors impact transit reliability and commuter wait times.

Claim 2: Bus waiting practices may increase emissions and create localized environmental impacts

The feasibility study of the project also proposes that buses should attempt to remain at the stop until the inbound ferry of passengers have disembarked, effectively making public transit more accessible, but this would incidentally create even more delays. This waiting idle at the marina poses an escalated risk factor pertaining to the ecosystem since the buses would be emitting harmful gases in immediate proximity to a waterfront simply to provide convenience to the commuters. These increased idling periods may result in additional localized air quality impacts that are not clearly accounted for in the EIR. In particular, emissions from

P64-13

diesel-powered buses during extended dwell times could contribute to higher concentrations of pollutants such as particulate matter and nitrogen oxides.

The Final EIR should evaluate emissions associated with increased bus idling at the marina and quantify their contribution to localized air pollution. It should also incorporate mitigation measures such as strict idling limits or alternative passenger boarding strategies. These measures would help reduce emissions while maintaining accessibility to the terminal. P64-13

Claim 3: Assumptions about increased transit frequency and shuttle alternatives may be financially and operationally unrealistic

Although increasing the frequency of the 51B could be a potential mitigation approach, this seems to be operationally speculative given the recent budgeting issues as stated by an AC Transit press release which details a plan that "could result in considerable service cuts and layoffs"[1]. With this new information coming from the public transportation itself, the assumed compliance of the bus to the schedule of the ferry is not easily viable and could compromise the use of public transportation as a means of getting to the terminal. If this barrier of time constraints poses a big enough risk to the commuters, there might be an incentive to use some personal vehicles. Later in feasibility studies, there is a mention of using shuttles rather than the bus that runs to the marina; this in theory would increase frequency and avoid the reliance on a singular bus line to transport passengers. This could increase the productivity of the terminal; however, it also seems to not consider the potential high costs of opening a new shuttle line as the existing lines mentioned in the studies operate without fares and ultimately would require even more funding from the public on transportation. As a result, the EIR may overestimate the feasibility of and reliability of transit-based access to the terminal, which could undermine the project's goal of reducing personal vehicle use. P64-14

The Final EIR should include a realistic assessment of transit service improvements based on current funding and operational constraints, including whether increased bus frequency or shuttle services are financially feasible. This analysis should evaluate the likelihood of implementation and identify alternative access strategies if these improvements can not be achieved. P64-15

Comment 4: Greenhouse Gas Emissions and Energy

Section 3.6, Greenhouse Gas Emissions and Energy; Appendix B (CalEEMod calculations); Section 3.2, Air Quality, Tables 3.6-4 and 3.6-5; Section 5.9, Alternatives Considered but Rejected; Alternative 1 (No Project) GHG analysis

Claim 1: The feasibility study does not include embedded carbon of the construction materials in its greenhouse gas calculations, which underestimates the true GHG emissions of the project

The Draft EIR calculates construction-phase GHG emissions using CalEEMod, amortizes them over a 30-year project lifetime, and concludes that construction-related GHG impacts are less than significant when viewed alongside projected operational emission reductions attributable to replacing transbay vehicle trips with electric ferry service. The EIR states that GHG emissions from construction are primarily generated by internal combustion engines powering on-site equipment and by worker vehicle trips to and from the site. P64-16

The EIR's construction emissions analysis is materially incomplete because it accounts only for direct combustion emissions from construction equipment and worker commute trips. It does not assess the embodied carbon of the structural materials, such as concrete and reinforcing steel for 1,080 linear feet of pier, double-row pile foundations driven into the Bay floor, a breakwater structure, and associated floats and gangways. P64-17

The lifecycle greenhouse gas emissions associated with the extraction, manufacturing, transportation, and installation of construction materials is often a major source of GHG emissions from project construction, and may even exceed the cumulative operational emissions of construction equipment over the entire build period.

The EIR's net GHG benefit conclusion (that the project results in an overall reduction in greenhouse gas emissions) cannot be verified without embodied carbon data. The Final EIR should include a quantified embodied carbon analysis for all major structural materials, including concrete, reinforcing steel, composite decking, and pile materials, using a recognized lifecycle assessment methodology. This analysis should be incorporated into the net GHG emissions summary alongside construction equipment emissions and operational emission reductions. The City should also evaluate whether use of lower-carbon concrete mixes or recycled-content steel could meaningfully reduce the project's embodied carbon footprint, and commit to these material specifications as project conditions of approval where feasible. P64-18

Claim 2: The feasibility study does not adequately calculate the net reduction in GHG by overestimating the number of private automobile trips displaced from transbay drivers, and by not including GHG emissions from new drivers from induced demand caused by the ferry plaza. The EIR also assumes that Ava Community Energy will reach its 100% renewable goal by 2030 and that it will support the ferry project for its full operational lifespan. P64-19

The Draft EIR concludes that the project results in an overall net reduction in GHG emissions compared to the No Project alternative. This conclusion rests primarily on the finding that the 1,127 new daily trips to the project site represent vehicle trips displaced from transbay automobile travel — modeled as 1,127 round trips to San Francisco at an average of 25 miles per day each. The EIR also states that the project will be served by Ava Community Energy, which will source all power from renewable resources by 2030, and conservatively accounts for two years of non-renewable electricity consumption (2028–2029) before assuming 100% renewable generation for the remainder of the 30-year project life. On this basis, the EIR concludes that GHG and energy impacts are less than significant. P64-20

First, the EIR models all 1,127 daily ferry riders as having replaced private automobile round trips to San Francisco averaging 25 miles. However, the EIR's own transportation analysis acknowledges that "some of these trips might have shifted from commuters previously taking BART and Transbay bus services" (§3.12, p. 3.12-20). Despite this acknowledgment, the GHG model treats all 1,127 trips as fully displaced vehicle trips, with no adjustment for the share of riders who were already using zero-emission transit. Riders shifting from BART generate zero marginal GHG reduction, since BART operates on predominantly renewable electricity. The EIR should provide ridership survey data and comparable route mode-split analysis to support its modeling assumptions, and should adjust the net GHG benefit calculation to reflect the acknowledged share of transit-to-ferry shifts. P64-21

Second, the EIR does not address induced demand. The transportation section describes the project as generating "1,127 new trips per day to the project site" (§3.12, p. 3.12-20), while the GHG model treats those same 1,127 trips as eliminated San Francisco vehicle trips. New transit infrastructure (a public plaza, recreational pier, and enhanced waterfront access) will likely generate new trips that would not otherwise occur. Some portion of the 1,127 daily trips modeled as "ferry riders" will be people making entirely new transbay or waterfront trips, not people who were previously driving to San Francisco. New trips generate new VMT rather than displacing it. P64-22

Third, the EIR states that Ava Community Energy will achieve 100% renewable generation by 2030, and that for modeling purposes the project is assumed to remain enrolled in the Ava Renewable 100 plan for its entire operational life. However, the EIR should present sensitivity analysis showing what the net GHG outcome would be if Ava's renewable transition is delayed by two, five, or ten years, or if the project's electricity enrollment changes over time due to rate restructuring, regulatory changes, or policy shifts over the 30-year period. P64-23

The Final EIR should: (1) provide transparent modal shift assumptions supported by ridership survey data, WETA comparable-route mode-split analysis, or peer-reviewed transit P64-24

demand modeling and account for the share of riders likely shifting from BART or other zero-emission transit; (2) present a sensitivity analysis of net GHG outcomes under at a few scenario, such as 50%, 75%, and 100% of riders replacing private vehicle trips—to bracket a plausible range of climate benefit; (3) include an induced demand estimate quantifying the share of new ferry trips that represent entirely new transbay or waterfront travel rather than displaced vehicle trips; (4) present a renewable electricity sensitivity analysis showing net GHG emissions under delayed or partial Ava Community Energy renewable transition scenarios (2030, 2033, and 2037 transition dates); and (5) add a comparative GHG efficiency analysis benchmarking the project's cost-per-ton-of-CO_2-reduced against alternative transbay emission reduction strategies.

P64-24

P64-25

P64-26

P64-27

P64-28

Conclusion

We request that the Final EIR provide a substantive response to each comment raised above. If significant new analysis is added in response to these comments, we further request that the public be provided an opportunity to review the revised sections. We appreciate the City's commitment to environmental review and public participation in this process.

P64-29

Respectfully,

Ardyn Henry, John Do, Kina Li, and Shyla Gupta (UC Berkeley — ENGIN 125)
April 24, 2026

Letter P64

Commenter: Shyla Gupta, Ardyn Henry, John Do, Kina Li

Date: April 24, 2026

Response to Comment P64-1

These introductory statements provide context for the comments that follow. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P64-2

These introductory statements provide context for the subsequent comments. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P64-3

The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Based on the best available data, there are no documented occurrences of eelgrass within the project site. No revisions to the EIR are necessary.

Response to Comment P64-4

The comment is noted; there are no reported eelgrass beds within 1,000 feet of the project site. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P64-5

The MMMP is described in Mitigation Measure BIO-1(e) *Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction*, and includes protection zones, vessel operation protocols, on-site monitoring and response, and adaptive management coordination. The Draft EIR discusses impacts to marine mammals under Impact BIO-1 in Section 3.3.4, Impacts Analysis (pages 3.3-48 through 3.3-54) and concludes that impacts would be less than significant with mitigation (Mitigation Measures BIO-1[a], BIO-1[d], and BIO-1[e]). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P64-6

The MMMP as described in Mitigation Measure BIO-1(e) is enforceable as part of the EIR MMRP, and details described above will be determined in consultation with NOAA NMFS during project permitting. The Draft EIR discusses impacts to marine mammals under Impact BIO-1 in Section 3.3.4, Impacts Analysis (pages 3.3-48 through 3.3-54) and concludes that impacts would be less than significant with mitigation (Mitigation Measures BIO-1[a], BIO-1[d], and BIO-1[e]). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P64-7

Table 3.2-7 and 3.2-8 show the estimated regional construction emissions to demonstrate significance with respect to cumulative considerable increases of criteria pollutants where the project is in a non-attainment area. These tables show the average daily emissions by year which is consistent with the thresholds of significance identified by the Bay Area Air District. The air quality analysis compares

construction emissions to the average daily and annual thresholds which are the thresholds designated by the Bay Area Air District in Table 3-1 *Air Quality Thresholds of Significance (Project Level)* in their 2022 CEQA Guidelines. The table specifically identifies thresholds for average daily emissions of construction related impacts. The Bay Area Air District states in Section 5.2.1 of the 2022 CEQA Guidelines: "The Air District provides project-level thresholds of significance for criteria air pollutants for which the SFBAAB is in non-attainment. These are the levels at which the Air District has determined that an individual project's contribution to the cumulative impact (non-attainment) is cumulatively considerable."

Tables 3.2-7 and 3.2-8 of the analysis are not intended to estimate localized impacts to air quality as the emissions of criteria pollutants identified in these tables satisfy the cumulatively considerable impacts question defined under CEQA, specifically question b which states would the project: "Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?" Therefore, the analysis is accurate as presented and no further analysis is needed.

Response to Comment P64-8

As discussed in Response to Comment P64-7, the Draft EIR air quality analysis compares project emissions with the recommended significance thresholds provided in the Bay Area Air District's 2022 CEQA Guidelines, which specifically refer to average daily emissions. The Draft EIR compares criteria pollutant emissions with regulatory thresholds in Impact AQ-2 starting on page 3.2-27 and concludes that emissions would be less than significant with the implementation of mitigation. The proposed project includes a conservative analysis of construction activities, assuming a conservative construction fleet and schedule that accounts for several construction phases occurring simultaneously. The proposed project's construction fleet can be found in Draft EIR Section 2.6.1 starting on page 2-25, and the construction schedule in Draft EIR Section 2.6.2 starting on page 2-28. Methodology for quantifying emissions is included in Draft EIR Section 3.2 starting on page 3.2-21. Therefore, the Draft EIR air quality analysis is accurate, and no changes to the Draft EIR air quality analysis, methodology approach, or significance conclusions is necessary in response to this comment.

Response to Comment P64-9

As shown on page 3.10-32 of the Draft EIR, construction noise impacts were determined to be Significant and Unavoidable, even with implementation of mitigation; therefore, this comment is inaccurate in stating that impacts were found to be less-than-significant. The construction noise analysis methodology in the Draft EIR was consistent with Federal Transit Administration (FTA) guidance. Nevertheless, to address this comment and to compare noise impacts to the City's maximum construction noise thresholds, maximum construction noise levels are presented as supplemental information. Maximum noise levels were calculated based on the loudest piece of equipment in each phase operating at the closest edge of respective work area relative to the nearest sensitive receptor using the FHWA Roadway Construction Noise Model (RCNM). Maximum noise levels for landside and waterside phases, as well as a comparison of noise levels before and after implementation of Mitigation Measure NOI-1 for each respective phase, are presented in the following tables. As shown in Tables 3.10-20 to 3.10-23, which have been added to the EIR (starting on Draft EIR page 3.10-28) for supplemental informational purposes, construction noise impacts would remain significant and unavoidable with Mitigation Measure NOI-1. The impact assessment, significance conclusions, and mitigation measure would be the same with the FTA and City's maximum construction noise thresholds. The analysis and significance conclusion presented under Impact NOI-1 in Section 3.10, *Noise*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Table 3.10-20 Maximum Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA L_{max})[2]	Exceeds Threshold?
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	215	72	70	**Yes**
			Nearest live-aboard boat[4]	620	63	65	No
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	65	83	60	**Yes**
Grading	15	At public plaza	Shorebird Park[5]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	640	63	65	No
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	100	79	60	**Yes**
			Nearest live-aboard boat[4]	615	63	65	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	100	79	60	**Yes**
			Nearest live-aboard boat[4]	615	63	65	No
Paving	20	Along University Avenue	Marina Offices[3]	35	93	70	**Yes**
			Nearest live-aboard boat[4]	295	75	65	**Yes**
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	50	85	60	**Yes**
			Nearest live-aboard boat[4]	900	60	65	No
Amenities Installation	25	At public plaza	Shorebird Park[5]	100	84	60	**Yes**
			Nearest live-aboard boat[4]	615	68	65	**Yes**

dBA = A-weighted decibels; L_{max} = maximum sound level

[1] The distances from construction work areas to nearest sensitive receptors were determined from the closest edge of each work area relative to a nearby sensitive receptor.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] Note that while commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA L_{max})[2]	Exceeds Threshold?

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

[5] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

See Appendix E for construction noise modeling results.

Table 3.10-21 Comparison of Maximum Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase With and Without Mitigation Measure NOI-1

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	72	52	70	**Yes**
			Nearest live-aboard boat[4]	63	43	65	No
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	83	63	60	**Yes**
Grading	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	79	59	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	79	59	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Paving	20	Along University Avenue	Marina Offices[3]	93	73	70	**Yes**
			Nearest live-aboard boat[4]	75	55	65	No
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	85	65	60	**Yes**
			Nearest live-aboard boat[4]	60	40	65	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		
Amenities Installation	25	At public plaza	Shorebird Park[5]	84	64	60	**Yes**
			Nearest live-aboard boat[4]	68	48	65	No

dBA = A-weighted decibels; MM = Mitigation Measure; L_{max} = maximum sound level

[1] Note that all noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for general construction activities.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] Note that while commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

[5] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

See Appendix E for construction noise modeling results.

Table 3.10-22 Maximum Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
Demolition	50	At pier entrance	Shorebird Park[3]	150	85	60	**Yes**
			Nearest live-aboard boat[4]	670	72	65	**Yes**
Dredging	83	At pier entrance	Shorebird Park[3]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	670	62	65	No
Pile Installation	49	Along pier	Shorebird Park[3]	150	85	60	**Yes**
			Nearest live-aboard boat[4]	670	72	65	**Yes**
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	150	80	60	**Yes**
			Nearest live-aboard boat[4]	670	67	65	**Yes**

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
Amenities Installation	95	At pier entrance	Shorebird Park[3]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	670	62	65	No

dBA = A-weighted decibels; L_{max} = maximum sound level

[1] All equipment in each waterside construction phase was conservatively assumed to operate near the pier entrance, as this represents the closest location where construction activity may occur relative to nearby sensitive receptors.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

See Appendix E for construction noise modeling results.

Table 3.10-23 Comparison of Maximum Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase With and Without Mitigation Measure NOI-1

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		
Demolition	50	At pier entrance	Shorebird Park[3]	85	75	60	**Yes**
			Nearest live-aboard boat[4]	72	62	65	No
Dredging	83	At pier entrance	Shorebird Park[3]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No
Pile Installation	49	Along pier	Shorebird Park[3]	85	75	60	**Yes**
			Nearest live-aboard boat[4]	72	62	65	No
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	80	60	60	No
			Nearest live-aboard boat[4]	67	47	65	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max}) Unmitigated	With MM NOI-1[1]	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
Amenities Installation	95	At pier entrance	Shorebird Park[3]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No

dBA = A-weighted decibels; MM = Mitigation Measure; L_{max} = maximum sound level

[1] Note that all noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

See Appendix E for construction noise modeling results.

Response to Comment P64-10

As discussed in the Environmental Setting Section (page 3.10-5), the peak particle velocity (PPV) is a vibration metric used to describe the maximum peak of a vibration signal. All vibration levels presented in the construction vibration analysis are expressed in terms of PPV, therefore, already represent maximum vibration impacts. No revisions to the EIR are necessary.

Response to Comment P64-11

Mitigation Measure NOI-1 (discussed on pages 3.10-31 and 3.10-32 of the Draft EIR) to reduce construction noise impacts already includes such measures, which would also reduce construction vibration levels, including the following:

- With approval of the project structural engineer, landside pile holes shall be pre-drilled to minimize the number of impacts necessary to seat the pile, where feasible.
- Pile driving shall be scheduled to have the least impact on nearby live-aboards or houseboats.
- Applicable pile driving noise control devices shall be integrated to the extent feasible to conduct both landside and in-water pile driving. These may include, but are not limited to, shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler.
- Alternatives to impact hammers, such as oscillating or rotating pile installation systems, shall be used where possible for landside pile driving.

Due to the sufficient distance between areas where pile driving would be conducted and the nearest structures (200+ feet), adverse vibration impacts are not expected due to the fact that vibration levels rapidly attenuate with distance from the source (even assuming maximum equipment vibration levels). Vibration monitoring is not considered necessary in this case. The analysis and significance conclusion

presented under Impact NOI-1 in Section 3.10, Noise, of the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment P64-12

The City acknowledges the commenter's concern regarding coordination between ferry and bus services. However, CEQA requires an EIR to evaluate a project's potentially significant physical effects on the environment (CEQA Guidelines Sections 15126.2 and 15358). The comment concerns the operational reliability, scheduling, and convenience of transit connections, which are service-planning and operational considerations rather than physical environmental impacts. Accordingly, CEQA does not require the Draft EIR to model future bus-ferry wait times, transit scheduling adjustments, or the effects of routine traffic delays and schedule disruptions on individual transit users.

Nonetheless, the City recognizes the importance of providing effective multimodal connections to the proposed ferry service. As described in Draft EIR Chapter 2, *Project Description*, the proposed project includes improvements to AC Transit facilities serving the Waterfront, including an upgraded bus loading area, improved pedestrian connections between the bus stop and ferry terminal, enhanced bicycle and pedestrian infrastructure, and accommodations that would support future transit service enhancements (see Section 2.5.2, page 2-12 and Figures 2-7 through 2-10). The design of these facilities was developed in coordination with AC Transit and is intended to improve connections between existing bus service and the proposed ferry terminal.

Ferry and bus schedules would continue to be developed, adjusted, and coordinated by the respective agencies during implementation and operation of the project, and the City will continue coordination with AC Transit and other transportation providers as project design advances. While traffic incidents, delays, and other unforeseen events can affect transit operations, such conditions are inherent to transportation systems generally and are not environmental impacts caused by the proposed project.

The comment does not identify a physical environmental impact that was omitted from the Draft EIR. The Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P64-13

The increased bus idling identified by the comment is associated with a feasibility study and is not part of the project as proposed. Bus frequency and timing is detailed in Draft EIR Section 2.5.2 on page 2-12 and shows that bus frequency would be two buses every hour at the waterfront between 7 a.m. and 9 p.m. The project as proposed provides updates to existing bus stops but does not identify or propose an increase or change in frequency of bus service or the extension of bus idling at this location. In addition, the bus fleet is currently 30 to 40 percent zero-emission buses with a plan in place to have a full zero-emission bus fleet by 2040 or sooner. Therefore, by the time the project starts operation in Year 2028, the number of zero-emission buses would be closer to 44 percent (assuming a straight-line progression and integration of zero emission buses between 2025 and 2040; this is a conservative assumption since AC transit is anticipating a full zero-emission bus fleet prior to 2040[58]. Therefore, as the project is not designed to increase bus on-road vehicle trips or extend the stop time for buses at this location, the Draft EIR air quality analysis as presented is accurate, and no changes to the Draft EIR are necessary in response to this comment.

Response to Comment P64-14

The City acknowledges the commenter's concerns regarding the long-term funding and operation of transit services. However, CEQA requires an EIR to evaluate a project's potentially significant physical effects on the environment in accordance with the impact significance thresholds presented in Appendix G of the CEQA Guidelines. The financial viability of third-party transit providers or future transit service funding decisions represent economic considerations outside of the scope of CEQA analysis (CEQA

[58] AC Transit 2026. *Zero Emission Program* https://www.actransit.org/zeb.

Guidelines Sections 15126.2 and 15358). Accordingly, the Draft EIR evaluates the environmental impacts of the proposed project and does not determine future funding decisions by AC Transit, WETA, or other transit operators. Such issues are not environmental impacts under CEQA unless they would result in a reasonably foreseeable physical environmental effect, and are appropriately not analyzed as such within the Draft EIR. For further discussion of CEQA's treatment of funding and economic considerations, please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

As described in Chapter 2, *Project Description* (see Section 2.5.2, page 2-12 and Figures 2-7 through 2-10), the project includes improvements to transit facilities serving the Waterfront, including enhancements to AC Transit passenger facilities, improved pedestrian connections between transit stops and the ferry terminal, bicycle and pedestrian improvements, and design accommodations that would facilitate future transit service enhancements should they be implemented by the responsible agencies. These improvements were developed through coordination with AC Transit and are evaluated as part of the proposed project.

To the extent the comment references potential future shuttle service and increased bus service frequency, shuttle service is not part of the proposed project and as such is not evaluated within the impact analyses presented in the Draft EIR. As discussed in the City's Parkign and TDM Plan (page 29), shuttle service is identified only as a potential future transportation demand management (TDM) strategy that could be considered if warranted by future conditions, rather than a feature of the proposed project evaluated in the Draft EIR. Whether transit operators elect to implement increased service frequency, shuttle service, or other operational changes would be determined through separate planning, operational, and funding processes independent of the proposed project analyzed in the Draft EIR. However, the City continues to pursue strategies intended to reduce single-occupancy vehicle travel and support multimodal access to the Waterfront. These efforts are intended to support a range of transportation alternatives while maintaining flexibility as conditions evolve.

The comment does not identify a physical environmental impact that was omitted from the Draft EIR. The Draft EIR remains valid as written. No revisions are required.

Response to Comment P64-15

The City acknowledges the commenter's concern regarding the potential effect of future transit funding constraints on access to the proposed ferry terminal. However, as described in Response to Comment P64-14, CEQA requires an EIR to evaluate a project's potentially significant physical effects on the environment, rather than the future funding decisions, service levels, or operational priorities of third-party transit providers (CEQA Guidelines Sections 15126.2 and 15358).

Refer also to Responses to Comments P64-12 and P64-14 regarding transit service coordination and future service enhancements.

To the extent the comment requests that the Final EIR evaluate alternative access strategies should such future transit enhancements not occur, the Draft EIR does not assume shuttle service or increased AC Transit service frequency as components of the proposed project (see Response to Comment P64-14).

The comment does not identify a physical environmental impact that was omitted from the Draft EIR. The Draft EIR remains valid as written. No revisions are required.

Response to Comment P64-16

The comment is accurate as stated. The comment provides facts and a statement and does not ask a question or challenge the analysis. Therefore, no additional discussion is needed.

Response to Comment P64-17

According to the California Air Resources Board (CARB) and California Office of Land Use and Climate Innovation (LCI), a project under CEQA, is defined to include, "the whole of an action, which has a

potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines, § 15378, subd. (a).[59]) Further the Guidelines state that construction emissions may include construction equipment onsite, trucks hauling materials to and from the site, and worker commute trips, all of which are included in the Draft EIR analysis (see methodology approach discussion on Draft EIR page 3.6-30 and specific thresholds of significance on Draft EIR page 3.6-33). The issue with lifecycle analysis in a project-level EIR is that emissions are then double counted and attributed to a project when it has already been attributed to the operational activities of the facility producing said material. Therefore, as the emissions sources used in the Draft EIR construction analysis are consistent with the sources recommended for use by CARB and LCI, the analysis is adequate as presented, and no further analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-18

As stated in Response to Comment 64-17, the emissions sources evaluated in the construction scenario are consistent with what is recommended by CARB and OPR. A lifecycle analysis is not required in a project-level EIR under CEQA, as it double counts emissions that are already attributed to other facilities. This would inappropriately overburden projects with reducing GHG emissions that a project has no direct influence over (such as the manufacturing process of materials). Further, the specific detailed type of material used during construction is typically decided by a construction contractor and needs of the individual project that do not typically occur until after a project has undergone CEQA approval, or a material type is a significant component of the project and, therefore, would be analyzed as part of follow-on analysis if could result in significantly greater environmental impacts during construction or operation. Given the nature of GHG emissions and following recommendations by CARB and LCI for GHG emissions sources to be analyzed during construction, the Draft EIR GHG analysis is adequate as identified and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-19

See Section 2.2.27, *Topical Response: VMT*, for a discussion of how the proposed project would result in a net reduction in regional VMT. The Draft EIR GHG emissions analysis for vehicle trips is based on the Technical Memorandum dated January 16, 2026, and provided as Draft EIR Appendix F. This analysis is by a qualified transportation engineer that substantiates the vehicle trip assumptions used in the analysis. Additionally, Draft EIR Section 3.12 *Transportation* documents the reduction in VMT that is used in the report as discussed in Response to Comment P36-116. The analysis is adequate as presented (see methodology approach discussion on Draft EIR page 3.6-32), and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-20

The comment is accurate as stated. The comment provides facts and a statement that the project GHG emissions and energy impacts would be less than significant and does not ask a question. Therefore, no additional discussion is needed. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-21

The discussion of accounting for the full 1,127 trips is detailed in Response to Comment O10-188. As discussed in the Kittleson report where the 1,127 trips is provided, shows that these trips do not include person trips that would change mode from BART or other non-personal vehicle transportation modes to the ferry. Therefore, the analysis is accurate as provided, and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

[59] OPR and CARB. 2023. *CEQA 202 Series Greenhouse Gas Emissions*. http://lci.ca.gov/wp-content/uploads/20230517-CEQA_202_GHGAnalysis_Slides.pdf, accessed June 18, 2026.

Response to Comment P64-22

The City of Berkeley VMT Guidelines generally do not consider trips associated with public parks to be a substantial contributor to VMT because such facilities primarily serve local residents and typically generate relatively short trips.[60] The underlying assumption is that the demand for parks already exists, but the residents are either going to parks elsewhere or the available park at the Waterfront. Expansion of public park facility at the waterfront, which already has parks will provide better service to the existing users. Therefore, the development will not result in VMT impacts. In contrast, the project would provide a ferry alternative for transbay commuters, many of whom would otherwise travel by personal vehicle. By shifting a portion of these longer-distance trips from automobiles to ferry service, the project would reduce vehicle travel and result in an overall reduction in VMT.

Response to Comment P64-23

The analysis is based on currently known and anticipated occurrences at the time the analysis was completed. Based on AVA's own information, they are on track to meet the 2030 100 percent renewable goal and therefore the analysis is adequate as presented. Additionally, CEQA requires the analysis of a project under current or known future conditions and does not require analysis of speculative occurrences. It would be speculative to try to predict future enrollment changes or shifts in regulatory programs over a thirty-year operational period. Therefore, the analysis is not required to provide additional analysis to account for potential speculative conditions. Therefore, the analysis is accurate as presented, and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-24

Refer to Section 2.2.27, *Topical Response: VMT*, for a detailed discussion of the mode split assumptions used in the Draft EIR, transit-to-transit mode shifts, and the data used to substantiate these topics. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P64-25

As detailed in Response to Comment O10-188, the analysis is based on a transportation analysis by Kittleson & Associates, Inc. The GHG analysis is consistent with the traffic study and therefore is consistent with the requirements under CEQA to adequately analyze a project's GHG emissions. The analysis identifies emissions reductions from the anticipated 1,127 vehicle trips that would be replaced with ferry trips and accounts for the net difference in VMT traveled. Therefore, the analysis is accurate as presented, and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-26

Refer to Response to Comment P64-22 and Section 2.2.27, *Topical Response: VMT*. As stated in page 3.12-21 of the Draft EIR, this project would contribute to a net reduction in vehicle based VMT. Because the project would reduce regional VMT, the project would result in no net increase in VMT impact and would in fact provide a regional benefit by reducing VMT. Few new trips are anticipated as the majority of trips would be displaced vehicle and other trips between Berkeley and San Francisco.

The comment does not identify a physical environmental impact that was omitted from the Draft EIR. The Draft EIR remains valid as written. No revisions are required.

[60] City of Berkeley. 2020. *Vehicle Miles Traveled (VMT) Criteria and Thresholds.* June 29, 2020. Available: https://berkeleyca.gov/sites/default/files/2022-02/VMT-Criteria-and-Thresholds.pdf (accessed July 10, 2026).

Response to Comment P64-27

As detailed under Response to Comment P64-23, the analysis is based on currently known and anticipated occurrences at the time the analysis was completed. Based on AVA's own information, they are on track to meet the 2030 100 percent renewable goal and, therefore, the analysis is adequate as presented. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-28

A discussion on why a comparative GHG efficiency analysis is not required is detailed in Response to Comment P47-19. As discussed in the Draft EIR analysis, GHG emissions and energy consumption impacts are analyzed with respect to CEQA and Bay Area Air District methodologies and thresholds (see methodology approach discussion on Draft EIR page 3.6-30). Therefore, additional analysis is not required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-29

Refer to Response to Comments P64-1 through P64-28 for responses to individual comments. Prior to the City Council making a decision related to EIR certification and project approval, the Final EIR will be published, which will include response to all comments received during the Draft EIR public review period, as well as any changes made to the Draft EIR. The public will be afforded the opportunity to review responses to comments and changes to the EIR prior to the City Council making a decision.

Letter P65

-----Original Message-----
From: Divya Manian <divya.manian@gmail.com>
Sent: Friday, April 24, 2026 8:27 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Why do we need a Berkley-SF Ferry?

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Liza

I really do not understand why we need yet another ferry service that is under-used to get to San Francisco. I speak as a home and car owner who lives in San Francisco and visits Berkley at least once a week. There is a decent BART station that is close enough to Berkley that gets to San Francisco pretty quickly. There are TWO OTHER ferry stops in East Bay Alameda & Jack London Square both of which go to Embarcadero and South San Francisco. What would this new service offer? P65-1

To think the city of Berkley is thinking of spending 170 MILLION dollars on this sounds UTTERLY wild. There were ~800 unhoused people in Berkley in 2024, can you imagine what 170 million dollars would mean in terms of building housing for these 800 people? It would be such a better use of the money. I know money is not interchange-able once allocated but it might even be put to work on offering some free shuttle services to the BART station for Berkley users instead of a Ferry! P65-2

I am also a birder and I cannot imagine displacing the only non-human spot that these birds have with even more frequent ferries between here and SF. I would highly recommend finding profitability for existing ferry services instead of offering yet another ferry service that nobody is going to use (I can guarantee the car owners are NEVER going to use it). P65-3

Letter P65

Commenter: Divya Manian

Date: April 24, 2026

Response to Comment P65-1

The need for the project is identified in the Project Objectives, which are included in page 2-4 of the Draft EIR. The Project Objectives identify that ferry service would help improve regional connectivity and resiliency with enhanced public transportation choices for East Bay residents, including for accessing jobs in San Francisco and other locations along the Bay for commerce and recreational purposes, and to address existing deficiencies in the Transbay transportation network; reduce the use of single-occupancy vehicles for Transbay trips, thereby reducing greenhouse gas and air quality emissions and decreasing congestion on the regional roadway system, consistent with regional and Statewide goals; and provide options for emergency response and transportation services in case of an emergency, such as a natural or human-caused event that disables roads, other transit, bridges, and/or tunnels.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P65-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless the comment has been included in the project record considered by City decision makers. No further response or revisions to the EIR are required.

Response to Comment P65-3

Wildlife species temporarily displaced by the project have the wider San Francisco Bay to occupy. The Draft EIR analysis presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-44, concludes less than significant impacts to wildlife species with implementation of mitigation (Mitigation Measures BIO-1, HYD-1, and AES-1) and remains valid. No changes to the Draft EIR are necessary in response to this comment.

Letter P66

From: Paul Kamen <pk@well.com>
Sent: Saturday, April 25, 2026 12:16 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the WETA ferry DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please see the attached article. It's an editorial I wrote for the July 2023 issue of the regional sailing magazine *Latitude 38*. I'd like to enter it into the record of comments on the "Pier-Ferry" project Draft EIR. P66-1

--
Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
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510-540-7968 510-219-8106 (cell)

This parody article first appeared in the July 2023 issue of the regional sailing magazine Latitude 38. It is copied here with permission. All persons and events described herein are fictional. But the analysis is real .

max ebb **to the guillotine**

"The trouble with democracy is that there are never enough weekday evenings."

I'm not sure who first said that, but it rings true. My local Harbor Commission, Planning Commission, Transportation Commission, and City Council all expect citizens to exercise their right to participate in City government at evening sessions that fill up the calendar and usually run late.

Despite this state of affairs, there was a surprisingly good turn-out at the last Harbor Commission meeting. After I filled out a speaker's card and turned around to find a seat, I was surprised to see Lee Helm in the front row.

"Like, what brings you here?" she asked as I took the empty seat next to her. It seems that even when a meeting room is crowded, people tend to avoid that front row. But I like it, and so does Lee.

"Rate hikes in the marina," I said. "Someone needs to tell these people that if they're going to raise our fees, the least they can do is fix the broken docks. But Lee, you don't even have a boat, why are you here?"

"This is way more important than a few more pesos on your monthly marina bill," she answered. "It like, threatens the waterfront as we know it. We have a whole coalition mobilized to oppose this train wreck."

"What train wreck?" I asked. "And why don't I know about it?"

"The ferry terminal," she sighed. "Don't you read the comments in the local online paper?"

Before Lee had a chance to explain what was so terrible about a new ferry terminal, the meeting came to order and small talk was cut off. After some formalities, the first speaker, Armanda Legg, was called to the lectern.

"The Ferry Authority says this is about equity," the young man began his commentary. "They say that it will open up the downtown job market to people in the non-wealthy neighborhoods near the harbor. That's pure fantasy. By the Ferry Authority's own data, 90% of their passengers earn above median income, and 40% are above two hundred K."

"I could have told them that," I whispered to Lee. "It's not the same crowd that rides the bus."

"Look at the per-ride subsidy level." Armanda continued. "The operating subsidy alone is 33 dollars per ride. That's per one-way ride. Every time some tech bro commutes to the City and back, it's like they get a check for 66 bucks. And that's just operating subsidy – crank in the capitalization of a 120 million dollar terminal, two fast diesel ferries at 30 million apiece, and about 15 million the City is expected to pay for shoreside improvements. Depending on the interest rate you choose, the total subsidy could top a Franklin each day. It's nuts. It's as far from equity as public policy could ever be. Especially when transit ridership all over the state is in trouble."

"But we need to reduce congestion on the bridges," one of the Commissioners interrupted, making a gesture with her hands that seemed to say "what else can we do?"

"Do what they did in New York," replied the speaker. "They changed one lane of the Holland Tunnel to Busses and carpool only, and peak throughput increased by 20,000 commuters per hour on that one lane. Think how many ferries it would take to do that! Want equity? Spend the money where it's needed and where it does some good, on buses and rail. Want poor folk to have a way to get out on the water? Fix the fishing pier. Don't choke off access to the pier and the low-cost boating clubs with a parking crunch. That will ruin water access for everyone who's not a ferry passenger. Thank you."

"We built a six million dollar bike overpass," remarked one of the Commissioners before the next speaker reached the microphone. "And there's excellent bus service to the Marina."

Lee was called up next.

This is, like, all about carbon," Lee began. "A typical modern fast ferry, the ones run by our Ferry Authority, uses fuel at a rate of about 2300 BTU per passenger-mile. For liquid petroleum fuels, carbon footprint is about proportional to fuel consumed, 2300 BTU per passenger mile," Lee repeated, then introduced herself to the Commission as a naval architect who loves ships, loves ferries, and can do this kind of math.

"Pop quiz," she challenged the Commissioners. "What do you think is the fossil fuel energy per mile for a transbay commuter bus? Anyone?"

The Commissioners were not used to having quizzes sprung on them during public comment sessions, but eventually one of them tried to answer.

"Probably less than half what the ferry burns," he conjectured thoughtfully. "If the ferry is at 2300, I'll say a thousand BTUs per passenger-mile for the bus."

"Too high," said Lee.

"Five hundred?" suggested another public servant. "That's closer to a fifth what a ferry uses." P66-2

"Still too high," Lee said. "The number is just 130 BTU per passenger-mile. And like, the new ferries on order, with two already delivered, have twin 2557 horsepower diesels and carry 320 passengers at 36 knots. Works out to 2719 BTU per passenger-mile. That's, like, 21 times the carbon footprint, per passenger, compared to the bus. Then there's rail transit at 68. Per passenger-mile, the ferry emits 38 times as much CO2 as a commuter train."

The numbers seemed exaggerated, but I was pretty sure Lee could back them up.

"How long do you think we'll be running these carbon-spewing beasts?" Lee continued. "A ferry has a useful life of like, 30-40 years. Can you think not-so-far into the future?" she asked the Commission. "Do you think in just 12 years when half of all cars sold in the state are supposed to be electric, or in 27 years when the state is supposed to be carbon-neutral, do you think those diesel boats will be anything but an embarrassment?"

"Now wait a minute," said the interrupting Commissioner. "The new boats have 'Tier 4' emission controls, the highest standard. And the Ferry Authority has promised electric boats on this route, not diesels."

"But all their projections for like, cost, performance, speed, and ridership are based on the diesel ferries. They refuse to do the math for electric, because they know it would require scaling things back a lot and in the short run cost more. Electric is not consistent with the big shiny new terminal and 300 passengers every half hour; It's what I call the 'Edifice Complex' that's driving this project. For sure, Tier 4 removes most of the particulates, but does nada about CO2. Our City is about to prove to the world that it can't follow it's own stated climate priorities."

Lee was not done with them, but she was almost out of time.

"And now, like, the worst part of this: There's this parking problem. They project 2,000 passengers a day, but only have 250 designated spaces for ferry passengers."

She was cut short by the bell that indicated her comment time was up, and as with other speakers who seemed to take an adversarial position, a Commissioner had to get in the last word: "People will just have to take the bus," he said.

Lee did not seem pleased when she returned to her seat. "I never got to the good stuff, about CEQA rules being bypassed and no viable alternatives considered, no feasibility study presented, no unified planning process. Or the a plan for the parking thing, which is, like the real reason we're here."

Next up was an older man named Cesar Kalm, who said he fishes from the shoreline. He brought props: Fishing rods, a tackle box, and an ice chest full of ice and a fresh-caught halibut, which he held up to show the Commission. "I often fish right where they want to put the ferry terminal," Cesar explained. "I need all this gear – it's important to keep fish cold after it's caught. I also need to park nearby. Tell me, where am I supposed to park when nine hundred ferry passengers are fighting for 250 spaces?"

A woman from the back of the public seating area cut in: "That's an old number," she shouted. "Now they say it's going to be two thousand passengers per day, but the City, for reasons we can guess, uses less than five hundred passengers in their parking analysis…"

"Please, no interruptions," scolded the Commission Chair.

The fisherman continued: "There's talk of time limits on all the other parking areas, to keep the ferry passengers out. Doesn't work for me, I fish all day. Doesn't work for people who go out on the charter fish boats, doesn't work for when I get an invite on a private fishing boat for the day. People need to park to use the park."

"There's always the bus," one of the Commissioners repeated.

P66-2

I was called up next, but by this time I had completely forgotten my complaint about berth fees. Instead I pointed out that the yacht club has all-day events that require all-day parking. And that while the club makes some money with commercial rentals, there are deep discounts for non-profits and charitable organizations that meet at the club on a regular basis. Even City departments get to use the club at rock-bottom prices for daytime events, and virtually everyone attending these events has to find a parking space.

"That big retirement party you had last week, during business hours? I suppose you could have chartered a bus to go from City Hall and all the other City offices to the marina… but that would have tripled your cost. "

If Lee had to leave out parking, the next speaker more than made up for it. Roxanne Scholes was called up next.

"I hate cars too," she began, "but this is the most popular park in the City, and it's not a park in a neighborhood that people can easily walk to. There are parents with small children who come here for picnics, there are people with big dogs who come for the dog park, there are kayakers, windsurfers and kiteboarders with their equipment, there are guests and crew on private boats. They want to manage it with restricted parking areas, time limits and time-of-day-restrictions. Okay, maybe the boat owners will get parking passes, maybe guest passes too. Think of the black market in parking passes, or other ways to game these rules. If I had a fancy job in the City and needed to avoid the traffic jam on the bridge, I'd just put a small boat in the harbor and use my boat owner parking pass.

Problem solved for about ten dollars a day. Maybe the whole thing is just a scheme to fill up those vacant small boat slips."

"I have to repeat again," said the Commissioner who likes to interrupt, after the "time's up" bell rang. "there's a bike overpass and pretty good bus service."

"You and Marie Antoinette," said the speaker. "Remember Marie Antoinette? When told that the peasants had no bread, she said "let them eat cake." Now those of us who can't bring our fishing gear on a bike, or are a little too old to pedal back up the hill, or have a big dog to run in the off-leash dog park, or have medical issues, or who don't happen live along the marina bus route and might have to take two busses when the schedule is infrequent and it would take an hour or more each way, now you're telling us to just 'take the bus' or bike. It's just as clueless and as detached from reality as old Marie A. telling the peasants to eat cake when they have no bread. Anyone remember what eventually happened to her?"

"The French revolutionaries sent her to the guillotine," volunteered one of the Commissioners.

"Correct," confirmed Roxanne. "Please everyone, tell the Councilmembers who appointed you that this thing needs to be scaled back. Back up and start a valid planning process, not hijacked by the Ferry Authority. Don't let our City Council put their heads on the block next to Marie Antoinette's. It's not a good look."

max ebb

P66-2



This all-electric fast ferry is in service in Norway, carrying 147 passengers at 23 knots. Electric ferry projects, designed for routes similar to the new proposed transbay routes, are springing up all over the world. Yet our local ferry authority still insists on ordering new diesel boats that will be spewing high levels of CO2 for decades.

Letter P66

Commenter: Paul Kamen

Date: April 25, 2026

Response to Comment P66-1

This request pertains to submission of materials for the administrative record and does not raise issues regarding the adequacy of the analysis, significance conclusions, or mitigation measures presented in the Draft EIR. The submitted material has been received and included in the record. No further response is required.

Response to Comment P66-2

This comment does not pertain to the proposed project or to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P67

-----Original Message-----
From: Leslie Aguilar <laa@sonic.net>
Sent: Saturday, April 25, 2026 2:22 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Leslie Aguilar <laa@sonic.net>
Subject: Berkeley Waterfront Ferry Terminal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

I'm very concerned about the new proposed ferry plan. There seems to be no adequate parking or planning for this project. I'm against the ferry unless there is much better planning and an adequate amount of parking. P67-1 P67-2

Sincerely,
Leslie Aguilar

Letter P67

Commenter: Leslie Aguilar

Date: April 25, 2026

Response to Comment P67-1

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. As discussed therein, the Draft EIR evaluates whether project-related parking conditions could result in secondary physical environmental impacts and concludes that no significant parking-related environmental impacts would occur. The Draft EIR provides sufficient detail regarding the proposed project, including parking facilities, access improvements, and associated planning efforts, to support the environmental analyses and conclusions presented therein.

The comment does not identify a specific deficiency in the Draft EIR analysis. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P67-2

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how the City appropriately discusses parking in the Draft EIR, according to CEQA. This comment does not directly pertain to proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, the comment has been included in the project record considered by City decision makers. No further response is required.

Letter P68

-----Original Message-----
From: Paul Kamen <pk@well.com>
Sent: Sunday, April 26, 2026 12:16 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the WETA Pier-Ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Ever since my first year on the Berkeley Waterfront Commission, in 1999, I have been pointing out to the Commission and to Marina Staff that in-car viewing of the Bay from the west-facing parking spaces along Seawall Drive is a perfectly legitimate form of waterfront recreation. P68-1

It's usually cold and windy at our shoreline, and watching the Bay from inside the protection of a vehicle makes sense for people with limited options. P68-2

My unscientific impression was that people who park to watch the Bay from their cars are, in general, from a lower-income demographic than other identifiable user groups. Not exclusively of course, but the demographic mix is noticeably more low-income and non-white. These are not people who routinely eat at waterfront restaurants with dining room views. They do not belong to a yacht club. They do not have boats in the marina. This demographic bias has been recently confirmed more rigorously by the Placer.ai report found in the comments on the Draft EIR compiled by other commenters. P68-3

This comment addresses the parking reconfiguration plan that eliminates nearly all of these west-facing parking spaces. This plan smacks of elitism and blatant disregard for this lower-income non-white demographic. Unfortunately it seems to be a characteristic of other elements of the Pier-Ferry project: P68-4

See the City's stated intention to apply parking fees only to the South Cove West parking lot, which serves Shorebird Park, the Shorebird Nature Center, and low-cost water access.
Also see the proposed Waterfront Benefits District, "to collect fees from waterfront visitors to support marina and ferry infrastructure." P68-5

This is "reverse Robin Hood" at its worst: Charge fees paid by the lower-income marina visitors to help subsidize the ferry, which, by WETA's own estimate, serves passengers of which 90% are above median income.

PLEASE DO NOT REDUCE SHORELINE PARKING FOR IN-CAR VIEWING OF THE BAY. P68-6

Paul Kamen, Naval Architect, P.E.
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510-540-7968 510-219-8106 (cell)

Letter P68

Commenter: Paul Kamen

Date: April 26, 2026

Response to Comment P68-1 and P68-2

For discussion of Seawall Drive in-car viewing access, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

With respect to parking, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. The Draft EIR concludes that the project would maintain a comparable supply of parking and access to waterfront viewing opportunities.

Accordingly, the Draft EIR appropriately considers passive recreational uses, including scenic viewing, and demonstrates that such opportunities would continue to be available. The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.1, *Aesthetics*, and 3.9, *Land Use and Planning*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P68-3

CEQA requires analysis of physical environmental impacts and does not require evaluation of demographic characteristics of users or distributional social effects, unless such effects would result in a physical environmental change. Accordingly, the Draft EIR does not rely on demographic characterization of user groups in its impact analysis. As described in Chapter 2, *Project Description* (refer to Section 2.5.2), and Section 3.11, *Recreation* (refer to Impact REC-1), the project would expand public access and introduce new recreational amenities, including a restored pier, public plaza, and improved shoreline access. These features are expected to benefit a diverse user base. Although socioeconomic considerations such as environmental justice are not a resource requiring evaluation under CEQA, the City continues to consider such issues through its broader planning and policy efforts, including the Environmental Justice Technical Report prepared for the project.

The Draft EIR and supporting Environmental Justice Technical Report rely on established data sources for demographic analysis, including CalEnviroScreen and U.S. Census data, which are widely used at the local, regional, and state levels. These sources provide consistent and replicable methodologies appropriate for public agency decision-making and are commonly relied upon in environmental review documents to ensure comparability across jurisdictions and projects. While the City may consider third-party proprietary tools such as Placer.ai for certain planning purposes, such tools are not typically used as primary data sources in CEQA documents due to limitations related to methodological transparency, replicability, and representativeness at broader geographic scales. Given that the proposed project serves a regional transportation function, including connectivity beyond the City of Berkeley, the use of standardized, regionally comparable datasets such as CalEnviroScreen and U.S. Census data is appropriate and ensures consistency with established CEQA practice.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment P68-4

The comment appears to reference the parking spaces off Seawall Drive. Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, which identifies that while parking would be reconfigured, parking spaces that allow for views of the Bay would remain, and that there would also be an expansion of access to views for diverse user groups.

Regarding the comment about parking fees on the South Cove West Parking Lot, the implementation of fees at the South Cove West Parking Lot is not a part of this proposed project. Insofar that the comment

is concerned about parking in general, including equity considerations related to parking, refer to Section 2.2.20, *Topical Response: Parking.*

As described in Response to Comment P68-3, CEQA does not require analysis of social or demographic equity impacts unless such impacts would cause physical environmental changes. Although the comment's concerns regarding perceived inequity and allocation of parking resources are policy considerations that fall outside the scope of CEQA, the City's Environmental Justice Technical Report and ongoing development of a General Plan Environmental Justice Element address broader equity concerns at a project- and policy-level. Furthermore, as described in Chapter 2, *Project Description* (refer to Section 2.5.2), Section 3.11, *Recreation* (refer to Impact REC-1), and Section 3.12, *Transportation* (refer to Section 3.12.4), the project includes substantial public access and recreational improvements and would enhance overall access to the waterfront for all user groups.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment P68-5

The Waterfront Benefits District referenced by the comment is referenced as a future possible Transportation Demand Management (TDM) Measure in the Parking and TDM Plan. If implemented in the future, it would be a distinct City policy initiative that is not a component of the proposed Berkeley Water Transportation Pier Ferry Project evaluated in the Draft EIR. The proposed project consists of the physical improvements described in Chapter 2, Project Description. The Waterfront Benefits District is not proposed as part of this project, is not analyzed as a project component in the Draft EIR, and is not a condition of project approval. Whether and how to implement a Waterfront Benefits District in the future is a separate policy decision for the City Council through a separate public process. Comments regarding the Waterfront Benefits District are beyond the scope of this EIR.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are policy considerations that the City Council will weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment. The Draft EIR at Section 3.11, Recreation, analyzes whether the project would have physical impacts on recreational uses and access, and concludes that the project enhances rather than diminishes recreational opportunities at the Berkeley Waterfront. The equity implications of fee structures for marina and ferry infrastructure are policy matters appropriately addressed through the City's public deliberative process, not through the CEQA environmental review of the physical project. No revision to the Draft EIR is warranted on this basis.

Response to Comment P68-6

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, Section 2.2.20, *Topical Response: Parking*, and Response to Comments P68-1 and P68-2.

Accordingly, the Draft EIR appropriately considers passive recreational uses, including scenic viewing, and demonstrates that such opportunities would continue to be available. The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.1, *Aesthetics*, and 3.9, *Land Use and Planning*, remain valid as written. No revisions to the Draft EIR are required.

Letter P69

-----Original Message-----
From: Kat Schaaf <katte.schaaf@gmail.com>
Sent: Sunday, April 26, 2026 7:33 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Pier and Ferry proposal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the city council and decision makers … As a constituent/ resident and voter I am Alarmed that your committee is going to undertake this major project … first the parking is at issue … second, who can afford the time to drive out and catch a big ferry..there really aren't that many folks … We had the Tideline commuter ferry and Mayor Arreguin was the person who cut the ribbon way back in '16… but then City of Berkeley left the owner of Tideline Twisting in the wind unto bankruptcy when Covid happened … what a disappointment that the City didn't follow through as the other Bay communities did on behalf of their ferryboats… P69-1 P69-2

Even the Tideline's 'Osprey' and 'Heron' Seldom reached full capacity on the commute to the Ferry Building in San Francisco … P69-3

Why oh Why ?

As a swimmer I can see that the dredges would churn the under water tailings from the century of gold mining in the Sacramento and American Rivers …and so I have no confidence that the Bay water will be safe … P69-4

Thank you for taking the time to reconsider …

Kat Schaaf

Sent from my iPhone

Letter P69

Commenter: Kat Schaaf

Date: April 26, 2026

Response to Comment P69-1

The comment expresses the commenter's opinion regarding the proposed project but does not identify a specific deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. To the extent the comment raises concerns related to parking, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

This comment has been included in the project record considered by City decision makers.

Response to Comment P69-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P69-3

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P69-4

The Draft EIR considers potential impacts associated with potential hazardous materials in dredged materials. Refer to Impact HAZ-1 in Section 3.7 *Hazards and Hazardous Materials* (page 3.7-27) of the Draft EIR, which includes a summary of the results of sediment sampling conducted in the area where dredging would occur. Page 3.7-27 of the Draft EIR identifies that concentrations of various parameters do not exceed California or Federal hazardous waste criteria. The analysis and significance conclusion presented under Impact HAZ-1 in Section 3.7 *Hazards and Hazardous Materials* of the Draft EIR remains valid as written.

In addition, potential water quality effects associated with dredging, including temporary increases in turbidity and sediment disturbance, are evaluated in Impact HYD-1 of Section 3.8, *Hydrology and Water Quality* (pages 3.8-27 through 3.8-35). As discussed therein, dredging activities would be subject to permitting requirements, best management practices, and regulatory oversight by agencies including the Regional Water Quality Control Board and U.S. Army Corps of Engineers. With implementation of applicable regulatory requirements and project design features, the Draft EIR concludes that construction-related water quality impacts associated with dredging would be less than significant. The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality* of the Draft EIR remains valid as written.

No further revisions to the EIR are necessary.

Letter P70

-----Original Message-----
From: may@lmi.net <may@lmi.net>
Sent: Sunday, April 26, 2026 10:48 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: ferry terminal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Suggestion,

Increase 51B bus service to the Marina.
Promote it to the Public.

P70-1

Letter P70

Commenter: May

Date: April 26, 2026

Response to Comment P70-1

The City recognizes the importance of AC Transit 51B service. The proposed project includes improvements to bus facilities that would serve AC Transit route 51B, including improving facilities to allow for future expansion (see Chapter 2, *Project Description* page 2-12).

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P71

From: Charley Paff <charleypaff@gmail.com>
Sent: Monday, April 27, 2026 12:50 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: All Council <council@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; PRW <PRW@berkeleyca.gov>; marinainbox <marinainbox@berkeleyca.gov>; O'Keefe, Shoshana <SOKeefe@berkeleyca.gov>; Blackaby, Brent <BBlackaby@berkeleyca.gov>; Miller, Roger <RMiller@berkeleyca.gov>
Subject: Comments on Berkeley Pier/Ferry project and 3/7/2025 Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov
Re Pier/Ferry Draft EIR

Dear Project Manager McNulty, Parks Director Scott Ferris, Parks, R&W Dept employees of City of Berkeley, Mayor, City Council members, Waterfront Commission Secty,

My comments on the March 7, 2025 Draft EIR for the present Pier/Ferry proposal are based upon my 57 years as a resident of Berkeley, my dedication to my family, compassion for our diverse local community, and influenced by my avid interest in and deference to wildlife and habitat, especially birds potentially impacted by the proposed project. I frequently visit the Bay shoreline from the Eastshore State Park in Berkeley north to Point Molate and south to Hayward by car, walking to experience and respectfully share these precious natural resources with all inhabitants of this unique environment. P71-1

I have only recently become aware that a pier/ferry proposal has moved this far to a a Draft EIR. The Parks&Waterfront division needs to do a better job of outreach to get more Community Engagement. Somehow, I am no longer receiving email notifications about waterfront activities and changes and I would like to be included in the future. P71-2

Why is a ferry being proposed? The need for a Berkeley to San Francisco ferry is based upon outdated assumptions. Workday commuters driving to SF downtown from the East Bay has reduced with the prevalence of Work From Home routines post-pandemic. BART was nearing capacity before the 2020 pandemic, but ridership has declined for Mon-Fri commuters, also from the trend to Work From Home employment. An emergency ferry route seemed urgent only briefly in the wake of the damage to the Bay Bridge 1987 Loma Prieta earthquake. That bridge was repaired and functional in 30 days and that cantilever section of the bridge has been replaced with a modern, seismically stable structure. P71-3

The environmental impacts on wildlife by the proposed Ferry Terminal location, support structures, required initial and future dredging are understated in the Draft EIR. The document dismisses the option of locating the Ferry Terminal and infrastructure within the available Marina area which would take advantage of the existing waterway and dredging routines, greatly reducing environmental impacts. P71-4 P71-5

In addition to meeting the Minimum requirements of Federal, State and local regulations, the proposed project must be designed to minimize rafting waterfowl and other wildlife disruption and habitat loss. Berkeley can and should demand a design that meets the recreation interests and needs of our community and region while protecting and enhancing wildlife. The SF Bay has suffered from development for 150 years, and we, the forward looking citizens and Berkeley Parks&Waterfront should not perpetuate this over urbanization. P71-6 P71-7

The Draft EIR does not acknowledge many current activities at the closed Berkeley Pier site and environs. The present conditions provide many view-oriented parking spaces on Seawall Drive for car based bay viewing. This project proposal deletes this recreation opportunity by the proposed parking layout and loss of Free access changes. (In contrast, for an example of successful integration of view parking and a bay shoreline pedestrian path, see the Emeryville bayfront west of their Marina Park.) P71-8

Through-travel via bicycles, e-bikes, e-scooters is overly emphasized in the proposed project, at the expense of mature trees and the wildlife they host. Pedestrians of limited mobility and disabled access should be prioritized and new shoreline walking paths should not be co-located with wheeled and powered-vehicle trails. Richmond shoreline Bay Trail (between Albany and Richmond Marina) is an example where pedestrians and elders do not feel safe while bicycle riders and e-vehicles race past at much higher speed. In Berkeley, the existing Bay Trail along Frontage Road is working fine for cyclists. The current roadways and paths of University Ave west of I-80 already provide sufficient access for cyclists and e-vehicles. P71-9 P71-10 P71-11

I am disappointed in this proposed project for many reasons, and the Draft EIR fails to address, protect or enhance many existing low-impact recreational uses, in favor of a commuter ferry that is likely not needed and will congest the waterfront park with empty cars for fees. This project should be limited to a lower impact re-building of the Berkeley Pier in some form, but must not include a Ferry attached to the pier. A commuter ferry is not primarily a 'recreational' enhancement as the DEIR contends. The proposed Ferry Terminal will instead demand parking and will exacerbate traffic for the benefit of non-recreational users of the Berkeley waterfront. No ferry should be permanently hosted at the Berkeley waterfront. If an Emergency Ferry is truly needed, it can be serviced on a much smaller dock within the existing Marina, possibly adjacent to the existing public boat launch and only in service when required. P71-12 P71-13 P71-14

I am in favor of Berkeley pursuing a more limited project to restore the amenities of the pier, but a more accurate and comprehensive EIR must be prepared. P71-15

Thank you for this opportunity to comment, and please keep me on the mailing list for this and other Berkeley Marina area development plans and activities. P71-16

Charley Paffenbarger
Resident of the City of Berkeley
Employee and Alum of UC Berkeley

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Charley Paff
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Letter P71

Commenter: Charlie Paff

Date: April 27, 2026

Response to Comment P71-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P71-2

The City has added the commenter's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Response to Comment P71-3

Refer to Section 2.3, Project Objectives, of the Draft EIR for a discussion about the objectives of the project. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P71-4

The comment does not specify how it believes impacts are understated. The Draft EIR analysis and significance conclusion of less than significant impacts to wildlife species with implementation of mitigation (Mitigation Measures BIO-1, HYD-1, and AES-1) presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-44 remains valid. In addition, see Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for discussion of maintenance dredging. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P71-5

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment's preference regarding the location of the ferry terminal is a policy matter for decision-makers to consider. This comment has been included in the project record considered by City decision makers. The comment does not identify a deficiency in the Draft EIR's alternatives analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P71-6

The project-related increase in ferry trips would be incremental relative to existing vessel operational levels in San Francisco Bay. Stating that a direct population-level impact would occur from this project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4 under Impact BIO-4, page 3.3-63, and concludes that impacts would be less than significant. See Response to Comment O7-17 for a discussion of ferry operation impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P71-7

The comment's statements reflect general policy preferences regarding project design, recreational priorities, and regional environmental stewardship. These comments have been included in the project record considered by City decision makers.

The Draft EIR evaluates the proposed project consistent with CEQA, which requires analysis of physical environmental impacts. As described in Section 3.11, *Recreation*, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access (see Impact REC-1, pages 3.11-14 through 3.11-24). In addition, Section 3.9, *Land Use and Planning* (Impact LU-2 and Table 3.9-1), evaluates consistency with applicable policies, including BCDC Bay Plan policies related to public access and protection of Bay resources, including both natural and recreational resources, and concludes that the project would be consistent with those policies.

The proposed project has also been designed to meet the recreational needs and priorities of the community, as informed by extensive public outreach conducted during project development (see Chapter 1, *Introduction*, Section 1.2.2). Input from stakeholders helped shape project features to maintain access and enhance recreational opportunities while supporting transportation improvements. The design of the ferry terminal, breakwater, and associated infrastructure has been informed by standard engineering practices and safety considerations to ensure safe integration of transportation and recreational uses at the waterfront.

Impacts to biological resources and wildlife are specifically evaluated in Section 3.3, *Biological Resources*, which analyzes potential effects on habitats and species and identifies mitigation measures to reduce impacts. As described therein, implementation of mitigation measures would reduce impacts to less-than-significant levels (see Section 3.3.4, *Impacts Analysis*).

Accordingly, the Draft EIR addresses both recreational access and environmental resource protection within the scope required by CEQA.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-8

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* and Section 2.2.20, *Topical Response: Parking.* As discussed therein, the Draft EIR evaluates existing recreational uses, public access opportunities, proposed parking configurations, and shoreline access improvements associated with the proposed project. The Draft EIR provides sufficient detail regarding existing conditions and proposed project features to support the environmental analyses required by CEQA. The commenter's reference to alternative parking and shoreline design concepts constitutes a project design recommendation that may be considered by City decision-makers. As discussed in Section 2.2.20, *Topical Response: Parking,* the Draft EIR evaluates whether project-related parking conditions could result in secondary physical environmental impacts and concludes that no significant parking-related environmental impacts would occur. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-9

The project would remove approximately 40 trees and plant between 50 and 70 new trees. The Draft EIR analysis and conclusion of less than significant impacts to protected trees presented under Impact BIO-5 in Section 3.3.4, Impacts Analysis, (page 3.3-65) remains valid. Additionally, impacts to nesting birds are discussed in Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-44) and were determined to be less than significant with mitigation (Mitigation Measures BIO-1(a) and BIO-1(c)). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P71-10

The Richmond shoreline segment referenced by the comment is outside the project vicinity and does not reflect the design features of the proposed project. The Draft EIR evaluates pedestrian and bicycle circulation in Section 3.12, *Transportation*, and identifies the Bay Trail as a key recreational and circulation

feature in Section 3.11, *Recreation* (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7).

As described in Chapter 2, *Project Description*, the proposed project has been specifically designed to minimize conflicts between user groups and improve safety for all users, including pedestrians with limited mobility. The project would incorporate a raised cycle track, which would physically separate bicycle and micromobility traffic from pedestrian pathways and gathering areas, thereby reducing potential conflicts associated with speed differentials. In addition, pedestrian facilities, including the plazas, pathways, and shoreline access areas, would be designed to be ADA-accessible, with improved surfaces, grades, and circulation routes that enhance accessibility for individuals with mobility constraints. These design features represent an improvement over existing conditions by providing clear separation of travel modes and upgraded, accessible pedestrian infrastructure, and are intended to ensure safe and inclusive access for all waterfront users. The Draft EIR concludes that access and circulation conditions, including along the Bay Trail, would be maintained and enhanced (see Sections 3.11 and 3.12).

Accordingly, the conditions described by the comment at other shoreline locations do not indicate a deficiency in the Draft EIR's analysis, and the proposed project includes specific design measures to avoid the types of user conflicts identified. The analyses and significance conclusions presented in Sections 3.11, *Recreation*, and 3.12, *Transportation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-11

This comment does not raise an issue related to CEQA environmental impact analysis, but instead reflects preferences regarding project design and transportation improvements, which are matters for consideration by decision-makers. The comment has been included in the project record considered by City decision makers.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-12

Section 3.11, *Recreation*, of the Draft EIR describes the full range of existing recreational uses at the Berkeley Waterfront, including low-impact, water-based, and passive recreational activities (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7), and evaluates whether the project would adversely affect these uses in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would **ma**intain and enhance recreational opportunities and access, including provision of new public amenities, shoreline access improvements, and restoration of public access to the Berkeley Pier (Impact REC-1).

With respect to the comment's concerns regarding congestion and parking, refer to Section 3.12, *Transportation*, and Section 2.2.20, *Topical Response: Parking,* which explains that parking and traffic conditions are evaluated for their physical environmental effects under CEQA. The Draft EIR concludes that access to the waterfront would be maintained and that the project would provide a comparable parking supply and improved multimodal access options.

The comment's statements regarding whether a ferry is "needed" and whether the project should be limited to pier improvements reflect policy preferences regarding project design and purpose, rather than CEQA environmental impact issues. This comment has been included in the project record considered by City decision makers.

Accordingly, the Draft EIR adequately evaluates impacts to recreational uses and access and demonstrates that these resources would not be adversely affected. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-13

As described in Section 2.5, *Project Components*, of the Draft EIR, the project includes both ferry infrastructure and public recreational amenities. Section 2.3, *Project Objectives*, identifies dual objectives of enhancing recreation and providing ferry service. Accordingly, the environmental analysis presented throughout Chapter 3, *Environmental Impacts Analysis*, evaluates both aspects.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about parking adequacy.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P71-14

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment's preference regarding the scale and location of ferry service is a policy matter for decision-makers to consider. This comment has been included in the project record considered by City decision makers. The comment does not identify a deficiency in the Draft EIR's alternatives analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P71-15

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment P71-16

The City has added the commenter’s contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Letter P72

From: Emilie <desertpeach2@earthlink.net>
Sent: Monday, April 27, 2026 8:12 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Strauss Comment Letter Pier & Ferry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms McNulty--

Attached is a pdf with my pier/ferry comments. P72-1

Thank you!

Emilie Strauss

April 28, 2026

Liza McNulty, PE, Project Manager

Email: lmcnulty@berkeleyca.gov (mailto:lmcnulty@berkeleyca.gov)

Dear Ms. McNulty,

Herein I provide comments addressing the Draft Environmental Impact Report (DEIR) for the Proposed Berkeley Water Transportation Pier Ferry Project.

Thank you very much for the extension of the comment. I note that prior personal comment letters on the Specific Waterfront Plan and other City of Berkeley projects included a request for preparation of an environmental impact report due to significant impacts. I found the document deficient but am grateful that the effort was made. P72-2

I grew up in Berkeley and attended Berkeley High School. I visit the waterfront almost every month for birdwatching, nature bathing, and walking. I have led approximately four Golden Gate Bird Alliance field trips to the Berkeley waterfront/Eastshore State Park. The Berkeley waterfront is important!

After much thought, I advocate adoption of Alternative 1: No Project Alternative. P72-3

I have not read all 660 pages of the Draft Environmental Impact Report (DEIR), but sections I studied are deficient in (a) scope, (b) wildlife and San Francisco Bay ecological health data, and (c) cumulative impact analysis. In lieu of Alternative 1, a Subsequent EIR is required. A Supplemental EIR is generated when only minor additions are needed to revise the project EIR. A Subsequent EIR is required when the first EIR is no longer sufficient due to changes in the existing condition. There have been significant changes to San Francisco Bay baseline ecological health since the program EIR was written in 2003. See discussion below. A Subsequent EIR is essential for the general public to make an informed decision about the impacts from the project. P72-4 P72-5 P72-6 P72-7

On general grounds, I am opposed to construction of the ferry. I believe it is overly expensive, will do little to relieve congestion and will not reduce climate change. The ferry and pier as currently planned would sanitize/sterilize waterfront character, make access elitist via fees garnered at parking lots, tarnish the wild and scenic nature of the current view shed, and reduce both biodiversity and abundance of wildlife. Why do we have three BART stations and need a ferry? Berkeley is becoming denser. We need our wild spaces. P72-8

<u>Overview: DEIR's/CEQA Definition of "Sufficient Degree of Analysis".</u>

> "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently P72-9

takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure." **DEIR**, 1.3.2.

P72-9

DEIR relies on a 23-year-old document/Synopsis of Changes to SF Bay Ecological Health.

The DEIR is inadequate because it depends on a 23-year-old document, "Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR" (2003 [please see DEIR for full citation]). Since 2003, there have been intensive and escalating negative impacts to wildlife of the San Francisco Bay. Wildlife has declined tremendously and sea surface rise has (already) altered San Francisco Bay shorelines. The Bay has been hammered by outbreaks of cyanobacteria causing fish kill. Shorebirds are in decline. Mercury and selenium continue to threaten health of fish and birds. Decreased freshwater flows through San Francisco Bay impact native fish and thus impacts many bird species (SFEI 2025). Not mentioned by SFEI, at least in the sections I read, is the relatively recent increase in utilization of San Francisco Bay by gray whales, recent devastating mortality of gray whales (likely by boat strike), and impacts to birds and marine mammals from avian flu.

P72-10

Baseline/DEIR Study Area Incomplete (DEIR, Fig. 3.3-1) (DEIR Section 3-1).

The Study Area "terrestrial polygon" is a narrow linear band running down University Avenue. The "terrrstrial polygon" thus neglects indirect impacts to a suite of rare and sensitive bird species discussed in the avian section below. The Study Area's similarly slender "aquatic polygon" does not include consequences to waterbirds and shorebirds from the ferry itself, the Ferry Wake 600' death zone to waterbirds, and smothering of benthic invertebrates by sediment.

P72-11

P72-12

The myopic Study Area does not address tree removal, increased lighting, and hardscape changes from parking. The document implies it does not need to address parking because need for parking is not part of CEQA:

> From DEIR (Section 3.1 – Baseline) regarding lack of inclusion of impacts from parking in the DEIR :"As part of the scoping process, the City received comments from the public requesting the use of a different baseline …. Lack of parking is not considered an environmental impact under CEQA. Given the guidance from CEQA Guidelines Section 15125 and that the main concern raised by the public requesting the use of a different baseline is for a non-CEQA topic, a baseline that differs from the existing condition at the time of the NOP publication is not used for this analysis."

P72-13

If I'm reading the document correctly, it denies the need to address parking reconfiguration and expansion of trails. Inconsistently, however, the DEIR discussed tree removal in preparation for parking! The DEIR explains that removal of trees at Seawall Drive (DEIR Figure 3.1.7) is mitigated by planting of new trees. Removal of mature old gnarled conifers such as planned is a habitat element that will not be available to birds within most of our lifetimes.

> Excerpt from Strauss comments regarding the Draft Specific Waterfront Plan to City of Berkeley circa September 2024: "The waterfront should include willow thickets/shrubs/habitat that do NOT allow for human access. There was massive tree loss during the March 2023 windstorm. The Berkeley waterfront conifers are home to fantastic flocks of chickadees, red-breasted nuthatch, and other species.

P72-13

Reconfiguring parking plus tree removal is an environmental consequence that must be included in the study scope.

DEIR Inadequately Relies on One Day of Field Surveys.

The DEIR is inadequate because field surveys were restricted to one day (19 September 2024) (DEIR, Appendix C, p. 37). This date avoids appropriate phenological windows for almost all of the rare plants and animals mentioned in Appendix C. A further discussion of survey requirements to obtain an adequate environmental baseline is provided below.

P72-14

Ferry Wake.

The impact of the ferry wake creating a "dead zone" of 600' width has been well-documented by Takekawa (circa 2004). Background from USGS biologists:

> Waterbirds such as shorebirds, waders, and ducks depend on healthy and productive estuaries to "fuel up" for long distance migrations along the Pacific flyway. As the largest estuary on the Pacific Coast of North America, California's San Francisco Bay-Delta is a critically important diving duck wintering area. Continentally, populations of Bay and sea duck species such as Lesser Scaup and Surf Scoters have declined dramatically over the past three decades… Several hypothetical reasons for these declines are changes in habitat quality and quantity at wintering and spring stop-over sites" (USGS 2026: (Https://www.usgs.gov/centers/werc/science/avian-studies-san-francisco-bay).

P72-15

Sediment.

The ferry wake, dredging to install new pier and ferry channel, redredging of ferry channel every 10 years or so, and pile driving will increase sedimentation. This could negatively affect eelgrass beds and reduce benthic prey critical to fish and birds.

P72-16

Additional Cumulative Impacts Not Fully Addressed in DEIR.

Not fully acknowledged in the DEIR are wildlife unfriendly projects proposed by City of Berkeley and Eastshore State Park including North Basin boat access and various projects proposed in the Waterfront Specific Plan including creation of a large bike “freeway” around the exterior of the "Berkeley Bulb". Also proposed are various climate resiliency projects that could include massive changes to the waterfront area. See DEIR: Table 3-1 Present and Reasonably Foreseeable Cumulative Projects List. 3-9. What is the projected paved footprint from each? What is “dead zone” wake from increased bike use?

The DEIR does not address cumulative impact generated by proposed build-out of 26 ferries across San Francisco Bay.

P72-17

Demolition of Portions of Closed Pier.

It was disappointing that 1280’of the old Berkeley fishing pier was slated for removal See DEIR, Figure 2-2; Also Section 2.5.1. The old pilings support invertebrates (mussels, etc.) important for foraging waterbirds. The tip of the old pier supports a large high tide shorebird roost. Prior to the closure of the pier, it was common birdwatcher’s practice to walk the pier to westernmost end of the pier at high tide, look through the wooden slats, and search for rare shorebirds that might be present amongst the hundreds to low thousands of assembled waders. The data for my high counts are buried in old notebooks. I am slowly going through the data and entering it into EBird but did not have time to ferret it out. A photo in Anderson, Hart, and Rauzon 2021 illustrates the roost. Also see Rauzon’s comment letter on ferry impacts. High tide roosts for shorebirds are a limiting factor in the central Bay (Gary Page, Pt Blue Cons. Science senior biologist; personal communication).

P72-18

What is the the relative densities of invertebrates on concrete versus old wooden piers? That should be addressed in the Subsequent DEIR. I have seen discussions of recent San Francisco Bay projects that create living shorelines using “slippery” hard substrate that encourages native versus non-native invertebrates to colonize. I am in favor of encouragement of native species, but the reality is that waterbirds and San Francisco Bay have intermittently benefited from massive invasions of non-native plants, etc. I believe I heard about this through a presentation by Susan De La Cruz (USGS)(https://www.usgs.gov/centers/werc/science/avian-studies-san-francisco-bay) at a State of the Estuary conference a few years ago.

P72-19

Proposed EIR mitigations are incomplete.

Pigeon guillemot boxes as advocated by Mark Rauzon (see his comments on DEIR) should be installed (Anderson, Hart, and Rauzon 2021).

P72-20

Impacts of the ferry wake to waterfowl, shorebird high tide roosts, and impacts to wildlife in general from increased sedimentation from dredging and piledriving are probably not

P72-21

mitigatable. Dredging impacts to anadromous fish and green sturgeon may be partially mitigatable from limiting dredging and piledriving to narrow work windows, which is a standard and well-accepted boilerplate mitigation. Adoption of these work windows is mentioned in the DEIR (Mitigation Measure BIO-1(D). This establishes no work windows from June 1 to November 30. Note that this would concentrate piledriving and other SF Bay water disturbing activities to December 1 to May 31 which is also when there is peak waterbird abundance. Wintering shorebirds arrive earlier but would still be present and unprotected. P72-21

Trees should be replaced at a 3:1 ratio. A portion of the His Lordship's parking lot should be removed and a Miyawaki forest installed. P72-22

Incomplete assessment of Environmental Justice.

If parking lots were to require fees, it might challenge options for income-disadvantaged hominids to enjoy the currently free sensational views of the bay on Seawall Drive. Seawall Drive is used by many fishermen and is easy access for birdwatchers, older folks, disabled people, etc. When my father got older, we would park on Seawall Drive. Walking was not easy for him. By the time he was ready to venture forth, bay conditions were windy and cold. Both of us enjoyed watching the boats and the sensation of being close to the bay from the warm shelter of the car. Similarly, many people fish from the Seawall Drive bay shore and watch their rod tips from behind a windshield. P72-23

INSUFFICIENT ANALYSIS OF SENSITIVE AVIAN POPULATIONS AND CDFW RARE AND SENSITIVE AVIAN SPECIES WITH POTENTIAL TO OCCUR. P72-24

Impact of the proposed project to marine mammals is being addressed by other commenters. Herein, avian species are discussed in more or less taxonomic order.

Waterfowl/shorebirds.

Appropriate waterfowl and shorebird surveys, including high tide roosts surveys, need to be conducted. The last formal surveys that the author has knowledge of were completed circa 2005 for Berkeley's North Basin. P72-25

Of 11 central coast/SF Bay sites, North Basin supported the 2nd highest density of waterbirds (Avocet 2007, Table 7) (based on 20-30 year old data).

Surveys must include a comprehensive revisit of the Rafting Waterbirds Study (Avocet 2007) including an extension of the survey area to include that around the old Berkeley fishing pier, and any areas to be impacted by dredging, piledriving, ferry wake, and sedimentation. The Avocet 2007 study should be consulted –it was designed to capture P72-26 P72-27

waterbird disturbance in the North Basin of the Berkeley waterfront area as a component of planning a non-motorized watercraft impacts to wildlife.

P72-27

Some biologists might recommend utilizing EBird for waterfowl/shorebird data rather than conducting new studies. The author is familiar with the configuration of the EBird hotspots in the Berkeley waterfront area. Although Ebird has a hotspot for North Basin (NB), the tendency for most birders is to utilize either Berkeley Meadows or Cesar Chavez ("Farmworkers" Park) hotspots for observations. EBird is useful for preliminary assessment of presence of sensitive species (although absence would not be in lieu of formal surveys in search of aforesaid species) but EBird often is useless for tallying and documenting large avian assemblages. In preparation of a new Draft EIR, NB hotspots should be consulted but not used exclusively. New surveys must be conducted.

P72-28

<u>California Least Tern.</u>

California Least Terns are state and federally endangered (CDFW 2026). Appendix C states that "there are no known occurrences within 5 miles". This is incorrect. I myself have seen them foraging in North Basin and Cesar Chavez ("Farmworkers" Park). There are 75 observations of California least terns at Cesar Chavez Park ("Farmworkers" Park) documented in EBird. See: https://ebird.org/species/leater1/L285281 {eBird 2026]). Least Terns "occurred regularly" (Avocet 2007, Appendix D).

Surveys should be conducted for the species during the chick provisioning period to assess habitat utilization within the ferry travel lanes as well as North Basin and habitat west of the west end of the waterfront.

P72-29



Figure 1. Four Least Terns bobbing on a floating log, just offshore of "Farmworkers" (Cesar Chavez) Park. Photo courtesy of Jack Hayden.

P72-29

Brant and eelgrass.

Staging and wintering Brant, a species of small goose that depends on eelgrass (Zostera), have been recently documented just north of the proposed ferry route. There are probably many other records in the waterfront area in EBird. Brant are a California State Species of Special Concern (CDFW 2026). They do not nest in California. Brant staging and wintering habitat is protected. There are eelgrass beds in this locale. See comment letter by Mark Rauzon. Mark's letter includes an excellent photo of staging Brant taken in April 2026. This photo is an example of staging habitat utilization. Staging refers to dense gatherings of waterfowl or shorebirds prior to migrating north. The DEIR insufficiently addresses impacts to eelgrass beds. Appendix C describes eelgrass surveys in 2009 and 2014 (DEIR, Appendix C, p. 3.3-11). In fact, the DEIR maps that eelgrass beds (p. 3.3-9) as "historic" thus implying that the authors acknowledge that data should be updated. Eelgrass across central SF Bay should be re-surveyed by appropriate eelgrass experts. Sedimentation and sea surface rise in recent years may have redistributed eelgrass.

P72-30

P72-31

Snowy Plover.

Appendix C notes that this species would be "unexpected" and I would tentatively agree. There is a record for Western Snowy Plover (North Basin [Avocet 2007]). Although unlikely, Snowy Plovers might utilize mudflats at the Ferry/ Pier site at extreme low tide or the tip of the old fishing pier at high tide. I did not search EBird for occurrences.

P72-32

Osprey.

No mention of Osprey in Appendix C summary chart of sensitive species with potential to occur. The species, however, is indeed mentioned on page 181 of DEIR where it is incorrectly classified as a "seabird". Osprey have been sighted frequently at the Berkeley Waterfront. Osprey are on the California Department of Fish and Wildlife Watch List (CDFW 2026). They frequently nest in old piers around north/central San Francisco Bay (see publications by Tony Brake). I do not personally know of a nest on the old fishing pier and, by the way, as EBird is current configured it is difficult to query for nests. Surveys for nesting Osprey must be conducted.

P72-33

White-Tailed Kite.

Appendix C list only "two known occurrences". Construction along University Avenue would likely reduce foraging habitat. Under CDFW regulations, only nesting trees are protected but it is reasonable to complain that there may be some impact to foraging habitat. See CDFW 2026.

P72-34



Figure 2. A pair of White-Tailed Kites. Photo taken April 27, 2020 at “Farmworkers” (Cesar Chavez) Park by Emilie Strauss.

P72-34

Burrowing owl.

I thought authors of the DEIR had a good discussion in Appendix C. However, impacts from massive parking planned for project might take out burrowing owl habitat. Burrowing owls often use riprap.

P72-35

Bald Eagle. “No known occurrences”. Mining EBird data will no doubt show many observations in the general area,

P72-36

Bryant’s Savannah Sparrow.

No mention of Bryant’s Savannah Sparrow in Appendix C summary chart of sensitive species with potential to occur. Bryant’s Savannah Sparrow, a subspecies of the Savannah Sparrow, is a California State Species of Special Concern that potentially nests in the remnant unmowed grassland patches at Cesar Chavez (“Farmworkers” Park). Bryant’s Savannah Sparrow are in decline because they are restricted to coastal grasslands which have been heavily developed across its range. Identification of many Savannah Sparrow subspecies, including Bryant’s, is difficult in the field. Cesar Chavez (“Farmworkers” Park) harbors Savannah Sparrows in its grasslands that are likely nesting as they occupy territories (eg. sing) through spring and

P72-37

summer (E. Strauss, pers. observation). These *Passerculus* were not identified to the subspecies *P. sandwichensis alaudinus*. Appropriate nesting habitat is is present at the Berkeley waterfront. See: Bird Species of Special Concern (CDFW website accessed 2026) and scroll down to Bryant's Savannah Sparrow for further discussion of habitat requirements. P72-37

Willow thicket.

The willow thicket is in the southeast corner of the junction of University Avenue and Seawall Drive. The willow thicket is one of the waterfront's neotropical migrant patches. It has harbored Macgillivray's, Wilson's and Yellow Warblers. Wildlife utilizing the willow thicket, even if it survives pier/ferry construction, would have a reduced foraging area due to removal of Seawall Drive trees. P72-38

In closing, I do not believe the DEIR provides a sufficient discussion of the significant aspects of probable environmental consequences (paraphrase from DEIR 1.3.2). I support adoption of Alternative 1: No Project Alternative. Berkeley does not need another expensive white elephant like the research labs that sit empty at Aquatic Park. If Berkeley continues to pursue construction of the ferry/pier then a Subsequent EIR must be prepared. P72-39 P72-40 P72-41

Thank you for consideration of my views.

Emilie Strauss

Berkeley California

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P72-42

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Letter P72

Commenter: Emilie Strauss

Date: April 27, 2026

Response to Comment P72-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P72-2

These statements generally provide context for the commenter's perspective but because no supporting arguments, data, or analysis were provided to substantiate the statement on the adequacy of the Draft EIR, a substantive response is unable to be prepared. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P72-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P72-4

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment P72-5

The Draft EIR impacts analysis was based on a current literature review of publicly available agency databases and documents consistent with industry standards. The literature and database review conducted for the EIR is described in Draft EIR Section 3.3.1, Introduction (page 3.3-1) remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-6

The Draft EIR is not a supplemental or subsequent EIR to the 2003 WETA EIR. Rather, as stated in Draft EIR Section 1.1.2, *EIR Type*, this document has been prepared as a project-level EIR pursuant to CEQA Guidelines Section 15161, which focuses on the specific environmental effects of the proposed Berkeley Water Transportation Pier Ferry Project.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* which explains that the Draft EIR does not tier from the 2003 WETA EIR, but rather incorporates it by reference. Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* also explains how the Draft EIR uses the 2003 WETA EIR, and where appropriate provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Because the Draft EIR constitutes a complete and independent project-level environmental review document, and not an update to the 2003 WETA EIR, preparation of a subsequent or supplemental EIR is not required. The Draft EIR's analysis, significance determinations, and mitigation measures are based on current conditions and substantial evidence in the record and remain valid as presented. Accordingly, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P72-7

Refer to Response to Comment P72-6, which explains why a subsequent EIR is not needed.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment P72-8

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P72-9

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* for a discussion of CEQA adequacy. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P72-10

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment P72-11

The landside portion of the project site evaluated for the project includes all areas that may potentially be impacted by the project, including temporary staging and access, temporary disturbance, and permanent impacts. The project site is defined in Draft EIR Section 2.2, Existing Project Site Characteristics (page 3.3-7). Impacts to protected and special-status bird species are analyzed in Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-44), which concludes impacts to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(c), and AES-1. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-12

The waterside portion of the project site evaluated for the project includes all areas that may potentially be impacted by the project, including temporary staging and access, temporary disturbance, and permanent impacts. The project site is defined in Draft EIR Section 2.2, Existing Project Site Characteristics (page 2.2-7). No specific information or documentation on the ferry “death zone” or what specific project activities the comment suggests would result in sedimentation are provided. Text clarification changes in Reponses to Comments O7-17 and P46-4 address operational impacts to migratory waterbirds and shorebirds, which would be less than significant. See also Response to Comment O4-8 for additional discussion of ferry operational impacts on waterbirds. No additional changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-13

Tree removal is proposed within landscaped upland areas that are not within any sensitive habitats such as riparian or jurisdictional areas. Thus, tree removal analysis was included in the Draft EIR in Section 3.3.4 under Impact BIO-5 (page 3.3-65) and concluded less-than-significant impact with regard to

protected trees. Separately, tree replacement is required by the Berkeley Municipal Code but not as mitigation for potential habitat loss. The analysis and significance conclusion presented under Impact BIO-5 remains valid. Additionally, impacts to nesting birds are discussed in Draft EIR Section 3.3.4 under Impact BIO-1(page 3.3-44) and were determined to be less than significant with implementation of Mitigation Measures BIO-1(a) and BIO-1(c)). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-14

See Response to Comment O9-3 for discussion of reconnaissance survey adequacy. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-15

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 3.3-46 to 3.3-52), the analysis evaluates operational disturbance in the context of the existing Central Bay transit corridor, which already includes substantial commercial, recreational, and ferry vessel operational levels. Adult waterbirds are highly mobile and able to avoid localized disturbance, and the incremental increase in ferry trips associated with the project would not constitute a substantial adverse effect under CEQA.

The study cited by the comment provides regional behavioral information, but it does not provide site-specific evidence demonstrating that the proposed project would result in population-level effects, exceed CEQA significance thresholds, or cause a substantial loss of foraging or resting habitat in the project vicinity. The Draft EIR evaluates operational impacts using current environmental conditions and concludes that the project would not result in significant impacts to rafting waterbirds.

See Response to Comment O4-8 for further discussion of operational impacts related to aquatic species, including waterbirds. The analysis and significance conclusions presented in Section 3.3 Biological Resources remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-16

Refer to Response to Comment O5-36 for a discussion of in-water construction impacts, including pile driving. See Response to Comment O10-183 for discussion of impacts on eelgrass beds and benthic communities from construction, ferry operations, and maintenance dredging.

Response to Comment P72-17

The Draft EIR includes a cumulative impacts analysis consistent with CEQA Guidelines Section 15130 and identifies present and reasonably foreseeable projects in Table 3-1 (pages 3-9 through 3-10). The cumulative analysis evaluates the project's incremental contribution to cumulative impacts for each environmental resource topic.

The comment references North Basin boat access. The City notes that the Berkeley North Basin Project is already included in the cumulative projects list in Draft EIR Table 3-1 as Project No. 15 (page 3-9). As described therein, the project includes habitat improvements and public access improvements within the North Basin area of McLaughlin Eastshore State Park. Accordingly, this project was considered as part of the cumulative scenario evaluated in the Draft EIR. To the extent the comment references projects proposed in the Draft Waterfront Specific Plan (WSP) and the potential for regional ferry expansion, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which explains that the Draft WSP is included in the Draft EIR cumulative impacts analysis (see Draft EIR page 3-9 and 3-11) and provides further clarification regarding the relationship between the Draft EIR cumulative analysis and the Draft WSP.

The comment also references creation of a large bicycle “freeway” around the exterior of the Berkeley Bulb. However, the comment does not identify a specific project by that name or provide information demonstrating that it is a separate reasonably foreseeable project not already captured within the Draft WSP or other projects listed in Draft EIR Table 3-1. The City is not aware of a cumulative project identified

as a bicycle freeway in the capital improvement projects lists reviewed during preparation of the Draft EIR. To the extent the comment is referring to future bicycle improvements that may be implemented as part of broader waterfront planning efforts, those efforts would either be encompassed within projects already included in the cumulative projects list or would be evaluated separately if and when they become reasonably foreseeable projects.

Additionally, the comment references climate resiliency projects that could result in changes to the waterfront area, but does not identify specific projects. However, the cumulative projects list provided in the Draft EIR (Table 3-1) includes several projects that could be responsive to this concern, including the César E. Chávez Park Pathway Restoration Project, Marina Boulevard Shoreline Resiliency and Public Access Improvements Project, Berkeley North Basin Project, and other shoreline restoration, habitat enhancement, and public access improvement projects that were reasonably foreseeable at the time the Draft EIR was prepared. These projects were considered in the cumulative impact analysis based on the best available project information. With respect to the question regarding the projected paved footprint of each cumulative project, CEQA does not require a cumulative analysis to quantify the paving area of every cumulative project. Rather, CEQA requires evaluation of the environmental effects of past, present, and reasonably foreseeable future projects. The Draft EIR relies on the available project descriptions and planning documents associated with cumulative projects to evaluate cumulative environmental conditions and determine whether the proposed project would make a cumulatively considerable contribution to identified impacts. The comment also asks about a "dead zone wake" from increased bicycle use. Increased bicycle use does not generate a wake and, by itself, is not a physical environmental impact under CEQA. To the extent new bicycle facilities require physical improvements, any associated environmental impacts would result from construction or operation of those facilities and would be evaluated as part of the applicable project. Increased bicycle use itself is generally associated with reduced reliance on motor vehicles and does not constitute a significant environmental impact.

Finally, the comment states that the Draft EIR does not address cumulative impacts associated with a buildout of 26 ferry terminals across San Francisco Bay. As discussed in Section 2.2.9, *Topical Response: Cumulative Impacts*, the 26-terminal scenario was a conceptual planning network considered during development of WETA's long-range planning efforts but was not adopted as part of WETA's 2050 Service Vision. Because the 26-terminal concept was not adopted and does not meet the Draft EIR's definition of a reasonably foreseeable project, it was appropriately not included in the cumulative projects analysis. The Draft EIR analyzes reasonably foreseeable ferry service expansion projects that meet the criteria identified on Page 3-6 of the Draft EIR.

The Draft EIR adequately evaluates cumulative conditions and the project's incremental contributions to cumulative impacts consistent with CEQA requirements. Therefore, the analysis, impact determinations, and mitigation measures remain valid as presented, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment P72-18

The historic Berkeley Pier extended almost 4 miles out from the shore, and pier pilings will remain in place that will provide sufficient substrate for sessile invertebrate and roosting birds despite the pier pilings that will be removed to ensure no-net loss of jurisdictional waters due to project construction. As discussed in Draft EIR Section 3.3.2, Environmental Setting, page 3.3-10, invertebrate communities present on pier pilings are also present on the rip rap shoreline within the project site, providing alternate foraging opportunities for waterbirds. Removal of the pier pilings would be a temporary impact to invertebrate communities, as the breakwater and new piles that are to be installed would provide hard substrate that could be recolonized by these communities, as discussed in Section 3.3.4, Shading and Soft Bottom Habitat Impacts, page 3.3-61. See Responses to Comment O7-17 and P46-4 for further discussion of project impacts specific to foraging and roosting birds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-19

The density of invertebrates on the existing pilings is beyond the scope of the Draft EIR, because CEQA evaluates whether a project would cause a substantial, adverse change in biological resources or exceed established significance thresholds, not the absolute abundance of organisms on individual structural elements. A records review and the project reconnaissance found no evidence that the pilings support special-status species or constitute a unique or irreplaceable benthic habitat; thus, quantifying invertebrate density on pilings would not change the conclusion that impacts are unlikely to be significant. See Response to Comment P72-18 for additional discussion of invertebrate communities on pier pilings. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-20

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P72-21

See Response to Comment O4-8 for a discussion of ferry operational impacts on aquatic species. Refer to Response to Comment 05-27 for discussion of pile driving and dredging impacts to wildlife. Also see Response to Comment P46-4 for discussion of impacts to roosting birds. With respect to the work windows and potential conflicts with regard to species presence, construction impacts would be temporary, and waterbirds can move out of the project vicinity, whereas hydroacoustic impacts to fish may result in injury at greater distances. The Draft EIR addresses construction impacts to wildlife in Section 3.3.4 under Impact BIO-1 (pages 3.3-43 through 3.3-51) and concludes that impacts would be less than significant with implementation of Mitigation Measures BIO-1, HYD-1, and AES-1. The Draft EIR also addresses impacts to wildlife movement in Section 3.3.4 under Impact BIO-4 (pages 3.3-63 through 3.3-62) and concludes that impacts would be less than significant. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-22

Tree removal and replacement ratios will be determined by the City Urban Forestry Unit. The Draft EIR analysis presented under Impact BIO-5 in Section 3.3.4 (page 3.3-65) concluded that impacts to protected trees would be less than significant. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-23

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, and Section 2.2.20, *Topical Response: Parking,* for detailed discussions of parking conditions and access along Seawall Drive.

As explained within Draft EIR Chapter 3, *Environmental Impact Analysis*, CEQA does not require analysis of the economic effects of potential parking fees or user costs unless those effects would result in a physical environmental change (see Draft EIR page 3-11). Decisions regarding whether to implement parking fees, and how such fees would be structured, are policy decisions outside the scope of the CEQA analysis.

As described in Chapter 2, *Project Description*, the project includes improved public access features such as a new public plaza, accessible pathways, and enhanced recreational amenities (see Section 2.5.2). These improvements are intended to increase accessibility for all users, including those with mobility limitations. The Draft EIR evaluates these improvements accordingly, including parking supply and access, in Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Analysis*, and concludes that the project would maintain a parking supply comparable to existing conditions and improve site circulation and accessibility through its multimodal access improvements, which include enhanced pedestrian, bicycle, and transit infrastructure (refer to Section 3.12.4 and Appendix F).

The analysis and significance conclusions presented in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment P72-24

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P72-25

The literature review and reconnaissance survey conducted for the Draft EIR are sufficient to document existing conditions, analyze special-status species potential to occur within the project site, and evaluate potential species impacts. Targeted or protocol-level surveys are only required only if the reconnaissance or agency consultation identifies the potential for special-status species or other conditions indicating potential significant impacts. See Responses to Comments O7-17 and P46-4 for further discussion of project impacts specific to waterbirds and use of pier structures for roosting, respectively. No additional analyses or surveys or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-26

See Response to Comment P72-25 for a discussion of surveys required for the Draft EIR. See also Response to Comment O5-36 for discussion of dredging and in-water construction impacts and Response to Comment O7-17 for discussion of ferry operations on waterbirds. No additional analyses or surveys or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-27

See Response to Comment P72-25 for a discussion of literature review and surveys required for the Draft EIR. See also Response to Comment O4-8 for discussion of operational impacts related to aquatic species, including waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-28

Public resources such as eBird were reviewed at a high-level to identify potential species occurrences within the project vicinity to provide additional information about the species potential to occur. The Draft EIR's primary biological analysis is not based on eBird presence/absence alone. The Draft EIR relies on a review of literature and publicly available databases described in Section 3.3.1, Introduction, page 3.3-1 and a habitat-suitability assessment as discussed in Section 3.3.2, Environmental Setting, pages 3.3-17 and 3.3-18. The reconnaissance survey conducted for the Draft EIR are sufficient to document existing conditions, analyze special-status species potential to occur within the project site, and evaluate potential species impacts. Targeted or protocol-level surveys are only required if the reconnaissance or agency consultation identifies the potential for special-status species or other conditions indicating potential significant impacts. No additional analyses or surveys or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-29

The Draft EIR evaluated impacts to California least tern, and clarification text changes have been made to Draft EIR Section 3.3 Biological Resources, pages 3.3-18 (see Response to Comment A2-35 to A2-38 for details). See also Response to Comment P72-25 for a discussion of survey requirements. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment P72-30

Although brant are a California species of special concern, there are no occurrences in the CNDDB. Thus, this species was not included in the literature review. There is potential for brant to forage over open

water within and adjacent to the project site. In response to the comment, potential for the species to occur within the project site has been added as low in Appendix C, and the following clarification text changes have been made to Draft EIR Section 3.3, *Biological Resources*, and Appendix C, *Supporting Biological Resources Information:*

Section 3.3.4, page 3.3-18:

Special-status Wildlife Species

Fifty-one ~~Forty-seven~~ (51 ~~47~~) terrestrial special-status wildlife species were assessed for their potential to occur within the project site (Appendix C), of which 12 ~~seven~~ have the potential to occur within the terrestrial portions of the project site. One species, double-crested cormorant (*Nannopterum auritum*, CDFW Watch List), was determined to have a moderate potential to occur and is discussed in further detail below.

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~four~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site), are not discussed further because they are unlikely to be affected by the project:

- Crotch's bumble bee (*Bombus crotchii*, State candidate endangered)
- Northwestern pond turtle (*Actinemys marmorata*, federally proposed threatened, State species of special concern [SSC])
- Cooper's hawk (*Accipiter cooperii*, CDFW Watch List)
- Burrowing owl (*Athene cunicularia*, State candidate)
- Common loon (*Gavia immer*, SSC)
- Brant (*Branta bernicla*, SSC)
- White-tailed kite (*Elanus leucurus*, State fully protected)…
- Alameda song sparrow (*Melospiza melodia pusillula*, SSC)
- Osprey (*Pandion haliaetus*, CDFW Watch List)
- Least tern (Sternula antillarum browni, Federally endangered, State endangered, State fully protected)
- Elegant tern (*Thalasseus elegans*, CDFW Watch List)

The remaining ~~40~~39 terrestrial species evaluated are not expected to occur in the project site or the immediate vicinity based on the absence of grassland, woodland, chaparral, vernal pool, or other…

Appendix C, page C-9:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Athene cunicularia burrowing owl	None/SC G4/S2 SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Low Potential	Although one occurrence has been documented within five miles of the project site and burrowing owls are known to overwinter at Cesar Chavez Park, the project site itself does not provide the habitat conditions required for overwintering. The site lacks open, low-stature annual

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
				grassland and protected foraging areas with sufficient insect prey, which are essential for sustaining overwintering individuals. Adjacent areas, including fragmented grasslands in Shorebird Park and along University Avenue, contain limited open space but do not provide suitable overwintering habitat. While some ground squirrel burrows are present, these grassland areas are routinely mowed for park use and subject to heavy recreational use and frequent human disturbance, which reduces prey availability and limits habitat suitability. In addition, the grassland areas along University Avenue are narrow and linear, lack refuge from disturbance due to regular trail use, recreation, and the presence of dogs, and are exposed to numerous tall perching structures that support hawks and other avian predators. A migrating or displaced individual could briefly land on the project site or within nearby areas during movement; however, sustained overwintering use is not expected. Accordingly, neither the project site nor immediately adjacent areas, provide suitable overwintering habitat for burrowing owl.
Branta bernicla brant	None/SC G5/S2 SSC	Requires well-protected, shallow marine waters with intertidal eel-grass beds, primarily within bays and estuaries. At high tide they need sheltered open water or protected beaches for loafing. Primary food is eelgrass. Brant often feed close to mudflats, sandbars, or spits used as gritting sites.	Low Potential	There are no known occurrences within five miles and this species does not breed in California; however, suitable foraging habitat may be present in the project vicinity.

Even with these Draft EIR clarification text changes, the analysis and significance conclusion presented in Section 3.3.4 under Impact BIO-1 (page 3.3-43) of no significant impacts to wildlife species with implementation of identified mitigation remains valid.

Response to Comment P72-31

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Based on the best available data, there are no documented occurrences of eelgrass within the project site. No revisions to the EIR are necessary.

Response to Comment P72-32

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P72-33

See Response to Comment O9-5 for a discussion related to osprey. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-34

See Response to Comment A2-10 for discussion of impacts related to white-tailed kite. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-35

There is low potential that burrowing owl will occur on or in the vicinity of the project site due to heavy anthropogenic disturbance and limited foraging habitat. However, as discussed in Response to Comment A2-28 to A2-31, clarification text changes have been made to Draft EIR Mitigation Measure BIO-1(c) in Section 3.3 Biological Resources (page 3.3-55). No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment P72-36

Bald eagle is addressed in Draft EIR Appendix C *Supporting Biological Resources Information*, page 3.3-C-10. It is not expected to occur due to lack of suitable nest trees within a mile of the project site. While foraging habitat does occur in the San Francisco Bay, high anthropogenic activity within the project site would discourage presence of bald eagle habitat within the developed project site. However, even if it were to occur on the project site, impacts would be less than significant with implementation of Mitigation Measures BIO-1 (a) and BIO-1(c). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-37

The Draft EIR Section 3.3.4 under Impact BIO-1, starting on page 3.3-44, discusses nesting birds and concludes that with implementation of Mitigation Measures BIO-1(a) and BIO-1(c), impacts would be less than significant. Bryant's savannah sparrow had no recorded database occurrences within the standard search area (nine USGS quadrangles) and, thus, was not included in Draft EIR Appendix C. This species requires low, tidally influenced pickleweed coastal marshes and associated coastal grasslands for breeding and foraging. Such habitat is not present within the project site, and there are no recorded occurrences in publicly available databases within five miles of the project site. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-38

The willow thicket referenced in this comment will not be impacted by the project. Removal of trees along Seawall Drive would include replacement plantings ratios to be determined by the City Urban Forestry Unit (see Impact BIO-5, page 3.3-65). The temporary loss of marginal habitat within urban landscaped areas would not create a significant impact. Larger areas of undeveloped habitats at Cesar Chavez "Farmworkers" Park and McLaughlin Eastshore State Park provide higher quality foraging habitat in the project vicinity. The Draft EIR analysis and significance conclusion that impacts to birds protected under the MBTA and CFGC would be less than significant with mitigation (Mitigation Measures BIO-1[a] and BIO-1[c]) under Impact BIO-1 in Section 3.3.4 (page 3.3-44) remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-39

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* for more information on this topic. Refer also to earlier comments for responses to specific comments raised in the comment letter. No further response is required.

Response to Comment P72-40

The comment's preference for the No Project Alternative is a policy matter for City decision-makers to consider. This comment has been included in the project record considered by City decision makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P72-41

Refer to Response to Comment P72-6, which explains why a subsequent EIR is not needed. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P72-42

Insofar that these references are cited in earlier comments, refer to Response to Comments P72-1 through P72-41 for a discussion about specific comments raised by the commenter.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P73

From: Steven Belcher <swbelcher@msn.com>
Sent: Monday, April 27, 2026 7:40 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: tom loughran <tloughran4@gmail.com>
Subject: Berkeley Marina EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City of Berkeley, you have a problem, making way for popular transportation project that is elbowing itself into a multitude of other popular and sensitive and existing facilities', recreation and outdoor uses. The main weakness of the proposed ferry is that there is a assumption that parking will be close the to the terminal. This is impossible without major disruption and destruction of the marina family of public use. Many transportation related projects rely on a shuttle for near by parking lots…I would support this. Steve Belcher, 80 year user. P73-1

Letter P73

Commenter: Steven Belcher

Date: April 27, 2026

Response to Comment P73-1

Section 3.11, *Recreation*, of the Draft EIR identifies existing recreational uses and facilities at the Berkeley Waterfront (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7) and evaluates whether the project would result in a physical loss of recreational resources or restrict access (Section 3.11.4, *Impacts Analysis*, pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including new and improved facilities and public amenities (Impact REC-1).

Parking and circulation are evaluated in Section 3.12, *Transportation*, and Chapter 2, *Project Description*, which describe that the project would provide a comparable parking supply while incorporating multimodal access improvements. For further discussion of parking considerations related to the Draft EIR analysis, refer to Section 2.2.20, *Topical Response: Parking.* The comment's suggestion regarding alternative parking strategies (e.g., shuttle services) represents a design preference. As described in the Parking and TDM Plan, such strategies are among the tools that could be implemented if needed as part of ongoing management. CEQA requires analysis of environmental impacts of the proposed project, but does not require adoption of specific alternative management strategies unless necessary to mitigate a significant environmental impact

The Draft EIR demonstrates that the proposed project would not result in a significant impact to recreational resources or access. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P74

From: ywatson dslextreme.com <ywatson@dslextreme.com>
Sent: Monday, April 27, 2026 4:30 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment on Waterfront Transportation Pier Ferry Project DEIR State Clearing House #2025040995

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Ms. McNulty,

Please accept the attached comment on the
Waterfront Transportation Pier Ferry Project DEIR
State Clearing House #2025040995

P74-1

Thank you,

Yvonne Watson

April 27, 2026

Via Email: lmcnulty@berkeleyca.gov

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Via Email: lmcnulty@berkeleyca.gov

Re: Waterfront Transportation Pier Ferry Project DEIR
State Clearing House #2025040995

Dear Ms. McNulty,

Please accept the following comments on the Waterfront Transportation Pier Ferry Project DEIR. P74-1

PUBLIC ACCESS: Confusion Over Which Public Agency Will Manage Public Parking (Park and Ride Programs) in and near the Project Site P74-2

The DEIR is insufficient in describing the relationship between the following 4 parties associated with the Project site:

1. California State Park System

Eastshore State Park General Plan (from here on referred to as the General Plan), December 6, 2002, page III-2 thru page III-3 P74-3
https://www.parks.ca.gov/pages/21299/files/eastshorestatepark-generalplan.pdf
Last accessed: April 27, 2026

The Public Resources Code, Section 5003.03(h) has proposed that the Eastshore park project shall be:

"...a recreational facility harmonious with its natural setting."

To accomplish this purpose, the park project's resources will be managed by balancing its scenic and recreational resources with the protection and restoration of its natural resources. Opportunities to enjoy the on-shore breezes, the wildlife, as well as the world-renowned vistas of urban skylines and the Bay and Golden Gate Bridges shall be enhanced. **Public access to the San Francisco Bay and its shoreline shall be provided,** consistent with resource protection, to meet recreational needs through use of the Bay Trail and waterfront recreational areas. P74-3

The General Plan acknowledges there is limited space for public parking. Page II-73.

The limited amount of upland area means that land area for parking is at a premium. **Land set aside for parking with necessarily be competing with potential recreation and habitat uses**.

Since "…land area for parking is at a premium," it is essential that a Park and Ride Program or some other type of parking mitigation be established to protect public access to the limited number of public parking spaces set aside for visitors to the McLaughlin Eastshore State Park.

According to the *California Department of Parks and Recreation Policy Manual* it may in fact be necessary to warn ferry users that vehicles found illegally parked on State Park land may be subject to being towed.
https://www.parks.ca.gov/pages/937/files/Chapter_1_DPR_CA_Policy_Manual.pdf
Last accessed: April 23, 2026 P74-4

Law Enforcement Authority, Page 23

100.8 CALIFORNIA VEHICLE CODE

Although State Park Peace Officers enforce many sections of the California Vehicle Code, the following sections are of particular importance:

Vehicle Code § 21113 - Public Grounds - This section makes all provisions of the California Vehicle Code applicable to the traffic upon the driveways, paths, parking facilities, and grounds of the State Park System. (The complete text is contained in the California Vehicle Code.)

Vehicle Code §§ 22651 through 22656, and 22669 - These sections authorize the removal, towing, and storage of vehicles under certain conditions by State Park Peace Officers. The removal, towing, and storage of any vehicle by State Park Peace Officers shall be performed in accordance with these sections and with the procedures detailed in Sections 22850 through 22853. (The complete text is contained in the California Vehicle Code.)

Vehicle Report Form, CHP 180, shall be used when removing and storing vehicles. An owner of a vehicle placed in storage is entitled to a review process and may request a hearing. The CHP 180 is used to notify the owner of the vehicle of his/her entitlement to a hearing.

P74-4

2. California Department of Transportation (CalTrans) Commuter Park and Ride Program https://dot.ca.gov/programs/traffic-operations/park-ride
Last accessed April 27, 2026

P74-5

CalTrans operates Park and Ride Programs at many of the California State Parks but McLaughlin Eastshore Park does not show up on a search of their website.

3. City of Berkeley
https://berkeleyca.gov/city-services/parking
Last accessed: April 27, 2026

P74-6

The City of Berkeley website does not appear to operate any Park and Ride facilities.

4. Bay Regional Park District (EBRPD)
https://www.ebparks.org/parks/mclaughlin-eastshore

P74-7

Last accessed: April 27, 2026

A search of the EBRPD website revealed this information:

> The East Bay Regional Park District**, acting as agent for the State,** used funds from the Park District's 1988 Measure AA and state park bonds to acquire the property and clean up contaminated areas at a cost of more than $33 million. The McLaughlin Eastshore State Park General Plan identifies the future preservation, conservation, and recreation uses and improvements for the park.

P74-7

There is no indication on the EBRPD website that it operates any Park and Ride facilities for commuters.

The confusion over who does or doesn't have clear jurisdiction over the subject of parking in the Project area must be resolved in order to ensure public access to the recreational resources located at or adjacent to the Project site is maintained.

P74-8

Thank you for the opportunity to comment on this project.

Yvonne Watson

Environmental and Social Justice Leader
Disability Rights Activist
13652 Sunset Drive
Whittier, CA 90602

Letter P74

Commenter: Yvonne Watson

Date: April 27, 2026

Response to Comment P74-1

This request pertains to submission of materials for the administrative record and does not raise issues regarding the adequacy of the analysis, significance conclusions, or mitigation measures presented in the Draft EIR. The submitted material has been received and included in the record. No further response is required.

Response to Comment P74-2

First, as a matter of clarification, no park and ride programs have been proposed as part of the project. The project does include renovations to the Seawall Drive Parking Lot. This parking lot is within the City of Berkeley's jurisdiction and the City would manage the parking lot.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's plan to maintain and protect access for recreational users.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P74-3

The proposed project is not located in the California State Park System, and the California State Park System would not be responsible for managing any of the parking associated with the proposed project. Refer to Response to comment P74-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P74-4

The proposed project would not infringe on the continued implementation of laws from California State Parks. Refer to Response to comment P74-2 and P74-3. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P74-5

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P74-6

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P74-7

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P74-8

Refer to Response to comment P74-2.

Letter P75

-----Original Message-----
From: Paul Kamen <pk@well.com>
Sent: Monday, April 27, 2026 6:39 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the WETA Pier-Ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please see attached. I would like to enter it into the record of comments on Draft EIR for the Pier-Ferry project. P75-1

Berkeley and WETA need to commit to electric ferries and only electric ferries for this route. Promises of electrification seem disingenuous when the costs, performance, schedule, and the initial business plan appear to based on diesel ferries. P75-2

Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
1224 Campus Drive, Berkeley, California 94708
pk@well.com
https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.surfacepropulsion.com%2F&data=05%7C02%7Crperry%40rinconconsultants.com%7C53bbdec44fb147337ff108dea59b11d8%7C0601450f05594ee5b99257193f29a7f8%7C0%7C0%7C639130282632886804%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=FwIyfyzPQnLZz2B4AjDZdi%2BAjF75sFh9KRbkIPfZA%2BI%3D&reserved=0
510-540-7968 510-219-8106 (cell)

Op Ed by Paul Kamen, Naval Architect
March 7, 2023

Why is Berkeley Going Backwards on Climate Change?

Berkeley is poised to embrace one of the dirtiest, highest-carbon, globally-destructive forms of transportation ever devised: Diesel Powered High Speed Commuter Ferries.

The numbers speak for themselves: A modern fast ferry is a carbon hog, using about 2300 BTU of liquid fossil fuel energy per passenger mile. Compare to commuter buss at 130 BTU per passenger-mile, lilght rail at 91, or BART at only 68. Even an older gasoline-powered car, 20 MPG in a four-person carpool, leaves a lighter carbon footprint than the ferry at 1750 BTU/passenger-mile.

Modern battery-electric cars, single-occupancy, have an energy consumption range from 853 to about 1180 BTU equivalent per passenger-mile. Also consider that with private vehicles there's no reverse commute; with public transportation, a half-load in the reverse commute direction doubles the per-mile carbon footprint. If our high speed diesel ferry averages 50% passenger load throughout the day (probably optimistic), then the ferry's actual carbon footprint per passenger-mile is doubled.

While it's true that modern "Tier 4" emission controls can remove particulates and other pollutants from diesel exhaust, they do nothing for carbon dioxide, the primary greenhouse gas produced when petroleum fuel is burned. The carbon footprint tracks closely with the energy content of the liquid fossil fuel burned, so BTU per passenger-mile is a good measure of the carbon footprint of a diesel ferry. (Electric vehicle energy is more commonly given as kilowatt-hours rather than British thermal units, but the conversion is easy: 1 kWh = 3412 BTU.)

P75-3

Now look at the latest purchase by our local ferry authority, WETA: Two diesel engines of 2557 HP each, 36 knots at full load, 320 passengers. It works out to 2719 BTU per passenger-mile, assuming every seat is occupied in both commute directions.

Meanwhile, California is aggressively pursuing full electrification of our transportation fleet. New cars must be all electric by 2035. We are transitioning to zero-emission busses. Electric ferries are in the works all over the world (Seattle, Vancouver, New York, Europe, and Asia). Norway is particularly progressive: A new 27 knot, 150-passenger all-electric ferry is now operational, joining a fleet of 70 zero-emission ferries. It runs at a relatively efficient 927 BTU/passenger-mile. And their largest all-electric ferry transports 360 passengers plus 120 vehicles at about 12 knots on a 4 mile route. If we count each car as equivalent to four more passengers, carbon footprint is a very clean 305 BTU per passenger-mile.

Thailand is planning no less than 27 250-passenger electric ferries to serve routes on the Chao Phraya River in Bangkok. Other electrification projects are underway in Taiwan, New York and several European routes.

Closer to home, BC Ferries is already operating two Island Class hybrid car ferries in Puget Sound – capacity is 47 vehicles and up to 450 passengers.

Here in the U.S., the Federal Trade Commission recently awarded $97.6 million to fund the "Electric or Low-Emitting Ferry Pilot Program" in 7 states. Washington State Ferries, the largest ferry operator in the U.S., has initiated a $4B program to first hybridize and then electrify its fleet by 2040.

Even the humble old Tiburon-Angel Island ferry will be electrified next year, moving 400 passengers at only 256 BTU/passenger-mile. This is less than one-tenth of the per-passenger per-mile carbon footprint of WETA's newest diesel ferries.

The proposed Berkeley to San Francisco ferry service is well suited to electrification. It's a short route at only 6.5 miles, with a long enough dwell time at each end for useful recharge. (The SF-Jack London Square route if even shorter, at 6.2 miles.)

Before proceeding with plans for a major ferry terminal at the Berkeley Marina, Berkeley needs a firm contractual guarantee from WETA that ONLY electric ferries will operate from the new terminal. Yes, WETA has made this promise, but their cost projections are still based on diesel power. We need an enforceable agreement that we can hold them to. And we need to see realistic costs and revenue projections based on electric boats. P75-3

A ferry has a useful life of 30 to 40 years. In 2050 and beyond, do we really imagine that we will still be supporting a diesel fleet for the short run from Berkeley to San Francisco? Diesel will cost more, diesel will contribute to disastrous climate change, and adding more diesel exhaust is absolutely the wrong legacy to leave to those who come after us.

It's easy to see why the Berkeley City Council would love to take credit for bringing ferry service back to Berkeley. But if large diesel-powered boats come to Berkeley, the legacy will be regressive climate policy and an inexcusable disregard for the future.

Paul Kamen, Naval Architect

Letter P75

Commenter: Paul Kamen

Date: April 27, 2026

Response to Comment P75-1

The City confirms that subsequent comments have been entered into the record. Refer to Response to Comments P75-2 to P75-3.

Response to Comment P75-2

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, which discusses that the ferry vessels being proposed in the Draft EIR are electric. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless, the comment has been included in the project record provided to decision makers for consideration. No further response or revisions to the EIR are required.

Response to Comment P75-3

Insofar that this opinion article discusses electric ferry vessels, refer to Section 2.2.10, *Topical Response: Electric Ferry*.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P76

From: Val fong <vofong@gmail.com>
Sent: Monday, April 27, 2026 7:19 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Please no Pier Ferry Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please, no ferry without better planning and adequate parking

P76-1

Valerie Fong

Sent from my iPhone

Letter P76

Commenter: Valerie Fong

Date: April 27, 2026

Response to Comment P76-1

Regarding the commenter's opposition to the project, the commenter's opposition does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's plan to provide an adequate parking supply.

Letter P77

From: Zahwa Amad <zamad@msn.com>
Sent: Monday, April 27, 2026 9:26 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Oppose ferry project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Lisa

I am a long time Berkeley resident, a Cal graduate, and a senior on limited income. I am also disabled. I am a regular daily user of the Berkeley Marina for recreation and excercise. I strongly oppose the ferry project as it adversely affects parking. The marina offers a respite for recreation to Berkeley low income. I paddle on the bay and I am a member of Draggon max and of Berkeley yacht club. P77-1 P77-2

There is no planning for adequate parking. There are already two ferries nearby in Richmond and Oakland. I urge you to Please reconsider the ferry project. Thank you. P72-3 P72-4

Zahwa Amad

Get Outlook for iOS

Letter P77

Commenter: Zahwa Amad

Date: April 27, 2026

Response to Comment P77-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P77-2

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how the City appropriately discusses parking in the Draft EIR, according to CEQA.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P77-3

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's plan to provide an adequate parking supply. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P77-4

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P78

From: corinnelouise paff <corinnelouisedesign@yahoo.com>
Sent: Tuesday, April 28, 2026 6:27 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: emilie strauss <desertpeach@earthlink.net>; Charley Paff <charleypaff@gmail.com>
Subject: re: Berkeley Ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

to Parks, Rec. Water Front Commission:
I am appalled at the proposal for the Berkeley Ferry
and concurrent changes to near shore areas.

As an Environmental Educator, past member of
Audubon and Sierra Club Conservation committees,
wildlife data provider for the planning of the
East Bay Regional Park, and long time
Berkeley resident, I am dismayed at the inadequate
and misleading Draft EIR. P78-1

1. Ferry wakes cause harmful disturbance to foraging, resting, courting of
resident and migrating water birds including Species of Special Concern
double Crested Cormorants and Clark's Grebes, that regularly display
courtship in this area. 16 Ferry trips would make this disturbance unrelenting. P78-2

2. Dredging for this endeavor will destroy existing and vital eel grass beds
and greatly disturb shoreline habitat that provides feeding for both
water birds and shorebirds. P78-3

3. Eliminating historically free bay view parking in favor of
monetizing this area for Ferry parking discriminates against
income limited people, goes against the accepted practice of
free coastal access (the bay is essentially an extension of the coast),
and is actually a social justice issue. P78-4

4. Emphasizing creating trails for bikes, e-bikes creates danger
for disabled or elderly walkers, casual strollers wanting a peaceful nature experience,
birders..... the multi-use trail along the Richmond shoreline is filled with speeding
bikes that are perilous for pedestrians P78-5

5. Ferry will be high cost for users, not reduce gridlock freeway traffic,
in itself will be a costly boondagle for taxpayers, is not really a
recreational activity, and will cause harm that no mitigation can correct
and adequately substitute. P78-6

6. Re=creating an ecologically sound Berkeley Pier is possible without
long term dredging and establishing a Ferry. P78-7

sincerely, Corinne Louise Greenberg MA, DTR

Letter P78

Commenter: Corinne Louise Greenberg

Date: April 28, 2026

Response to Comment P78-1

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy*, for more information on this topic. No further response is required.

Response to Comment P78-2

Double crested cormorant (*Nannopterum auritum*) is on the CDFW Watch List for nesting colonies, but is not a Species of Special Concern, and Clark's grebe (*Aechmophorus clarkii*) is currently listed as Least Concern by the International Union for Conservation of Nature (IUCN). Sixteen (16) new ferry trips daily (eight in the morning and eight in the afternoon) would not contribute significantly to existing levels of vessel operational levels on the Bay. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, Page 3.3-56 of the Draft EIR remains valid as written. The Draft EIR discusses the impacts of ferry wake in Section 3.8.4. Impacts Analysis on page 3.8-33. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P78-3

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. There are no documented occurrences of eelgrass within the project site. Therefore, the proposed project is not expected to impact eelgrass habitat. No further revisions to the EIR are necessary.

Response to Comment P78-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking supply, demand, and transportation demand management project elements that would maximize accessibility of the Berkeley Waterfront for all users.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are important policy considerations that the City Council should weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment. The Draft EIR at Section 3.11, Recreation, analyzes whether the project would have physical impacts on recreational uses and access, and concludes that the project enhances rather than diminishes recreational opportunities at the Berkeley Waterfront. The equity implications of fee structures for marina and ferry infrastructure are policy matters appropriately addressed through the City's public deliberative process, not through the CEQA environmental review of the physical project. No revision to the Draft EIR is warranted on this basis. The project would provide a range of public benefits, including expanded public access, improved recreational facilities, and enhanced multimodal transportation options, which are intended to support continued public use of the waterfront. The Draft EIR appropriately evaluates the physical environmental effects of all project features, including potential impacts related to changes to parking configuration and supply, and concludes based on substantial recorded evidence that impacts related to transportation and related impacts to recreational access would be less than significant, as described in Section 3.11, *Recreation* (refer to Impact REC-1), and Section 3.12, *Transportation* (refer to Impact TRA-1).

Accordingly, the analysis and significance conclusions presented in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment P78-5

Conditions along the Richmond shoreline are outside the project vicinity and do not reflect the design approach of the proposed project at the Berkeley Waterfront. The Draft EIR evaluates pedestrian and bicycle circulation in Section 3.12, *Transportation*, and identifies the Bay Trail as a key recreational and circulation feature in Section 3.11, *Recreation* (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7).

As described in Chapter 2, *Project Description*, the proposed project has been specifically designed to reduce conflicts between different user groups and improve safety and accessibility for all users, including those with limited mobility. The project would incorporate a raised cycle track, which would physically separate bicycle and micromobility traffic from pedestrian pathways and public spaces. In addition, pedestrian routes, the public plaza, and shoreline access areas would be designed to be ADA-accessible, with improved surfaces, grades, and circulation that enhance usability for individuals with mobility constraints (see Section 2.5, *Proposed Project Components*). These features represent an improvement over existing shared-use conditions by providing clear separation of travel modes and upgraded accessible infrastructure, thereby addressing potential safety conflicts such as those described by the comment. The Draft EIR concludes that access and circulation conditions for recreation and transportation users would be maintained and enhanced (see Sections 3.11 and 3.12).

Accordingly, the comment's concerns regarding conditions at other shoreline locations do not indicate a deficiency in the Draft EIR's analysis, and the proposed project includes design measures specifically intended to improve safety for pedestrians, including disabled and elderly users.

The analyses and significance conclusions presented in Sections 3.11, *Recreation*, and 3.12, *Transportation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P78-6

For comments about cost, refer to Section 2.2.22, *Topical Response*: *Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

For comments about traffic, pursuant to California SB 743, transportation impacts in CEQA documents are evaluated using vehicle miles traveled (VMT) rather than roadway congestion measures such as Level of Service (LOS). The project is expected to increase traffic volumes on certain roadways leading to the terminal because additional users would travel to the Waterfront to access the ferry. However, existing roadway segments, including University Avenue between Frontage Road and Marina Boulevard, would continue to operate within acceptable capacity conditions (LOS A). At the same time, many ferry users would replace longer automobile trips with ferry travel. As a result, the overall amount of driving per person is reduced, leading to a decrease in VMT on a per capita basis.

Regarding the comment about mitigation, the Draft EIR has appropriately identified potentially significant environmental impacts and feasible mitigation measures to reduce those impacts. Refer to page 4-1 of the Draft EIR, which discloses the significant and unavoidable impacts from the project.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P78-7

The City acknowledges the comment's preference for a pier restoration project without ferry service. This comment has been included in the project record considered by City decision makers.

As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected*, the City considered a "No Ferry Service with New Pier Alternative" but did not carry it forward for detailed analysis because it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. The Draft EIR further explains that funding available through WETA is tied to implementation of ferry service.

For additional discussion regarding the no-ferry-service pier alternative and other alternatives considered but rejected from further analysis, please refer to Response to Comment O10-215.

Accordingly, the City concludes that the Draft EIR evaluates a reasonable range of feasible alternatives consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Letter P79

From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Tuesday, April 28, 2026 4:58 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Response to DEIR for Pier Ferry Project

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To state the obvious, the purpose for an environmental impact report is to identify the impact of a project on the environment, plan mitigations and assess the damage to the environment of those impacts which cannot be mitigated. P79-1

Since the environmental impacts to wildlife are significant and cannot be mitigated, the scope and framing of the DEIR are severely limited to avoid identifying the unmitigable impacts to wildlife and the bay. Studies to support the desired conclusions are also limited as are the alternatives. P79-2

The glaring alternative never studied is portrayed in this flyer P79-3



The best solution to ferry service was never proposed or analyzed as an option. Instead the alternatives were a shortened breakwater and a shortened pier at the planned location. The fourth alternative of reduced landside facilities has already been reduced in the planning and stripped down to a small plaza in the last presentation to the public.

Reaching back to a 2003 EIR is out of place in the science and analysis that has developed in the last 23 years. This 2026 DEIR needed to be a completely fresh start. P79-4

The premise that the ferry will reduce commuters on the bridge upends the purpose of the ferry as enhancing recreation. An in depth study needs to be performed on the impact of a ferry on BART ridership. BART is the superior mode of transportation in moving people with the least environmental impact. Competing with and diverting ridership from BART to the ferry has been a WETA practice in establishing fare price points for other routes. P79-5

The impact on nature needs fresh study for the entire marina, waterfront and surrounding area. Berkeley including the marina/waterfront is on the Pacific Flyway. The impact of a ferry on migrating birds is significant. A thorough study needs to be completed during winter migration and during spring and summer nesting. Between 1970 and 2020 numerous studies documented the loss of greater than 30% of birds in North America. The decline in bird populations continues at an accelerated pace. https://www.stateofthebirds.org/2025/ P79-6

The mortality of gray whales in the bay from boat strikes is on the increase, well documented in local papers. This needs fresh review. Adding more ferries and ferry routes will only add to this crisis. Somehow the DEIR didn't find any whales, but this absence of findings appears in the DEIR to be absent due to the small constrained area and time of study in the DEIR. P79-7

Kelly Hammargren

Letter P79

Commenter: Kelly Hammargren

Date: April 28, 2026

Response to Comment P79-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P79-2

The comment does not identify what impacts are significant that cannot be mitigated. The comment also does not provide supporting information about how the scope and framing of the Draft EIR are limited. Studies prepared for the Draft EIR include a literature and database review included publicly available agency databases and documents consistent with industry standards. The literature and database review conducted for the EIR is described in Section 3.3.1, Introduction, Page 3.3-1 of the Draft EIR remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P79-3

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

Refer to Section 2.2.2, *Topical Response: Alternatives*, which describes the overall alternatives analysis in the Draft EIR, including consideration of alternatives, consideration of off-site alternatives, and why the Alternatives analyzed in the Draft EIR are not minor variations, but alternatives with sufficient variation to allow for meaningful decision-making.

The comment's preference for a different ferry terminal location or project configuration is noted; however, the comment does not identify a deficiency in the Draft EIR's alternatives analysis. This comment has been included in the project record considered by City decision makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P79-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment P79-5

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P79-6

The Central Bay already supports dense commercial, recreational, and ferry operational levels; the EIR compares the incremental ferry operations to this existing baseline rather than to an undisturbed Bay. The research cited does not identify reasons for the decline in birds of North America, but does suggest sea-level rise, predation, and warming or changing climates affecting foraging habitat as potential causes for the decline in seabirds, none of which would be exacerbated by the proposed project. The EIR impacts

analysis was based on a current literature review of publicly available agency databases and documents consistent with industry standards. The literature and database review conducted for the EIR is described in Section 3.3.1, Introduction, Page 3.3-1 of the Draft EIR remains valid as written. See Response to Comment P46-4 for a discussion regarding the Pacific Flyway. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P79-7

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 52 to 54), the analysis acknowledges that vessel strikes are a known source of mortality for whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay baseline, which includes substantial commercial, recreational, and ferry vessel operational levels. See Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Letter P80

From: casilda rubio <casilda100@gmail.com>
Sent: Tuesday, April 28, 2026 4:52 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Objection to ferry terminal in Berkeley marina

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am a resident of Berkeley, a registered voter and a taxpayer. P80-1

I am appalled by the city proposal to build a ferry terminal in Berkeley Marina P80-2

1) due to massive expense and poor planning, which will be paid for by us the taxpayers at the expense of Berkeley schools and other much higher priorities P80-3

2) it is a huge de facto subsidy of riders at the expense of the rest of the community

3) it steamrolls over years of active community use of the waterfront for nonprofit recreational and educational activities, for example Cal Sailing club which is open to the community, families picnicking, kayaks, and other recreational use P80-4

4) wasting a whole parking lot in the marina on meter maid vehicles was not disgraceful enough, this massively disruptive project takes disregard for the community to a whole new level P80-5

5) I am in the marina daily for hiking
and have observed Community use in the marina for years P80-6

Please vote NO for this massively wasteful proposal. P80-7

C.Rubio
Berkeley, California

Letter P80

Commenter: Casilda Rubio

Date: April 28, 2026

Response to Comment P80-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P80-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P80-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P80-4

The Draft EIR identifies and describes existing recreational uses at the Berkeley Waterfront, including community-serving and nonprofit recreational activities, in Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7). These uses include sailing, kayaking, boating, shoreline recreation, and passive recreational activities, many of which are supported by organizations such as the Cal Sailing Club. Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the proposed project would result in a physical loss of recreational resources or restrict access to these uses (see Impact REC-1). As discussed therein, the Draft EIR concludes that the proposed project would maintain and enhance recreational opportunities and access, including through improved shoreline access, restoration of public access to the Berkeley Pier, and the addition of new public amenities. The project does not eliminate recreational facilities or preclude the continuation of nonprofit and community-based recreational uses at the waterfront.

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which explains how these continued uses of the unimproved water access near 199 Seawall is maintained under the project.

Accordingly, the Draft EIR does not support the statement that the project would displace or "steamroll" existing recreational uses. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P80-5

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P80-6

The Draft EIR recognizes the Berkeley Waterfront as a heavily used recreational resource and describes a wide range of existing recreational activities, including walking, hiking, and passive enjoyment of the shoreline, in Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7). These observed uses

are reflected in the baseline conditions used to evaluate the project. Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the project would result in a physical loss of recreational resources or restriction of access and concludes that the project would maintain and enhance access to these resources, including improvements to shoreline access, the Bay Trail, and related recreational infrastructure (Impact REC-1).

Accordingly, the comment's observations regarding existing community use are consistent with the baseline conditions described in the Draft EIR, and the analysis concludes that these uses would continue to be accommodated. This comment has been included in the project record considered by City decision makers.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P80-7

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P81

From: Claudia Kawczynska <claudia94710@gmail.com>
Sent: Tuesday, April 28, 2026 4:42 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Revision comment to DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

HI Liza
Sorry but I had to add another sentence to my previous comment about the whales. Sorry about the confusion. But it is important to note that the majority of whales in the Bay are NEW to the area, hence cannot be acclimated to it. P81-1

Date: **April 28, 2026**
To: **Liza McNulty, PE, Project Manager**
City of Berkeley, Parks, Recreation, and Waterfront Department
From: **Claudia Kawczynska**
Re: **Berkeley Water Transportation Pier Ferry Draft EIR Comments**
Thank you for providing the opportunity to respond to the Draft EIR, I will be addressing only two aspects of this study, the equity issue in parking and the potential impacts to whales: P81-2
Biological Resources:
Potential Impacts to Whales
In your document you analyzed potential impacts to whales but I believe this merits a more in-depth analysis and should not just rely on the very dated WETA's 23 year old programmatic EIR that determined the following:
"Given the existing setting of the Central Bay, and WETA's ongoing implementation of best practices to reduce the potential for whale strikes per the Mitigation Measures in the 2003 Program EIR, impacts would be less than significant."
But yet according to the National Oceanic and Atmospheric Association, 18% of gray whales that enter the SF Bay die there, with fast moving vessel traffic and resulting strikes being a primary cause. Just a few days ago another body of a gray whale, the 8th so far this season, was spotted in the Bay. And while the EIR does cite the "WETA Marine Mammal Protection & Whale Avoidance Memorandum" that document is not fully reproduced in the EIR. This makes WETA's internal whale-protection guidance less than transparent. P81-3
Since vessel speed is the major concern in avoiding striking whales, it is of great concern that this DEIR does not support imposing mandatory ferry speed reductions, and simply relies on "personal communication regarding ferry speeds." So the reduction of the speed is NOT regulated but simply dependent on "conditional" observations. P81-4

Outside of the SF Bay NOAA etc promotes a 10 knot slow zone in whale habitats, but there is no equivalent enforceable standard with ferry operators. The DEIR asserts that "marine mammal activity, particularly for whales, is expected to be lower in the project vicinity than elsewhere in the Bay." But a whale protection approach must analyze cumulative impacts of the ferry system, not just individually. P81-5
In reaching the conclusion that "No mitigation would be required" around this issue, the DEIR states that "Special-status fish and marine mammals, specifically whales, are likely habituated to existing levels of boat trip levels and would avoid new ferry boat service." This certainly sounds more like "wishful" thinking than any in-depth analysis that this important matter merits. In fact many of the whales that come into the Bay are new to the area, so don't have any memory of it to acclimate to it. It is hoped that the deficiencies in the environmental review of valuable resources, such as protection of the whales, be further explored so that the public and policymakers can make an informed judgment regarding the project. P81-6
DEIR Parking and Parking Fee Program
For more "wishful" thinking there is the DEIR's analysis around providing parking for both ferry riders and to the many other users and recreationists who visit the waterfront. I realize that you have already received many comments about the deficiencies of the DEIR's plan to provide sufficient parking for ferry riders, especially since it relies mostly on data collected from other terminals in non-park settings in the Bay Area. So while I do not have much more to add to those comments except to provide a short recent history of how the city of Berkeley, in anticipating the advent of a ferry, thought to impose paid parking on some of the most popular areas, for recreationists, in the waterfront area.
On May 14, 2025, the idea of paid parking first came to the Parks, Recreation and Waterfront Commission, on which I served as vice chair (for the previous 2 years I was its chair). At that time the idea of exploring added revenue generation was extremely important, partially due to the fact that the Doubletree hotel had not paid its lease payments for quite some time, so the PRW formed a subcommittee to study this issue. P81-7
The commission had heard from a wide range of Waterfront users and stakeholders about how this proposed parking fee would have an insurmountable impact on their and others' ability to use the waterfront. This ran counter to one of the state goals of the Waterfront Planning process (WSP) to attract a wider range of users. It was thought that a parking fee would do quite the opposite. According to the Kittelson report parking data found that a third of visitors made less than $75K/yr. The commission requested that it be "fully integrated into the City's evaluation of any trial program of parking fees", and also appointed me to speak for the commission at the June 24 city council meeting regarding this issue.

At that meeting the PRW staff presented its quickly developed paid parking program, that was NOT included in the agenda packet for public review, and with little time given to any further analysis, or acknowledgement of the concerns of the public (who had written hundreds of letters on this issue), the council approved this paid parking plan. The PRW commission was not informed beforehand either.

Frankly it is hard to imagine that this parking fee program would not have happened if it hadn't been to create a parking plan for this DEIR that was thought to discourage ferry riders from using those lots that were most popular with recreationists. Although by offering a $500/annual fee that would allow "free" daily parking, that in itself seems to be an attractive alternative to a higher income level ferry rider than to those in the recreational community. (Because of the "behind closed doors" decision making from policymakers, I tendered my resignation from the PRW commission. Equity and fairness were at the heart of my concerns.)

There should be more analysis of how the DEIR's parking plan will affect current waterfront users (not just the patrons of the ferry) and how programs that are designed to help implement this plan, like the paid parking one, will affect future usage of Berkeley's waterfront.

P81-7

P81-8

Claudia

Claudia Kawczynska
2810 8th St. | Berkeley, CA 94710 | 510.821.0044

Date: **April 28, 2026**

To: **Liza McNulty, PE, Project Manager**
City of Berkeley, Parks, Recreation, and Waterfront Department
From: **Claudia Kawczynska**
Re: **Berkeley Water Transportation Pier Ferry Draft EIR Comments**

Thank you for providing the opportunity to respond to the Draft EIR, I will be addressing only two aspects of this study, the equity issue in parking and the potential impacts to whales:

Biological Resources:
Potential Impacts to Whales

In your document you analyzed potential impacts to whales but I believe this merits a more in-depth analysis and should not just rely on the very dated WETA's 23 year old programmatic EIR that determined the following:

"Given the existing setting of the Central Bay, and WETA's ongoing implementation of best practices to reduce the potential for whale strikes per the Mitigation Measures in the 2003 Program EIR, impacts would be less than significant." P81-9

But yet according to the National Oceanic and Atmospheric Association, 18% of gray whales that enter the SF Bay die there, with fast moving vessel traffic and resulting strikes being a primary cause. Just a few days ago another body of a gray whale, the 8th so far this season, was spotted in the Bay. And while the EIR does cite the "WETA Marine Mammal Protection & Whale Avoidance Memorandum" that document is not fully reproduced in the EIR. This makes WETA's internal whale-protection guidance less than transparent.

Since vessel speed is the major concern in avoiding striking whales, it is of great concern that this DEIR does not support imposing mandatory ferry speed reductions, and simply relies on "personal communication regarding ferry speeds." So the reduction of the speed is NOT regulated but simply dependent on "conditional" observations.

Outside of the SF Bay NOAA etc promotes a 10 knot slow zone in whale habitats, but there is no equivalent enforceable standard with ferry operators. The DEIR asserts that "marine mammal activity, particularly for whales, is expected to be lower in the project vicinity than elsewhere in the Bay." But a whale protection approach must analyze cumulative impacts of the ferry system, not just individually.

In reaching the conclusion that "No mitigation would be required" around this issue, the DEIR states that "Special-status fish and marine mammals, specifically whales, are likely habituated to existing levels of boat trip levels and would avoid new ferry boat service." This certainly sounds more like "wishful" thinking than any in-depth analysis that this important matter merits. In fact many of the whales that come into the Bay are new to the area, so don't have any memory of it to acclimate to it. It is hoped that the deficiencies in the environmental review of valuable resources, such as protection of the whales, be further explored so that the public and policymakers can make an informed judgment regarding the project.

DEIR Parking and Parking Fee Program

For more "wishful" thinking there is the DEIR's analysis around providing parking for both ferry riders and to the many other users and recreationists who visit the waterfront. I realize that you have already received many comments about the deficiencies of the DEIR's plan to provide sufficient parking for ferry riders, especially since it relies mostly on data collected from other terminals in non-park settings in the Bay Area. So while I do not have much more to add to those comments except to provide a short recent history of how the city of Berkeley, in anticipating the advent of a ferry, thought to impose paid parking on some of the most popular areas, for recreationists, in the waterfront area. P81-9

On May 14, 2025, the idea of paid parking first came to the Parks, Recreation and Waterfront Commission, on which I served as vice chair (for the previous 2 years I was its chair). At that time the idea of exploring added revenue generation was extremely important, partially due to the fact that the Doubletree hotel had not paid its lease payments for quite some time, so the PRW formed a subcommittee to study this issue.

The commission had heard from a wide range of Waterfront users and stakeholders about how this proposed parking fee would have an insurmountable impact on their and others' ability to use the waterfront. This ran counter to one of the state goals of the Waterfront Planning process (WSP) to attract a wider range of users. It was thought that a parking fee would do quite the opposite. According to the Kittelson report parking data found that a third of visitors made less than $75K/yr. The commission requested that it be "fully integrated into the City's evaluation of any trial program of parking fees", and also appointed me to speak for the commission at the June 24 city council meeting regarding this issue.

At that meeting the PRW staff presented its quickly developed paid parking program, that was NOT included in the agenda packet for public review, and with little time given to any further analysis, or acknowledgement of the concerns of the public (who had written hundreds of letters on this issue), the council approved this paid parking plan. The PRW commission was not informed beforehand either.

Frankly it is hard to imagine that this parking fee program would not have happened if it hadn't been to create a parking plan for this DEIR that was thought to discourage ferry riders from using those lots that were most popular with recreationists. Although by offering a $500/annual fee that would allow "free" daily parking, that in itself seems to be an attractive alternative to a higher income level ferry rider than to those in the recreational community. (Because of the "behind closed doors" decision making from policymakers, I tendered my resignation from the PRW commission. Equity and fairness were at the heart of my concerns.)

P81-9

There should be more analysis of how the DEIR's parking plan will affect current waterfront users (not just the patrons of the ferry) and how programs that are designed to help implement this plan, like the paid parking one, will affect future usage of Berkeley's waterfront.

Letter P81

Commenter: Claudia Kawczynska

Date: April 28, 2026

Response to Comment P81-1

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 52–54), the analysis does not rely on an assumption that whales are acclimated to ferry operational levels. Instead, the EIR evaluates the project's incremental contribution to an already heavily trafficked Central Bay environment and relies on WETA's established marine mammal protection protocols, which are based on NOAA guidance and ongoing coordination with the Marine Mammal Center. Refer to Section 2.2.28, *Topical Response: Whale Strike*, and Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-2

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P81-3

As described on Draft EIR page 3.3-53, WETA works closely with the Marine Mammal Center to implement a multi-layered marine mammal protection protocol that reflects current scientific understanding and updated NOAA guidance. The memorandum referenced by the comment is summarized in the Draft EIR as part of the regulatory and operational framework. CEQA does not require full reproduction of external operational documents within an EIR. In addition, see Section 2.2.28, *Topical Response: Whale Strike*, and Response to Comment O7-13 for discussion regarding potential whale strike. With respect to the comment's concern regarding the Draft EIR's incorporation of the 2003 WETA EIR, refer also to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* which clarifies the role of that document in the environmental review and the basis for the Draft EIR's project-specific analysis. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-4

As described on Draft EIR page 3.3-53, WETA works closely with the Marine Mammal Center to implement a multi-layered marine mammal protection protocol that reflects current scientific understanding and updated NOAA guidance, including speed reduction. The memorandum referenced by the comment is summarized in the Draft EIR as part of the regulatory and operational framework; CEQA does not require full reproduction of external operational documents within the EIR. See Section 2.2.28, *Topical Response: Whale Strike,* and Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-5

As described in Draft EIR Section 3.3.5, Cumulative Impacts (page 3.3-66), the EIR evaluates the project's incremental contribution to cumulative marine mammal impacts in the context of existing commercial, recreational, and ferry vessel operational levels in the Central Bay. The analysis concludes that the project would not make a cumulatively considerable contribution to whale strike risk, because WETA operational protocols developed in coordination with NOAA and the Marine Mammal Center apply to all WETA vessels, including those operated as part of the proposed project. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-6

This comment quotes the analysis of operational impacts on movement of marine species in Draft EIR Section 3.3.4 under Impact BIO-4, page 3.3-66, which determined that impacts would be less than significant. In addition, the Draft EIR addresses operational impacts to special-status fish and marine mammals in Section 3.3.4, under Impact BIO-1 (pages 3.3-52 through 3.3-54). See Section 2.2.11, *Topical Response: Ferry Operations*, for additional discussion of vessel interaction with aquatic species to support the less than significant effects determination Section 2.2.4, *Topical Response: Biological/Underwater Noise*, for discussion of effects of noise made by ferries on aquatic species. In addition, see Section 2.2.28, *Topical Response: Whale Strike*, for discussion of ferry operations and its impacts to whales. Finally, see Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for discussion of how WETA would avoid impacts to aquatic species, including whales. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-7

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P81-8

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P81-9

Refer to Response to Comments P81-1 through P81-8.

Letter P82

-----Original Message-----
From: Paul Kamen <pk@well.com>
Sent: Tuesday, April 28, 2026 4:40 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Comment on the WETA Pier-Ferry Draft EIR

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The Draft EIR is seriously deficient in its estimation of the environmental effects of dredging and land fill. This is because the required size and extent of the breakwater is grossly underestimated. P82-1

The problem is not the methodology, it is the omission of complete wind and wave data, specifically the occurrence of winter gale force north or north-west winds. These wind events produce waves that leave the ferry float entirely unprotected by the proposed breakwater design. P82-2

The same mistake was made in 1965 when the Berkeley Marina was designed.
The original design only included the rip-ra[breakwater, which was insufficient protection. During winter northerlies, the wave action INSIDE the marina was enough to repeatedly damage the docks on O-Dock that were in the waves' path. One section of boat berths had to be abandoned. P82-3

In the early '70s, the required fix was to add the sheet pile breakwater to the north of the original rip-rap breakwater, at great expense. The missing berths were replaced.

The problem then, as now, was that none of the wind measurement stations used for the wave analysis were accurately recording these north or north-west wind events. When these conditions are considered in the wave analysis for the proposed ferry terminal, it will be found that the breakwater must be much longer. Siltation and maintenance dredging requirements will increase beyond current estimates. P82-4 With the longer breakwater protecting the ferry float from the north, the location of the breakwater and the ferry floats may have to move farther west to allow sufficient maneuvering room for the ferry. P82-5

The analysis must include more extensive fill for a longer breakwater, a new assessment of landfill and maintenance dredging and related costs and impacts, and possible upgrades to the ferry float design or allowance for more frequent repairs after north wind events. P82-6

These costs should be considered as part of the feasibility assessment of the project as proposed, otherwise the City, WETA, and other funding agencies will be responsible for another expensive retrofit, similar to what happened in the same location more than 50 years ago. P82-7

Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
1224 Campus Drive, Berkeley, California 94708
pk@well.com
https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.surfacepropulsion.com%2F&data=05%7C02%7Crperry%40rinconconsultants.com%7C66636354728041c6010c08dea59b558f%7C0601450f05594ee5b99257193f29a7f8%7C0%7C0%7C639130283753988074%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=t5NbUgAW%2BhL9OCoxle7YwsxqAMCBzWWgIJk9Gh%2FSjWM%3D&reserved=0
510-540-7968 510-219-8106 (cell)

Letter P82

Commenter: Paul Kamen

Date: April 28, 2026

Response to Comment P82-1

In subsequent comments, the commenter provides specific concerns. Refer to Response to Comments P82-2 to P82-7 for a response to the specific comments raised.

Response to Comment P82-2

Refer to Section 2.2.29, *Topical Response: Wind*, for discussion concerning ferry operation with existing wind conditions. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* for discussion concerning wind and wave data produced for the project. No further response is required.

Response to Comment P82-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P82-4

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the wind data used in the project design. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P82-5

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, and Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion of the modeling conducted to identify maintenance dredging.

For a discussion of how maintenance dredging is treated in the CEQA document, refer to Section 2.2.15, *Topical Response: Maintenance Dredging.* The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P82-6

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a response to the specific issues raised in Comments P82-4 and P82-5, as it relates to the design of the project. Based on the data, modeling, and design gathered and prepared by the City's licensed professional coastal engineers, updates to the design are not needed, and updated analysis on the amount of fill and dredging is not required. The comment does not identify a specific deficiency in the analysis presented. No revisions to the Draft EIR are required.

Response to Comment P82-7

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P83

From: Mike <ebaymike666@yahoo.com>
Sent: Tuesday, April 28, 2026 10:52 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Concerns Regarding Proposed Ferry Project and Impact on Cal Sailing Club

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty,

I am writing to express my serious concerns regarding the proposed ferry project and the direct impact it may have on the Cal Sailing Club and the surrounding recreational waterfront community.

The Cal Sailing Club is a unique and valuable part of Berkeley's waterfront, providing affordable public access to sailing, windsurfing, kayaking, and other water recreation for a wide range of residents. Many of us rely on this area not only for recreation, but for community, wellness, and connection to the Bay. P83-1

There are several major concerns with the current proposal that I hope the City will carefully consider:

• Loss of parking for recreational users, which would significantly reduce accessibility for those who regularly use the marina and Cal Sailing Club. P83-2

• Degradation of wind quality, wind strength, and water conditions on the leeward side of the proposed breakwater. This could severely impact sailing and windsurfing conditions, which depend heavily on the natural wind flow and water state. P83-3

• Restriction of the sailing zone south of the pier, limiting safe and usable space for sailors and other small craft users. P83-4

• Disruption of the sea floor during dredging, which may increase siltation and further reduce access to the south sailing basin during low tides—an area already sensitive to tidal limitations. P83-5

• Increased congestion on University Avenue during ferry arrival and departure times, creating additional traffic challenges for both recreational users and the surrounding community. P83-6

I strongly urge the City to fully evaluate these impacts and work closely with the Cal Sailing Club and the local waterfront community before moving forward. Once these environmental and recreational conditions are altered, they may not be easily restored. P83-7

Please ensure that preserving public recreation, sailing access, and the character of Berkeley's waterfront remains a top priority in this decision. P83-8

Thank you for your time and consideration.

Sincerely,
Michael Freeman
Cal Sailing Club Member

Letter P83

Commenter: Michael Freeman

Date: April 28, 2026

Response to Comment P83-1

The Draft EIR recognizes the Cal Sailing Club and similar community-serving recreational uses as important components of the Berkeley Waterfront. Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7), identifies sailing, windsurfing, kayaking, and other water-based activities as key existing uses, including those supported by nonprofit organizations that provide public access and educational opportunities.

Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the proposed project would result in a physical loss of recreational resources or restrict access to these uses. As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including improved shoreline access, restoration of public access to the Berkeley Pier, and the addition of new amenities (Impact REC-1). The project does not remove or preclude continued use of facilities such as the Cal Sailing Club.

For additional discussion of shoreline and equipment-dependent access for activities such as sailing and kayaking, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).*

Accordingly, the Draft EIR does not support the statement that the project would adversely affect or displace the recreational community referenced by the comment. The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P83-2

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking availability and convenience are not environmental impacts under CEQA in themselves, but are evaluated for potential secondary effects on access. The Draft EIR concludes that access to recreational resources, including facilities such as the Cal Sailing Club, would be maintained.

Accordingly, the Draft EIR does not support the statement that the project would significantly reduce accessibility for recreational users. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P83-3

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* for information on these topics. No further response is required.

Response to Comment P83-4

For discussion of the regulations surrounding the waterfront, refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* regarding analysis of impacts on existing recreational access, including any limitations.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P83-5

Refer to Section 3.8, *Hydrology and Water Quality*, of the Draft EIR and Section 2.2.25, *Topical Response: Siltation/Wave Climate*. As discussed therein, any increase in turbidity associated with dredging activities would be temporary and limited to the construction period. Suspended sediments generated during dredging would be expected to settle following completion of the work, and standard construction best management practices would be implemented to minimize sediment dispersion beyond the immediate work area. Sediment transport analyses prepared for the project indicate that the highest sedimentation rates would occur within the dredged navigation channel, where natural sediment transport processes would tend to gradually infill the dredged area over time.

Although the South Sailing Basin was not specifically evaluated as part of the sediment transport modeling, the basin is shallower and more sheltered from wave action than the navigation channel, resulting in different hydrodynamic and sediment transport conditions. Given the localized nature of dredging activities and the expected settling of suspended sediments near the dredged area, the project is not anticipated to result in a measurable increase in sediment deposition within the South Sailing Basin or a reduction in access beyond existing tidal limitations.

To provide additional clarification, the following text has been added to Impact HYD-1 in Section 3.8, *Hydrology and Water Quality* (page 3.8-30):

> Dredging activities have the potential to temporarily degrade water quality by resuspending bottom sediments into the water column. As described previously, in 2025, sediment sampling and analysis was conducted within five dredge units in the project vicinity and sediment samples were found to contain metals, organochlorine pesticides, polynuclear aromatic hydrocarbons, PCBs, and dioxins/furans. Although contaminants were present, the concentrations of such contaminants indicate that sediments are not likely to pose significant hazards if managed according to reuse site requirements.
>
> Any increase in suspended sediment concentrations resulting from dredging activities would be temporary and limited to the construction period. Suspended sediments generated during dredging would be expected to settle following completion of the work, and standard construction best management practices would be implemented to minimize sediment dispersion beyond the immediate work area. The sediment transport assessment indicates that the highest sedimentation rates would occur within the dredged navigation channel as natural sediment transport processes gradually infill dredged areas over time.[48] Given the localized nature of dredging activities and the expected settling of suspended sediments near the dredged area, the project is not expected to result in a measurable increase in sediment deposition within the South Sailing Basin or a reduction in access beyond existing tidal limitations.
>
> [48.] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed July 2026).

This revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR. Therefore, the analysis and significance conclusions presented in Section 3.8, *Hydrology and Water Quality*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment P83-6

Refer to Response to Comment O10-156 regarding congestion and impacts on recreational users. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P83-7

Refer to Response to Comments P83-1 through P83-6 for responses to individual comments. This comment has been included in the project record considered by City decision makers. This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P83-8

As described in Chapter 2, *Project Description*, the City's project objectives include goals to preserve and enhance public recreational access to the waterfront while improving regional transportation connectivity (see Section 2.3, *Project Objectives*). These objectives reflect the City's intent to balance transportation improvements with continued support for recreational uses.

Section 3.11, *Recreation*, of the Draft EIR accordingly describes existing recreational uses at the Berkeley Waterfront, including sailing, windsurfing, kayaking, and other water-based and passive recreational activities (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7), and subsequently evaluates whether the proposed project would result in a loss of recreational resources or restrict access (see Section 3.11.4, *Impacts Analysis*, pages 3.11-14 through 3.11-24). The analysis therein concludes that the project would maintain and enhance recreational opportunities and access (Impact REC-1). In addition, Draft EIR Section 3.9, *Land Use and Planning* (Impact LU-2 and Table 3.9-1), further evaluates consistency with applicable policies, including BCDC Bay Plan policies that prioritize public access, recreation, and preservation of the waterfront setting, and concludes that the project would be consistent with those policies.

The comment's statement reflects a policy preference regarding project priorities. This comment has been included in the project record provided to decision makers for consideration.

The Draft EIR evaluates the physical environmental effects of the project as required by CEQA and demonstrates that recreational uses, access, and the overall character of the waterfront would be maintained and enhanced.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P84

From: Gordon Stout <gords11@gmail.com>
Sent: Tuesday, April 28, 2026 1:47 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; Scott Humphrey <scotth@sfmx.org>; theeter@blueandgoldfleet.com; kevin.hartley@crowley.com; phendriks@baydeltamaritime.com; qualman@norvicshipping.com; tammie.lasiter@ssamarine.com; alex@goprop.com; robert@ibu.org; freeling@sfmx.org; ben@baykeeper.org; GeorgeK@tmmc.org; d.corbett@sfbarpilots.com; p.ruff@sfbarpilots.com; scott.grindy@sfgov.org; im@cmanc.com; thosmer@portoakland.com; jtaschek@portoakland.com; jvine@stocktonport.com; mmiller@stocktonport.com; rscott@amports.com; katie.baracosa@amports.com; patrick.forrester@sfport.com; joe.monroe@sfport.com; cody.aichele@bcdc.ca.gov; jjschneider@marathonpetroleum.com; fadj@chevron.com; Erin.Pierson@crowley.com; laura@foss.com; timothy.w.shebesta@usace.army.mil; Jordan.M.Baldueza@uscg.mil; jeffrey.ferguson@noaa.gov; Robert.Booker@slc.ca.gov
Subject: EIR Docking Safety Questions

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Please read the attached file *EIR Docking Safety Questions.pdf*

It responds to the *Berkeley-Water-Transportation-Pier-Ferry-Project-Draft-EIR* P84-1

Also attached are the two previous files that describe the ferry docking situation.

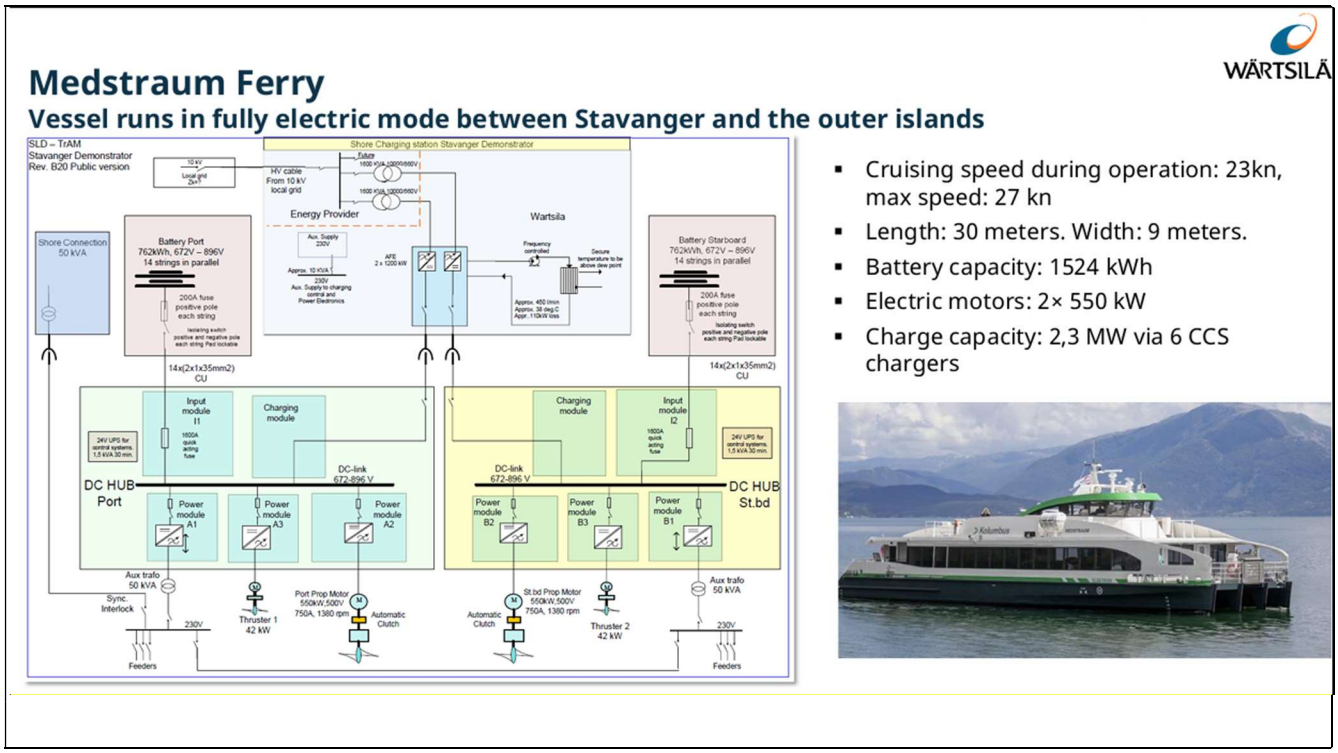
Thanks, all!

Gordon Stout

Draft EIR statement: "The project would introduce battery-electric ferry vessels operating on the project site. In the unlikely event of a loss of propulsion on an electric vessel, multiple layers of redundancy would be in place to prevent a complete failure. The vessel would be equipped with independent electric motors and multiple battery banks, each with isolated controls and protection systems, ensuring that a single point of failure does not disable the entire system."

Response: See below, the diagram shows one battery per side (port and starboard) each with an input and charging module and a DC Hub (output bus). Not quite per the rosy description above— "Multiple battery banks" is actually only two battery assemblies, one for port and one for starboard, and you probably only get limp-along capability with one bank out. These will be new prototype designs with as yet no operational track record—understand that the failure modes expected from a novel, very complex system will require careful analysis, way beyond what a paragraph or two can do. We trust that Wartsila will provide WETA with a very detailed failure mode and effect analysis that will guide our thinking.

At the end of the day, please don't bet 400 lives on the assumption that the control system will never fail—the system must have a backup, a foolproof way to stop the ferry if there is a control failure that leaves the ferry adrift. The consequences of a ferry being blown onto the Berkeley rocks or the Skates restaurant are much too serious to take risks with. P84-2



Draft EIR statement: "Crew members are trained regularly to respond to such scenarios, including loss of propulsion drills. In the rare case that all propulsion is lost, the crew would deploy the vessel's anchor to maintain position and initiate protocols to ensure passenger safety." **Response:** Such drills are indeed essential, and should be based on scenarios that include actual windy-day anchoring in response to surprise control failures. Drills should also cover simulated evacuation of passengers. The drills should follow well thought out protocols that are described in detail. A simulator, such as the one at the Cal Poly Maritime Academy, could be very useful in developing protocols. P84-3

Draft EIR statement: "WETA and its contracted operator proactively monitor weather forecasts. In the event of an approaching storm, senior staff coordinate with vessel crews to evaluate the safety of continuing ferry service on affected routes." **Response:** Fair enough, but will WETA help getting stranded passengers to their jobs across the bay? Not a trivial problem for passengers who find themselves stranded at the Marina without transit options. The EIR needs to consider what to do with weather-stranded passengers. P84-4

Draft EIR statement: "It should be noted that other marine vessels regularly operate near the project site, given that the project site is next to an active Marina. Similar to other vessels, ferry vessels would operate safely. For example, when approaching the ferry floats, ferry vessels would slow down significantly and adhere to speed limits and docking safety procedures. For these reasons, the operation of ferry vessels would not increase transportation safety use hazards due to the introduction of a new use on the project site (i.e., operation of ferry vessels)." **Response:** There are indeed many fishing charter boats that transit the area safely, but they do not brave wind and waves several times per day to make the ferry's amazing 180-degree turn and docking in the middle of a very windy high-traffic area. And these new ferries will be prototypes with as yet no operational track record, so we should be prepared for some failures. P84-5

In the end, a large, 400-passenger ferry blown onto Skates or the shore would do much more damage, and risk many more lives, than a grounding of any of the Berkeley fishing charter boats. We need to be very sure we can stop a ferry with any foreseeable control failure.

Harbor Safety Committee Reports of Loss of Propulsion Jan and Feb 2025

G. Stout 1/30/2026

What will be the reliability of the WETA electric ferry? We don't have data—perhaps referring to experience with other ferries on the bay may give some insight. Check out the HSC minutes, Marine Exchange of the San Francisco Bay Region

Draft Minutes Harbor Safety Committee of the San Francisco Bay Region February 13, 2025
https://www.sfmx.org/wp-content/uploads/2025-02_HSCMinutes_DRAFT.pdf
Total of 29 entries, the four below were LOP for passenger vessels

Loss of Propulsion (17DEC2024): A U.S. flag passenger vessel experienced a Loss of Propulsion on the port engine. Vessel moored safely at San Francisco Gate B and received permission for a one-time transit from San Francisco to Larkspur for repairs. Coast Guard issued the vessel an Operational Control, rectify Prior to Carriage of Passengers (Code 701). On 07JAN2025, vessel operator reported the root cause of the loss of propulsion as a failed fuel injector. On 21JAN2025, Coast Guard received a report that the vessel propulsion system operated as intended following satisfactory sea trials. Deficiency Cleared. Case pends.

Loss of Propulsion (23DEC2024): A U.S. flag passenger vessel experienced a reduction in propulsion on the starboard engine due to a low fuel oil pressure alarm. Vessel received permission from the Coast Guard for one time transit to Alameda facility to identify root cause, provide tech report, and conduct sea trials. Coast Guard issued an Operational Control, rectify Prior to Carriage of Passengers (Code 701). On 01JAN2025, Coast Guard received an email outlining the root cause of the reduction in propulsion to be from an issue with the ECU connecting to the starboard main engine. Vessel replaced the ECU and completed satisfactory sea trials. Operational Control Cleared. Case Pends.

P84-6

Loss of Propulsion (27DEC2024): A U.S. flag passenger vessel experienced an engine stall while transiting in the San Francisco Bay. Vessel returned to Pier 3 in Alameda and determined the engine stall occurred due to a leaky fuel fitting. Vessel crew also found a loose connection at a fuel hardline which caused air intrusion into the fuel system. Coast Guard issued an operational control, rectify Prior to Carriage of Passengers (Code 701). Crew repaired the faulty connection and engine reached full RPM during satisfactory sea trials. Operational Control Cleared. Case Pends.

Operational Control (23DEC2024): A U.S. flag passenger vessel received an operational control, rectify Prior to Carriage of Passengers (Code 701). Vessel reported loss of throttle control to port and starboard propulsion drives while mooring at Pier 41. On 26DEC2024, operator submitted a tech report that no abnormalities were found, sea trials conducted satisfactorily, and all systems operational. Operational Control Cleared. On 27DEC2024, during transit, the vessel experienced loss of throttle control to the port and starboard propulsion drives. Vessel moored at Pier 41. Coast Guard issued an operational control, rectify Prior to Carriage of Passengers (Code 701). Vessel received authorization for one-time transit to Pier 9 for maintenance and repairs. On 10JAN2025, the vessel conducted sea trials. While underway the operator completed several propulsion tests, including full ahead followed by full astern. On 14JAN2025, technicians reported that the throttles were calibrated to disable themselves until RPMs reduced below 70 when going from ahead to astern. Vessel installed new throttle controls. Operational control Cleared. Case Closed.

Harbor Safety Committee Reports of Loss of Propulsion Jan and Feb 2025

G. Stout 1/30/2026

Draft Minutes Harbor Safety Committee of the San Francisco Bay Region January 9, 2024

https://www.sfmx.org/wp-content/uploads/2025-01_HSCMinutes_DRAFT.pdf

Total of 19 entries, the three below were LOP for passenger vessels

Loss of Propulsion (10NOV2024): A U.S. flag passenger vessel experienced a loss of propulsion on their STBD engine due to loss of propeller while transiting to Richmond. The vessel returned to the pier and offloaded all passengers. Coast Guard issued the vessel an operational control (Code 60, Prior to Movement), with a one-time transit to Alameda for drydock. At drydock damage was found to have occurred to the strut, shaft, rudder, and cutless (sic) bearing. On 17NOV2024, Coast Guard attended vessel for sea trials, sea trials conducted satisfactorily. Operational Control Cleared. Case Closed.

Loss of Steering (22NOV2024): A U.S. flag passenger vessel experienced a loss of steering; vessel operator reported issues with the STBD steering system while underway, with alternate jet propulsion available. Vessel returned to the pier. Coast Guard issued an operational control (Code 701, Prior to Carraige of Passengers). On 24NOV2024, vessel operator submitted tech report attesting to satisfactory repairs. Vessel conducted satisfactory sea trial. Operational Control Cleared. Case Pends.

P84-6

Operational Control (02NOV2024): A U.S. flag passenger vessel was issued an Operational Control (Code 70, Prior to Carraige of Passengers). While departing the pier, the vessel lost power from one of two generators, reducing propulsion to approximately 66% power. Vessel safely moored and was issued the operational control. On 03NOV2024, operator notified Coast Guard that the issue had been resolved. Identified a failure of two electrical relays that send the key switch signal to the control system. Both relays were replaced, and sea trials conducted. Coast Guard received satisfactory tech report. Operational Control Cleared. Case Closed.

Lee Shore Hazard at the Proposed Berkeley Ferry Dock

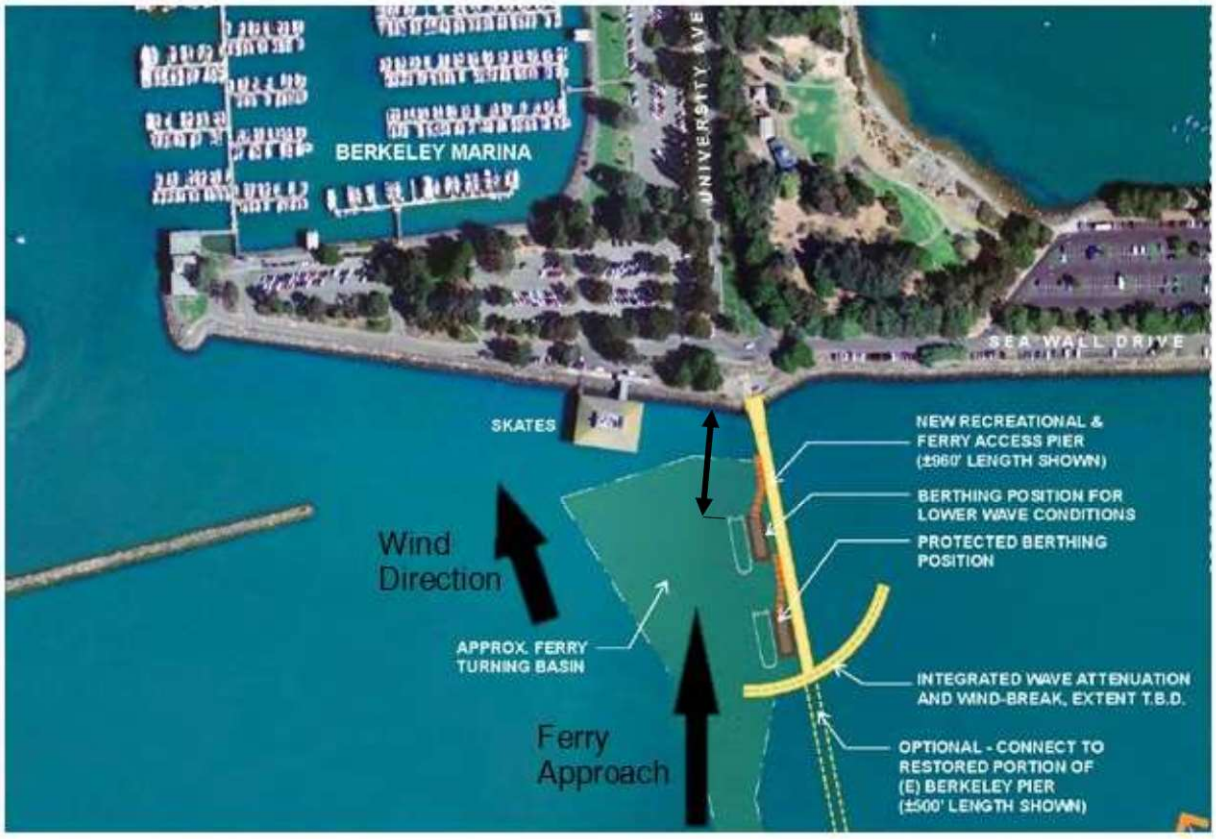




P84-7

On November 23, 2018 a Golden Gate Ferry rammed a dock at the San Francisco Ferry building, check out the bow damage in the picture above and this video. Fortunately, there were no serious injuries and damage was relatively minor. The cause of the accident appears to have been the captain's unfamiliarity with a recently upgraded control system.

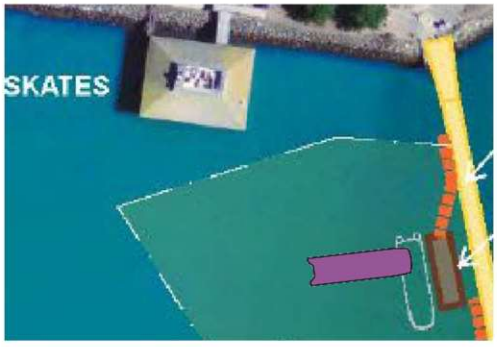
Consider the possibility of a loss of control incident occurring in a ferry approaching the dock proposed for the Berkeley WETA ferry (see below). An inbound ferry will normally arrive downwind roughly along the "Ferry Approach" arrow, then make a 180° turn in the "Ferry Turning Basin" so the ferry ends up pointed upwind when it arrives at the dock. The summer afternoon winds are often well above 20 mph, the chop is significant, and most of the marina's boat traffic leaves and arrives through this area. The 180° turn and docking will be demanding even with perfectly functioning equipment.



FINAL_Ferry Terminal Facility Feasibility Study - Berkeley Municipal Pier See Page 34 (arrows added)

P84-8

Zoomed-in image showing Dorado-sized (~300 passenger) ferry halfway through a 180° turn.



This is a very tight situation in which to suffer a control or propulsion loss. The inshore end of the ferry's dock is only 200 feet upwind of the rocky shore, and a 20- or 25-mph wind would soon push a disabled ferry downwind onto the rocks or the Skates restaurant. Skates is built on

tall, slender pilings (see next page) and might not survive wind and waves pushing a 135-foot-long ferry against and perhaps underneath it. Injuries and damage in such an accident would be very likely.

P84-8

Information with some bearing on how likely a control loss event might be:

1. The meeting minutes of the Harbor Safety Committee of the San Francisco Bay Region for January and February 2025 described seven instances of loss of propulsion or steering in passenger vessels on the Bay. (see Harbor Safety Committee Reports of Loss of Propulsion Jan and Feb 2025.pdf, attached with this document).
2. Hyundai, Kia, and Genesis are recalling over 146,000 electric vehicles because a faulty part may cause them to lose power while driving. What will be the reliability of the new WETA electric ferries?
3. After the Baltimore bridge collapse caused by a power loss in a big container ship, USA Today summarized US Coast Guard data showing that at least 6,000 times in the past 22 years – an average of more than five times a week – crews on board large cargo ships, oil tankers, container barges and even cruise vessels have reported what befell the Dali, a loss of propulsion and/or steering.

Docking Maneuvers:

- The ferry battery will be at a low state of charge when the ferry arrives at Berkeley, which may exacerbate some system failure modes.
- To the extent that the docking maneuvers involve dramatic steering or propulsion inputs, they may stress the control system and cause an incipient control failure to manifest as a hard failure during the docking.
- The 180° turn requires the skipper to shift attention from starboard to port, which adds to the skipper's workload. A Dorado's beam is 34.5 feet.
- If the final approach requires the ferry to drop backwards into position, the helmsman must look backwards to the dock, again adding to workload.
- Marina traffic needs to use the South entrance when the tide is low, and even if the ferry has the right of way, someone aboard will need to watch for approaching vessels. Boats leaving the marina will not be visible until they are close to the turning basin.
- If the loss of control occurs before the ferry slows for the 180° turn, the ferry's downwind speed will greatly reduce the available time to respond.

P84-9

Anchoring:

The best response to a loss of control event would probably be to drop an anchor, though better solutions might be found. An anchor would need to be dropped very quickly or the ferry will not stop before it hits the restaurant or shore.

- What kind of anchor should be used, and how much scope will the anchor need?
- Will the anchor be dropped off the stern or bow? There might need to be two protocols, one for a loss of control (LOC) event before the 180° turn and another for a (LOC) after the turn.
- Will the seabed be free of debris that might keep the anchor from biting into the mud?

- Is there anything on the underside of the ferry (e.g. rudder. skeg, propellor) that the anchor line could foul?
- Will additional crew be needed to deploy the anchor quickly?
- When the anchor line comes tight, is there potential for injury to people near it, on the ferry or the docking float?

P84-9

The approach of the ferry to the dock and the dropping of the anchor would need carefully thought-out protocols, which ferry personnel would need to be well-trained to execute rapidly if a loss of control event occurs.

In my opinion, the dock should be positioned in a less exposed site, for example inside the Marina or in a purpose-designed facility on the Golden Gate Fields shoreline.

P84-10

This is a matter that should be carefully considered in the ferry project EIR.

Skates Restaurant Would Skates survive being hit by a 135-foot, 169-ton ferry?



P84-11

Letter P84

Commenter: Gordon Stout

Date: April 28, 2026

Response to Comment P84-1

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P84-2

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion regarding vessel maneuverability, propulsion redundancy, loss-of-control scenarios, emergency response procedures, marine safety features, regulatory oversight, and the conclusions presented under Impact TRA-3 in Draft EIR Section 3.12, *Transportation* (pages 3.12-23 through 3.12-24). The Topical Response also includes clarifying revisions to the Draft EIR in response to comments received regarding ferry vessel control, docking safety, loss-of-propulsion scenarios, and emergency response procedures and a design adjustment that has been made to the proposed project to include fender piles and donut fenders within the project site in the water area to provide an additional passive safety measure by helping to absorb or deflect vessel movement in the unlikely event of a loss of control during approach or docking. For additional discussion related to electric ferry vessel assumptions, electric propulsion systems, vessel procurement, and the environmental analysis of electric ferry operations and supporting infrastructure, refer to Section 2.2.10, *Topical Response: Electric Ferry*.

The City acknowledges the commenter's observations regarding a representative electric ferry system and suggestion that failure analyses should be conducted or vessel systems. However, the City notes that the diagram included in the comment depicts a vessel configuration operated by a separate ferry operator and does not represent the final vessel design proposed for the Berkeley Water Transportation Pier Ferry Project. As discussed in Section 2.2.10, *Topical Response: Electric Ferry,* the specific ferry vessel model has not yet been procured or finalized. Accordingly, the Draft EIR does not rely on the design, battery architecture, or operational characteristics of any particular third-party vessel. Rather, the environmental analysis is based on the project description and operational assumptions evaluated in Draft EIR Chapter 2, *Project Description* (refer to Section 2.7, *Operational Details*, pages 2-30 through 2-33). Future vessel designs would be required to comply with applicable U.S. Coast Guard requirements, vessel certification standards, WETA operational requirements, and all other applicable maritime safety regulations. Therefore, statements regarding the configuration, reliability, or failure characteristics of a specific third-party vessel design do not demonstrate a deficiency in the environmental analysis presented in the Draft EIR.

The analyses and significance conclusions presented in the Draft EIR, including Impact TRA-3 in Section 3.12, *Transportation*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment P84-3

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion of ferry vessel safety systems, emergency response procedures, crew training requirements, vessel redundancy, and regulatory oversight. As discussed therein, ferry vessels would be operated by trained and licensed personnel in accordance with applicable U.S. Coast Guard requirements and WETA operational procedures.

The City acknowledges the commenter's recommendations regarding emergency preparedness and training. Specific training curricula, simulator use, drill frequency, and operating procedures are matters

determined by the ferry operator and applicable maritime regulatory authorities. These operational considerations do not constitute physical environmental impacts requiring analysis under CEQA.

The comment does not identify a deficiency in the environmental impact analysis presented in the Draft EIR. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P84-4

As described in Draft EIR Section 3.12, *Transportation*, WETA would monitor weather conditions and make operational decisions regarding ferry service based on passenger and crew safety considerations (see Impact TRA-3, pages 3.12-24 and 3.12-24). However, the availability of alternative transportation for passengers during weather-related service disruptions is an operational and customer service matter rather than a physical environmental impact subject to analysis under CEQA.

Pursuant to CEQA Guidelines Sections 15064, 15360, and 15382, CEQA focuses on physical changes to the environment and the resulting environmental effects of a project. Potential inconvenience to passengers, including delays, cancellations, or the need to make alternative travel arrangements during weather-related service disruptions, would constitute a social or operational effect and would not, in itself, result in a physical impact on the environment requiring analysis in an EIR.

The comment does not identify a deficiency in the environmental analysis presented in the Draft EIR. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to this comment.

Response to Comment P84-5

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* which discusses vessel maneuverability, docking operations, emergency response procedures, propulsion and control system redundancy, regulatory oversight, and transportation hazard analysis under Impact TRA-3 in Draft EIR Section 3.12, *Transportation* (pages 3.12-23 through 3.12-24). The Topical Response also includes clarifying revisions to the Draft EIR in response to comments received regarding ferry vessel control, docking safety, loss-of-propulsion scenarios, and emergency response procedures. As discussed therein, ferry operations were evaluated with consideration of navigation conditions, vessel maneuvering requirements, and potential vessel emergency scenarios.

The Draft EIR concludes that operation of the proposed ferry service would not substantially increase transportation hazards. While the City acknowledges the commenter's concern that ferry vessels differ from recreational or charter vessels and that the consequences of a loss-of-control event could be more substantial, the comment does not provide substantial evidence demonstrating that the analysis, methodology, or significance conclusions presented in the Draft EIR are inadequate.

Accordingly, the analysis and significance conclusions presented in the Draft EIR, as supplemented and clarified in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, remain valid, and no further revisions to the EIR are necessary in response to this comment.

Response to Comment P84-6

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion regarding ferry vessel maneuverability, loss-of-propulsion scenarios, vessel redundancy, emergency response procedures, U.S. Coast Guard oversight, and transportation safety analysis under Impact TRA-3 in Draft EIR Section 3.12, *Transportation* (pages 3.12-23 through 3.12-24). As discussed therein, the Draft EIR concludes that ferry operations would not substantially increase transportation hazards.

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions to the EIR are necessary in response to this comment.

Response to Comment P84-7

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion regarding control system failure and related considerations.

The incident identified by the commenter has been noted; however, isolated incidents involving other ferry systems do not demonstrate a deficiency in the environmental analysis prepared for the proposed project. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P84-8

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion regarding vessel maneuverability, loss-of-propulsion scenarios, ferry approach and docking operations, emergency response procedures, vessel redundancy, project design features, and applicable regulatory oversight. As discussed therein, Draft EIR Section 3.12, *Transportation*, evaluates ferry navigation and vessel maneuverability under Impact TRA-3 (pages 3.12-23 through 3.12-24) and concludes that operation of the proposed project would not substantially increase transportation hazards.

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions to the EIR are necessary in response to this comment.

Response to Comment P84-9

The Draft EIR evaluates the environmental impacts associated with operation of the proposed ferry service and includes analysis of vessel safety considerations, including vessel emergencies and loss-of-control scenarios (refer to Section 3.12, *Transportation*). Please refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* which discusses the safeguards, operational procedures, and vessel safety requirements applicable to ferry operations, and includes clarifying revisions to the Draft EIR related to ferry vessel control, docking safety, emergency response procedures, and potential loss of control scenarios. As discussed therein, ferry vessels would be operated by trained and licensed personnel in accordance with applicable U.S. Coast Guard requirements and WETA operational procedures.

The City acknowledges the commenter's observations regarding vessel failures that have occurred elsewhere, the importance of emergency response planning and crew training, and the need to consider a range of potential loss-of-control scenarios when evaluating ferry safety. The commenter raises several examples of operational and emergency-response considerations, including emergency anchoring procedures, crew responsibilities, and personnel safety during vessel emergencies, which may be evaluated during vessel design, operational planning, crew training, and development of emergency response procedures. The specific crew requirements and emergency operating procedures for anchor deployment are operational matters that would be determined by the ferry operator and are not environmental impacts subject to CEQA review. The comment does not identify a deficiency in the Draft EIR's environmental analysis. Accordingly, the analysis and significance conclusions presented in the Draft EIR, as revised and clarified in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, remain valid, and no further revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P84-10

Refer to Section 2.2.29, *Topical Response: Wind,* for a discussion of the design and ferry operations, as it relates to wind conditions.

The City considered a range of alternatives and terminal locations during project planning and environmental review. Refer to Chapter 5, *Alternatives*, of the Draft EIR, including the discussion of alternatives considered but rejected from detailed analysis (Section 5.9, pages 5-25 through 5-28). Refer also to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* which discusses comments suggesting that a ferry terminal be located within the Berkeley Marina rather than at the proposed project site. As discussed therein, the Draft EIR evaluated the

proposed project and a reasonable range of alternatives consistent with CEQA requirements and project objectives.

To the extent the comment raises concerns regarding the project location with respect to potential vessel loss of control scenarios, refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*.

The comment does not provide evidence demonstrating that the environmental analysis presented in the Draft EIR is inadequate or that an alternative terminal location would avoid or substantially lessen significant environmental impacts while meeting most of the project's objectives. Accordingly, the analysis and significance conclusions presented in the Draft EIR remain valid, and no revisions to the EIR are necessary in response to this comment.

Response to Comment P84-11

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for a discussion of how the EIR considers loss of control events, including a design adjustment that has been made to the proposed project to include fender piles and donut fenders within the project site in the water area to provide an additional passive safety measure by helping to absorb or deflect vessel movement in the unlikely event of a loss of control during approach or docking. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P85

From: Toni Mester <tonispann@sonic.net>
Sent: Tuesday, April 28, 2026 10:20 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Ferry DEIR comments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

From: Toni Mester, Berkeley resident

Re: Berkeley Waterfront Transportation Pier Ferry Project DEIR,
State Clearing house #2025040995

Dear Ms. McNulty:

As a Berkeley resident and waterfront user since 1972, I have an interest in the ferry project as it might impact my access to recreational opportunities such as walking, visiting restaurants, and sailing, all of which I have enjoyed over the years. I may also use the ferry as I have in the past when service from Berkeley was available. My usual transportation option to the waterfront is my car, as that is the most convenient for a person my age (83) and abilities. In the past I have served as a parks commissioner and Sierra Club officer, so I am familiar with many of the marina issues besides my own interests. I have read the DEIR with both personal and community concerns in mind. P85-1

The EIR must analyze ferry terminals parking and include a parking management plan as an enforceable mitigation measure P85-2

The DEIR reiterates that parking is not an environmental impact under CEQA but that VMTs (vehicle miles traveled) are an impact because VMTs produce emissions and greenhouse gases. But parking and VMTs are intricately connected. The more parking, the more trips from home to the parking space. The less parking, the greater the need for alternative strategies to arrive at one's destination. None of these contingencies are adequately explored in the DEIR to demonstrate that: P85-3

"Because the project would result in no impact related to VMT and would in fact reduce regional VMT, the project would not contribute to a cumulative impact related to VMT." (3.12.25)

P85-3

If the parking is adequate to meet the demand of ferry riders, the DEIR provides no data that shows the drivers would otherwise choose to drive across the bridge to San Francisco, the most frequent route. They could alternately have chosen BART or a cross-Bay bus as transportation options that would get them to work on time. There are three BART stations to the north of University Avenue: Richmond, El Cerrito, and North Berkeley and several cross-Bay bus routes with frequent service.

P85-4

If parking is inadequate for ferry riders, they would likely choose public transit over driving if they wish to avoid driving across the bridge and paying for parking in San Francisco. The EIR relies on assumptions of reduced VMT rather than quantitative analysis. This approach ignores the potential for this new ferry route to divert passengers from BART, AC Transit, and other ferry operations. Attracting passengers from BART by lowering fares could be used by Bay Ferry to increase ridership, which does not decrease VMT.

P85-5

If parking is inadequate for ferry use, how can displacement of parking intended for recreational uses, including visits to McLaughlin State Park, and for a future visits to a restaurant at the now closed H's. Lordship's be prevented? Who will enforce the rules and pay for enforcement? How practical are such enforcement strategies given that they would be in effect most days all day and therefore require constant surveillance? If the EIR relies on a parking management program both to protect recreational uses and assure that the project reduces VMT, that program must be presented as an enforceable mitigation measure.

P85-6

P85-7

The DEIR therefore should analyze data on transportation options gathered from other WETA routes including:

- **Richmond:** Daily service between Richmond and SF Ferry Building.
- **Vallejo:** Daily service between Vallejo/Mare Island and SF Ferry Building.
- **Oakland & Alameda:** Daily service connecting Oakland (Jack London Square), Alameda (Main St), and SF Ferry Building.
- **Harbor Bay:** Weekday service between Bay Farm Island and SF Ferry Building.
- **Alameda Seaplane:** Weekday service between Alameda Seaplane Lagoon and SF Ferry Building.

P85-8

- **South San Francisco:** Weekday commute service between Oyster Point, Alameda, and Oakland.

P85-8

Data including the mode of travel to and from the ferry parking, distances traveled to the ferry parking, and availability of transit for each terminal would test the assumption that indeed the VMTs will be reduced and that only 40% of Berkeley users will arrive at the ferry in single occupancy vehicles. The EIR does not use data from other ferry terminals to support the assumption of 40% with substantial evidence.

P85-9

The EIR should study the transportation impacts of an expected increase in Berkeley population due to planning initiatives

The City of Berkeley is currently engaged in a multi-zone increase in housing capacity to meet the goals of its Housing Element. The EIR should analyze the increase in population projected by the Adeline Corridor Plan (completed), the middle housing zonings (completed), the Corridors zoning (in progress), and the San Pablo Avenue Specific Plan (in progress).

P85-10

What will be the demand for ferry and recreational parking from these various initiatives? What will likely be the mode of transport from these neighborhoods to the marina for various uses, given bus routes, bike lanes, proximity to the waterfront, and population cohorts (students, workforce, elderly, families, etc.)? Major investments such as this should be supported by quantitative analysis of the origins and destinations of projected passengers, not general assumptions.

The EIR should explain how the University Avenue Overcrossing Project impacts the transportation alternatives conceived by the ferry project.

The Overcrossing project is depicted on page 9 of the Transportation Impact Assessment technical memorandum. What are the timelines for completion of this CalTrans project and the ferry improvements such as construction of bike lanes? How will one project affect the other? Are they compatible in structure and continuity? Which agency is responsible for ensuring the completion such improvements so they connect in a practical way since the jurisdictions differ?

P85-11

Finally, a tiny technical mistake that should be corrected: in several tables (5,6, and 9) in the segment ADT, San Pablo Avenue is called San Pablo Drive.

P85-12

Thank you for your attention to my comments

P85-13

To: Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

From: Toni Mester, Berkeley resident

Re: Berkeley Waterfront Transportation Pier Ferry Project DEIR,
State Clearing house #2025040995

Dear Ms. McNulty:

As a Berkeley resident and waterfront user since 1972, I have an interest in the ferry project as it might impact my access to recreational opportunities such as walking, visiting restaurants, and sailing, all of which I have enjoyed over the years. I may also use the ferry as I have in the past when service from Berkeley was available. My usual transportation option to the waterfront is my car, as that is the most convenient for a person my age (83) and abilities. In the past I have served as a parks commissioner and Sierra Club officer, so I am familiar with many of the marina issues besides my own interests. I have read the DEIR with both personal and community concerns in mind.

The EIR must analyze ferry terminals parking and include a parking management plan as an enforceable mitigation measure

The DEIR reiterates that parking is not an environmental impact under CEQA but that VMTs (vehicle miles traveled) are an impact because VMTs produce emissions and greenhouse gases. But parking and VMTs are intricately connected. The more parking, the more trips from home to the parking space. The less parking, the greater the need for alternative strategies to arrive at one's destination. None of these contingencies are adequately explored in the DEIR to demonstrate that: P85-14

"Because the project would result in no impact related to VMT and would in fact reduce regional VMT, the project would not contribute to a cumulative impact related to VMT." (3.12.25)

If the parking is adequate to meet the demand of ferry riders, the DEIR provides no data that shows the drivers would otherwise choose to drive

across the bridge to San Francisco, the most frequent route. They could alternately have chosen BART or a cross-Bay bus as transportation options that would get them to work on time. There are three BART stations to the north of University Avenue: Richmond, El Cerrito, and North Berkeley and several cross-Bay bus routes with frequent service.

If parking is inadequate for ferry riders, they would likely choose public transit over driving if they wish to avoid driving across the bridge and paying for parking in San Francisco. The EIR relies on assumptions of reduced VMT rather than quantitative analysis. This approach ignores the potential for this new ferry route to divert passengers from BART, AC Transit, and other ferry operations. Attracting passengers from BART by lowering fares could be used by Bay Ferry to increase ridership, which does not decrease VMT.

If parking is inadequate for ferry use, how can displacement of parking intended for recreational uses, including visits to McLaughlin State Park, and for a future visits to a restaurant at the now closed H's. Lordship's be prevented? Who will enforce the rules and pay for enforcement? How practical are such enforcement strategies given that they would be in effect most days all day and therefore require constant surveillance? If the EIR relies on a parking management program both to protect recreational uses and assure that the project reduces VMT, that program must be presented as an enforceable mitigation measure.

P85-14

The DEIR therefore should analyze data on transportation options gathered from other WETA routes including:

- **Richmond:** Daily service between Richmond and SF Ferry Building.
- **Vallejo:** Daily service between Vallejo/Mare Island and SF Ferry Building.
- **Oakland & Alameda:** Daily service connecting Oakland (Jack London Square), Alameda (Main St), and SF Ferry Building.
- **Harbor Bay:** Weekday service between Bay Farm Island and SF Ferry Building.
- **Alameda Seaplane:** Weekday service between Alameda Seaplane Lagoon and SF Ferry Building.
- **South San Francisco:** Weekday commute service between Oyster Point, Alameda, and Oakland.

Data including the mode of travel to and from the ferry parking, distances traveled to the ferry parking, and availability of transit for each terminal would

test the assumption that indeed the VMTs will be reduced and that only 40% of Berkeley users will arrive at the ferry in single occupancy vehicles. The EIR does not use data from other ferry terminals to support the assumption of 40% with substantial evidence.

The EIR must study the transportation impacts of an expected increase in Berkeley population due to planning initiatives

The City of Berkeley is currently engaged in a multi-zone increase in housing capacity to meet the goals of its Housing Element. The EIR should analyze the increase in population projected by the Adeline Corridor Plan (completed), the middle housing zonings (completed), the Corridors zoning (in progress), and the San Pablo Avenue Specific Plan (in progress).

What will be the demand for ferry and recreational parking from these various initiatives? What will likely be the mode of transport from these neighborhoods to the marina for various uses, given bus routes, bike lanes, proximity to the waterfront, and population cohorts (students, workforce, elderly, families, etc.)? Major investments such as this should be supported by quantitative analysis of the origins and destinations of projected passengers, not general assumptions. P85-14

The EIR should explain how the University Avenue Overcrossing Project impacts the transportation alternatives conceived by the ferry project.

The Overcrossing project is depicted on page 9 of the Transportation Impact Assessment technical memorandum. What are the timelines for completion of this CalTrans project and the ferry improvements such as construction of bike lanes? How will one project affect the other? Are they compatible in structure and continuity? Which agency is responsible for ensuring the completion such improvements so they connect in a practical way since the jurisdictions differ?

Finally, a tiny technical mistake that should be corrected: in several tables (5,6, and 9) in the segment ADT, San Pablo Avenue is called San Pablo Drive.

Thank you for your attention to my comments

Letter P85

Commenter: Toni Mester

Date: April 28, 2026

Response to Comment P85-1

These statements provide background information and context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P85-2

Parking supply is not considered an impact under CEQA; therefore, a mitigation measure to include a parking management plan would not be required, and would not be an appropriate CEQA mitigation measure. Nonetheless, separate to the CEQA process, the City has prepared a Parking and TDM Plan.[61] Refer to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion related to how parking is addressed in the Draft EIR, and how the City plans to address parking, as a matter of policy.

Response to Comment P85-3

The Draft EIR does consider the relationship between parking and VMT. Section 3.12, *Transportation* (page 3.12-21) states in part: "The project is overall resulting in a reduction in VMT, and potential VMT increases due to searching for parking are expected to be nominal given the availability of parking (see Appendix F). For these reasons there would be no secondary impacts on VMT due to scarcity of parking." For additional information about the lack of secondary impacts on VMT from parking, refer to Section 2.2.20, *Topical Response: Parking.*

Response to Comment P85-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking adequacy.

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the data and methodology used to analyze VMT impacts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-5

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-6

Refer to Section 2.2.20, *Topical Response: Parking,* which clarifies the role of parking as it relates to CEQA analysis and clarifies the analysis of secondary impacts related to parking. No displacement of parking at McLaughlin State Park or at future 199 Seawall restaurant has been identified.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

[61] Berkeley, City of. 2025. Water Transportation Pier-Ferry Project Parking and TDM Plan. https://berkeleyca.gov/sites/default/files/documents/Berkeley-WTPF-Parking-and-TDM-Plan-March-2025-Public-Draft.pdf (accessed July 2026).

Response to Comment P85-7

Regarding the comment about parking, including the need for parking to protect recreational use, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed according to CEQA in the Draft EIR.

Regarding the comment about parking mitigation and whether the Draft EIR relies on a parking management plan to reduce VMT, refer to Section 2.2.20, *Topical Response: Parking,* which explains that adequate parking supply is available for shared use with recreation, ferry rider, and other waterfront visitors. Parking supply is not an impact under CEQA and no mitigation measure was identified to prepare a parking management plan, and the parking management plan is not used to reduce VMT (refer to Section 2.2.27, *Topical Response: VMT*). The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-8

Refer to Section 2.2.27, *Topical Response: VMT*, for a detailed discussion of the mode split assumptions used in the Draft EIR, including the data used to make these assumptions, including existing data from other WETA routes. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-9

Refer to Section 2.2.27, *Topical Response: VMT*, for a detailed discussion of the mode split assumptions used in the Draft EIR. Refer also to Response to Comment P36-73 for a discussion about how the City determined the 40 percent mode split. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-10

The cumulative conditions analyzed in the EIR reflect projected growth over the approximately 15-year planning horizon, including population and development associated with recently completed housing projects, planned developments, the Corridors Zoning Program, the San Pablo Avenue Specific Plan, and other future land uses identified by the City. The Year 15 travel demand forecasts were developed using the travel demand model that was updated to support the City of Berkeley Housing Element. That model incorporates planned development projects, including planning initiatives that were underway and identified potential housing opportunity sites at the time the model was prepared.

While these planning initiatives are not individually identified in the EIR, they are reflected in the land use assumptions incorporated into the travel demand model. Accordingly, the Year 15 forecasts are consistent with the growth assumptions developed as part of the Housing Element update and account for the anticipated development associated with those planning efforts.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P85-11

The Transportation Impact Assessment (TIA) Memorandum (Appendix F) discusses the University Avenue Overcrossing Project in the context of existing and future traffic operations at the intersection of University Avenue and Frontage Road. As described therein, the University Avenue Overcrossing Project includes a preferred alternative that would convert the intersection of University Avenue and Frontage Road to a roundabout. The TIA Memorandum notes that the intersection currently experiences queuing associated with an existing deficiency and states that the proposed roundabout would be expected to

reduce queuing and improve operational and safety conditions at the intersection. However, the TIA Memorandum also notes that implementation of the Overcrossing Project is uncertain because it requires coordination with Caltrans and is not expected to be completed prior to the opening year of the proposed ferry project (Appendix F, pages 8 and 9).

The University Avenue Overcrossing Project is a separate project from the proposed Berkeley Water Transportation Pier Ferry Project and is not part of the project description analyzed in this Draft EIR. Accordingly, specific decisions regarding the design, funding, schedule, construction, and implementation of the Overcrossing Project are outside the scope of this environmental review and would be addressed through the planning, design, permitting, and environmental review processes applicable to that project.

With respect to bicycle and pedestrian facilities, the proposed project includes improvements intended to enhance multimodal access to the ferry terminal and Berkeley Waterfront, including a two-way cycle track along University Avenue, Bay Trail improvements, enhanced bicycle facilities, and improved pedestrian access (see Appendix F, pages 3 and 4; Draft EIR Chapter 2, *Project Description*, Section 2.5). These improvements were developed to function under existing and reasonably foreseeable future transportation conditions. The City will continue to coordinate with Caltrans and other affected agencies, as appropriate, during project implementation and as separate transportation projects advance. Any future connections between facilities located within different jurisdictions would be addressed through the applicable interagency coordination and permitting processes.

The comment does not identify a deficiency in the environmental analysis presented in the Draft EIR. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to this comment.

Response to Comment P85-12

The City acknowledges the comment. The comment references Tables 5, 6, and 9 within Appendix F of the Draft EIR, where the segment limits for University Avenue are identified as extending to "San Pablo Drive," rather than "San Pablo Avenue." The City acknowledges the comment and concurs that the correct segment limit is San Pablo Avenue. In response to this comment, Tables 5, 6, and 9 have been revised as follows:

Table 5: Corridor Segment LOS Evaluation

#	Roadway Name	Segment Limits	Existing Weekday ADT	LOS	Year 1 Project Conditions	LOS	Year 15 Project Conditions	LOS
1	University Avenue[1]	Seawall Drive to Marina Blvd	NA	NA	2,551	A	5,222	A
2	University Avenue	Marina Blvd to Frontage Road	9,350	D	10,439	A	15,285	A
3	University Avenue	Frontage Road to Sixth Street	NA	NA	27,653	D	35,583	**F**
4	University Avenue	Sixth Street to San Pablo ~~Drive~~ Avenue	29,753	E	30,415	E	40,741	**F**

Notes: ADT- Average Daily Traffic Volume; LOS – Level of Service.
[1]Segment 1- University Avenue between Seawall Drive to Marina Blvd is evaluated as a two-lane arterial. The remaining segments are evaluated as four-lane divided arterial.
Bold indicates volumes-to-capacity ratio higher than 1 i.e., volume exceeds capacity.
Source: Kittelson & Associates, Inc. 2025

Table 6: Existing Conditions Intersection LOS Summary (No Project Conditions)

#	Intersection	Control	Weekday				Weekend Peak Hour	
			AM Peak Hour		PM Peak Hour			
			Delay	LOS	Delay	LOS	Delay	LOS
1	University Avenue & Frontage Road	All Way Stop	**58.5**	**F**	**98**	**F**	**78.6**	**F**
2	University Avenue & Marina Blvd	Roundabout	3.8	A	4.4	A	5.8	A
3	University Avenue & Seawall Drive	All Way Stop	NA	NA	NA	NA	NA	NA
4	University Avenue & Sixth Street	Signal	35.2	D	39.3	D	41.4	D
5	University Avenue & San Pablo ~~Drive~~ Avenue	Signal	**59.6**	**E**	**65.5**	**E**	53.4	D

Notes: Bold indicates intersection is operating at unacceptable conditions (LOS E or LOS F)
NA – Data not available.
Source: Kittelson & Associates, Inc. 2025

Table 9: Year 1 and Year 15 Segment Volumes

#	Roadway Name	Segment Limits	Lane Configuration	Posted Speed Limit (mph)	Existing Weekday ADT	Year 1 No-Project	Year 1 Plus-Project	Year 15 No-Project	Year 15 Plus-Project
1	University Avenue	Seawall Drive to Marina Blvd	2U	25	NA	1,471	2,551	4,142	5,222
2	University Avenue	Marina Blvd to Frontage Road	4D	30	9,350	9,359	10,439	14,205	15,285
3	University Avenue	Frontage Road to Sixth Street	4D	30	NA	27,005	27,653	34,935	35,583
4	University Avenue	Sixth Street to San Pablo ~~Drive~~ Avenue	4D	25	29,753	29,875	30,415	40,201	40,741

These revisions correct typographical errors and are clerical in nature, and accordingly do not change the analysis, findings, or conclusions presented in the Draft EIR. No further revisions are required.

Response to Comment P85-13

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P85-14

Refer to Response to Comments P85-1 through P85-13 for responses to individual comments. No further response is required.

Letter P86

From: Lynn Olinger <euclyptus@gmail.com>
Sent: Tuesday, April 28, 2026 7:51 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; Lynn Olinger <euclyptus@gmail.com>; apetersson.284@gmail.com <apertersson.284@gmail.com>
Subject: Berkeley Water Transportation Pier Ferry and is requesting comments on the Draft EIR.

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

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

I am submitting these comments in response to the WETA Ferry Terminal Draft Environmental Impact Report (DEIR). P86-1

The report has a number of misrepresentations about the various types and of activities that occur in the park, too many to mention here. I will focus on two concerns:

1. Access to the park for recreational activities- specifically access to the water for wind and other water sport recreation that require equipment, particularly at the south end of Seawall Drive. P86-2
2. Safety on the water. P86-3

Access to the park for recreational activities.

The report talks about supporting recreational activities but does not define what type of recreational activities are being referenced. It implies that recreational activities are things people do on land while dismissing the negative impacts to water sports recreational activities that require equipment and access to the water. My understanding is that this park was developed, in large part, specifically for water activities. One of these water accessible areas is the launch site at the south end of Seawall Drive. This is the only water accessible site in the East Bay when the tide level is below 2 feet. Any disruption or restriction to parking in this area has a very big negative impact. P86-4 P86-5

The report also states that there is currently sufficient public access (parking) and that the commuter parking would not cause a problem. The report does not define “sufficient public access”. The issue of parking has been misrepresented. Currently there are many days and times when parking for access to the water for people with wind sport equipment is extremely limited. Additional commuter cars will cause additional limitations to all users of the park. P86-6

Safety on the waters

I believe the report stated that there is no water/wind sport activity west of the south sailing basin. This is not true. On any day you can find windsurfers, wingers, parawinger, paddlers, small sailboats,and swimmers west of the south sailing basin and primarily south of the pier. Operating on the notion that there is no recreational activity west of the south sailing basin poses a serious safety concern for all of us in these waters. On a personal note, I was nearly struck by a ferry boat on two occasions while windsurfing slowly on the south side of the pier. The boats in question were operated by the private ferry service operating dark blue boats out P86-7

of the marina. Safety, Safety, Safety for water sports recreationalists. If the pier is removed there will be wind sport participants everywhere west of the marina because the pier will no longer be a limiting line for wind sport activities.

P86-7

In closing, I would like to remind the decision makers that the mission for the use of this land is as a park for water access and activities and not as a transportation and commuter vehicle storage hub. Consideration of this project is perhaps inappropriate because it does not fit the mission.

P86-8

Respectfully submitted, Lynn Olinger - 415 238-6500, euclyptus@gmail.com

Letter P86

Commenter: Lynn Olinger

Date: April 28, 2026

Response to Comment P86-1

These statements provide introductory context and a general statement without supporting arguments, data, or analysis. As such, they do not present specific information regarding the adequacy of the analysis, significance conclusions, or mitigation measures in the Draft EIR. Therefore, a substantive response cannot be provided. No changes are warranted to the Draft EIR analysis, conclusions, or mitigation measures. No further response is required.

Response to Comment P86-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P86-3

Draft EIR Section 3.12, *Transportation*, evaluates navigation safety and concludes that ferry operations would comply with U.S. Coast Guard requirements and include standard safety measures to avoid conflicts with other users (Impact TRA-3, pages 3.12-23 through 3.12-24). Operational compatibility with water-based recreation is similarly addressed in Draft EIR Section 3.11, *Recreation*, which explains that ferry vessels would not interfere with water-based recreation (Impact REC-1, pages 3.11-16 through 3.11-20).

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, regarding safety of ferry vessels.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P86-4

Draft EIR Section 3.11, *Recreation*, explicitly identifies water-based recreational uses, including sailing, kayaking, swimming, and wind sports occurring in the Berkeley Marina and adjacent waters (see Section 3.11.2, pages 3.11-1 through 3.11-7) and evaluates impacts to these uses consistent with CEQA Guidelines Appendix G thresholds of significance (see Section 3.11.4, pages 3.11-14 through 3.11-24).

For discussion of the analysis of water-based recreational impacts, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).*

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P86-5

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

Refer to Section 2.2.20, *Topical Response: Parking,* regarding the analysis of parking and of circulation.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P86-6

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.* The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users.

Draft EIR Section 3.11, *Recreation*, evaluates recreational access and use of existing recreational facilities, including whether project-related changes could result in physical restrictions on recreational access or the physical deterioration of recreational facilities. The Draft EIR concludes that recreational access would be maintained and that impacts related to increased use of existing recreational facilities would be less than significant (see Impact REC-1). Sections 3.2, *Air Quality*, 3.10, *Noise*, and 3.12, *Transportation*, of the Draft EIR also evaluate potential secondary physical environmental effects associated with project-related parking conditions and conclude that no significant parking-related environmental impacts would occur. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P86-7

The Draft EIR does not rely on an assumption that water-based recreation is absent west of the South Sailing Basin. Rather, Section 3.11, *Recreation*, identifies the Berkeley Waterfront and adjacent Bay waters as supporting a range of water-based recreational activities, including windsurfing, sailing, paddling, and swimming (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7). These activities are described in connection with established use areas such as the South Sailing Basin as well as surrounding Bay waters. Section 3.11.4, *Impacts Analysis* (pages 3.11-16 through 3.11-20), evaluates whether the project would result in a physical restriction of access to recreational resources or create incompatibilities with these uses and concludes that recreational opportunities would be maintained (Impact REC-1). The project does not preclude water-based recreation in areas west of the South Sailing Basin, and such uses would continue to occur consistent with existing navigation practices and regulatory requirements. Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding permitted uses throughout the waterfront.

With respect to safety concerns, the Draft EIR evaluates navigation, maneuverability, and operational safety in Section 3.12, *Transportation* (Impact TRA-3). As described therein, ferry vessels would operate within designated approach and berthing areas and would comply with applicable maritime navigation rules, safety standards, and operational procedures, which are intended to ensure compatibility with other water users. The analysis concludes that operation of ferry vessels would not increase transportation safety hazards. Potential effects related to vessel movement, wave conditions, and user interaction are further addressed through project design, engineering, and operational controls. Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* which explains that potential vessel maneuverability risks, including low-probability loss-of-control scenarios, are addressed through vessel design, redundant propulsion systems, crew training, regulatory oversight, and additional passive safety features. That response also revises Section 3.12 of the Draft EIR to explicitly incorporate by reference the 2003 WETA EIR, which provides a program-level framework for ferry navigation safety, including established procedures and mitigation measures to minimize navigation conflicts.

Regarding the comment's concern that removal of the pier could change patterns of recreational use, refer to Section 2.2.29, *Topical Response: Wind*.

Accordingly, the Draft EIR adequately evaluates existing water-based recreational uses, navigation safety, and potential interactions between ferry operations and recreational users, and demonstrates that the project would not introduce unsafe conditions or preclude continued recreational use of the Bay.

The analyses and significance conclusions presented in Section 3.11, *Recreation*, and Section 3.12, *Transportation*, remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment P86-8

Refer to Section 3.9, *Land Use and Planning*, of the Draft EIR for a discussion of land use characteristics of the project site and adjacent areas. This Section also analyzes how the project aligns with existing land use plans and policies. As discussed therein, the project site is designated Waterfront/Marina under the City of Berkeley General Plan, which allows water-oriented uses, including water transportation facilities. The site is zoned Unclassified (U), and proposed uses are subject to discretionary review and approval by the City. As discussed in Draft EIR Section 3.9.2, *Environmental Setting* (page 3.9-2), and Section 3.9.3, *Regulatory Framework* (page 3.9-7), development within the Unclassified District is governed by Berkeley Municipal Code Section 23.208.020, and the proposed ferry terminal would be required to obtain a Use Permit from the City. The Draft EIR explains that the establishment of a public ferry use is subject to the City's discretionary review process, through which the City evaluates compatibility with surrounding uses and applicable land use regulations. Accordingly, whether the project is an appropriate use at this location is governed through the City's adopted land use designations, zoning regulations, and Use Permit process.

The Draft EIR evaluates the project's consistency with applicable plans and policies, including the Berkeley General Plan, Berkeley Marina Master Plan, BCDC Bay Plan, and other applicable land use regulations under Impact LU-2 in Section 3.9, *Land Use and Planning*. The analysis concludes that the project would be consistent with applicable land use plans and policies and would not physically divide an established community. The project would also continue to provide water access and recreational opportunities through restoration of public access to the Berkeley Pier, construction of a new public pier and breakwater, shoreline access improvements, the Bay Trail Extension, and other public amenities.

The analyses, significance conclusions, and mitigation measures throughout the Draft EIR, including Impact LU-2 in Section 3.9, *Land Use and Planning*, remain valid as written. No revisions are required.

Letter P87

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Tuesday, April 28, 2026 1:26 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment on the Berkeley Pier-Ferry Draft Environmental Impact Report

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Please find attached my public commit submitted on the Draft Environmental Impact Report (DEIR) for the Berkeley Water Pier-Ferry Project. Today (4/28/26) at 5pm is the due date. Confirmation of receipt would be greatly appreciated. P87-1

Thank you for your assistance.

Respectfully,
Erin Diehm

April 28, 2026

FROM: Erin Diehm
2316 Jefferson Ave
Berkeley CA 94703
erindiehm@hotmail.com

TO: Liza McNulty, PE, Project Manager
City of Berkeley Parks Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
lmcnulty@berkeleyca.gov

RE: Comments on Draft Berkeley Water Transportation Pier Ferry Project Draft EIR

Dear Ms. McNulty

Please accept the following public comment on the Draft Environmental Impact Report (dEIR) for the Berkeley Water Transportation Pier Ferry Project, as part of the California Environmental Quality Act (CEQA). The 2026 Draft Project EIR is tiered on the 2003 Program FEIR (FEIR) so both documents were reviewed. The 2003 FEIR was approved almost 25 year ago. Many substantial changes have occurred since, raising the question if it is now outdated. The Draft EIR fails to incorporate into its analyses many of the changes relevant to this project. My comments below address updates needed to remedy those omissions, as well as inadequacies of the scope and on-site survey, failure to address the impact of the ferry within the context of the larger waterfront area, and inadequacies in the evaluation of light pollution.

P87-2

P87-3

P87-4

Changed Circumstances and New Information: Overview

The 2026 Project draft EIR (dEIR) is tiered on the 2003 Program FEIR. More than 23 years have passed. Many significant changes have happened and new information learned since assessments were made in 2003. Those changes are not reflected in the dEIR. Updated analyses are needed before determinations on mitigations and significance can be made.

P87-5

Article 11, Section 15162 Subsequent EIRS and Negative Declarations of the 2026 CEQA Guidelines Statue & Guidelines defines when a previously certified EIR is no longer adequate and a subsequent or supplement to that EIR must be prepared. Specifically, an update to an existing EIR must be prepared if:

- **Changed Circumstances 15162(a)(2)**: "Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR... due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects."

P87-6

- **New Information 15162(a)(3)):** "New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified... shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR."

In addition, **Section 15168 Program EIR** explains how a Program EIR should be used for later activities, like the Berkeley Pier-Ferry dEIR. Specifically, "Later activities in the program must be examined in the light of the Program EIR to determine whether an additional **environmental** document must be prepared," stating

- **15168(c)(1):** "If the later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared..."

Lastly, **Section 15152 Tiering** (under **15151 Standards for Adequacy of an EIR**) states:

- **Tiering 15152(f)** A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately address in the prior EIR."

P87-6

The 2003 Program EIR is now deficient as it does not adequately address impacts on Biological Resources, of Dredging, and more. Since its completion, more than 23 years ago, there have been **substantial changes with respect to circumstances** and **new information of substantial importance**. The following sections provide details for a subset of the Biological Resources impacted.

P87-7

Changed Circumstances and New Information: Whales

Since the 2003 FEIR was completed circumstances for Gray Whales have changed significantly and new information of substantial import is available. These changes meet the criteria of "changed circumstances" and "new information" that trigger a subsequent or supplemental EIR to address the deficiencies in the tiered 2003 FEIR and 2026 dEIR.

P87-8

The 2003 FEIR states that:

a) **Gray Whale populations were recovering** ("*the gray whale population in the Pacific has returned to historic level*" (3.5-44)),
b) **they were uncommon** ("*... gray whales rarely use the Bay...*" (3.11-15)),
c) **the average amount of time spent in the Bay unknown** *("...the length of time whales stay in the Bay... are not well known...*" (3.5-44)), and
d) **the likelihood of vessel strike not reliably quantified** ("*...An attempt to statistically estimate the probability of a vessel making contact with whales was made..."* (3.5-44)).

P87-9

These statements were made to approve the expanded ferry system. **All are outdated.**

P87-9

Current research published in *Frontiers in Marine Science* this month (April 2026)[1] describes completely changed circumstances, including:

a) **their populations are now in decline** ("*...the ENP gray whale population... has declined by 52% since 2016."*)
b) **they now frequent the Bay** (*"Novel to known migration phenology, gray whales have been observed seasonally since 2018 in SF Bay... in 2025... an increased volume of gray whale sighting reports.")*
c) **the length of stay in the Bay is measured** ("*the average minimum length of stay was 27.6 days for 2023... 5 days for 2024... and 24.2 days for 2025."*)
d) **and the likelihood of vessel strike mortality is high** ("*This work confirms that gray whales entering SF Bay are highly susceptible to vessel strike mortality*.")

That same research in *Frontiers* summarizes the cumulative negative impacts that increased human presence in the Bay has on coastal species, even citing high-speed ferries - especially in the Central Bay - and the direct-cause mortality that can be attributed to vessel strikes, as the following quotes show (emphasis added):

- "*Negative impacts on coastal species are amplified by the pressure of increased human presence, associated **direct mortality from vessel traffic**... and the **interaction of multiple stressors**..."*
- *"Additionally, high-speed ferries... frequent the entire bay but are most prevalent in the **central bay**."*

P87-10

The *Frontiers* research also describes the increasing mortal threat that vessel traffic poses to Gray Whales as a result of altered feeding/migration patterns due to Climate Change:

- *"gray whales entering the SF Bay are highly susceptible to vessel strike mortality"*
- *"Determined causes of death during the 2019-2023 UME [Unusual Mortality Event] were primarily malnutrition (26%) and vessel strike (18%)... poor body condition during a UME may additionally impact whales' probability of vessel interaction and should be investigated further"*
- *"Blunt and/or sharp force trauma consistent with vessel strikes was determined to be the cause of death for 30 of 70 carcasses"*
- "*Despite frequent mitigation efforts, the interaction of threats from human presence and global climate change make coastal ecosystems and the species that rely on them particularly vulnerable."*

[1] Slaathaug JM, Lane RS, Keener W, Pérez A, Flannery M, Webber MA, Grimes A, Wilkin AM, O'Hern JE, Duignan PJ, Calambokidis J and Crocker DE (2026) Gray whales (Eschrichtius robustus) in San Francisco Bay experience high mortality and have limited affiliation to known foraging groups. Front. Mar. Sci. 13:1775666. doi: 10.3389/fmars.2026.1775666

The findings are also being reported in the press, noting that whales may be foraging in the Bay mud and the threat of high-speed ferries:

> "*[The authors] had reason to believe that something close to half of the whales that come to the Bay Area are hit by ships and die," and "Researchers... say the whales might be foraging in the mud at the bottom of the Bay." and "The waters of the Bay Area are relatively confined and crowded... large and fast-moving vessels that can hit whales... there's just not a lot of room to coexist." and "Some boats in the Bay, like high-speed ferries on tight schedules travel at around 30 knots... whales... are more likely to survive collisions with ships moving slower than 10 knots."*
>
> from "More Gray Whales Are Visiting San Francisco Bay, and Many Die There." *NY Times*
> https://www.nytimes.com/2026/04/13/climate/gray-whales-san-francisco-bay.html

> "*...gray whales in the bay have been dying at alarming rates, largely due to collisions with vessels." and "at least 18% of gray whales that entered the bay from 2018 to 2025 have died... for more than 40% of the whale carcasses, the cause of death was blunt force trauma consistent with vessel strikes..."*
>
> from "Gray whales, once rare in San Francisco Bay, dying there at alarming rates." *Guardian*
> https://www.theguardian.com/us-news/2026/apr/15/gray-whales-san-francisco-bay

P87-11

The whales are now so frequent that a wind surfer even collided with one recently, all caught on video:

> in "Windsurfer collides into whale in SF Bay as multiple wash up dead." *SF Gate*
> https://www.sfgate.com/bayarea/article/gray-whale-death-22162140.php
> in "Unsuspecting windsurfer collides with gray whale in San Francisco Bay." *Guardian*
> https://www.theguardian.com/us-news/2026/apr/01/windsurfer-hits-gray-whale-san-francisco

SUMMARY

The 2026 Project EIR is tiered on the 2003 Program EIR. Both fail to incorporate into their analyses the significant recent changes affecting Gray Whales and, therefore, are deficient. Per CEQA provisions on changed circumstances and new information, updated analyses are necessary.

P87-12

Changed Circumstances and New Information: Waterfowl Populations

The 2026 dEIR is tiered on the 23-yr-old 2003 FEIR. At least two new reports about birds in the Bay that are directly relevant have been published since the old 2003 FEIR was completed, including:

P87-13

- the 2004 USGS Study on the "Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay" by John Y. Takekawa, Natalie R. Wilson, Susan W. De La Cruz, and Jane O. Anfison. (for the Abstract, see 2026 dEIR Appendix 1, pg 102)
- the "2025 San Francisco State of the Birds" report (https://sfbaystateofthebirds.org)

P87-13

P87-14

Both reports provide "new information" essential for evaluating impacts of the Berkeley and larger Program ferry routes on Biological Resources. In addition, the 2025 State of the Birds documents "changed circumstances" in bird populations, notably in the Central Bay. But newer information hasn't been incorporated into the 2026 dEIR or included in the Administrative Record, making the findings on Impacts on waterbirds inadequate.

P87-15

The first study - the 2004 USGS Study on the "Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay" - was a direct outcome of the 2003 EIR process which stated:

> **Impact B-11** that "*it is assumed that waterfowl within 100 meters of a ferry route would be disturbed as a ferry passes*," but further study was needed ("*shall be evaluated*") to confirm the assumption. (2003 FEIR, 5.5-12 and 5.5-13)

P87-16

The 2003 IOP confirmed the need for additional study:

> **"Birds.** *After extensive consultation, experts determined that this impact [on Rafting Birds] could not be effectively evaluated within the short time frame of the Program FEIR. Additional site-specific studies will be needed...* ***Ongoing environmental study connected to this plan will continue to examine these issues before any new routes are implemented****."*(emphasis added) (2003 IOP, pg. 53)

P87-17

The IOP explicitly stated that environmental issues would continue to be examined "**before any new routes are implemented"** (emphasis added). Yet the 2026 dEIR was written without incorporating findings from the 2004 USGS Study, another area where the EIRs are inadequate and additional analyses must be conducted to address insufficiencies.

It's worth noting that **Impact B-11** implies there's no limit to the number of disturbances birds can withstand, as if they can be disturbed over and over again, with no negative outcomes:

> "*The disturbance does not represent a permanent loss of habitat but rather the area of habitat where disturbance may take place. Waterfowl may use these when ferries are not present."* (2003, 5.5-12)

P87-18

But what if a ferry passes by every 10 minutes, approaching a destination like the SF Ferry Building from different Terminals? The cumulative impacts of the existing and expanded ferry system, flushing and exhausting birds repeatedly. Each new ferry route will create more dead zones in the Bay, effectively representing a *"permanent loss of habitat"*, reducing even more the areas where waterfowl can reliably rest and forage. Analyses on cumulative impacts of ferry

operation on rafting bird foraging should be added to the 2026 dEIR to make up for this deficiency.

Relevant findings from the 2004 USGS Study include:

- Generalizations
    - Larger birds are less tolerant than smaller ones
    - Larger flocks flush at greater distances than smaller flocks or individuals
    - Flight distance is correlated positively with flock size and species diversity. Flight distances are longer for species that are foraging
    - Waterbirds may relocate to less profitable areas or emigrate to compensate for disturbance
- Conclusions
    - Diving birds alter their behavior in response to commuter ferries
    - Response distance depends on species but is typically 300 m for scoters
    - Duration of the disturbance with ferry passage is difficult to measure, given habituation occurs in early in winter
    - Disturbance zones suggest indirect loss of habitat several km^2 of open water habitats

P87-18

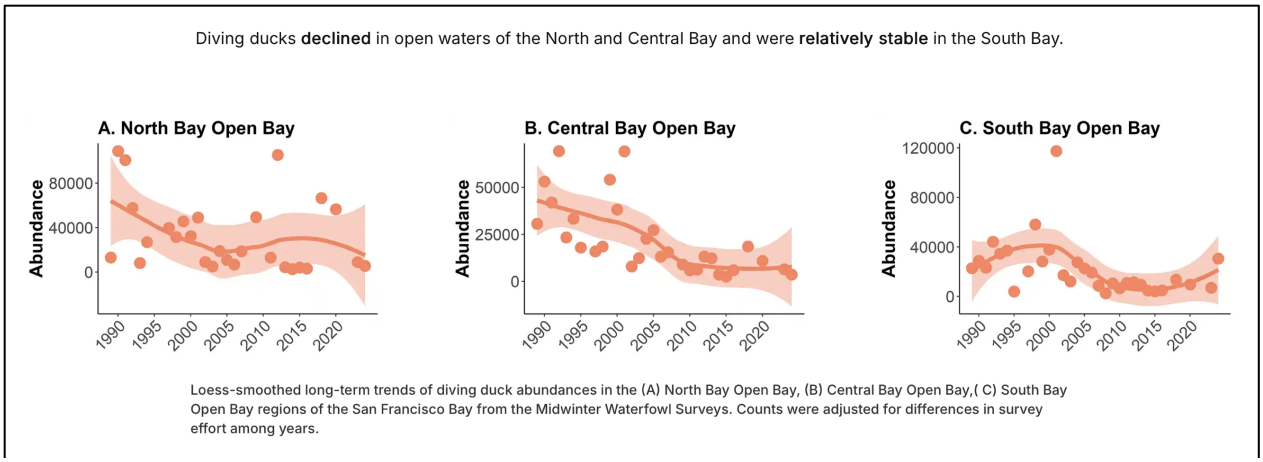
THUS, THE 2004 USGS Study found that increased ferry traffic may cause waterbirds to relocate to less profitable areas, will cause an indirect loss of open water habitats, and waterfowl are disturbed at greater distances than what was assumed in the 2003 FEIR. Instead of 100 meters (m) the average response distance of 300 m, and scoters can be disturbed at 500+m

FAST FORWARD TO 2025 and the "SF Bay State of the Birds" (https://sfbaystateofthebirds.org) Their longitudinal analyses of Bay bird populations find concerning declines in the Central Bay:

> "***The State of Bay Area Birds...*** *Bird indicators for tidal flats and open bay subtidal areas showed the most concerning declines,* ***especially in the Central Bay****.*" (emphasis added)

P87-19

In fact, while Diving Duck population were relatively stable in the South Bay, they've declined in the North and Central Bay:



Diving ducks populations declined in open water in the North and Central Bay.
from "Subtidal – Waterfowl", https://sfbaystateofthebirds.org/subtidal-waterfowl/ P87-19

Regarding declines in Scoters and Scaups:

> "*Diving ducks are the most abundant waterfowl in San Francisco Bay, using open bay and pond habitats for resting and feeding. Historically, nearly half of the Lesser and Greater Scaup and Surf Scoters in the lower Pacific Flyway have overwintered in the SF Bay. However, some species have declined significantly across the bay over the last 30 years, with* ***scaup populations now below the targets set by the San Francisco Bay Joint Venture****."* (from "Subtidal – Waterfowl")(emphasis added)
>
> "*The reason for the decline in scoter and scaup are unclear, likely stemming from changes in both their breeding and wintering grounds. Improving food availability and* ***creating undisturbed resting areas*** ***in the bay's open water*** *and pond habitats could improve conditions for these species in SF Bay."* (from "Subtidal – Waterfowl")(emphasis added)

How will the proposed new ferry routes - in Berkeley and addition ones identified in the 2003 Program EIR - affect Scoters, Scaups, and other Diving Ducks in the Central Bay? Will the increased presence of ferries, including wakes generated, during **operation** - every 30 minutes between S.F. and Berkeley - negatively impact diving ducks further, causing additional population declines? The 2026 dEIR fails to address these essential questions. Moreover, note that **2026 Impact BIO-1** and **Mitigation BIO-1(e)** analyze vessel impacts only on marine mammals, and only during construction. **Impacts of ongoing vessel operation on waterbirds is missing from the 2026 dEIR.** The 2026 document completely ignores the impact of vessel operation, with frequent trips between Berkeley and Larkspur on waterbirds, relying on the outdated 2003 FEIR instead. P87-20 P87-21

SUMMARY

The 2004 USGS Takegawa and 2025 SF Bay State of the Birds reports provide "new information" and document "changed circumstances". Per CEQA provisions, the 2026 dEIR must be updated to analyze the impacts of vessel operation on waterbirds and other species, incorporating the most recent data on bird population trends (from the 2025 SF Bay State of the Birds) and the impacts of vessel traffic (from 2004 USGS Takekawa). Until those analyses are added, the 2026 dEIR assessments of waterbirds is deficient.

P87-22

Changed Circumstances: Dredging

The 2026 Draft Environmental Impact Report (dEIR) improperly tiers its analysis on the 2003 Program FEIR by failing to acknowledge a fundamental change in the project's dredging scope. The 2003 FEIR was predicated on the commitment to minimize environmental disturbance by utilizing existing maritime infrastructure. Specifically, in the very first impact statement on dredging the 2003 FEIR stated:

> "***Impact D-1.*** *A relatively small amount of dredging would be required for implementation of the Proposed Project. Of the sixteen ferry terminal locations included, seven currently have ferry service and would, therefore, not require additional dredging. All but one of the nine new terminal locations (Hercules/Rodeo) already have port or maritime land uses at the site and have water depths, either naturally or through maintenance dredging, capable of accommodating ferries. Ferries have relatively low draft requirements (approximately 7 feet) and would not require channels deeper than those at existing marinas and ports. Therefore, new channel dredging would only be required at Hercules/Rodeo."* (2003, 3.1-16)

P87-23

The current proposal for nearly 400,000 cubic yards of new dredging at the Berkeley site–nearly ten times the volume originally analyzed for the entire program in 2003–contradicts this foundational assumption. Furthermore, the 2003 Berkeley Marina Master Plan, which remains the effective planning document for the area, contemplated ferry service only within the existing Marina basin. By moving the project to a new pier location requiring massive dredging, the dEIR introduces environmental stressors never contemplated in the original program-level review.

P87-24

Under **CEQA Guidelines Section 15162**, these shifts constitute "substantial changes" and "changed circumstances" that require additional environmental review. The 2003 FEIR's finding of minimal impact was explicitly tied to the absence of new dredging at sites like Berkeley. Proposing a massive new deep-water channel in a previously un-dredged area represents a "substantial increase in the severity of previously identified effects" on water quality, biological resources, and benthic habitats. Additionally, the 2026 dEIR fails to address the frequency and volume of required ongoing maintenance dredging.

P87-25

SUMMARY

To address the deficiencies and changed circumstances described above, additional analyses are needed, including:

- **Supplemental EIR:** Conduct a supplemental analysis that addresses the 400,000 cubic yards of dredging and the associated maintenance requirements as a new, significant environmental impact not covered by the 2003 Program FEIR.
- **Update Environmental Baselines and Impact Thresholds:** Re-evaluate all biological, hydrological, and water quality impact assessments using current site-specific data to reflect the vastly increased scale of dredging and its long-term cumulative effects on the San Francisco Bay ecosystem.

P87-26

P87-27

Change Circumstances: Underwater Radiated Noise of proposed EV Vessels

> "*Underwater Radiated Noise (URN) from shipping has grown significantly over the past few decades due to increases in both the size and number of commercial vessels. In the past, URN has primarily been a concern for naval vessels... However, as the detrimental impacts on marine life become clearer, there is a need to understand and reduce the noise produced by commercial and recreational vessels as well.... As well as large commercial vessels, the role of smaller vessels and ferries is being increasingly scrutinized, with studies finding that the noise from smaller recreational vessels and* ***ferries can dominate the soundscape in shallow coastal waters****."*[2] (emphasis added)
>
> "*Ship underwater noise affects marine life and can cause both behavioral and physiological effects depending on the noise level and* ***frequency distribution***."[3] (emphasis added)

P87-28

It is well established that marine animals rely on their ability to use sound underwater to communicate, find food, navigate and more. Both volume and frequency range of underwater noise matters. Different marine species use different frequency ranges to survive. It is therefore essential that all assessment for the introduction of high-speed ferries evaluate not only the underwater noise levels (loudness) of the proposed ferries, but also the frequency footprints (spectral signature or pattern), generated at different speeds.

P87-29

When discussing underwater noise generated by ferries, the 2003 FEIR acknowledges the lack of data and describes how estimates were made instead, using worst-case conditions:

P87-30

> "*Underwater noise data of existing ferries throughout the world is* ***virtually nonexistent, especially for the types of fast ferries proposed for this project****. Therefore,* ***the expected***

[2] Tom A. Smith, Jake Rigby. "Underwater radiated noise from marine vessels: A review of noise reduction methods and technology." Ocean Engineering, Volume 266, Part 1, 2022, 112863, ISSN 0029-8018, https://doi.org/10.1016/j.oceaneng.2022.112863.

[3] pg. 9 in the 2024 Silent@Sea Report, part of the 2026 dEIR Administrative Record

P87-28

***range of underwater noise levels is unknown**... Therefore, an estimate of 177 dB (re 1µPa at 1 meter) would be considered a worst-case condition."* (2003, 3.11-6 and 2003, 3.11-6)

P87-30

SPEED and NOISE LEVEL

The 2026 dEIR relies on the *Silent@Sea* study (January 2024) for initial data on volume levels generated underwater by several different kinds of ferries[4] and cites a reduction of underwater noise levels up to 10dB for the hybrid-electric vessels studied (2026, 3.3-52). Testing reported in the Silent@Sea paper was done at much slower speeds than what is expected for the proposed WETA ferries. Importantly, the study authors state:

"*Both Tellus and Neptunus were also measured in two speeds, targeting propeller rotation rates of 240 RPM and 190 RPM. This corresponds to a normal "daytime" cruising **speeds of 8** knots and a normal "nighttime" **speed of 6.5 knots**." (emphasis added)*[5]

P87-31

These are much lower speeds than what is anticipated for the Berkeley vessels which will operate up to speeds of **up to 25, and maybe even 30 knots or more**. Therefore, reliance on the Silent@Sea study is inappropriate in evaluating the noise of the proposed Berkeley vessels.

While electric ferries are significantly quieter underwater at low speeds, at high speeds the volume gap narrows or even disappears because propulsion, like propeller cavitation, rather than engine noise, becomes the dominant noise source for both conventional and electric vessels.

P87-32

"*The total URN of a vessel is often split up into machinery noise, propeller and flow noise, and cavitation (see Fig. 1). The contribution of each component will differ from one vessel to the next and is also strongly dependent on the vessel's speed. **Studies have***

---

[4] Between Sweden and Denmark

- Hamlet - diesel
- Aurora - converted to electrical hybrid propulsion ferry
- Tycho Brahe - converted to electrical hybrid propulsion ferry

Road ferry crossing fyord in western Sweden

- Neptunus - diesel
- Tellus - electrical hybrid

Public transport in Gothenburg

- Elvy - electric hybrid passenger ferry - (appears to be most similar to WETA proposal)

Swedish tankers

- Fure, Ramanda, or Ramona - LNG or diesel

[5] "Noise from ships powered by LNG or electricity and its effects: a cross-domain investigation", from the 2026 dEIR Administration Record. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/Johansson-et-al-2024-Noise-from-ships.pdf

P87-31

shown that the signature tends to be dominated by machinery noise at low speed, with cavitation becoming the dominant source at higher speeds."[6]

P87-32

When traveling at high speed, will the proposed WETA all-electric ferries still be significantly quieter than conventional ones? The discussion in the 2026 dEIR is insufficient and doesn't answer this important question. Additional analyses are needed to provide reliable measurements of the underwater noise levels generated by all-electric ferries, at a variety of speeds expected for operation – for example at Idle, Maneuvering, and Transit. Data from these additional analyses can then be used to reassess impacts to evaluate if significance thresholds are exceeded.

P87-33

ELECTRIC, DIESEL and ACOUSTIC FOOTPRINT

It is well established that different groups of marine animals utilize different frequency ranges to communicate. For example, whales communicate at lower frequencies; porpoises and dolphins utilize higher ones. (See the left-most column in Table 3.3-2, below, identifying groups like "Low-Frequency Cetaceans" vs. "High-Frequency Cetaceans".)

Table 3.3-2 NOAA Fisheries Marine Mammal Permanent Threshold Shifts – Level A Injury Limits

Hearing Group (Hearing Range/Weighting)	Accumulated SEL (cSEL)Limit		PeakLimit
	Impulsive[1]	Non-impulsive[2]	Impulsive[1]
Low-Frequency Cetaceans (LF 7 Hz. to 35 kHz.)	183 dB	199 dB	219 dB
Mid-Frequency Cetaceans (MF 150 Hz. to 160 kHz.)	185 dB	198 dB	230 dB
High-Frequency Cetaceans (HF 275 Hz. to 160 kHz.)	155 dB	173 dB	202 dB
Phocid Pinnipeds (PW 50 Hz. to 86kHz.)	185 dB	201 dB	218 dB
Otariid Pinnipeds (OW 60 Hz. 39 kHz.)	203 dB	219 dB	232 dB

Table 3.3-2, from the 2026 dEIR illustrating the acoustic ranges utilized by different guilds of marine animals

P87-34

Electric (EV) and diesel ferry vessels differ in their underwater acoustic signatures. Diesel vessels generate underwater noise that is primarily low-frequency. This low-frequency noise can overlap with the same frequency band large marine mammals, like whales, use to communicate and perform essential life functions. EV vessels, on the other hand, don't generate low-frequency noise but can introduce &/or emphasize higher-frequencies, introducing a kind of "whine" or other sounds further up the spectrum which can overlap with communication of some marine animals, like porpoises and dolphin. Thus, changing from diesel to EV ferries may facilitate whale communications but interfere with dolphins and porpoises.

P87-35

[6] Tom A. Smith, Jake Rigby. "Underwater radiated noise from marine vessels: A review of noise reduction methods and technology." Ocean Engineering, Volume 266, Part 1, 2022, 112863, ISSN 0029-8018. https://doi.org/10.1016/j.oceaneng.2022.112863

P87-32

Harbor porpoises have recently returned to the SF Bay and face many threats. From the Marine Mammal Center webpage:

> "*Harbor porpoises have returned to San Francisco Bay after an absence of approximately 65 years... Today, harbor porpoises around the world face many threats, such as entanglement in commercial fishing gear... as well as* ***underwater noise pollution*** *that interferes with their communication*." (emphasis added)
> https://www.marinemammalcenter.org/animal-care/learn-about-marine-mammals/cetaceans/harbor-porpoise

P87-36

It's worth noting that recreational sailors at the Berkeley Waterfront have seen harbor porpoises and seals recently in the South Sailing Basin. If EV vessels are introduced in the vicinity and significant noise at higher frequencies is introduced, could these same vessels negatively impact these and other higher-frequency groups of marine animals?

P87-37

Many important questions remain unanswered in the 2026 dEIR regarding Underwater Radiated Noise and a transition to all-electric vessels:

- Do we know that the EV vessels WETA will purchase will be significantly quieter than diesel ones when operated at cruising speed (e.g. 25 knots? 30 knots? more?)? Which brand and model will be purchased? What are the specifications of the acoustic profile underwater at various speeds?

P87-38

- With the elimination of low-frequency noise (diesel vessel) and the introduction of high-frequency noise (EV vessel) how does the EV underwater frequency profile impact marine animals that utilize high-frequencies for communication, like porpoises and dolphins? in the Project area? in larger Program area? (the 2026 dEIR relies on the 2003 FEIR for Operations impacts and mitigations. cf. from the 2026 dEIR, "*As noted above, WETA adopted the Expansion of Ferry Transit Service in the San Francisco Bay Area Proram Mitigation Monitoring Plan which addresses operation of ferry vessels through San Francisco Bay.*" (2026 dEIR, 3.3-51))

P87-39

- Are studies on URN of electric ferries cited in the 2026 dEIR comparable to the operation of EV vessels in the Bay, with its shallow depths? (cf. "*Shallow, confined water bodies typically have lower sound attenuation rates as compared to the deeper open ocean*." (2026 dEIR, 3.3-14) See footnote #5 above for an summary of the ferry locations studied. They appear to be in Scandinavia and may represent deeper water than the Bay.

P87-40

- "Fast, silent, and deadly" - assuming the EV ferries are quieter at cruising speed, with low-frequencies removed, will animals that rely on lower-frequencies be able to detect oncoming high-speed ferry traffic early enough to take evasive measures and swim away to avoid a ship strike? does putting this onus on marine animals constitute "harassment"? what happens after 14, 18 or 26 total new terminals are online and

P87-41

operating with EV ferries traveling at high speed? (as illustrated in the WETA 2050 Service and Business Plan)[7]

P87-41

Lastly, **CEQA Section 15140. WRITING** dictates that documents must be written so we in the public can understand the information: "*EIRs shall be written in **plain language** and may use appropriate graphics so that decision makers and **the public can rapidly understand** the documents.*" (emphasis added) When discussing underwater noise of vessels the dEIR failed to provide easy-to-understand data tables and, therefore, did not comply with this requirement.

P87-42

SUMMARY

While electric ferries are quieter than conventional ferries at lower speeds, that advantage decreases and may even disappear at faster cruising speeds. All-electric ferries have different underwater acoustic signatures than diesel ferries. While this difference may benefit marine animals that utilize low-frequencies (e.g. whales) it could negatively impact species that hear and utilize higher frequencies (e.g. porpoises). The 2026 dEIR relies on the older 2003 FEIR for many of the Operational impacts assessment. Per **CEQA Section 15162(a),** and provisions of "changed circumstances" and "new information", subsequent analyses and information are needed to answer the important questions outlined above, and more. Moreover, to adhere to **CEQA Section 15140**, the information should be presented with clear graphs and illustrations that make it easy for us in the public to understand the information shared. We in the public want to understand the real impacts the proposed all-electric ferry vessel(s) will have on the environment.

P87-43

Scope: Timing and methodology of on-site survey

As the largest estuary on the U.S. Pacific Coast, the San Francisco Bay is a critical stopover and wintering site of hemispheric importance for millions of migratory shorebirds and waterfowl traveling the Pacific Flyway. It is serves as a vital refuge, supporting over 1,000 species of fish, marine mammals and plants, including many threatened and endangered species. Designated a Ramsar Wetland of International Importance, its extensive wetlands and mudflats provide unmatched foraging habitats for birds migrating between arctic breeding grounds and southern wintering areas.

P87-44

The single on-site survey conducted on September 19, 2024 for a duration of only 5.5 hours (8:00am to 1:30pm) is inadequate for assessing biological resources and impacts of the proposed construction and operation of the ferry terminal. Moreover, it appears all assessments were made on the land, using "Binoculars (10x42)" when needed, including for the assessment of water portions of the project site. Under **CEQA Guidelines 15125(a)**, an EIR must include a

P87-45

[7] 17 terminals were approved in the 2003 FEIR (2003 FEIR, Figure 2.1); 26 terminals are documented in the WETA as the "Coverage Network" in the "2050 Service Vision & Business Plan", see slide 10 in the Presentation (https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240919065553/b041723aDECK.pdf)

P87-41

description of the physical environmental conditions as they exist at the time of the Notice of Preparation is published.

P87-45

A single "snapshot" survey in mid-September, conducted only on and from the land, is legally and scientifically insufficient to establish a baseline for a location of global significance for migratory birds within the San Francisco Bay. Moreover, September represents a "shoulder season" – a period of relative dormancy between the peak spring breeding season and the arrival of hundreds of thousands of wintering waterfowl and shorebirds. By failing to survey nearby water areas (including extents of the old pier; rip rap nearby including entrance to marina, etc.) and by failing to survey during the peak migratory and peak breeding windows, the dEIR ignores the presence of numerous special-status species that utilize the Berkeley waterfront. Consequently, the impact analysis is based on a truncated baseline that does not reflect the actual biological diversity of the project site.

P87-46

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P87-48

The dEIR's conclusion that the project will have a "Less Than Significant" impact on biological resources is not supported by **substantial evidence**. Under **CEQA Guideliens § 15384**, substantial evidence must include "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion."

P87-49

A 5.5-hour terrestrial observation cannot constitute substantial evidence for a project that introduces high-speed ferry transit into open water at all times of the year. Specifically:

- **Methodological Flaws**: the survey team conducted observations for marine species from land using binoculars. This methodology is incapable of assessing the presence or behavior of diving birds, marine mammals, or benthic organisms that may be impacted by vessel traffic, wakes and underwater noise.
- **Temporal Flaws**: Observations limited to a single morning window fail to account for migratory patterns and changes, crepuscular (dawn/dusk) activity patterns, or the tidal variations that dictate habitat use in the Berkeley pier area.

P87-50

The project site is located within the largest estuary on the Pacific Coast of the US. It is "*recognized as one of North America's most ecologically important estuaries... noted for hosting more wintering shorebirds than any other estuary along the US Pacific Coast south of Alaska .*"[8] The dEIR fails to sufficiently analyze how the introduction of high-speed ferry frequencies will disrupt the foraging and energetic budgets of migratory birds that rely on the water habitats adjacent to and in the vicinity of the pier. By omitting multi-season data, the lead agency has effectively shielded the project's potential impacts from public review.

P87-51

[8] from description of the San Francisco Bay/Estuary (SFBE) webpage of Ramsar Sites Information Service, associated with the 2013 designation of the SFBE as a Ramsar Wetland of International Importance. https://rsis.ramsar.org/ris/2097

SUMMARY

Because the current biological analysis is fundamentally flawed, the dEIR does not provide the "sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences" (**CEQA Guidelines § 15151 Standards of Adequacy**). To remedy these deficiencies, additional analyses must be completed, including: P87-52

- **Multi-Season Surveys:** biological surveys during the wintering and spring breeding seasons.
- **Aquatic-Based Monitoring:** Utilize on-water surveys and hydroacoustic monitoring to accurately assess the project's impacts and extent of influence regarding underwater noise and wake impacts P87-53
- **Recirculate the dEIR**: Because the current dEIR omitted these significant data points, the introduction of new multi-season survey results will constitute "significant new information" under **CEQA Guidelines § 15088.5**, requiring recirculation of the Biological Resources section for public comment. P87-54

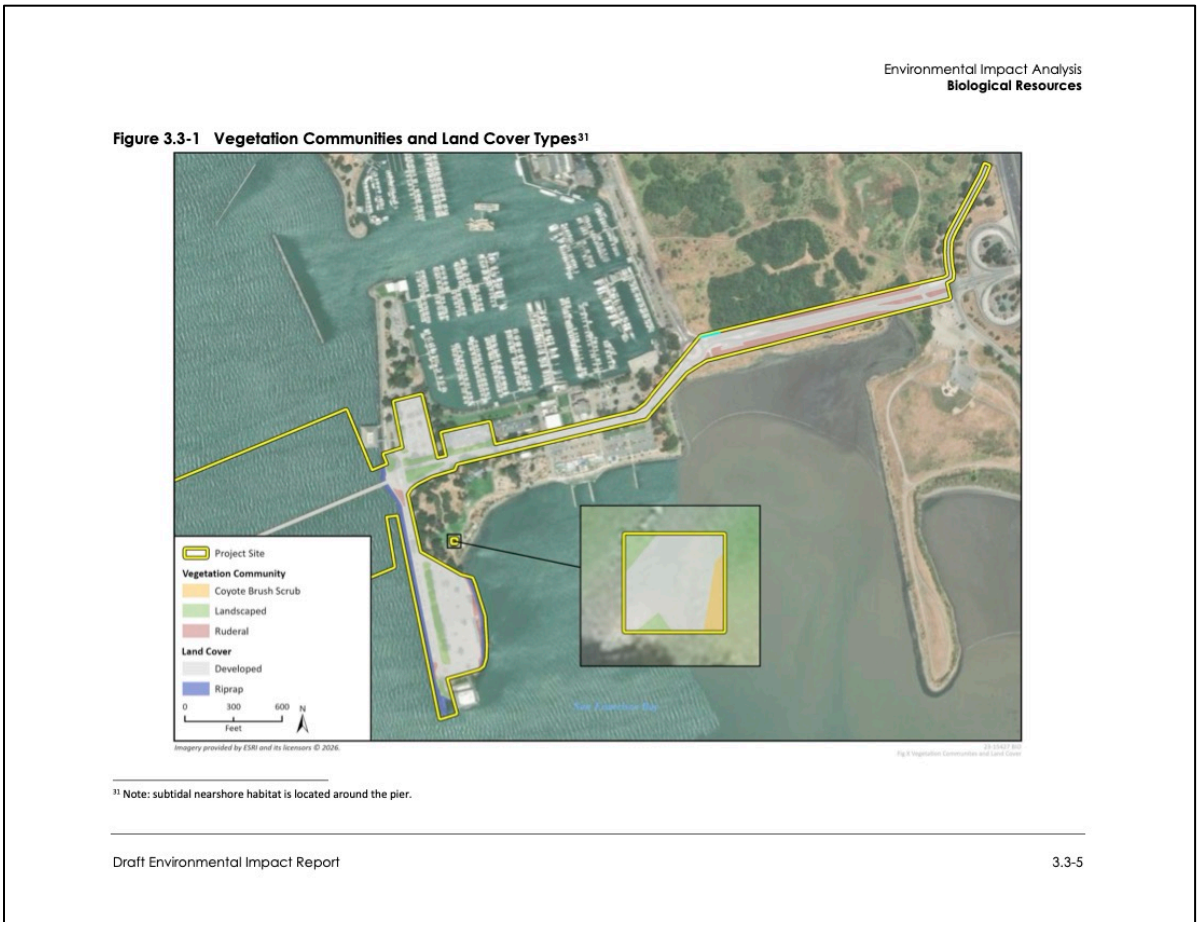
Scope: Geographic coverage of scope

The geographic scope in the 2026 dEIR is artificially narrow and inadequate, particularly for a region of global biodiversity significance. Between the periods of the NOP and dEIR the scope was made even smaller: Shorebird Park was excluded, even though it is surrounded by the Project on the north, west, and south sides. While CEQA allows a reduction of geographic scope between these two phases, the scope is now so small that real impacts to the biological resources immediately adjacent to and "in the vicinity" of the project are missing, even though those resources will be impacted by the project. The area of analysis in an EIR should be dictated by the reach of the environmental impact, not just the project's transit corridor spaces. The artificially narrow geographic scope makes it impossible to identify and disclose the actual impacts of the project on Biological Resources in the vicinity, is deficient and should be expanded. P87-55

Under CEQA Guidelines **Section 15125(a)** "*An EIR must include a description of the physical environmental conditions **in the vicinity of the project**.*" (emphasis added). In their response to an NOP of a DEIR (April 2021), CDFW recommends, *"...providing a complete assessment and impact analysis of the flora and fauna within and **adjacent to the Project area**...."*[9] P87-56

Page 3.3-5 of the 2026 dEIR documents the Vegetation Communities evaluated. Shorebird Park is not included, even though it is immediately abuts and is surrounded by the project on the north, west, and south sides. P87-57

[9] CDFW. "Paseo Montril Project, Notice of Preparation of a Draft Environmental Impact Report, SCH #2021030038. April 21, 2021. https://files.ceqanet.lci.ca.gov/267970-1/attachment/exICRIViTVCEUPgfBFxKYlCO_IwwXAab-zTmCYjIKy04GRN_AokRSBKNTwXX31wzgvu5OZE02B8LZkhQ0 P87-56



Shorebird Park and its rich habitat was is excluded from analysis (except for the tiny square noted).
Figure 3.3-1 Vegetation Communities and Land Cover Types (2026 dEIR, 3.3-5)

Shorebird Park, though not large in size, contains the richest habitat area on the south side of the marina area (including a dense willow thicket) and **is in the vicinity of the project**. Yet it was excluded from the analysis.

The Project will directly impact the Biological Resources in Shorebird Park. During Construction, 40 mature trees will be cut down on the west side of the parking lot, most of them tall, removing valuable roosting, foraging, and nesting habitat. Iconic species like the White-tailed Kite and Hummingbirds will be negatively impacted. Ferry operation will attract thousands of new vehicles daily, traversing University Ave, coming to park in the ~450 parking spaces at the reopened Seawall Dr parking lot and beyond. LED vehicle headlights, a significant known biological disruptor, will spill out in all directions. Dark Sky International describes the issue:

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"*...headlights are mobile, intense and projected horizontally, allowing light to penetrate deep into habitats that would otherwise remain dark. This moving, horizontal light reaches places untouched by permanent lighting, including... undeveloped land. "*[10]

Note, too, that the current design of the parking lot stripes the parking spaces around the perimeter (see pink arrows below) with vehicles pointing their often-intensely-bright headlights directly into Shorebird Park or the open water.



Proposed parking lot design for Seawall Drive, with perimeter parking spaces (indicated with pink arrows) directing the headlights of parking cars into Shorebird Park or towards water. (2026, 2-21)

Terrestrial and aquatic species, in Shorebird Park and the open water will be disrupted by headlights from thousands of new cars daily. (See the further discussion below, in Section 3, under "Artificial Light At Night (ALAN)")

SUMMARY

CEQA **Section 15151 (Standards for Adequacy)** state that "*An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences."*

P87-59

P87-60

[10] "A driving source of light pollution: How car headlights are reshaping the nighttime environment" by Drew Reagan, January 8 2026. Dark Sky International. https://darksky.org/news/a-driving-source-of-light-pollution-how-car-headlights-are-reshaping-the-nighttime-environment/

P87-59

The narrow geographic scope excludes Shorebird Park, obscuring the true consequences of the project from decision makers and is inadequate. To provide an adequate evaluation of project impacts that meet the CEQA standard of Adequacy, **Section 15151**, the Final EIR must broaden its geographic scope to include the entirety of Shorebird Park and the Biological Resources within, and expand its analyses to include habitat loss and artificial light at night introduced by thousands of new vehicles (many with LED headlamps) and hundreds of new light fixtures.

P87-60

Procedure: Bifurcation and piecemealing

CEQA Guidelines **Section 15378(a)** defines a Project as "*the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment...*" By defining a project as the "whole of an action," the law ensures that agencies cannot overlook the cumulative impacts of a large undertaking by breaking it into smaller, seemingly insignificant pieces.

The City of Berkeley bifurcated the Waterfront Specific Plan (WSP)[11] and Pier/Ferry Planning projects early-on in the planning processes. This segmentation is problematic as the Pier/Ferry project lies geographically within the overall waterfront, the focus of the WSP. While the WSP and Pier/Ferry are two separate projects run by the same Lead Agency, the City of Berkeley, separating the analysis of the environmental impacts of the two projects into two distinct phases will make the immediate impacts of each Project look smaller. The reduced geographic footprint of the Pier/Ferry scope represents piecemealing.

P87-61

While the dEIR defends the bifurcation – stating that the WSP and Pier/Ferry are separate projects (pg. 3-11) and that the dEIR will consider Cumulative Impacts of the pending WSP – when it comes to real-world impacts, the bifurcation of the WSP and Pier/Ferry violate sCEQA's requirement that the "whole of the action" be reviewed.

SUMMARY

To adhere to **CEQA Section 15378(a),** the evaluation of the Pier/Ferry Project EIR should be delayed until the Waterfront Specific Plan (WSP) effort is complete. Only then is it appropriate for the EIR to be undertaken, covering the entire waterfront area, to ensure that cumulative impacts for all waterfront development are accurately evaluated and disclosed to the public.

P87-62

Artificial Light at Night (ALAN): New fixtures and impacts of vehicles

Artificial Light At Night (ALAN) is a significant biological disrupter at all trophic levels and is growing globally at 2% per year. It interferes with bird migration and nesting activity, insect lifecycles. It penetrates the upper layers of soil and water to disrupt microbial activity. It disrupts plants' seasonal rhythms. It interferes with marine animal movements, disrupting phototaxis in

P87-63

[11] formerly known as the "Berkeley Marina Area Specific Plan (BMASP)"

P87-61

fish and other marine animals, altering their natural behaviors such as feeding and migration. It's associated with cancer in humans, disrupting circadian rhythms and melatonin production. **In short, ALAN a serious, pervasive pollutant.** Any proposal to install new outdoor light fixtures, even if they're Dark Sky Compliant, must be carefully considered, to determine if the proposed light will (a) result in a net increase of ALAN and (b) if new lighting should even be added. These concerns are especially relevant to biologically significant locations like the San Francisco Bay, including the proposed project area of the Berkeley Pier/Ferry (stationary pier and dynamic ferry route).

P87-63

Sadly, there aren't any caps on the cumulative amount of light pollution that can be added to the Bay sky. Moreover, sadly and quite surprisingly, per the dEIR, the entire waterfront area is allowed to have the same levels of light-pollution as downtown Berkeley, LZ3, which is zoned for "moderately high" amounts of light:

P87-64

> "*City of Berkeley falls under the "urban" standard and thus, is designated LZ3*." (2026, 3.3-10)

BCDC guidelines do, however, define some restrictions, and/or goals, related to lighting designs and light pollution (emphasis added):

P87-65

- *"Public access should be sited, designed and managed **to prevent significant adverse effects on wildlife**."* (BCDC SF Bay Plan. p.77)
- "*1. To enhance the visual quality of the Bay... shores shall be developed in accordance with the Public Access Design Guidelines.*" (BCDC SF Bay Plan. p. 80)
    - "*7. Sight Furnishings. Provide enough lighting to create a sense of safety, but design to **control intensity, glare and spillover**.*" (BCDC Shoreline Spaces: Public Access Guidelines. pg 20)

The dEIR also commits to quantify the magnitude of proposed changes in light and glare.

P87-66

> "*The analysis of light and glare impacts focuses on the nature and **magnitude of changes in light and glare conditions***", and,
> *"Similarly, the City considers whether a proposed project would **increase nighttime light**."* (2026, 3.1-19)(emphasis added)

However, no "*analysis of light and glare impacts*" (as cited above) was conducted. No measurements were made to evaluate the "*increase [in] nighttime light"* (as cited above). Instead, analysis of light pollution was relegated to **Section 3.1 Aesthetics**, a section that uses Levels of Significance that are only subjective and descriptive in nature.

P87-67

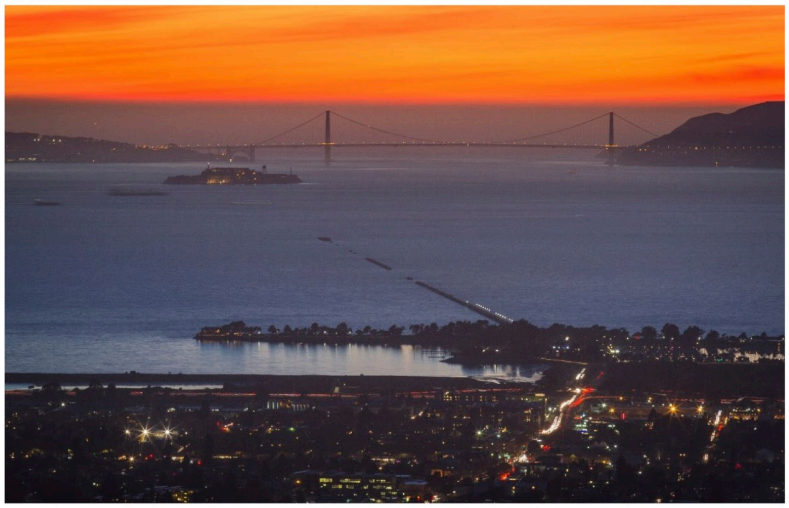
For example, to establish the current baseline of ALAN at the project site, 2 photographs are submitted (pasted below). It's noteworthy that these photos were taken at dusk, when sunlight was still visible, making it impossible to establish an approximate qualitative (subjective) baseline of current levels of light at night, much less a reliable quantitative (measurable) one.

P87-68

Figure 3.1-2 Nighttime Lighting Photographs at the Project Site



Photograph 1: Existing Nighttime Lighting on the Berkeley Pier



Photograph 2: Existing Nighttime Lighting on the Berkeley Pier and Seawall Drive Parking Lot

Draft Environmental Impact Report 3.1-9

The only evidence provided by the 2026 dEIR of the Baseline level of light at the project site. Photos were taken at dusk and are inadequate. No measurements with a light meter were made. (2026, 3.1-9)

P87-68

No measurements were made with a light meter to establish actual light levels at night. Furthermore, descriptions of the proposed lighting in **Impact statement AES-4** do not even attempt to quantify the total number of proposed fixtures or the cumulative amount of nighttime light that will be emitted.

P87-69

By relegating the analysis of light pollution to Section 3.1 Aesthetics, a section that relies on qualitative assessments, the dEIR fails to provide substantial evidence to supports its significance findings regarding lighting.

P87-70

THE TOTAL NUMBER OF PROPOSED LIGHT FIXTURES ISN'T STATED AND WILL TRIPLE OR QUADRUPLE IN NUMBER

Current light. The dEIR identifies 36 total light fixtures (28 on the pier, 8 in the parking island island):

> "*Lighting already exists on the closed pier (**28 lights spaced approximately 110 feet apart** from each other on the north side of the closed pier), as well as the existing Seawall Drive parking lot (eight lights in parking islands). The proposed project would remove the existing lighting from the pier and the parking lot during construction of the proposed project."* (2026, 2-22) (emphasis added)

Proposed Wayfinding Signage. Illuminated signage is now being proposed for our parks.

> *"Wayfinding signage would be installed at various points along University Ave, Marina Boulevard, and Seawall Drive & Parking Lot. In addition, wayfinding signage would also be installed in a small portion of Shorebird Park, as shown in Figure 2-2, and within existing parking lots at the Waterfront. The purpose of this signage would be to direct visitors to the new pier, ferry vessels, and Seawall Drive parking lot as well as other recreational locations throughout the Berkeley Waterfront. **These wayfinding signs may be lighted at night**. Interpretive/educational signage regarding the history of the Berkeley Waterfront and notable environmental or geographic landmarks would be installed at locations along the Pier, Breakwater, and/or the new Bay Trail Extension. These interpretive/educational signs would not be lighted at night."* (2026, 2-22)(emphasis added)

Proposed Lighting. The dEIR doesn't identify the total (or even approximate) number of proposed light fixtures.

P87-71

> *New lighting is proposed for University Avenue and the Plaza, parking lot, pier, and ferry terminal, and additional lighting poles would be provided for the proposed Bay Trail Extension along Seawall Drive. LED lighting would be installed for the pier/breakwater, gangway walkway, and railings. Down-cast LED lights would be placed approximately **every 50-feet along the Pier and Breakwater on 16-foot tall poles**. The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck, which would also to be used for emergency egress lighting. A solar-powered marine navigational signal lights and emergency LED path of egress lighting would be installed on the ferry float system and the central charging inverter.* (2026, 2-22)

> *All Project lighting would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements. As such, full cut-off photocell fixtures with side shields and visors would be used for roadway and street lighting. The ferry terminal photocell lighting fixtures would be dimmable and controlled by a timer. The Pier, plaza, and parking lot would include a bi-level lighting system comprised of full cut-off photocell fixtures equipped with shields, guards to the seaside, and controlled by a timer.* (2026, 2-22)

> and

"The proposed project would include the following lighting features:

- *Wayfinding signage lighting along University Avenue, Seawall Drive, and the proposed Bay Trail Extension*
- *Lighting at the Seawall Drive parking lot*
- *Lighting on the new pier, breakwater, gangways, and floats*
- *Lighting at the new public plaza*

Down-cast LED lights would be placed approximately every 50-feet along the Pier and Breakwater on 16-foot tall poles. The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck, which would also be used for emergency egress lighting. A solar-powered marine signal light would be installed on the float. Emergency LED path of egress lighting would also be installed on the central inverter.

Furthermore, lighting would be photocell-controlled area lighting in compliance with illuminating Engineering Society (IES) and DarkSky recommendation... (2026, Impact AES-4, 3.1-33 to -34)

P87-71

It is appreciated that Dark Sky fixtures will be used, but it isn't enough to ensure significant amounts of light won't be added, the visual quality of the Bay won't be degraded and Biological Resources won't be harmed.

P87-72

With a doubling of the spacing of fixtures on the pier/breakwater (instead of every 100-ft, fixtures will be every 50 ft) and an unquantified but high number of new fixtures throughout the park, based descriptions in the dEIR, **the total number of light fixtures will triple or quadruple**, adding significant amounts of nighttime light to project site and be visible from the Bay waters.

P87-73

As noted above, the dEIR fails to establish a baseline level of nighttime light at the waterfront on which a determination of the level of significance can be based. The dEIR also failed to establish a quantifiable level of significance. Instead, it used an arbitrary threshold of significance (cf. **Impact AES-4**). As such, the impacts of the proposed lighting aren't quantified, making it impossible to evaluate the criteria of the "*magnitude of changes in light and glare conditions*" and the "*increase nighttime light*" and is, therefore, deficient. Given the BCDC policies to "*prevent significant adverse effects on wildlife*" and prevent "*glare and spillover*", and given the understanding that ALAN is a form of pollution, and given the easily-measured nature of light and the significance of ALAN on biological resources and aesthetics, **a quantified baseline and justified threshold level of significance are missing and must be defined.**

P87-74

Nighttime light levels should be measured and quantified with a light meter during the current baseline situation (that is, the pier and Seawall Dr parking lot aren't in use). Those findings should then be compared with the proposed amount of nighttime light levels, to quantify the change in light levels and change in total number of individual fixtures visible, from land and from the water..

P87-75

To reiterate, to comply with BCDC requirements to "prevent significant adverse effects on wildlife, "enhance the visual quality" of the Bay and "control intensity, glare and spillover"

P87-76

additional analysis is necessary. Those analyses should document the current baseline light levels at night, total proposed number of new light fixtures (and for each location, if the fixture is a new location or updating an existing one), broken down by type (including height, spectrum, intensity, shielding, times-of-use, and justification for inclusion[12])

P87-76

THE FIXTURES PROPOSED FOR THE PIER/BREAKWATER WILL BE SPACED 2x CLOSER, ON 16'-TALL POLES, CREATING GLARE AND SPILLOVER

While the dEIR proposes to use Dark Sky fixtures, the ones proposed for the pier/breakwater will be on 16-foot tall poles, creating glare and spillover onto the surface of the water below and disturbing the marine ecosystem.

P87-77

To comply with BCDC Public Access Guidelines that prohibit glare and spillover (above), the Final EIR should evaluate the feasibility of lower mounting heights (e.g. 3-to-4-foot bollards) and increased spacing on all pier, breakwater and shoreline lighting, to minimize the project's "light footprint" while still maintaining pedestrian safety.

LED LIGHTING ON THE GUARDRAILS AND OTHER STRUCTURES WILL SHINE DOWNWARD, CREATING GLARE AND SPILLOVER ONTO THE WATER

The dEIR describes "*The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck...*" It is not enough to have down-cast, fully-shielded fixtures. If the light fixtures are mounted to the canopy, columns or underneath the guardrails, the light will create glare, spilling down to the water below, introducing light pollution into the water column, disturbing marine wildlife, and out into the atmosphere, creating glare.

P87-78

As an example of what not to do, see the photos of the WETA Richmond Ferry Terminal below. They show disruptive, unacceptable levels of light pollution emanating bright-white from the place-name sign, and bright-blue light from the entire pier structure, shining out into the Bay atmosphere and entering the water column below. The lighting on the Richmond pier is an example of exactly the kind of lighting to be avoided.

P87-79

[12] See the "Five Principles for Responsible Outdoor Lighting" by Dark Sky International. https://darksky.org/resources/guides-and-how-tos/lighting-principles/

P87-76



Photos of the Richmond WETA Terminal, illustrating irresponsible lighting that disrupts wildlife



Photos of the Richmond WETA Terminal, illustrating irresponsible lighting that disrupts wildlife

P87-79



Photos of the Richmond WETA Terminal, illustrating irresponsible lighting that disrupts wildlife

P87-79

To comply with BCDC SF Bay Plan to "prevent significant adverse effects on wildlife", additional details on lighting must be added to the dEIR. It must document how all light spillage will be eliminated on the pier and breakwater, to ensure no light pollution enters the surrounding atmosphere or the water column below.

P87-80

SHIELDED ISN'T ENOUGH. NEED A LIGHTING PLAN, WITH SPECTRUM, INTENSITY AND MORE

Fully-shielded fixtures isn't enough to prevent light pollution. To minimize biological disruption, lighting should be added only when absolutely necessary. All lighting should use warmer spectrum lighting (<2,700 Kelvin) at the minimum intensity.

P87-81

The dEIR description of new lighting cites the use of Dark Sky fixtures but fails to describe other essential features of responsible outdoor lighting and is inadequate. To comply with BCDC SF Bay Plan to "*prevent significant adverse effects on wildlife*", the Final EIR should include a lighting plan, that addresses questions raised above, including spectrum, intensity, and details of the place-name signage (if one is proposed).

P87-82

THE IMPACT OF INCREASED VEHICLE HEADLIGHTS ON BIOLOGICAL RESOURCES WAS NOT EVALUATED. THE ASSOCATED FINDINGS OF IMPACT AES-4 ARE DEFICIENT and OUTDATED.

P87-83

The dEIR fails to evaluate the impacts on Biological Resources of bright automobile headlights from increased vehicle traffic generated by the proposed project during the Operational phase. **Section 3.1, Environmental Setting, Light and Glare** briefly mentions automobile headlights, emphasizing the temporary nature of the light and how it touches terrestrial spaces. However, the statement fails to acknowledge that vehicle headlight can also illuminate the surface of surrounding Bay water:

> "*Automobile headlights also create temporary mobile sources of light along proximate roadways and within on-site and nearby parking lots*". (2026, 3.1-8).

Only later in the dEIR, in **Section 3.1 Aesthetics**, are the impacts of introduced nighttime light during the Operational phase discussed (not in Biological Resources, where such an analysis belongs). That analysis is within **Impact AES-4**. It assesses light only from stationary fixtures; mobile sources, like automobile headlights, are missing. Though it isn't stated directly, **Impact AES-4** also seem to make the important assumption that the number vehicles visiting the Seawall Dr. area won't increase (relative to the existing Baseline conditions). This assumption is flawed.

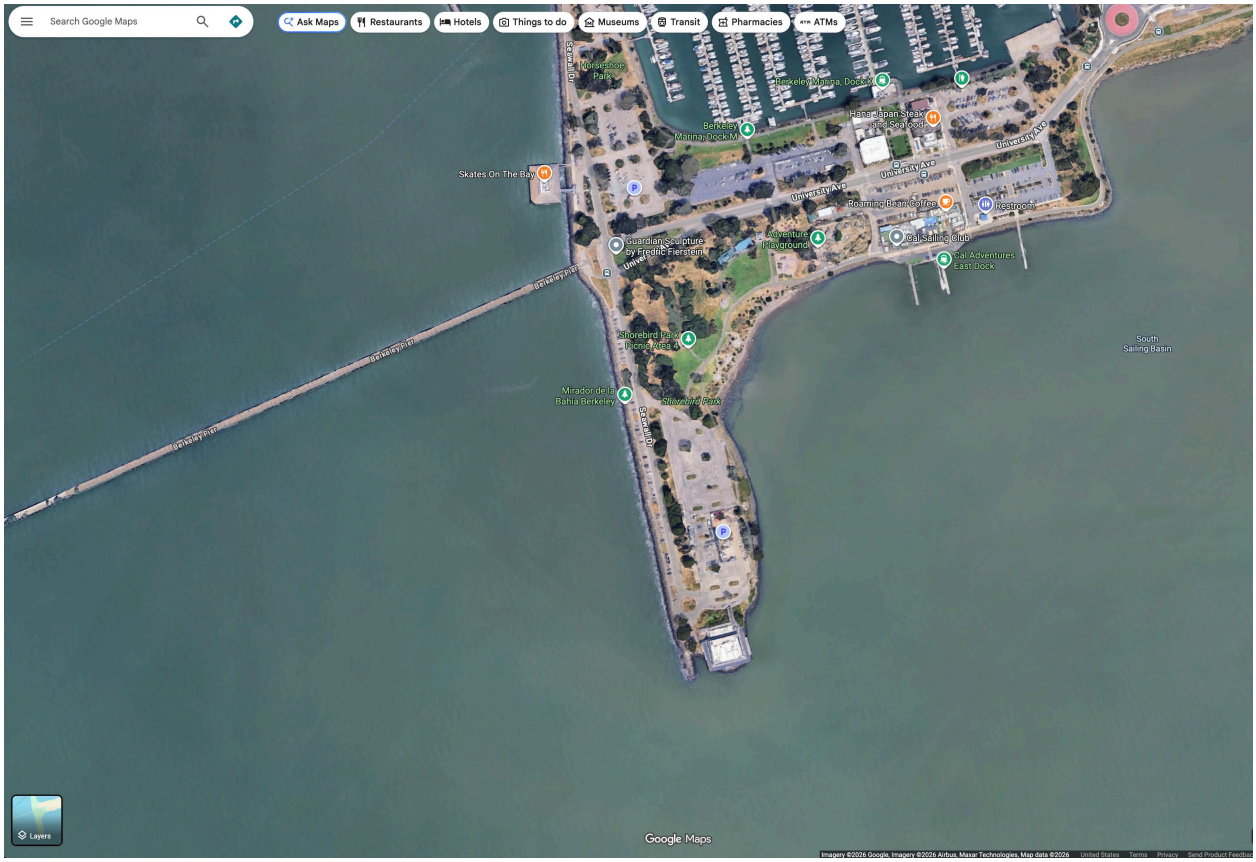
If the pier/ferry project is completed, the number of vehicles coming to the Seawall Drive area will increase. Why? Because the number of vehicles present during existing Baseline conditions is artificially low. Those conditions were set only after the pier was closed and available parking spaces had been closed to the public.

P87-83

> "**EIR Baseline.** *This baseline includes the closure of the existing pier, the closure of the HS Lordship restaurant located at 199 Seawall Drive, and intermittent closure of the Seawall Drive parking lot."* (2026, 3-2)

If the pier/ferry project is developed, once it's completed and the ferry operating, more cars will be parking at the waterfront and impacts will have changed, too.

To help explain the net increase in the number of vehicles expected let's look at the number ferry patrons who will drive. The dEIR describes up to "*450 (or 475) new parking spaces*" (2026, 2-18 or 3.6-37) in the Seawall Dr. area. The expected ferry ridership in 2040 is projected at 1,160, with 52% of them driving. **This means at least 600 <u>new</u> vehicles are projected to be coming down to the project site to park.** These will be cars <u>in addition to</u> the ones that already park at the waterfront. These additional ferry patron drivers will circulate, looking for a place to park in the Seawall Dr. area. At early morning and late evening hours, and especially during winter, these drivers will have headlights turned on. Often these headlights will be extremely intense, blue-spectrum LED lights that will temporarily blind and incapacitate wildlife. (Do these chronic disruptions constitute "harassment"?) As a reminder, the parking lot proposed for ferry patrons is surrounded on Bay water on 3 sides – west, south, and east. See screenshot below.



Screenshot of parking lot documenting that it is surrounded by Bay water on 3 sides. ALAN from vehicle headlights circulating in the parking lot - which is currently closed (the "baseline condition") - will shine onto the surrounding surfaces of the water.

P87-83

Thus, the vehicle headlights will illuminate not only terrestrial surroundings but shine onto and illuminate the Bay waters, too, causing increased glare and spillage. Repeated exposure to these bright lights, even if each exposure is brief, causes harmful cumulative impacts on Biological Resources and degrades the character of the project site. The quality of vehicle headlights has even changed in recent years, becoming more disruptive to sensitive receptors. With headlights in newer cars, the light emitted has shifted from a warmer lower-spectrum to more disruptive blue higher-spectrum. Additional light pollution from ferry patrons driving to the project site will add to the harmful cumulative impacts of ALAN on Biological Resources and degrade the visual character of the project site and adversely affect nighttime views for sensitive receptors near the project.

P87-84

The **Impact AES-4** analysis ignores the impacts of all of these changes – the increased number of vehicle and the associated increased harmful headlight glare and spillover into the surrounding land and water, as if light pollution from vehicle headlights doesn't require quantified analysis. Nothing could be further from the truth.

P87-85

The quarterly publication of Dark Sky International recently highlighted the significant, negative impacts of light pollution from car headlights on wildlife. The article describes how traditional analyses focus on fixed sources of light, ignoring the impacts of automobiles (emphasis added):

> "*Artificial light at night is a well-documented environmental pressure. It disrupts wildlife behavior, alters ecosystems, and interferes with biological rhythms that have evolved over millions of years.* ***Yet most research, policy, and mitigation efforts have focused on fixed sources of light, such as streetlights, buildings, and sports facilities...*** *Many modern LED and xenon headlights emit blue-rich, cool-white light. Blue light is particularly disruptive at night, suppressing the production of melatonin and disrupting circadian rhythms in many species. In ecological terms, not all light is equal, and blue-rich light causes greater harm after dark... For nocturnal insects, especially, this is a serious problem. Many species cannot quickly adjust their vision after exposure, leaving them disoriented, exhausted, or vulnerable to predators long after the car has passed."*[13]

P87-86

SUMMARY

The analysis and findings of the impacts of new sources of nighttime light at the project site is grossly deficient, lacking quantification and based on an unreasonable, arbitrary significance threshold. The analysis of the impact of lighting has been relegated to Section 3.1 Aesthetics where there are no measurable thresholds of significance. Yet the amounts of existing and proposed changes in Artificial Light At Night (ALAN) are easily quantified. The dEIR didn't establish a Baseline condition of actual nighttime light to then establish the "magnitude of change" to determine if the project "would increase nighttime light" (as stated in the Approach to Analysis (2026, 3.1-17)) . The number of fixtures on the pier/breakwater will at least double, with light mounted on 16-foot high poles. The total number of new fixtures across the project site will triple or quadruple. The number of expected vehicles will increase during Operation, after parking areas nearby are reopened to the public (a change from the Baseline), spilling intense blue-spectrum light from increased vehicle traffic onto vegetation and the water surface in all three directions around the parking lot (west towards the Bay, south, and east towards the S. Sailing Basin). Under CEQA this intermittent light pollution constitutes a significant impact on the "existing visual character" and "biological resources" of the site.

P87-87

P87-88

P87-89

To ensure that proposed lighting at the project site adheres to BCDC SF Bay Plan Policy 4 (Public Access) and Shoreline Spaces Policy 7 (Site Specific Improvements), and doesn't violate any of the CEQA tests of significance for Aesthetics and Biological Resources, additional analyses must be performed, including (but not limited to):

- A new, separate and quantified analysis of lighting impacts added to the Biological Resources Section 3.3., to ensure that impacts on biological resources are sufficiently analyzed. Those updates should include new photos - ones taken at night (not dusk) -

P87-90

[13] "A driving source of light pollution: How car headlights are reshaping the nighttime environment." by Drew Reagan. January 8, 2026. Dark Sky International. https://darksky.org/news/a-driving-source-of-light-pollution-how-car-headlights-are-reshaping-the-nighttime-environment/

and measurements of nighttime light taken with a light meter at night (not dusk). Those findings will establish an existing Baseline of nighttime light.

- Essential additional information about the proposed light fixtures should be included in the aforementioned section, including (but not limited to): anticipated total number of fixtures (e.g. spectrum, intensity, times of operation), how much of the nighttime light emitted from fixtures on the pier/breakwater will add spillage and glare onto the Bay waters and into the atmosphere, if placename signage will be installed and amount of glare and spillover introduced, and more. Based on this additional information, a project-level assessment of lighting impacts can be quantified and compared with the Baseline.
- An analysis of the increase of vehicle headlights and vehicle circulation should be included, drawing from the most recent research to assess the adverse effects of blue-spectrum LED headlights sweeping through and across the surroundings (terrestrial and aquatic) and biological resources within.

P87-90

CONCLUSION

The Draft EIR fails to address new information and changed circumstance, and offers deficient analyses. In its current form, the Draft EIR does not provide "a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines § 15151). To remedy these deficiencies updates are necessary and an updated Draft EIR recirculated.

P87-91

Thank you for the opportunity to submit comments on the proposed Project.

P87-92

Respectfully,
Erin Diehm

Letter P87

Commenter: Erin Diehm

Date: April 28, 2026

Response to Comment P87-1

This statement pertains to administrative processing of the comment and does not address the adequacy of the analysis, significance conclusions, or mitigation measures in the Draft EIR. The comment has been received. No further response is required.

Response to Comment P87-2

These introductory statements provide context for the commenter's subsequent remarks. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P87-3

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment P87-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for more information about this topic. Refer to Response to Comments P 98-5 through P87-92 for responses to individual comments. No further response is required.

Response to Comment P87-5

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Response to Comment P87-6

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P87-7

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion of the 2003 WETA EIR relevance to the Draft EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-8

The Draft EIR is not tiered to, nor is a supplemental or subsequent EIR to the 2003 WETA EIR. Rather, as stated in Draft EIR Section 1.1.2, *EIR Type*, this document has been prepared as a project-level EIR pursuant to CEQA Guidelines Section 15161, which focuses on the specific environmental effects of the proposed Berkeley Water Transportation Pier Ferry Project.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* which explains that the Draft EIR does not tier from the 2003 WETA EIR, but rather incorporates it by reference. Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* also explains how the Draft EIR uses the 2003 WETA EIR, and where appropriate provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Regarding gray whales, refer to Response to Comments P87-8 through P87-12 for responses to specific comments about gray whales.

Response to Comment P87-9

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 52 to 54), the analysis evaluates potential impacts to gray whales and other marine mammals based on current environmental conditions, including increased whale presence in the Bay in recent years. The Draft EIR does not rely on 2003 assumptions regarding whale rarity or population trends. Instead, the analysis considers the existing Central Bay transit corridor, which includes substantial commercial, recreational, and ferry vessel operational levels, and evaluates the project's incremental contribution to vessel-strike risk. See Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion of Draft EIR references to the 2003 WETA EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-10

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 52 to 54), the analysis evaluates potential impacts to gray whales based on current environmental conditions, including increased whale observations in the Bay in recent years. The Draft EIR acknowledges that vessel strikes are a known source of mortality for gray whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay baseline, which includes substantial commercial, recreational, and ferry vessel operational levels. In addition, see Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-11

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 52 to 54), the analysis acknowledges that vessel strikes are a known source of mortality for gray whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay baseline, which includes substantial commercial, recreational, and ferry vessel operational levels. The Draft EIR evaluates current whale presence in the Bay and does not rely on assumptions from the 2003 WETA EIR regarding whale rarity or population trends. In addition, see Section 2.2.28, *Topical Response: Whale Strike*, and Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-12

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Response to Comment P87-13

The EIR impacts analysis was based on a current literature review of publicly available agency databases and documents consistent with industry standards. With respect to the conference presentation cited in this comment, the analysis in the Draft EIR considers impacts to migratory waterbirds; see Response to Comment O7-17 for a discussion of operational impacts on waterbirds. The literature and database

review conducted for the Draft EIR described in Section 3.3.1, *Introduction*, (page 3.3-1) of the Draft EIR remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-14

The "2025 San Francisco State of the Birds" report is noted. The EIR impacts analysis was based on a current literature review of publicly available agency databases and documents consistent with industry standards. The State of the Birds report tracks trends in bird populations in the San Francisco Bay that are informative but do not change the analysis or conclusions of the Draft EIR Section 3.3, *Biological Resources*. The literature and database review conducted for the Draft EIR described in Section 3.3.1, Introduction, (page 3.3-1) remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-15

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 3.3-44 to 3.3-54), the project site does not provide significant roosting or natal habitat for diving ducks or other rafting waterbirds. The analysis evaluates potential disturbance from ferry operation in the context of the existing Central Bay transit corridor, which already includes substantial commercial, recreational, and ferry vessel operational levels. Adult waterbirds are highly mobile and able to avoid localized disturbance, and the incremental increase in ferry trips associated with the project would not constitute a substantial adverse effect under CEQA. In addition, see Response to Comment P46-4 for a discussion of and text changes related to roosting and migration of waterbirds. With respect to “new information” from the 2004 USGS study, the analysis in the Draft EIR already considers impacts to migratory waterbirds from operational and cumulative impacts of ferry operation as discussed in Response to Comment O7-17. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-16

As described in Draft EIR Section 3.3.5, Cumulative Impacts (page 3.3-66), the analysis evaluates the project’s incremental contribution to cumulative biological impacts in the context of the existing Central Bay transit corridor, which already includes substantial commercial, recreational, and ferry vessel operational levels. The Draft EIR concludes that the addition of the Berkeley service would not make a cumulatively considerable contribution to regional waterbird disturbance because adult waterbirds are highly mobile and able to avoid localized disturbance; and the incremental increase in ferry trips associated with the project would be small relative to existing vessel activity in the Central Bay. For additional discussion of cumulative impacts to waterbirds, see Response to Comment O7-17.

The comment does not provide site-specific evidence demonstrating that the proposed project would result in population-level effects, exceed CEQA significance thresholds, or cause a substantial loss of foraging or resting habitat in the project vicinity. The analysis and significance conclusions presented in Section 3.3 Biological Resources remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-17

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 46 to 52), and in text clarification changes in Response to Comment P46-4 describing impacts to wildlife movement, the analysis evaluates operational disturbance in the context of the existing Central Bay transit corridor, which already includes substantial commercial, recreational, and ferry vessel operational levels. Adult waterbirds are highly mobile and able to avoid localized disturbance, and the incremental increase in ferry trips associated with the project would not constitute a substantial adverse effect under CEQA.

The 2004 USGS study cited in the comment provides regional behavioral information, but it does not provide site-specific evidence demonstrating that the proposed project would result in population-level effects, exceed CEQA significance thresholds, or cause a substantial loss of foraging or resting habitat in

the project vicinity. The Draft EIR evaluates operational impacts using current environmental conditions and concludes that the project would not result in significant impacts to rafting waterbirds. For further discussion of operational impacts to waterbirds, see Response to Comment O7-17.

The analysis and significance conclusions presented in Section 3.3 Biological Resources remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-18

The Draft EIR evaluates the project's incremental contribution to regional biological impacts and explicitly considers cumulative effects in Section 3.3.5, Cumulative Impacts, using the existing Central Bay vessel operational levels as the comparable existing condition. The analysis recognizes that repeated disturbance can affect bird behavior at some locations, and it relies on the best available, site-specific information to determine whether the Berkeley route would cause a substantial, long-term loss of foraging or roosting habitat. See Response to Comment O7-17 for further discussion of operational impacts on waterbirds.

The comment has not provided site-specific evidence showing that the Berkeley service would convert usable habitat into a permanent "dead zone" or cause population-level declines. Therefore, the analysis and significance conclusions in Section 3.3 Biological Resources remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-19

See Response to Comment 7-17 for discussion of operational and cumulative impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-20

The proposed increase in ferry trips would be incremental relative to existing vessel operations in San Francisco Bay. Stating that a direct population-level impact from this project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4 Impacts analysis under Impact BIO-4 (page 3.3-63) and concludes that impacts would be less than significant. In addition, see Response to Comment P46-4 for text clarification changes addressing migratory birds, Response to Comment O7-17 for a discussion of operational impacts to waterbirds, and Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for a discussion of wave climate and sedimentation/turbidity. The Draft EIR discusses the impacts of ferry wake in Section 3.8.4. Impacts Analysis on page 3.8-33. No additional analysis or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-21

See Response to Comment O7-17 for discussion of operational and cumulative impacts to waterbirds. No additional analysis or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-22

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Regarding gray whales, refer to Response to Comments P87-13 through P87-21 for responses to specific comments about waterbirds.

Response to Comment P87-23

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Response to Comment P87-24

Regarding the comment that "the 2003 Berkeley Marina Master Plan, which remains the effective planning document for the area, contemplated ferry service only within the existing Marina basin", this is not an accurate statement. The City has reviewed the Berkeley Marina Master Plan, including Figure 2.0, which is referenced in this comment, and has found that the only references to a ferry in the document are cost estimates related to seismic retrofit of an existing (as of 2003) "ferry pier". Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion of why the City considered an In-Marina Ferry Terminal Alternative, but ultimately rejected it, consistent with CEQA.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR. A supplemental analysis of the potential impacts from dredging approximately 400,000 cubic yards is not needed because the Draft EIR already analyzes the potential impacts from dredging 400,000 cubic yards.

Response to Comment P87-25

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* which discusses how potential future maintenance dredging is addressed in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P87-26

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

A supplemental analysis of the potential impacts from dredging approximately 400,000 cubic yards is not needed because the Draft EIR already analyzes the potential impacts from dredging 400,000 cubic yards. Draft EIR Chapter 2, *Project Description*, identifies the anticipated dredging quantities (see Section 2.6, page 2-28), and potential dredging impacts are evaluated in Section 3.3, *Biological Resources* (see Section 3.3.4, Impacts BIO-1 through BIO-1), and Section 3.8, *Hydrology and Water Quality* (see Section 3.8.4, Impact HYD-1), of the Draft EIR.

With respect to maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* and Section 2.2.25, *Topical Response: Siltation/Wave Climate*. As discussed therein, the Draft EIR evaluates post-construction sedimentation conditions through the project-specific Coastal Study and associated sediment transport modeling. The referenced responses to comments further explain that based on the sedimentation rates identified in the Coastal Study, maintenance dredging would not be anticipated for approximately 10 to 15 years within the approach channel and approximately 22 to 33 years within the turning basin and berth areas. Because the timing, extent, volume, methods, disposal requirements, and regulatory framework associated with any future maintenance dredging cannot

presently be determined and would depend on future site conditions, detailed environmental analysis of such activities would be speculative. Accordingly, any future maintenance dredging would constitute a separate action subject to future regulatory review, permitting, and environmental review, as appropriate.

The analyses, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to or recirculation of the Draft EIR, or preparation of a supplemental EIR, are required in response to this comment.

Response to Comment P87-27

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P87-28

Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required. Nonetheless, see Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of noise produced by electric ferries.

Response to Comment P87-29 to P87-33

Refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-34

The comment restates the various marine species communication frequency range information included in Draft EIR Table 3.3-2 (page 3.3-.51). Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required.

Response to Comment P87-35 to P87-39

Refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. In addition, refer to Section 2.2.10, *Topical Response: Electric Ferry,* for a discussion regarding the timing and availability of electric ferry models. No changes to the Draft EIR are necessary in response to these comments.

Response to Comment P87-40

See Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. With respect to comments about the noise studies cited in the Draft EIR being for different types of water bodies, the statement referenced in this comment from Draft EIR Section 3.3.2, Environmental Setting, (page 3.3-14) specifically cites a sound monitoring study conducted in the central San Francisco Bay. When calculating safe zones for construction work to avoid impacts to fish and marine mammals, the most recent NMFS guidelines will be used, as described in Mitigation Measure BIO-1(d). These safe zones and avoidance measures will be developed and approved in coordination with NMFS, USFWS, and CDFW during permitting. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-41

See Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. In addition, see Section 2.2.28, *Topical Response: Whale Strike*, for a more specific discussion related to potential for operation of ferry vessels to come into contact with whales. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-42

The comment does not specify what was not written in plain language and/or information was not easy to understand. Therfore a substantive response is unable to be prepared. Nonetheless, see Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-43

Refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise*, for a discussion about how the EIR addresses underwater noise impacts on biological resources from the operation of electric ferry vessels.

Response to Comment P87-44

A reconnaissance-level field survey, when combined with targeted database and literature review and the application of standard CEQA avoidance/minimization measures, provides sufficient, project-specific information to map and evaluate potential species habitats and sensitive biological resources and to support the CEQA impact analysis. CEQA requires enough information to evaluate environmental effects and to adopt feasible mitigation; it does not require exhaustive scientific research or the generation of new baseline science beyond what is necessary to make an informed determination. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-45

See Response to Comment P87-44 for a discussion regarding survey adequacy. Existing conditions are adequately described for the purposes of CEQA analysis in Draft EIR Section 3.3.2. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-46

Refer to Response to Comment O9-3 for a response to this comment. No further response is required.

Response to Comment P87-47

See Response to Comment P87-44 for a discussion regarding survey adequacy. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-48

See Response to Comment P87-44 for a discussion regarding survey adequacy. In addition, the reconnaissance survey, while terrestrial, covered a larger area than the current project site in the Draft EIR. Surveyors were provided access to the closed pier and walked its length, and surveyed the riprap shoreline surrounding the project site, including the Marina edge outside of the current project site. The comment does not specify what special-status species were omitted, so a substantive response is unable to be prepared for that portion of the comment. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-49

Refer to Response to Comments P87-44 to P87-48 for responses to specific issues raised by the commenter. As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. The commenter does not identify any particular impact or conclusion within the biological resources Section that is not supported by substantial evidence. No further response is required.

Response to Comment P87-50

See Response to Comment P87-44 with regard to survey adequacy. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-51

See Response to Comment O5-36 for discussion of dredging and in-water construction impacts and Response to Comment O7-17 for discussion of ferry operations on waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-52

See Response to Comment P87-44 for a discussion regarding survey adequacy. In addition, see Response to Comment O7-17 for a discussion of long-term and cumulative impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-53

See Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of how the existing underwater noise environment has been identified and related project impacts have been assessed and would be less than significant with incorporation of Mitigation Measures BIO-1(d) and BIO-1(e). With regard to comment request for aquatic-based monitoring, Draft EIR Mitigation Measures BIO-1(e) (page 3.3-60) requires preparation of a marine mammal monitoring plan prior to construction and implementation of recommendations during construction. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* for a discussion of project impacts with respect to wave climate and effects within and beyond the project site. No changes to the Draft EIR are necessary in response to this comment

Response to Comment P87-54

No additional research or multi-season bird, on-water, or hydroacoustic monitoring surveys are proposed or required. See Response to Comment P87-44 for a discussion regarding survey requirements. The Draft EIR analysis and significance conclusion of less than significant with mitigation (Mitigation Measures BIO-1, HYD-1, and AES-1) related to special status wildlife, including birds and aquatic species, presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-44 remain valid. In addition, see Section 2.2.7, *Topical Response: CEQA Process,* for discussion of how recirculation of the Draft EIR is not required. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-55

The project site evaluated for the project includes all areas that may potentially be impacted by the project, including temporary staging and access, temporary disturbance, and permanent impacts. The project site is defined in Draft EIR Section 2.2, Existing Project Site Characteristics, page 3.3-7. Review of biological occurrence data extended beyond the project site, utilizing an industry-standard nine USGS 7.5-minute quadrangle search of databases described in Draft EIR Section 3.3.1, Introduction, (page 3.3-1). The analysis under Impact BIO-1, starting on page 3.3-44, and BIO-2, starting on page 3.3-58, evaluated the project's potential to impact species and sensitive habitats, respectively, both within the project site

and in the project vicinity (within approximately five miles of the project site), as well as water quality, noise, lighting, etc. impacts to biological resources with the immediate project vicinity and encompassing Shorebird Park. In addition, see Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting and its effects on the shoreline. The Draft EIR analysis and significance conclusions of less than significant with mitigation (Mitigation Measures BIO-1, BIO-2, HYD-1, and AES-1) under Impacts BIO-1 and BIO-2 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 and 3.3-58, respectively, remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-56

Refer to Response to comment P87-55 for a discussion about how the Draft EIR accurately addresses the physical environment, including impacts on areas in the vicinity and adjacent to the project.

Response to Comment P87-57

The project site evaluated for the project includes all areas that may potentially be impacted by the project, including temporary staging and access, temporary disturbance, and permanent impacts. The project site is defined in Draft EIR Section 2.2, Existing Project Site Characteristics, page 3.3-7. The Draft EIR analysis under BIO-1, starting on page 3.3-44, and BIO-2, starting on page 3.3-58, evaluated the projects potential to impact species and sensitive habitats both within the project site and in the project vicinity (within approximately five miles of the project site), as well as water quality, noise, lighting, etc. impacts to vegetation communities with the immediate project vicinity and encompassing Shorebird Park. The Draft EIR analysis and significance conclusions of less than significant with mitigation (Mitigation Measures BIO-1, BIO-2, HYD-1, and AES-1) under Impact BIO-1 and BIO-2 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 and 3.3-58, respectively, remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-58

Project-related tree removal near Shorebird Park are limited to landscaped ornamentals and are not part of a natural vegetation community. Impacts to protected bird species, including nesting birds, are analyzed in Draft EIR Section 3.3.4 under Impact BIO-1 on page 3.3-44, which concludes impacts to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(c), and AES-1. Impacts of increased vehicle use of existing roads in this already disturbed area immediately adjacent to Interstate 80 would not vary greatly from existing conditions. Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-59

The Draft EIR addresses impacts to nesting birds as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including vehicle headlights. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-60

Regarding Shorebird Park, the Draft EIR considers Shorebird Park as part of the environmental setting and surrounding biological context for the project vicinity. As discussed in Responses to Comments O10-64, P87-55, P87-57, and P87-58, the Draft EIR identifies and describes Shorebird Park as part of the existing environmental setting and evaluates the project's potential direct and indirect effects on nearby biological and recreational resources. The project would not result in direct habitat loss within Shorebird Park

because project construction and operation would occur outside the park. The Draft EIR further evaluates potential indirect effects, including effects related to lighting and biological resources, consistent with the applicable CEQA thresholds.

Regarding the geographic scope for biological resources, CEQA does not require analysis of biological resources over an unlimited geographic area. Rather, the scope of analysis must be tailored to the area within which project-related impacts could reasonably occur. The Draft EIR evaluates biological resources within the project site and surrounding areas where direct or indirect effects could occur and includes consideration of adjacent habitats and species that could potentially use the project vicinity. As discussed in Responses to Comments P87-55, P87-57, and P87-58, the City concludes that the geographic scope of the biological resources analysis is appropriate and sufficient to disclose the project's potential environmental effects.

Regarding the artificial light at night (ALAN), the Draft EIR evaluates potential operational lighting effects on biological resources in Section 3.3.4, *Biological Resources* (pages 3.3-51 and 3.3-52). As discussed in Response to Comment O4-19, existing stationary sources of lighting are already present within the project site and vicinity, including streetlights, parking lot lighting, pier lighting, and building lighting. Project lighting would be designed in accordance with applicable lighting standards, including DarkSky principles and glare reduction measures. In addition, refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* which provides a detailed discussion of lighting-related concerns, including biological resource considerations. As discussed therein, the project would not result in significant impacts related to ALAN.

Regarding Shorebird Park, habitat loss, and artificial light at night, refer to Response to Comments O4-19, P87-55, P87-57, P87-58, P87-63, and Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for additional discussion of these topics.

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR provides sufficient information to allow decision makers to understand and consider the environmental consequences of the project, consistent with CEQA Guidelines Section 15151. No further revision is required.

Response to Comment P87-61

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to how the Draft WSP is addressed in the Draft EIR.

Response to Comment P87-62

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to how the Draft WSP is addressed in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P87-63

The Draft EIR addresses impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-64

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding nighttime lighting analysis methodology.

Response to Comment P87-65

Both policies provided in the comment have been addressed in the Draft EIR. Refer to Impact LU-2 in Section 3.9¸ *Land Use and Planning* of the Draft EIR. Draft EIR page 3.9-18 includes a consistency analysis with Public Access Policy 4 and Appearance, Design, and Scenic Views Policy 1.

As described in Section 3.1, Aesthetics, construction activities would largely occur during the daytime; nighttime illumination would be restricted to the minimum needed for safety during piledriving and for security at staging yards. Mitigation Measure AES-1 commits to lighting details that minimize lighting impacts, and impacts were found to be less than significant after mitigation.

Draft EIR Section 3.10, Land Use and Planning, discusses consistency with BCDC's Bay Plan policies. Additionally, the statutory mandates for BCDC and other permitting agencies are reviewed under Regulatory Framework in each Draft EIR Chapter 3, *Environmental Impact Analysis*, section. Compliance with agency-specific requirements will be confirmed through the respective permitting processes. These permits will include conditions that ensure the project meets all applicable regulatory standards before construction begins. No further response is required.

Regarding lighting impacts on wildlife, the Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements.

See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-66

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding baseline and analysis of lighting impacts. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-67

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to quantification. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-68

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding baseline and analysis of lighting impacts. Environmental impact analysis associated with light and glare evaluated in Draft EIR Section 3.1, *Aesthetics*, is based on the lighting infrastructure and design assumptions described in Draft EIR Chapter 2, *Project Description*, (pages 2-22 through 2-23) and implementation of required Mitigation Measure AES-1. The light and glare impact (Impact AES-4, refer topages 3.1-33 through 3.1-34) was determined to be less-than-significant-with mitigation. For the following reasons, modelling future lighting is not reasonable or required for assessment of environmental impacts related to the proposed project:

- Project lighting would occur within an already developed area along already developed roadways, trails, paths, piers, and other public uses;

- Project lighting would primarily replace or enhance existing lighting;
- Project lighting would be primarily to provide for safe use of the waterfront and to extend the public hours of such use; and
- Project lighting would be designed to avoid glare and in conformance with DarkSky recommendations.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-69

Refer to Response to Comment P87-68 regarding quantitative lighting analysis. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-70

Refer to Response to Comment P87-68 regarding quantitative lighting analysis. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-71

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding proposed light fixtures. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-72

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to scenic Bay views and lighting. Regarding lighting impacts on wildlife, the Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-73

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-74

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts consistent with CEQA thresholds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-75

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to quantification. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-76

Refer to Response to Comment P87-65 regarding BCDC policies on lighting. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-77

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts. Regarding lighting impacts on wildlife, the Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-78

The comment states that the proposed LED lighting on the pier could create glare and spill light onto the water and surrounding environment, downward-directed, shielded fixtures alone may not prevent light pollution, and the Draft EIR should evaluate potential effects of lighting on marine wildlife and other biological resources.

The Draft EIR addresses impacts from operational lighting in Section 3.3.4 Impacts Analysis (page 3.3-51). Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including on biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-79

This comment is noted; however, it does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P87-80

The Draft EIR address impacts to nesting birds as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including on biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-81

The Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including on biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-82

See Response to Comments P87-65 and P87-80 for a discussion of nighttime lighting consistency with BCDC SF Bay Plan, including with respect to biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-83

The Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements. Impacts of increased vehicles on existing roads in this already disturbed area immediately adjacent to Interstate 80 would not vary greatly from existing conditions. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including on biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-84

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to glare, visual character, and nighttime views. Regarding lighting impacts on wildlife, the Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-85 to P87-88

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to increased vehicle headlights.

No changes to the Draft EIR are necessary in response to these comments.

Response to Comment P87-89

Refer to Response Comment P87-84 regarding impacts on visual character and biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-90

See Draft EIR Impact AES-4 in Chapter 3.1.4 (page 3.1-41) that determines that the operational levels of light and glare would be minor, similar to existing conditions. The same page details lighting needs, duration, and potential impacts. Refer to Section 3.1, Aesthetics, and Section 3.3, Biological Resources, of the Draft EIR, which evaluate potential impacts associated with project lighting, including light and glare, spillover, and potential effects on sensitive receptors and biological resources.

CEQA does not require that environmental analyses rely on specific quantitative field measurements where sufficient information exists to evaluate impacts based on accepted methodologies, regulatory standards, and professional judgment. The Draft EIR's analysis of lighting impacts is based on the project description, applicable design standards (e.g., shielding, directionality, and intensity controls), and compliance with local and regional policies, including applicable BCDC policies. The Draft EIR provides sufficient information to evaluate lighting-related impacts under CEQA, and the requested additional

analyses and data collection are not required to support the adequacy of the document. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-91

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR is sufficient from a CEQA perspective. Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment P87-92

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P88

From: Gordon Stout <gords11@gmail.com>
Sent: Tuesday, April 28, 2026 3:52 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Seawall Drive View parking

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza,

In your spare time:

Open each of the attached files, then hit page-up and page-down to scan through, watching in particular the parking along Seawall (and elsewhere, it's interesting).

P88-1

This isn't a perfect picture set, but it nonetheless does a pretty good job of showing how much this parking gets used.

Check them out! WE need those spaces with the great views, rank-and-file Berkeley has been voting via Google Earth!

Gordon

Before the Pier closed in July 2015



Before the Pier closed in July 2015



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2-882

Before the Pier closed in July 2015



P88-2

2-883

Before the Pier closed in July 2015



P88-2

2-884

Before the Pier closed in July 2015



P88-2

2-885

Before the Pier closed in July 2015



P88-2

2-886

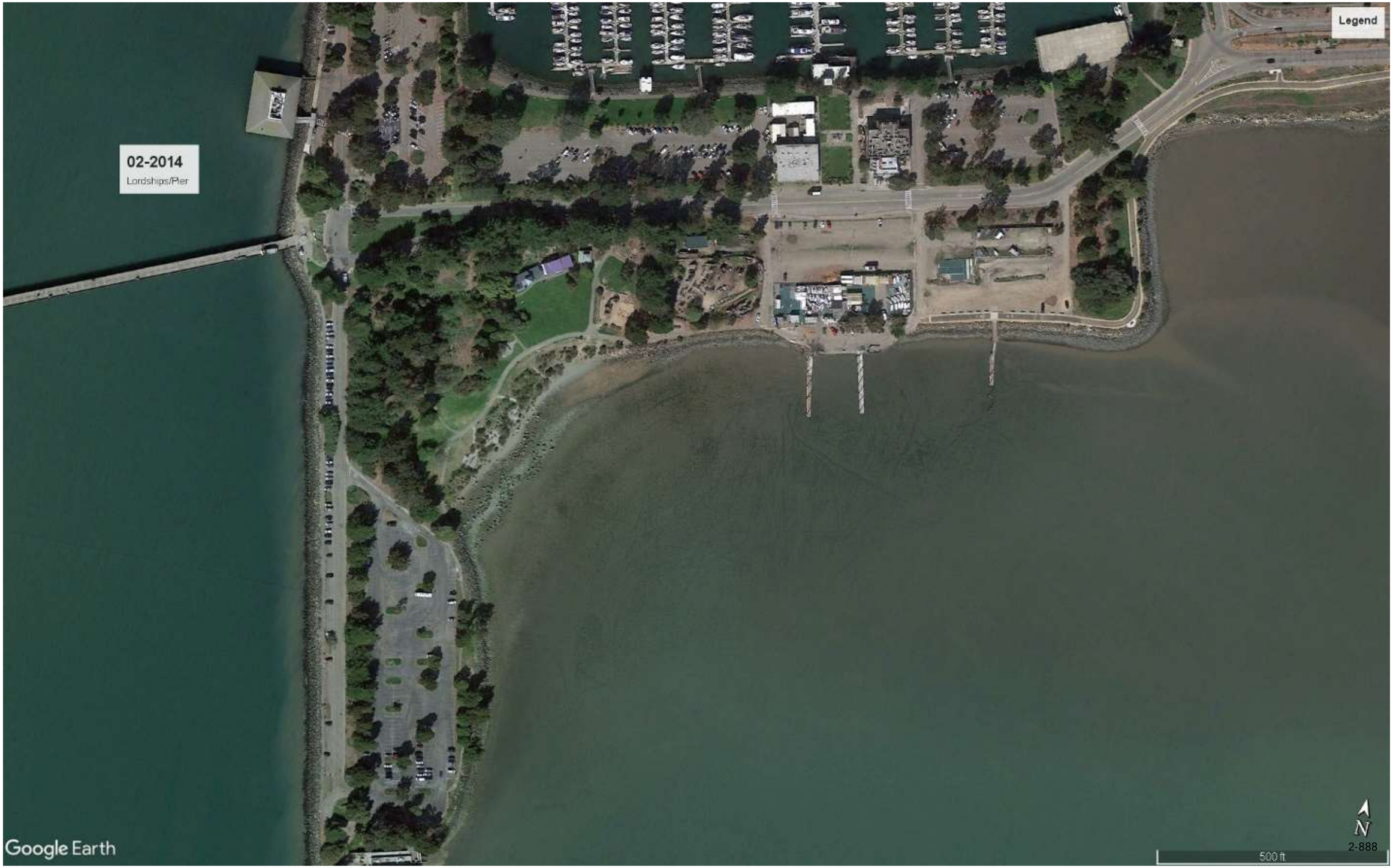
Before the Pier closed in July 2015



P88-2

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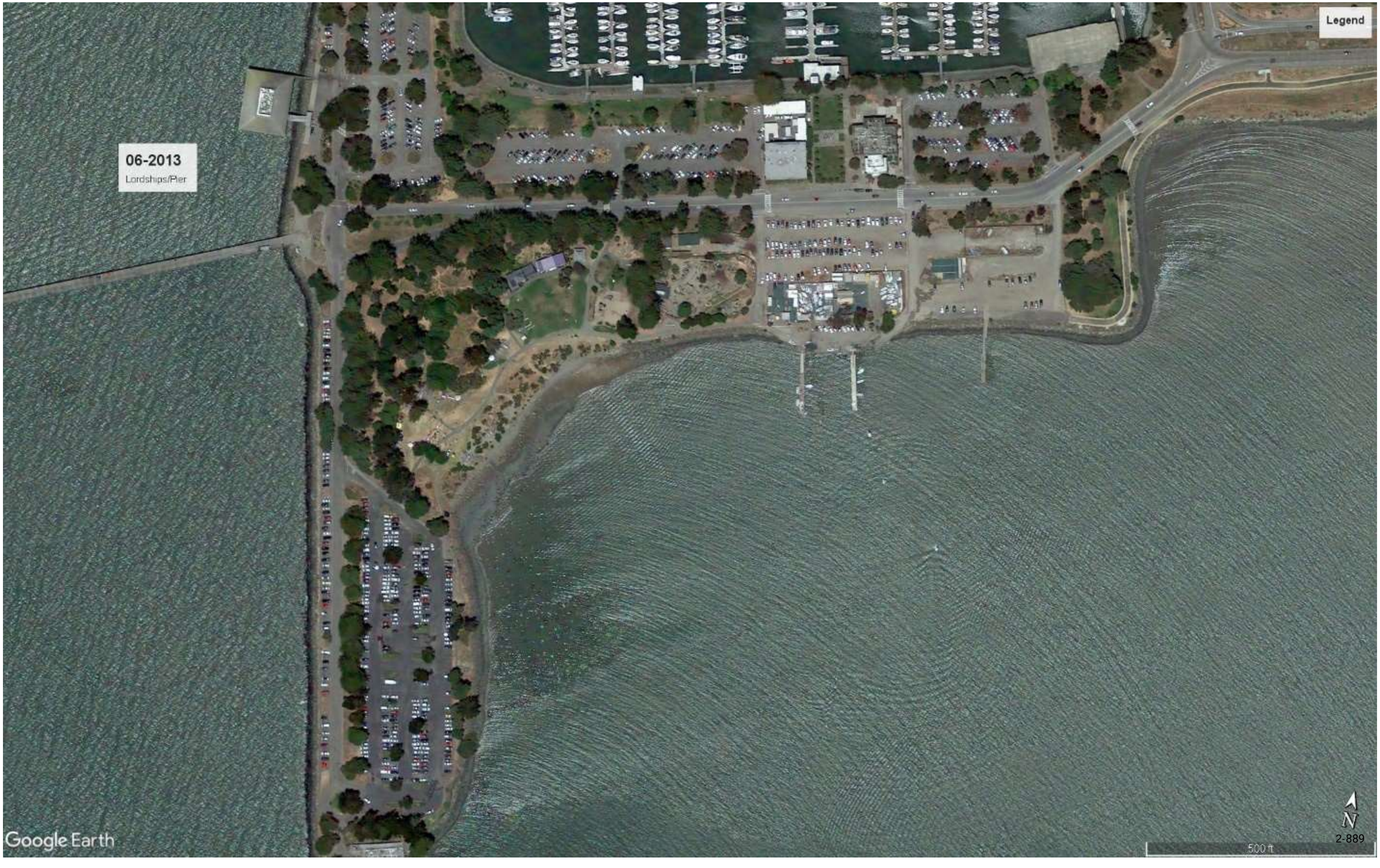
Before the Pier closed in July 2015



P88-2

2-888

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

2-890

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-892

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-893

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-895

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-896

After the pier closed in July 2015



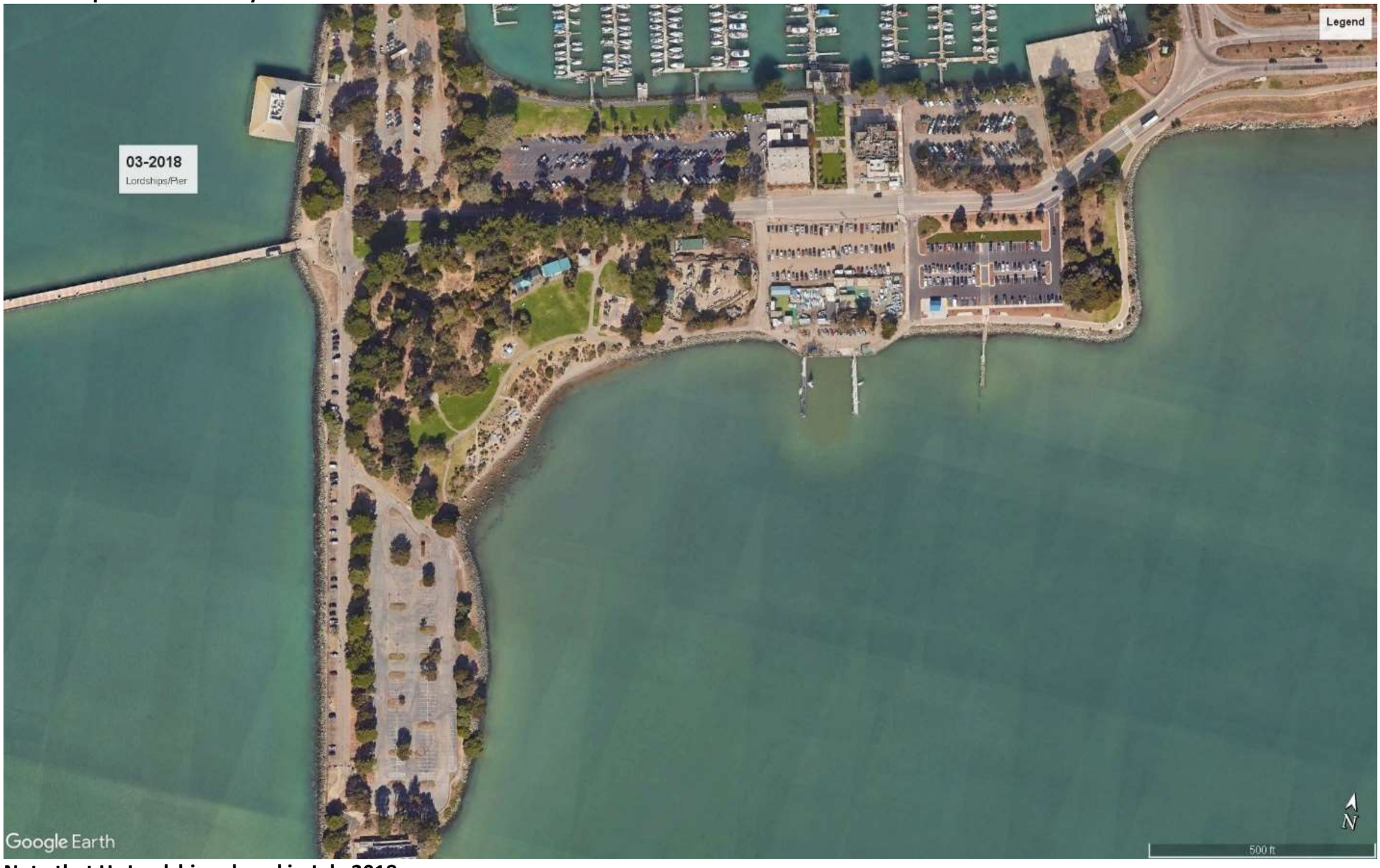
Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-899

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-900

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-901

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-902

After the pier closed in July 2015

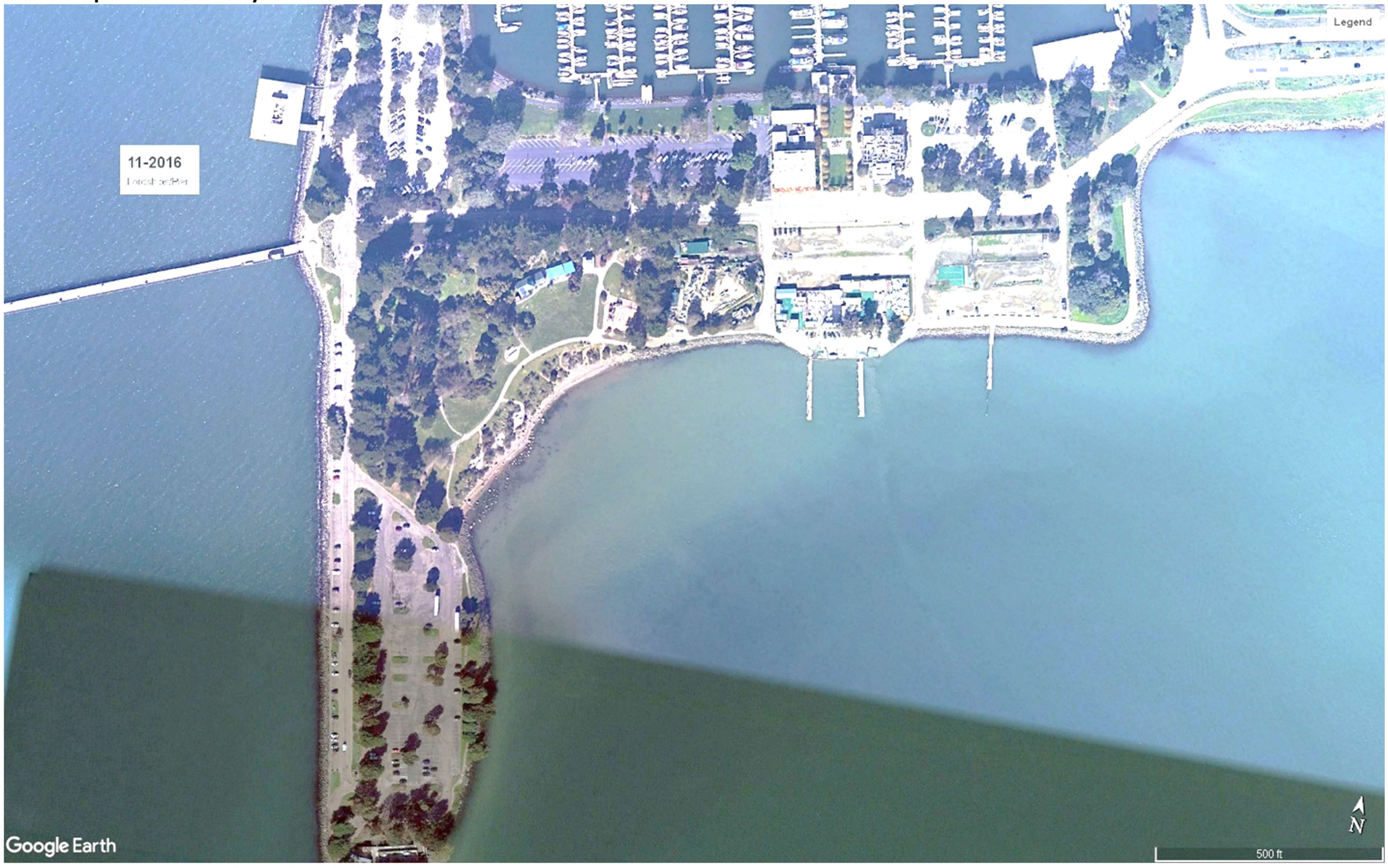


Note that Hs Lordships closed in July 2018

P88-2

2-903

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-904

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-905

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-907

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

2-908

Letter P88

Commenter: Gordon Stout

Date: April 28, 2026

Response to Comment P88-1

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, and Section 2.2.20, *Topical Response: Parking*. As discussed therein, the Draft EIR evaluates the proposed project's shoreline access improvements, view opportunities, and parking configurations. The commenter's preference regarding retention of existing view-oriented parking spaces constitutes a project design recommendation that has been included in the project record considered by City decision makers. The comment does not identify a deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. No revisions to the Draft EIR are required.

Response to Comment P88-2

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*. The Draft EIR's parking analysis is based on parking utilization data and supporting technical studies prepared for the project. As discussed therein, the Draft EIR uses the physical conditions existing at the time the Notice of Preparation was published as the CEQA baseline; therefore, historical parking conditions depicted in the commenter’s aerial imagery do not represent the baseline against which project impacts are analyzed and do not alter the conclusions of the Draft EIR. The Draft EIR evaluates potential secondary physical environmental effects associated with project-related parking conditions and concludes that no significant parking-related environmental impacts would occur. The comment does not provide evidence demonstrating that the analyses or significance conclusions presented in the Draft EIR are incorrect. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Berkeley Pier-Ferry Draft EIR Public Comment Zoom Meeting – 2026-03-16

TRANSCRIPT

[Liza McNulty, City of Berkeley] 18:01:18
Hi, folks joining us. We're just going to give it a few minutes for everyone to get logged on here.

[Liza McNulty, City of Berkeley] 18:01:25
And then we will start the meeting at 6:01 right now. I think we'll give it about two or three minutes, and then we'll get started just to make sure that everybody is able to get out of the waiting room and into the meeting.

[kelly hammargren] 18:01:43
Thank you for letting us have the transcript.

[Liza McNulty, City of Berkeley] 18:01:48
So we're taking a transcript now, and then that will become part of the public record, and I'll cover that as part of our presentation today.

[Liza McNulty, City of Berkeley] 18:02:07
All right. I'm seeing 2 more folks in the waiting room. I'm going to give 3.

[Liza McNulty, City of Berkeley] 18:02:12
Give them all a chance to make their way here. If everybody could please keep yourself muted.

[Liza McNulty, City of Berkeley] 18:02:44
Okay.

[David] 18:02:45
Okay.

[Liza McNulty, City of Berkeley] 18:02:48
So I'm going to get started. Even as we have a few folks joining us, again, if everyone on the call can please mute yourself.

[Liza McNulty, City of Berkeley] 18:02:58
I do want to warn you that we will do it if necessary. But if you could please keep yourself muted except when you're called on to speak, that would be great. I'm going to get started. My name is Liza McNulty. I am the City of Berkeley.

[Liza McNulty, City of Berkeley] 18:03:15
Parks and recreation. Parks, Recreation and waterfront Capital Improvement Program Manager. That is a mouthful, but the takeaway is that I'm the project manager for the Berkeley Pier Ferry Project. Joining me from the city today is Roger Miller, a senior systems analyst, and he is going to be running a lot of the behind the scenes.

[Liza McNulty, City of Berkeley] 18:03:39

Zoom work here. This meeting is being transcribed, and that transcription, including all comments made today, will become part of the public record, and so will be published with the final Eir.

[Liza McNulty, City of Berkeley] 18:03:55
We're here today to talk, uh, to receive comments on the Berkeley Water Transportation Pier ferry draft environmental impact report.

[Liza McNulty, City of Berkeley] 18:04:04
Slide, please.

[Liza McNulty, City of Berkeley] 18:04:09
Thank you. So our goal here today is to receive your public comments on the draft report that was published on the city's website. I did put into the chat window a link to the city's website where you can download the report.

[Liza McNulty, City of Berkeley] 18:04:27
As well as the notifications and other background documents about the report.

[Liza McNulty, City of Berkeley] 18:04:33
We're not here today to respond to comments. So in general, you will give us your comment. We will thank you for your comment, and then we'll call on the next person. The comments will be published in the final EIR, and that is where you will see a response to your comment in that final EIR document.

[Liza McNulty, City of Berkeley] 18:04:52
Um, again, please reminder to be muted, except when we call on you. We're going to go through a brief presentation here, and then we'll open the public comment period, and we'll talk about the sort of rules of engagement.

[Liza McNulty, City of Berkeley] 18:05:09
public comment period when we get there. I believe. Oh, one other thing I wanted to say, giving a verbal comment here does not mean that you cannot also submit a written comment. So you are welcome and encouraged to do both, particularly if you want to be sure that you have as much time and space to make your comment. There's no limit on.

[Liza McNulty, City of Berkeley] 18:05:34
on written comment length. You can take as much space as you want in a written comment. We will have a 3-minute time period for our comments today to keep this meeting to a reasonable length.

[Liza McNulty, City of Berkeley] 18:05:46
Um, okay, and with that, I'm going to turn it over to Leo Mina, our project manager from Rincon, who helped prepare the draft document.

[Leo Mena (he/him)] 18:05:55
Thank you, Liza. Good evening, everyone. To begin. I just want to go over the purpose of the Eir or environmental impact report under CEQA or

California Environmental Quality Act. So under CEQA, the purpose of an Eir is to disclose.

[Leo Mena (he/him)] 18:06:11
significant environmental effects of the proposed project. Identify ways to avoid or reduce environmental impacts. Consider feasible alternatives to the proposed project and involve public participation in the planning process. So that's why we're here today.

[Leo Mena (he/him)] 18:06:26
So we've prepared a project level Eir, which provides a site-specific analysis of the proposed project. Our Eir is focused on the impacts from construction and operation of the project, as well as the cumulative impacts. And we also include alternatives.

[Leo Mena (he/him)] 18:06:42
Um, that were developed, considered, and evaluated. So on the screen here, we have the project objectives. The project objectives are to enhance public access and recreational opportunities at the Berkeley waterfront and to provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco.

[Leo Mena (he/him)] 18:07:03
So here is our project. So the project involves the demolition of portions of the closed pier.

[Leo Mena (he/him)] 18:07:10
the installation of a 1,080-foot-long pier, as well as a 400-foot breakwater, both of which will provide pedestrian access and recreational amenities.

[Leo Mena (he/him)] 18:07:20
Such as interpretive and educational signs, benches, shade canopy, um, and a fish cleaning station.

[Ray Yep] 18:07:28
Berkeley Ferry.

[Leo Mena (he/him)] 18:07:28
Okay, and I'm going to mute somebody who has a little bit background noise. Sorry.

[Leo Mena (he/him)] 18:07:34
Um, and I just wanted to note that the EIR does include two alternatives that consider both a shorter peer and a shorter breakwater. I'll talk about that in a bit.

[Leo Mena (he/him)] 18:07:43
The project includes the infrastructure for the ferry vessels, including a universal charging and board floats, landings, gangways, and security entrance. And I did want to note that on the screen here, we see two ferry terminals being shown. And as described in the EIR, the city expects to initially permit and construct.

[Leo Mena (he/him)] 18:08:02
a single terminal, and then the second terminal would be constructed at a later phase.

[Leo Mena (he/him)] 18:08:07
Uh, the project also includes dredging along the 100 foot wide existing US Army Corps of Engineer navigation channel, which parallels the existing pier.

[Leo Mena (he/him)] 18:08:17
Um, the project includes a new plaza with a public restroom, benches, and bicycle parking.

[Leo Mena (he/him)] 18:08:24
It also includes improvements along roadways, including on University Avenue, repaving and restriping between the intersections of seawall and Marina, and a new cycle track, passenger drop-off zone, and public bus infrastructure.

[Leo Mena (he/him)] 18:08:37
And on Seawall Drive, we would have realignment, restriping, and repaving.

[Leo Mena (he/him)] 18:08:43
For parking, the project would renovate the Seawall Drive parking lot with new pavement, surfacing, striping, lighting, stormwater treatment, and electric vehicle charging stalls.

[Leo Mena (he/him)] 18:08:54
And then along 300 feet, let me go to the next slide along 300 feet of the shoreline, kind of on the eastern side of the peninsula, right by His Lordship, just right there where my cursor is, the project includes repairing a portion of that shoreline.

[Leo Mena (he/him)] 18:09:09
that's been eroded. The project is also going to include landscaping, wayfinding, and infrastructure for utilities, including electrical infrastructure for the charging of the ferry vessels, and the connections for water and wastewater. And then finally, the project includes operation of a new zero-emission electric passenger ferry service between Berkeley.

[Leo Mena (he/him)] 18:09:28
San Francisco and Larkspur. I did also just want to note that there's been a lot of public interest and concern regarding the existing and improved water access location near the old His Lordship's restaurant. So this project description does not include any modifications to that existing access in that location.

[Leo Mena (he/him)] 18:09:47
And then, finally, the city is still considering adding solar panels in the parking lot. The draft Eir does analyze the potential potential environmental impacts associated with the solar panels. However, the city is still considering this project feature.

[Leo Mena (he/him)] 18:10:02
And then here we have an overview of our secret process to date. So we started with a notice of preparation and a scoping period between April 18th and May 19th of 2025.

[Leo Mena (he/him)] 18:10:12
The city considered the scoping comments that were received and then prepared the draft environmental impact report. That's where we are now with the with the red star.

[Leo Mena (he/him)] 18:10:20
So we're currently in the comment period. And once that common period closes, the city will prepare the final EIR, including responding to all of the comments received, publishing that final EIR, and then the city council will make a decision on the EIR and the project.

[Leo Mena (he/him)] 18:10:35
Here we just have an overview of all of the topics considered in the EIR. I'm not going to read them all, but you can see that it covers everything from aesthetics to wildfire.

[Leo Mena (he/him)] 18:10:47
Okay? So before I jump into the summary of the draft Eir findings, I just wanted to give some overall context of some terms that we're going to use. So when we talk about no impact, that indicates that the project would cause no physical change to the environment and would have no effect on environmental resources or conditions.

[Leo Mena (he/him)] 18:11:04
A less than significant impact means that the project would have a minimal effect on the environment, but it's below the sequel thresholds of significance without mitigation.

[Leo Mena (he/him)] 18:11:12
And then a finding of less than significant with mitigation means that the project would have a potentially significant impact, but there is feasible mitigation measures that reduce that effect to a less significant. And then, finally, our significant and avoidable impacts. Those are those where we've identified a mitigation.

[Leo Mena (he/him)] 18:11:28
But still, it cannot achieve that level of less than significance.

[Leo Mena (he/him)] 18:11:33
Okay. And then I'm going to jump into some of the conclusions. But I do encourage everyone to review the draft environmental impact report for specific issues that you're concerned about. This is just going to be, you know, a high level overview.

[Leo Mena (he/him)] 18:11:46
So the draft EIR did identify a couple of significant and unavoidable impacts, all having to do with construction noise. So let's begin with that.

[Leo Mena (he/him)] 18:11:54
Um, even with the implementation of a construction noise management plan, we did find significant and unavoidable noise impacts during construction, primarily as a result of pile driving activities associated with the pier.

[Leo Mena (he/him)] 18:12:07
And because we have that significant unavoidable construction impact, we also have impacts on land use and recreation, and I'll explain that in just a sec.

[Leo Mena (he/him)] 18:12:15
So going one by one during construction, the noise impacts would exceed standards established in the city of Berkeley Municipal code. And given that impact, the draft Eir concluded that the project would also have a significant and unavoidable land use impact, given the conflicts with the policy for the purpose of avoiding an environmental effect in this case.

[Leo Mena (he/him)] 18:12:34
the Muni code. And because the construction noise impacts are a result of constructing a recreational facility, a recreational pier. The draft Eir concluded that the project would also have a significant and unavoidable impact from the construction of a recreational facility.

[Leo Mena (he/him)] 18:12:51
So in addition to those significant and unavoidable impacts, the project included potential impacts that could be mitigated to a less than significant level, and these included aesthetics impacts due to nighttime lighting.

[Leo Mena (he/him)] 18:13:03
air quality impacts associated with the construction. biological resources impacts during construction due to impacts on special status species, potential impacts associated with invasive species, and then the loss of jurisdictional waters.

[Leo Mena (he/him)] 18:13:18
And as well, unanticipated cultural, tribal cultural, and paleontological resources during construction. That's if anything were discovered during construction. We also had less than significant impacts with mitigation for construction related water quality, and then environmental impacts from the construction of the utility connections.

[Leo Mena (he/him)] 18:13:35
So next, I'll go over some of the mitigation measures that we've included in this EIR.

[Leo Mena (he/him)] 18:13:40
So for aesthetics, we identified a mitigation measure to shield nighttime lighting.

[Leo Mena (he/him)] 18:13:46

For air quality requirements to reduce air quality emissions, such as using tier 4 engines, so stuff having to do with the construction equipment.

[Leo Mena (he/him)] 18:13:55
For bio, a worker environmental awareness program, pre-construction surveys for special status species, avoidance protocols for special set of species and nesting birds, pile driving impact avoidance for fish and marine mammals. So that's to minimize the impacts from the noise on fish and mammals.

[Leo Mena (he/him)] 18:14:12
A marine mammal monitoring plan. Invasive species prevention.

[Leo Mena (he/him)] 18:14:17
Um, and then compensatory mitigation for the loss of jurisdictional waters.

[Leo Mena (he/him)] 18:14:22
So for cultural and paleo, we also identified protocols for the unanticipated discovery of paleontological resources.

[Leo Mena (he/him)] 18:14:32
So for water quality, we included a mitigation requiring additional best management practices in the stormwater pollution prevention plan during the pier demolition to avoid debris or spills from entering the bay during that demolition.

[Leo Mena (he/him)] 18:14:45
Um, and then finally, we did include a suite of mitigation measures that we developed in consultation with Native American tribes, including cultural resources, sensitivity training, providing signage, acknowledging Native American history, Native American monitoring.

[Leo Mena (he/him)] 18:15:00
And following protocols of a tribal cultural resource is found, and then finally, providing respectful treatment of Native American human remains if those are discovered.

[Leo Mena (he/him)] 18:15:09
All mitigation measures that were developed in consultation with tribes.

[Leo Mena (he/him)] 18:15:13
So now, turning our attention to alternatives, the city conducted an analysis of these 4 alternatives and compared their environmental impacts against each other.

[Leo Mena (he/him)] 18:15:22
First, the city considered the no project alternative, which is a CEQA requirement. Under this alternative, none of the improvements that I discussed about the project, that long list would occur.

[Leo Mena (he/him)] 18:15:32

Under alternative two, the shortened breakwater, the breakwater length would be reduced. Under alternative three, the length of the pier would be reduced and under alternative four, the length of the pier and the breakwater would remain the same, but most of the amenities on the land side would be removed.

[Leo Mena (he/him)] 18:15:48
Not that wouldn't be the renovation of the parking lot or improvements on on University Avenue. All that would be retained would be that pier abutment and retaining wall required to complete the pier.

[Leo Mena (he/him)] 18:15:59
So, at a high level, these alternatives would reduce construction level impacts. So, for example, less noise, less air quality due to a shortened breakwater, a shortened pier, less facilities.

[Leo Mena (he/him)] 18:16:11
due to that reduced scale, but they would also have reduced benefits, such as less recreational access and less recreational amenities. So I do encourage everyone to take a look at the alternatives analysis. It has a lot of information in there.

[Jim McGrath] 18:16:24
I think if Jose would have liked him to chair

[Leo Mena (he/him)] 18:16:26
Okay. And then here are the instructions for how to submit a public comment.

[Leo Mena (he/him)] 18:16:33
So, umâ€¦ The comment period is open till April 13th of this year. By April 13th at 5:00 PM, please submit your comments. You can submit them via mail or via email. I'll just read it really quickly via mail, you can send it to Liza McNulty.

[Leo Mena (he/him)] 18:16:49
City of Berkeley Parks, waterfront and Recreation Division 2180 Milvia Street, third floor, Berkeley, California, 94704, or via email, lmcnulty, lmcnul@berkeleyca.gov.

[Leo Mena (he/him)] 18:17:05
And that is the link to our website, which I believe Eliza posted in the chat.

[Leo Mena (he/him)] 18:17:10
So next, I am going to turn it over to Liza.

[Liza McNulty, City of Berkeley] 18:17:14
Thanks, Leo. So what happens next in this process after the public review period closes is that the city and our our team of consultants take a look at every single comment that we receive, whether verbal or written, and prepare a response to that comment that may include revisions to the draft Eir.

[Liza McNulty, City of Berkeley] 18:17:37
Those comments, the final Eir is then published, which is which includes every comment and the response to that comment and any changes to the draft Eir that was made as a result.

[Liza McNulty, City of Berkeley] 18:17:49
That is published, and then the city council will make a decision on whether or not to certify the final Eir to adopt the final Eir. Our expectation is that this will come to Council in either July or September of this year. City Council takes a recess in August, and so.

[Liza McNulty, City of Berkeley] 18:18:10
Um, either prior to or just after that recess.

[Liza McNulty, City of Berkeley] 18:18:14
Next slide, please.

[Liza McNulty, City of Berkeley] 18:18:19
Okay, so we're now going to open the the comment period. What's going to happen is, once I finish getting through this slide, we'll stop sharing the screen. The way to make a comment is to raise your hand. So at the bottom of your screen there is a react button. It looks. It has sort of a heart.

[Liza McNulty, City of Berkeley] 18:18:42
Um, above it, if you click on that, then the second line up says raise hand. So you will raise your hand if you'd like to make a comment. I will begin, um, calling on people with raised hands in the order in which they raise them, and I will ask them to unmute themselves.

[Liza McNulty, City of Berkeley] 18:19:00
At that time, Roger will start the 3-minute timer. As you can see, we have 30-plus folks here, and so we're going to limit people to three minutes per verbal comment.

[Liza McNulty, City of Berkeley] 18:19:14
And I will call, you know, I'll give you a little bit of grace, but then we'll ask you to quickly when we reach that three-minute mark. As a reminder, if you feel as though you didn't have time to make your comment, you may certainly follow it up in writing.

[Liza McNulty, City of Berkeley] 18:19:30
You do not need to, um, submit a comment in writing in order for it to be captured. Making a comment at this meeting means that we will be transcribing and responding to that comment in the final EIR document. Again, we will not be responding to comments in this meeting. Our goal is to simply capture your comment.

[Liza McNulty, City of Berkeley] 18:19:50
And we will not be responding to questions, except insofar as there are clarifying questions related to the process that are relevant.

[Liza McNulty, City of Berkeley] 18:20:01

Umâ€¦ I believe that is it. Let me checking my notes to make sure. Oh, I'm sorry. One last thing. Please make sure at the beginning of your comment, because we are transcribing this to state your name in full, and whether you're speaking.

[Liza McNulty, City of Berkeley] 18:20:19
As an individual or on behalf of an organization.

[Liza McNulty, City of Berkeley] 18:20:24
Andâ€¦ I believe I hit on all my notes. So.

[Liza McNulty, City of Berkeley] 18:20:32
Leo, you can stop sharing. Roger, please let me know when you are ready to go with the timer.

[Roger Miller] 18:20:40
All set. So, when you start, I'll just press the timer.

[Liza McNulty, City of Berkeley] 18:20:43
Great. Thank you. I'm going to start with Paul Kamen. Paul, please feel free to give your comment.

[Paul Kamen] 18:20:50
Hi. Again, I'm Paul Kamen, a naval architect and professional engineer. I've been at the Marina almost every day since 1973 when I came for graduate school.

TR1.1-1

[Paul Kamen] 18:21:01
And I'll add that the Cal Salin Club is the reason I don't have a PhD. I think we're about to grossly underestimate the amount of fill, the amount of dredging, and the amount of money required to build a breakwater that will protect the ferry dock and the open bay.

TR1.1-2

[Paul Kamen] 18:21:18
Uh, this is similar to what happened in the 60s, when theâ€¦ when the marina was first designed, and it was a classic case of garbage in, garbage out. The science was good, but the wind data was inadequate, because then, as now, the wind reporting stations.

[Paul Kamen] 18:21:34
were mostly blocked from some of the intermittent, strong northerly winds we have, especially in the winter.

[Paul Kamen] 18:21:40
Uh, so the marina was built with only the riprap breakwater, the, uh, the second sheepile breakwater was not there. Uh, when the wind was from the north, the wave condition in the harbor was so bad that some of theâ€¦ there was a whole block of marina berths that had to be dismantled because they kept.

TR1.1-3

[Paul Kamen] 18:21:58
They kept getting damaged in the north winds. In the 70s, uh, the city spent a lot of money, or maybe it was the Corps of Engineers, a lot of

money was spent building the additional sheet pile breakwater so the marina could actually be finished.

[Paul Kamen] 18:22:13
With all the births that were planned. We're making exactly the same mistake now. We don't have good data for northerly wind.

[Paul Kamen] 18:22:21
The science using the wind data you had was fine, but it's garbage in, garbage out. And the ferry terminal will not survive the strong northerly gales that we get in winter.

[Paul Kamen] 18:22:35
Without seriously upgrading the, uh, the length of the breakwater and.

[Paul Kamen] 18:22:41
and the design of the floats and the gangways. I don't know how you can consider a shorter breakwater to be a viable alternative to look at when the existing design is still too short. It's going to have to curve around the ferry dock further.

[Paul Kamen] 18:22:58
More fill, more dredging, because there will be more sedimentation inside that larger breakwater.

[Paul Kamen] 18:23:03
to allow maneuvering room for the ferry to get in and out without getting dangerously close to the restaurant. Uh, the whole breakwater and float facility might have to be located further west to allow more maneuvering room.

[Paul Kamen] 18:23:18
Uh So I'd rather go into this knowing what those high costs and high environmental impacts are going to be instead of discovering after the fact, where it's too late to make a better decision. The better decision being the alternative we should have been looking at.

[Paul Kamen] 18:23:35
A long time ago, considering a much more economical and much more practical location inside the harbor. Not where the old ferry dock is. That took 5 or 6 minutes to get in and out, but something closer to the harbor mouth.

[Paul Kamen] 18:23:50
We're behind the Doubletree where the Yang at a time and maneuvering.

[Paul Kamen] 18:23:56
be a lot less. Okay, that must be my time signal. Okay.

[Liza McNulty, City of Berkeley] 18:24:00
Oh, that's I I that it must be. I was just just wondering what how you might know. Thank you, Paul.

[Paul Kamen] 18:24:08

TR1.1-3

TR1.1-4

TR1.1-5

TR1.1-6

Thank you very much. There's a lot more to say. Please look at my written comments.

TR1.1-6

[Liza McNulty, City of Berkeley] 18:24:13
Thank you, Hua. Um, and Roger's gonna try to share his screen in such a way that we can all see the timer, because I'm sure that would be helpful to folks as they're making comments.

[Liza McNulty, City of Berkeley] 18:24:25
Roger, do you want me to pause on calling on the next person while you try to work on that?

[Roger Miller] 18:24:29
No, I've clicked on show the timer to all and it's not working, so I'll have to check the back end and see, but it'll show up on my screen.

[Liza McNulty, City of Berkeley] 18:24:32
Okay. Okay, well, we'll keep working on that. And in the meantime, what I will do for the participants is.

[Liza McNulty, City of Berkeley] 18:24:43
I'll let you know when you have one minute left, just as a heads up. So I'll just say one minute. Feel free to keep going and ignore me there. Okay, I'm going to lower your hand, Paul, and next up we have Gordon Stout. Gordon Stout, go ahead.

[Gordon Stout] 18:25:03
Okay. Thank you. My name is Gordon Stout. I've been around the marina a long, long time as the windsurfer and a boat sailor.

TR1.2-1

[Gordon Stout] 18:25:12
And here's my thing, I can actually read it in two minutes. I'll go a little slow.

[Gordon Stout] 18:25:18
Imagine you are a ferry commuter in Berkeley, not wanting to be late and miss your ferry. Let's say the line at the Seawall parking lot is moving slowly. Rather than risk missing that ferry, you may well park in whatever lot looks quickest, even if it means a $100 parking ticket.

[Gordon Stout] 18:25:35
$100 is expensive, but the city has made it easy for you. For $500 per year, you can get a waterfront permit that exempts you from parking time limits. Such a deal.

TR1.2-2

[Gordon Stout] 18:25:46
But what prevents waterfront permit holders from filling up the South Cove lots with all-day parking?

[Gordon Stout] 18:25:53
Well, nothing. On many days this last winter, the South Cove West lot was mostly full by 9:00 AM.

[Gordon Stout] 18:26:01

with fishing charter boat patrons and riders of the small Genentech ferry. If you were to add 20 waterfront permit holders from the much bigger WIDA Ferry, that parking lot will get very full indeed every day.

[Gordon Stout] 18:26:15
The waterfront permit is not a good deal for South Coast Sailors or adventure playground families. South Cove West will have no parking spaces available for short-term or all-day use. All the spaces will be full.

[Gordon Stout] 18:26:27
The waterfront permit program is a bad idea. Even if we got rid of the waterfront permit program, $100 tickets may not keep the South Cove West lot free from all day parking. How long will it take to fill that 400-space seawall lot? TR1.2-2

[Gordon Stout] 18:26:44
Use .ai suggests a maximum rate of one car every five seconds, which would take 33 minutes to fill the lot.

[Gordon Stout] 18:26:51
Rather than joining the resulting stop-and-go traffic on University Avenue, our ferry rider may well decide to park in the South Cove, pay the $100 ticket, and be on time for the ferry.

[Gordon Stout] 18:27:04
and for work. Mingo, the lot will be full again.

[Liza McNulty, City of Berkeley] 18:27:09
I have 1 min. Thank you.

[Gordon Stout] 18:27:09
Despite an amazing amount of effort, we still do not have a credible picture of parking utilization of the marina. TR1.2-3

[Gordon Stout] 18:27:17
And the measures proposed to protect recreational parking from ferry riders are not at all convincing. People who use the marina are telling you that the WIDA Ferry project will be bad for the marina. It will change this amazing place to something that is a lot less amazing. TR1.2-4

[Gordon Stout] 18:27:34
Please listen, do not proceed with this project. That's done. I sell my remaining.

[Gordon Stout] 18:27:42
10 seconds to somebody else.

[Liza McNulty, City of Berkeley] 18:27:44
Thank you, Gordon.

[Liza McNulty, City of Berkeley] 18:27:49
Next up, I have Kirk Van Moon. Kirk, please unmute yourself.

[Gordon Stout] 18:27:49
Oh.

[Kirk van Moon] 18:27:56
And you hear me?

[Liza McNulty, City of Berkeley] 18:27:59
I can't. Yep.

[Kirk van Moon] 18:28:00
Hi, uh, my name is Kirk Van Moon, uh, I'm an individual.

[Kirk van Moon] 18:28:05
Althoughâ€¦

[Liza McNulty, City of Berkeley] 18:28:06
Oh, sorry, hang on. Sorry about that, Kirk. That's from the prior. That's Gordon's extra time there.

[Kirk van Moon] 18:28:07
That's it.

[Liza McNulty, City of Berkeley] 18:28:12
Hang on. Let's. Okay, we ready, Roger?

[Roger Miller] 18:28:17
Uh, yes.

[Liza McNulty, City of Berkeley] 18:28:19
Okay, my apologies. Go ahead, Kirk.

[Kirk van Moon] 18:28:20
All good, thanks. Um, so, my name is Kirk Van Moon, I'm an individual, um, I'm a water sports user,

TR1.3-1

[Kirk van Moon] 18:28:28
Sailing, kayaking, windsurfing, wing foiling.

[Kirk van Moon] 18:28:31
Uh, I've been in and around the Berkeley Marina for almost 40 years.

[Kirk van Moon] 18:28:37
Um, we use it year-round. Um, it's a situation that I want to make really clear that

TR1.3-2

[Kirk van Moon] 18:28:43
The peers and the docks in the South Sailing Basin

[Kirk van Moon] 18:28:47
Do not allow most sailing vessels, including sailboats with any sort of removable or permanent keel,

[Kirk van Moon] 18:28:55

Hydrofoiling craft of any kind, whether they're windsurfers or wingboards or any of that.

[Kirk van Moon] 18:29:00
The tide gets too low in that area, and there's no access to the water.

[Kirk van Moon] 18:29:06
And so, I think it's really important that the city and the people who are looking at the environmental impact

[Kirk van Moon] 18:29:12
understand the only, and I repeat that, the only access to the water at low tides

[Kirk van Moon] 18:29:18
For all of the water sports enthusiasts, uh, is the location at the south end of, I believe you're calling it Seawall Drive.

TR1.3-2

[Kirk van Moon] 18:29:26
Um, right next to the west of His Lordship's restaurant.

[Kirk van Moon] 18:29:30
And I've noted recently, even the swimmers who draw very little water,

[Kirk van Moon] 18:29:35
The swimmers are accessing the water out there at low tides. So, I just want to make it really clear that the docks in the south sailing basin are not useful,

[Kirk van Moon] 18:29:45
And not available for, uh, any watercraft launching other than very limited draw of kayaks.

[Kirk van Moon] 18:29:52

I'm sure the parking issues along Seawall Drive are being addressed.

[Kirk van Moon] 18:30:01
Um, I also just wanted to repeat that, um, I think reducing those parking spaces along that area where people can see the beautiful bay and the Golden Gate,

TR1.3-3

[Kirk van Moon] 18:30:10
Um, San Francisco City Front, um, I think reducing those parking spaces would be a crime.

[Kirk van Moon] 18:30:16
Uh, so I'd like to just say thank you and yield the rest of my time to whoever else might need it.

[Liza McNulty, City of Berkeley] 18:30:23
Thank you. Okay, next hand raised is, and I apologize if I mispronounce this Shreyas Shand or Chand from Cal Sailing Club.

[Shreyas Chand, Cal Sailing Club] 18:30:37
Hey there.

[Liza McNulty, City of Berkeley] 18:30:39
Hey. Go ahead.

[Shreyas Chand, Cal Sailing Club] 18:30:42
All right. Thank you so much for this opportunity to comment on the draft EIR. My name is Shreyas John. I'm the Commodore or the chairman of the Board of Directors for the Cal Sailing Club, and I'm speaking on behalf of the Cal Sailing Club this evening. We have called the Berkeley Waterfront home for over half a century. TR1.4-1

[Shreyas Chand, Cal Sailing Club] 18:30:59
We're excited for the potential of having expanded transportation options to make the Bay more accessible, including our own members, but we share collective interest in ensuring that the EIR provides a thorough analysis of.

[Shreyas Chand, Cal Sailing Club] 18:31:10
uh, impact, particularly to the waterfront's recreational uses. Um, the South Salem Basin in particular is the foundation of our educational and recreation programs, and a number of questions about the effects on that area, we believe are not fully addressed in the draft EIR. TR1.4-2

[Shreyas Chand, Cal Sailing Club] 18:31:25
Uh, we request further extendation in three key areas.

[Shreyas Chand, Cal Sailing Club] 18:31:29
As has been mentioned. The siltation and sediment transport in that area. Again, sort of touched on previously, and wind shadow effects from the peninsula and berm changes along South Seawall Drive down by his lordships. Umâ€¦

[Shreyas Chand, Cal Sailing Club] 18:31:45
First, on the parking point, CSC attracts volunteers and guests from across the wider Bay area who depend on the nearby parking to participate in sailing and windsurfing programs. The draft Eir acknowledges a net reduction in available parking, but does not fully assess the impact on recreational users. TR1.4-3

[Shreyas Chand, Cal Sailing Club] 18:32:02
Um, we request that it address compliance with the 2025 San Francisco Bay Plan, which calls for conveniently located parking at Waterfront recreational facilities, and identify mitigation measures if ferry ridership is projected to increase demand beyond the current capacity.

[Shreyas Chand, Cal Sailing Club] 18:32:17
Second, the South Sailing Basin benefits from wind shelter provided by existing landforms along Seawall Drive, and this protected environment is essential to our ability to teach beginners before they venture out into the more challenging open bay. We request further analysis of potential wind pattern changes in particular, including how some of the new TR1.4-4

landscaping there may affect those conditions over time as that landscaping.

TR1.4-4

[Shreyas Chand, Cal Sailing Club] 18:32:41
Uh, grows. Um, the third around silting and sediment transport, the construction and ongoing ferry operations have the potential to disturb sediment and affect siltation patterns, including in the South Sailing Basin, particularly when north winds, um.

[Shreyas Chand, Cal Sailing Club] 18:32:58
Pick up during the winter. Um, and this can seriously impact the navigability of the already really shallow water, as was mentioned, that's used for beginner instruction and non-motorized watercraft.

TR1.4-5

[Shreyas Chand, Cal Sailing Club] 18:33:09
Um, I also want to take the last few seconds here to recognize, you know, there's a lot of additional technical study and so on, um, that we think is necessary, and we would love to offer Cal Sailing Clubs institutional knowledge of the South Sailing Basin as a resource in the project team.

[Shreyas Chand, Cal Sailing Club] 18:33:25
Um, you know, we're really hope that the project can move forward. If it does in a way that actually benefits the entire Berkeley waterfront community, including the existing recreational stakeholders in that waterfront. Thank you.

TR1.4-6

[Liza McNulty, City of Berkeley] 18:33:41
Thank you.

[Liza McNulty, City of Berkeley] 18:33:49
Okay. I really like that music. next step, Roger, did you want to take an attempt to share your screen so everyone can see the timer or?

[Roger Miller] 18:34:00
It doesn't. It won't when I share, it won't go like that. But I've clicked a button that shares it to all and should appear in everyone's screen.

[Liza McNulty, City of Berkeley] 18:34:02
It's not working. Okay.

[Roger Miller] 18:34:08
But I'm not sure if that's working, but it definitely appears in my screen when I turn on my video. So you can look at myâ€¦ Yeah.

[Liza McNulty, City of Berkeley] 18:34:13
Great. I think if folks look in the chat.

[kelly hammargren] 18:34:16
The timer is showing.

[Liza McNulty, City of Berkeley] 18:34:18
Oh, great. Thank you so much. Thanks for confirming that. Great. Okay. Sadly Tobin.

[Roger Miller] 18:34:20
Great

[Liza McNulty, City of Berkeley] 18:34:27
Please unmute yourself and provide your comments.

[Sally Tobin] 18:34:29
There we go. Okay, and I can see the timer, though, a little bitâ€¦ it's not reset right now.

[Liza McNulty, City of Berkeley] 18:34:33
Great. That's.

[Sally Tobin] 18:34:38
Can you reset it?

[Liza McNulty, City of Berkeley] 18:34:39
Yeah, give us just one moment.

[Sally Tobin] 18:34:41
Thank you.

[Sally Tobin] 18:34:44
Oh, I got 5 minutes. Oh, sorry. Back.

[Liza McNulty, City of Berkeley] 18:34:46
There we go.

[Sally Tobin] 18:34:47
Okay, thanks, thanks very much. I'm Sally Tobin, I'm commenting as an individual.

[Sally Tobin] 18:34:52
Um, and I'm commenting mostly from my experience at the Berkeley Marina.

[Sally Tobin] 18:34:58
When I was with my friend Sharon Fleming, the, um, the Bay Area Sea Kayakers, um,

[Sally Tobin] 18:35:07
education and, um, and, um, and safety.

TR1.5-1

[Sally Tobin] 18:35:12
chairs. And so we used to run a lot of our programs on that little gravel beach, um, by the Shorebird Center,

[Sally Tobin] 18:35:22
And you can really observe a lot, even when you're lying on the gravel,

[Sally Tobin] 18:35:27
Trying to demonstrate the heel hook re-entry technique.

[Sally Tobin] 18:35:31

Um, andâ€¦ and one thing that Iâ€¦ that I really saw at the Berkeley Marina

[Sally Tobin] 18:35:38
was that that is a fabulous park. People were having the kind of joyful faces that I really only have seen otherwise at, like, crossing the Golden Gate Bridge, or, umâ€¦

[Sally Tobin] 18:35:56
tourists along the Embarcadero. It is really a special place, and I would really hate to see that changed in any way.

TR1.5-1

[Sally Tobin] 18:36:04
And, in particular, having grown up in Port Angeles, Washington, which is where the ferry boat leaves for Victoria,

[Sally Tobin] 18:36:13
British Columbia, I would hate to have that absolutely fabulous park

[Sally Tobin] 18:36:19
transformed into a parking lot by ferry boat patrons.

[Sally Tobin] 18:36:25
I mean, that's not to suggest that ferry boat patrons don't deserve parking.

TR1.5-2

[Sally Tobin] 18:36:30
Um, but I haven't heard anything about some kind of parking structure being built around 4th Street and a shuttle bus, so that people would

[Sally Tobin] 18:36:42
continue to be able to bring their families out to the Berkeley Marina. Now, sometimes people say, well,

[Sally Tobin] 18:36:49
you know, they could take public transit, butâ€¦

[Sally Tobin] 18:36:53
Public transit is kind of the equivalent of Marie Antoinette saying, let them eat cake, because public transit is really very expensive

[Sally Tobin] 18:37:03
for children, and you can't bring their little bicycles and their tricycles with any kind of, umâ€¦ or their beach, uh, their beach buckets and their little shovels. I mean, it really is a whole experience if you just sit out at the Berkeley Marina,

TR1.5-3

[Sally Tobin] 18:37:22
And watch families pile out of cars with big smiles on their faces and picnic baskets and everything else. It's absolutely fabulous. And that's just a completely different experience from

[Sally Tobin] 18:37:37
some, um, commuter trying to, um, or driving carelessly in the marina in

[Sally Tobin] 18:37:46
Our friends need, um, search for a parking place.

[Liza McNulty, City of Berkeley] 18:37:51
Thank you, Sally.

[Liza McNulty, City of Berkeley] 18:37:56
Okay, I'm gonna. Can we add the timer? Okay, the timer is ready. David.

[Liza McNulty, City of Berkeley] 18:38:05
I'm asking you to unmute and provide your comments.

[David] 18:38:09
All right, can you hear me? Okay, then we'll keep my comments brief. I am a water sports enthusiast. I use the South Sailing Basin.

[Liza McNulty, City of Berkeley] 18:38:10
We can. Yes.

[David] 18:38:24
When the tide is high for doc start hydrofoiling, and I'm also a wing foiler. TR1.6-1

[David] 18:38:33
Like Kirk said. Oftentimes, when the tide is low, we can't use the South Saline basin, and when the winds are variable.

[David] 18:38:45
A lot of times we need to launch from that area by his lordships because the wind doesn't always make it into the Cal Sailing Club area, Berkeley Marina.

[David] 18:38:56
Uh, but really, what I want to do is echo what Sally was just talking about with regards to the parking and access to that little strip there that seemsâ€¦ It seems like nothing to a lot of people, but it's everything to so many to just be able to go there and connect with what is the largest wilderness area that we have here in the Bay, and that is the Bay. TR1.6-2

[David] 18:39:20
And to take that away from people and put a price tag on it for parking, it just it just feels wrong. So.

[David] 18:39:28
I personally feel saddened by the prospect of losing that area, and I hope, umâ€¦ I think it was Paul that was saying that this this project doesn't go forward. And also with regards to access placing a buffer zone around the pier seems like a huge blow to the wind sports community in that we travel close to the pier regularly. TR1.6-3

[David] 18:39:58

We pass through the pier, you know, when transiting from if, say, we would launch from Lordships and we want to go up to at Point Isabel or Brooks Island, we'll definitely go through the pier. And so to all of a sudden take that away.

[David] 18:40:15
from this, uh, you know, with the implementation of this project seems justâ€¦ profoundly sad, you know?

TR1.6-3

[David] 18:40:24
So, again, please do not go forward with this project. I yield my time to whoever is going to need it, and that's it for me.

TR1.6-4

[Liza McNulty, City of Berkeley] 18:40:34
Thank you, David.

[Liza McNulty, City of Berkeley] 18:40:41
Okay. Um.

[Liza McNulty, City of Berkeley] 18:40:45
Emily Strauss, I have you next up. I've asked you to unmute.

[Emilie Strauss] 18:40:54
Hi, greetings! This is Emily Strauss speaking on behalf of myself.

[Emilie Strauss] 18:41:00
My video is broken, sorry. But, um, I am a long-time Berkeley resident, uh, Berkeley Waterfront birdwatcher, and a wildlife biologist.

TR1.7-1

[Emilie Strauss] 18:41:10
So, because there are a thousand pages to review, uh, these are my preliminary thoughts.

[Emilie Strauss] 18:41:18
So, Ms. McNulty, I have already contacted you by email, but I would respectfully ask orally that perhaps we could extend the comment deadline.

[Emilie Strauss] 18:41:29
beyond April 13, due to the length of the document. And I'm sure you will eventually respond to my

TR1.7-2

[Emilie Strauss] 18:41:36
Uh, email. So, studies thus far by meâ€¦

[Emilie Strauss] 18:41:42
uhâ€¦ makeâ€¦

[Emilie Strauss] 18:41:44
me believe the project scope is too restrictive,

[Emilie Strauss] 18:41:49
Uh, as far as I can tell, the proposed massive parking changes and the impacts of the movement of the ferry

TR1.7-3

[Emilie Strauss] 18:41:57
are not addressed in the draft EIR.

[Emilie Strauss] 18:42:02
Uh, impacts from the ferry movement, uh, include a dead zone to rafts of wintering

[Emilie Strauss] 18:42:07
Waterfowl extending hundreds of feet on either side of the wake.

[Emilie Strauss] 18:42:12
See John Takakawa's PowerPoint. He was a USGS biologist, and that is entitled,

[Emilie Strauss] 18:42:18
Summary effects of ferry traffic on migratory waterbirds on San Francisco Bay.

[Emilie Strauss] 18:42:25
And there used to be a, uh, and probably still is, a large high-tide shorebird roost at the end of the old pier.

[Emilie Strauss] 18:42:33
That could well be disturbed when the ferry goes by it. Back in the day, when birders could walk to the end of the public pier, very fun, we would see hundreds of shorebirds and terns roosting there.

[Emilie Strauss] 18:42:45
Umâ€¦

[Emilie Strauss] 18:42:49
There's two species that could nest there, probably others. One is addressed a little bit in the draft EIR, that is double-crested cormorant. This is to nest on the old pier, and both of these species are California Department Fish and Wildlife watchlist species.

[Emilie Strauss] 18:43:05
Uh, the other is Osprey. Osprey frequently nests on old piers, uh, around San Francisco Bay, and the only mention of osprey in the document is of them foraging.

[Emilie Strauss] 18:43:16
Then, uh, there'sâ€¦

[Emilie Strauss] 18:43:18
Other impacts from ferry movement, such as dredging, which affects aquatic invertebrates,

[Emilie Strauss] 18:43:24
Uh, through sediment disruption, and if I scaled out the length of the, uh, dredging, it looks like it'sâ€¦

[Emilie Strauss] 18:43:33

TR1.7-3

TR1.7-4

TR1.7-5

TR1.7-6

TR1.7-7

TR1.7-8

Oh, almost 2 miles long? That's a huge dredging window, I think. And, uhâ€¦

[Emilie Strauss] 18:43:41
Uh, theâ€¦

[Emilie Strauss] 18:43:42
Eelgrass surveys areâ€¦

[Emilie Strauss] 18:43:44
very old, dating to 2014. Those need to be redone.

[Emilie Strauss] 18:43:49
project-specific eelgrass surveys.

[Emilie Strauss] 18:43:51
Uh, and, um, the only site visit I could find by biologists was 19 September 2024.

[Emilie Strauss] 18:43:59
Uh, I think most people will recognize Nada.

[Emilie Strauss] 18:44:03
we need, uh, appropriate spring surveys.

[Emilie Strauss] 18:44:06
So, uh, and as a Berkeley resident, I'm opposed.

[Emilie Strauss] 18:44:10
to the project, and it gobbles money. Thank you.

TR1.7-8

TR1.7-9

TR1.7-10

TR1.7-11

[Liza McNulty, City of Berkeley] 18:44:14
Thank you, Emily. I did receive your prior written comment as well, just confirming that, and I will respond and let you know once we make a determination about the timeline for the review period.

[Liza McNulty, City of Berkeley] 18:44:29
Okay, next up I have Camille. with Berkeley waterfront community.

[Liza McNulty, City of Berkeley] 18:44:38
Go ahead. Oh, sorry. Yeah.

[Camille - Berkeley Waterfront Community Coalition] 18:44:38
coalition. Yeah, I know, it doesn't fit on the screen. Thank you. Yeah, um, yeah, my name is Camellia Antonori.

[Camille - Berkeley Waterfront Community Coalition] 18:44:46
And, um, I'm speaking this evening from the, uh, for the Berkeley Waterfront Community Coalition,

[Camille - Berkeley Waterfront Community Coalition] 18:44:53
We're a group of about 50 people, um, who are interested in supporting the community of waterfront users and visitors.

TR1.8-1

[Camille - Berkeley Waterfront Community Coalition] 18:45:01
Um, I'll start with, um, the description of the project itself in order to understand its full impact. For CEQA purposes.

[Camille - Berkeley Waterfront Community Coalition] 18:45:12
Um, we've noticed that the planâ€¦ a number of planning documents, um, submitted to the city and to the, um, BCDC

[Camille - Berkeley Waterfront Community Coalition] 18:45:20
have mentioned that Seawall Drive would be taken out.

[Camille - Berkeley Waterfront Community Coalition] 18:45:25
Itâ€¦ the descriptions vary, um, but I've seen all the seawall Drive parking lot spaces going from 90 to 20 spaces.

TR1.8-2

[Camille - Berkeley Waterfront Community Coalition] 18:45:35
Other places, it says going from 90 down to 7, or else completely removed, and possibly just for the ferry parking patrons.

[Camille - Berkeley Waterfront Community Coalition] 18:45:44
Um, this really needs to be, um, reflected in the, um, EIR document.

[Camille - Berkeley Waterfront Community Coalition] 18:45:50
And, um, and part of the project for us to fully assess what these impacts are going to be.

[Camille - Berkeley Waterfront Community Coalition] 18:45:56
I've spoke to a lot of people at the, umâ€¦

[Camille - Berkeley Waterfront Community Coalition] 18:46:00
Along Seawall Drive, both casually and in my role as a researcher doing surveys there, and I'm happy to provide that research to you.

TR1.8-3

[Camille - Berkeley Waterfront Community Coalition] 18:46:09
Um, but many people, um, as somebody mentioned earlier, would be incredibly saddened and upset.

[Camille - Berkeley Waterfront Community Coalition] 18:46:16
Um, my second comment has to do with the way that, um, alternatives are characterized.

[Camille - Berkeley Waterfront Community Coalition] 18:46:24
In the document, we think that they do need to be updated.

[Camille - Berkeley Waterfront Community Coalition] 18:46:28
For example, under the no-project alternative,

TR1.8-4

[Camille - Berkeley Waterfront Community Coalition] 18:46:31
It's not correct to say that none of the improvements would be made without this WIDA Ferry plan.

[Camille - Berkeley Waterfront Community Coalition] 18:46:37
For example, the Bay Trail, um, the Bay Trail that exists in the marina now, over in the South Basin,

[Camille - Berkeley Waterfront Community Coalition] 18:46:44
was a stand-alone project funded by State Coastal Conservancy federal funds and regional funds, and the City of Berkeley as a stand-alone project.

TR1.8-4

[Camille - Berkeley Waterfront Community Coalition] 18:46:53
Um, it's certainly reasonable to expect that it could be funded as a standalone project again in the future.

[Camille - Berkeley Waterfront Community Coalition] 18:46:58
Um, that His Lordship site parking lot, um, we also think the EIR needs to state that the city is in agreement with a company now

[Camille - Berkeley Waterfront Community Coalition] 18:47:06
To renovate that building, and as part of that agreement, uh, fix up that seawall lot.

[Camille - Berkeley Waterfront Community Coalition] 18:47:13
parking lot, and possibly even Seawall Drive.

TR1.8-5

[Camille - Berkeley Waterfront Community Coalition] 18:47:17
In whatever form, and the Bay Trail.

[Camille - Berkeley Waterfront Community Coalition] 18:47:19
This is a current document, current agreement.

[Camille - Berkeley Waterfront Community Coalition] 18:47:23
And, uh, that does need to be part of characterizing that no project alternative.

[Camille - Berkeley Waterfront Community Coalition] 18:47:29
Um, thirdly, the state, the city has received state and federal funding for the pier and harbor,

[Camille - Berkeley Waterfront Community Coalition] 18:47:35
before for recreational use. It's received state money within the last 10 years for infrastructure funding

TR1.8-6

[Camille - Berkeley Waterfront Community Coalition] 18:47:41
at the marina. It's quite conceivable that it can find the funds to do so again,

[Camille - Berkeley Waterfront Community Coalition] 18:47:46
Just like it has to find the funds for, um, for this WIDA Ferry plan.

[Camille - Berkeley Waterfront Community Coalition] 18:47:51
Um, and, um, I realized that my time is up. I'll just say two more things, one sent two sentences.

TR1.8-7

[Camille - Berkeley Waterfront Community Coalition] 18:47:58
What's the probability in the other alternatives? It sounds like theâ€¦ not putting that recreational extensionâ€¦

[Camille - Berkeley Waterfront Community Coalition] 18:48:05
It's almost talked about as another version of this project, and we'd like clarifications. Is that an alternative, or just another version that's possible?

TR1.8-7

[Camille - Berkeley Waterfront Community Coalition] 18:48:13
And lastly, to reiterate, there are new eelgrass inventories and new eelgrass

[Camille - Berkeley Waterfront Community Coalition] 18:48:18
data that needs to be cited and referenced correctly. Thank you.

TR1.8-8

[Liza McNulty, City of Berkeley] 18:48:24
Thank you, Camille. Okay, next up I see Edward.

[Liza McNulty, City of Berkeley] 18:48:34
Edward. Go ahead.

[Edward (he/him/Ã©l)] 18:48:37
Thank you. Good evening. My name is Edward Schlesinger. I'm speaking as an individual, and I am a recreational user of the Berkeley Marina.

TR1.9-1

[Edward (he/him/Ã©l)] 18:48:48
My comment is about the environmental impact on bringing commuter vehicles into the marina.

[Edward (he/him/Ã©l)] 18:48:56
On page 55 the draft Eir States, this project is estimated to generate 1,127 daily vehicle trips.

[Edward (he/him/Ã©l)] 18:49:10
The EIR has a lot of data, but if I understood it correctly, it is saying that the reduction of car trips by ferry commuters.

TR1.9-2

[Edward (he/him/Ã©l)] 18:49:20
offsets the impact of new vehicle trips into the marina.

[Edward (he/him/Ã©l)] 18:49:24
I disagree. Bringing over a thousand cars into the marina is going to affect traffic.

[Edward (he/him/Ã©l)] 18:49:32
It's going to affect air quality and it's going to affect safety.

TR1.9-3

TR1.9-4

[Edward (he/him/Ã©l)] 18:49:36
The marina is a very tranquil place where you rarely see people rushing around.

[Edward (he/him/Ã©l)] 18:49:43
Consider the speed which people drive when they are late for work.

TR1.9-5

[Edward (he/him/Ã©l)] 18:49:48
and now consider the speed they may drive when they are going for a swim or for another recreational activity.

[Edward (he/him/Ã©l)] 18:49:55
We come to the marina to get away from stress.

[Edward (he/him/Ã©l)] 18:49:59
And my request is for specific mitigation plans to address the impact of these new vehicles to keep the marina a safe.

[Edward (he/him/Ã©l)] 18:50:10
enjoyable place for all the community. Thank you.

TR1.9-6

[Liza McNulty, City of Berkeley] 18:50:14
Thank you, Edward.

[Liza McNulty, City of Berkeley] 18:50:21
Okay. Next up, Jeff Lomax.

[Liza McNulty, City of Berkeley] 18:50:29
Jeff, you are.

[Geoff Lomax - KK6IZS] 18:50:31
Thank you. Jeff Lomax, Berkeley resident commenting on behalf of myself as an individual.

[Geoff Lomax - KK6IZS] 18:50:38
I want to preface by saying I am a regular commuter from Jack London to South San Francisco, and I mention that because I recognize how integral ferry service is to our transportation future, and it's an important and vital piece of infrastructure.

TR1.10-1

[Geoff Lomax - KK6IZS] 18:50:54
for the bay. With that said, our existing network is already massively subsidized, and again, that's to be expected if you look at ferry systems across the United States. They do, in fact, receive subsidies, um, and that those subsidies are vital, because the broader benefit of such services are worth the investment.

[Geoff Lomax - KK6IZS] 18:51:18
With that said, the WITA system is the most expensive system that I've been able to identify in the United States, and this proposed project would further stretch those costs.

TR1.10-2

[Geoff Lomax - KK6IZS] 18:51:33
to a point where one needs to consider the impacts on the broader regional transportation ecosystem, including AC Transit and BART.

[Geoff Lomax - KK6IZS] 18:51:44
I was only able to identify two sentences in the EIR that discuss this, and it suggested that theyâ€¦ I will read them. It is anticipated that most of the trips are not new trips and were originally headed to South San Francisco by driving across the Bay Bridge. Some of these trips might have shifted from consumers previously taking BART.

TR1.10-3

[Geoff Lomax - KK6IZS] 18:52:05

and trans-based services, and it doesn't even reference existing WITA services out of Jack London. This is a mistake. It needs the Eir needs to understand and better forecast what the impacts will be on existing transit infrastructure.

TR1.10-3

[Geoff Lomax - KK6IZS] 18:52:21
Because all those systems are highly stressed, they're in debt, and this simply creates another capital risk to our regional transit infrastructure system, which is critical for environmental and quality of life issues. Further, the report seems to almost go out of the way to not forecast revenue.

[Geoff Lomax - KK6IZS] 18:52:41
from the Berkeley Ferry. The only reference I could find was a sub-reference in a footnote to a UITA business plan that suggested a 52% cost recovery at the fare box, which is impossible, because the only service that even comes close is Vallejo at 44%.

TR1.10-4

[Geoff Lomax - KK6IZS] 18:53:00
And the system overall only recovers. 24% of its operating expenses at the fare box. So, again, you need to understand, analyze, and present the economics of this proposed service in the context of the broader system, which is critical to our environment and our health.

[Geoff Lomax - KK6IZS] 18:53:20
and I was not able to find any such data in the report, and I will follow up with written comments documenting these deficiencies. Thank you.

[Liza McNulty, City of Berkeley] 18:53:31
Thank you, Jeff.

[Liza McNulty, City of Berkeley] 18:53:40
Okay, next Bill. I apologize. I don't know how to.

[Liza McNulty, City of Berkeley] 18:53:48
That's the last name, but I've asked you to unmute Bill.

[Bill feucht] 18:54:00
Most likely to be unmute. Can you hear me?

[Liza McNulty, City of Berkeley] 18:54:02
Yes, we can. Thank you.

[Bill feucht] 18:54:03
What I'd like to talk about is how selfish we are here in Berkeley by only talking about the effects that appear on the city of Berkeley and the Berkeley Marina. But in fact, if I understand things correctly, the ferry terminal will be built, and a ferry will be.

TR1.11-1

[Bill feucht] 18:54:18
brought to the ferry terminal, but it's not going to sit there. It's going to go out into the bay, over and over again, daily, every day. And thoseâ€¦ those environmental effects will affect the entire bay, not just the Berkeley Marina. And we haven't talked about any of that.

[Bill feucht] 18:54:34
And the real question here for me is, how many of these ferries are going to happen? I mean, maybe if the Berkeley ferry was, we considered aâ€¦ We would we give up the Berkeley Marina so that we could have this ferry, but how many ferries does we plan to make? I heard someone say up to 26 ferry lines in the city in the bay. And at that point, people are going to say. TR1.11-2

[Bill feucht] 18:54:59
Berkeley caused this cascade effect of ferries being built in the bay, and having these outrageous effects. And I would like to point out that the Save the Bay Foundation back in the 1960s was formed.

[Bill feucht] 18:55:14
to stop landfill. The unscrupulous people were doing to monetize the bay for their own reasons, and we don't allow that kind of thing to happen anymore. So the bay now faces a new threat, which I would call ferry fill. And that ferry fill. TR1.11-3

[Bill feucht] 18:55:32
could be very destructive, even more destructive than landfill, because those ferries are very disruptive as they move through the bay, and our habitat, rather than being a natural beauty, will become a freeway.

[Bill feucht] 18:55:43
And Berkeley can be the leader in that if they want to be, or they could put their foot down and say, no, it's not going to happen, and we're going to stop it right here.

[Bill feucht] 18:55:51
So that would be my suggestion, because I, as the user of the marina, I'm a swimmer mainly, but I use it for all sorts of things, and I've lived in the city of Berkeley for 35 years. TR1.11-4

[Bill feucht] 18:56:00
Don't want to see that to happen. So I'd like to raise the specter of the Save the Bay. I believe it was a group of women who chose to put their foot down and say, wait a second, we have toâ€¦ we have this wonderful thing in ourâ€¦ that is part of our community that we sometimes lose fact that it's because it's always there.

[Bill feucht] 18:56:16
And we can save it or we can destroy it with landfill. And I would say that we can right now, make the same decision about ferries. Are we going to save the bay by restricting ferry access and ferries in the bay? Or are we going to just let them run rampant? I would like to know what Rita's plans are. TR1.11-5

[Bill feucht] 18:56:32
in the long term for ferries in the bay, because I think that affects how Berkeley looks at their particular.

[Bill feucht] 18:56:38

Very, very pure. That's it.

[Liza McNulty, City of Berkeley] 18:56:42
Thank you, Bill. And Bill, just to confirm, you're speaking on behalf of yourself as an individual, correct?

[Bill feucht] 18:56:48
Yeah, myself as an individual, yes.

TR1.11-5

TR1.11-6

[Liza McNulty, City of Berkeley] 18:56:49
Thank you so much. Okay.

[Liza McNulty, City of Berkeley] 18:56:57
Next up, Julie Allen. Julie, please go ahead and unmute yourself and provide your comments.

[Julie Allen] 18:57:18
Hello! Thank you for hosting this. Um, excuse me, I was eating my sober.

[Julie Allen] 18:57:20
I'm Julie Allen, I live in Berkeley. I've lived here for more than 20 years.

[Julie Allen] 18:57:25
I've been swimming in the bay for 6 years now.

[Julie Allen] 18:57:27
And I'm part of, um, I'm speaking on behalf of myself only, but I will note that I'm part of a very large and growing open water swim group called the East Bay Open Water Swimmers.

[Julie Allen] 18:57:39
And, um, we swim all over the Bay, we swim at the Berkeley Marina.

TR1.12-1

[Julie Allen] 18:57:39
And as others have noted,

[Julie Allen] 18:57:41
The Lordship's entry is the only place where we can get in,

[Julie Allen] 18:57:49
About half the time. Um, anytime the water is under 3 feet, it's muck and, you know,

[Julie Allen] 18:57:54
it's really unusable to us. So, the saline basin is so silted in,

[Julie Allen] 18:58:00
that right now, lordships is our launch spot.

[Julie Allen] 18:58:01
And I was surprised to see that even though theâ€¦

[Julie Allen] 18:58:03

TR1.12-2

marina master plan, andâ€¦

[Julie Allen] 18:58:06
2003, I think.

[Julie Allen] 18:58:09
had noted that LaunchSot, even then, in use, and now 23 years later, still in use,

[Julie Allen] 18:58:17
Um, I was surprised that the ferry EIR, uh, doesn't make any mention of that, treats it like it is not really, like, an actual spot.

[Julie Allen] 18:58:27
that people use, but it is very much a spot that people use. People use it all day long.

[Julie Allen] 18:58:30
Um, so I think that there needs to be a little bit more recognition of the on-the-ground

[Julie Allen] 18:58:38
recreational uses, um, recreational use seems to be one of the main goals of this project, so it should not really be in opposition to theâ€¦

[Julie Allen] 18:58:46
current recreational use. Um, and recreational users have been

[Julie Allen] 18:58:51
not really drawn into thisâ€¦

[Julie Allen] 18:58:54
conversation until recently, and only those of us who have

[Julie Allen] 18:58:58
bought for that, and knew enough

[Julie Allen] 18:59:00
to say something. Most people who use the marina seem to not actually know, and it makes me wonder what kind of outreach the city did that

[Julie Allen] 18:59:08
people that go there all the time are unaware that they're about to lose access to this really terrific spot.

[Julie Allen] 18:59:15
Um, that is all. Thank you.

TR1.12-2

TR1.12-3

TR1.12-4

[Liza McNulty, City of Berkeley] 18:59:18
Thank you, Julie.

[Liza McNulty, City of Berkeley] 18:59:26
Okay. Next up, Erin.

[Liza McNulty, City of Berkeley] 18:59:32
going to invite you to unmute. Yes, we can.

[Erin Diehm] 18:59:36
Okay, can you hear me?

[Erin Diehm] 18:59:39
Okay, um, this is Aaron D. Am I speaking as an individual, and I want to begin by echoing what a prior speaker said to ask for an extension.

[Erin Diehm] 18:59:49
beyond the April 13th.

[Erin Diehm] 18:59:51
The, um, the currentâ€¦

TR1.13-1

[Erin Diehm] 18:59:53
EIR, DEIR is, I think, 661 pages, plus one or two appendices.

[Erin Diehm] 18:59:58
But maybe more importantly is a 2003 program, EIR, which is several thousand

[Erin Diehm] 19:00:05
pages long, and for those of us who are really concerned about the environment, we need time to look at those documents.

[Erin Diehm] 19:00:10
I also want to say that a program EIR, that was done 23 years ago to evaluate the cumulative impacts of the ferry, in my opinion, is deficient and needs to be revisited.

TR1.13-2

[Erin Diehm] 19:00:22
I do hope that the preparers of this document think about that we are now in the sixth

[Erin Diehm] 19:00:28
mass extinction, and the recent state of the birds report for the San Francisco Bay Area has found that water birds are in decline, especially ducks,

TR1.13-3

[Erin Diehm] 19:00:37
And I hope that that is kept in mind. I asked the scope is too narrow, both spatially and temporarily.

[Erin Diehm] 19:00:44
We know that there are birds that live out on the pier, and we know that there are birds that live in other parts of the waterfront area that would come over and forage near shore Bird Nature Center, for example.

TR1.13-4

[Erin Diehm] 19:00:56
They were not considered as spatially the only area considered is along University Avenue, and then around the terminal area.

[Erin Diehm] 19:01:04
So we need to look at adjacent areas.

TR1.13-4

[Erin Diehm] 19:01:08
Also, temporarily, I heard on this call that only one day of monitoring was considered.

[Erin Diehm] 19:01:13
We need, uh, uh, many more visits, especially

TR1.13-5

[Erin Diehm] 19:01:16
Throughout the migration period, as we are on the Pacific Flyway, and we know that birds will be here sometimes only certain months of the year.

[Erin Diehm] 19:01:23
Maybe most importantly, I was really just shocked, frankly, that the environmental impacts were only

TR1.13-6

[Erin Diehm] 19:01:29
during construction. I mean, that's just insane.

[Erin Diehm] 19:01:32
First thing, energy efficiency. We have never been able to actually get any numbers on how energy efficient our ferries compare to other forms of transit.

TR1.13-7

[Erin Diehm] 19:01:42
they are not efficient, because water is thick and air is thin.

[Erin Diehm] 19:01:46
noise, we need to know noise. It's true that the ferries are actually all electric ferries are quiet when they're going at slow speed, but at high speed, they are almost as loud as diesel ferries, and that impacts marine life.

TR1.13-8

[Erin Diehm] 19:01:59
We know that the wake that comes off the ferries will interfere with diving ducts, and none of thatâ€¦ I didn't see any of that so far in the DEIR that I read.

TR1.13-9

[Erin Diehm] 19:02:08
We need to understand about ongoing impacts, like turbidity, whenever the ferry comes in and actually docks, it's going to completely stir up all of the soil on the bottom of the bay, make it cloudy, and the organisms that live there will not be able to survive.

TR1.13-10

[Erin Diehm] 19:02:22
And of course, what about dredging? 440,000 cubic yards, I think, is the latest. That's a huge amount. Think of all the billions of organisms that are going to actually be shoveled up and

TR1.13-11

[Erin Diehm] 19:02:34

God knows where they're going to be sent. I don't know. And I didn't see that in there either. And that's ongoing, because dredging is not going to happen just this one time. It's going to have to happen overâ€¦

[Erin Diehm] 19:02:44
at periodic times.

TR1.13-11

[Erin Diehm] 19:02:45
Um, soâ€¦

[Erin Diehm] 19:02:49
When I look at, actually, the cumulative impacts of this system,

[Erin Diehm] 19:02:53
Okay? It isâ€¦ what I see, the goal isâ€¦

TR1.13-12

[Erin Diehm] 19:02:56
Okay, I heard the music, thank you, is 26 total terminals, and I really appreciate what the prior speaker said, is that, don't let Berkeley be the cascade to build this new highway on the water. Put the funds into our existing transit agencies before they fail. Thank you.

[Liza McNulty, City of Berkeley] 19:03:13
Thank you, Erin. Okay.

[Liza McNulty, City of Berkeley] 19:03:21
Okay, Jim McGrath, you are up.

[Jim McGrath] 19:03:25
Uh, thank you. Umâ€¦

[Jim McGrath] 19:03:27
I am near the end of a 22-page draft comment letter,

[Jim McGrath] 19:03:32
I'm obviously not going to talk about that now.

TR1.14-1

[Jim McGrath] 19:03:35
The CIR is grossly inadequate. It makes almost no quantitative analysis of any of the issues.

[Jim McGrath] 19:03:42
It ignores scoping comments from responsible agencies like BCDC,

[Jim McGrath] 19:03:47
And for that reason, it will not suffice for permitting purposes for BCDC, the Corps of Engineers,

TR1.14-2

[Jim McGrath] 19:03:52
or the Regional Water Quality Control Board. It ignores the comments that they said were needed.

[Jim McGrath] 19:03:58

Um, I'm going to focus on just a couple of things. First of all, there's no analysis of the biological, habitat,

TR1.14-3

[Jim McGrath] 19:04:05
And fishing impacts of dredging.

[Jim McGrath] 19:04:07
It is 400,000 cubic yards of dredging. No alternatives have been evaluated.

TR1.14-4

[Jim McGrath] 19:04:12
And the impact mitigation program is, well, we'll prepare a plan.

[Jim McGrath] 19:04:18
And that is not legally sufficient.

TR1.14-5

[Jim McGrath] 19:04:20
On parking. I was at the marina today, and on Seawall Drive, there were 20 people parked.

[Jim McGrath] 19:04:28
There was nobody swimming.

[Jim McGrath] 19:04:30
There's no wind, so nobody wasâ€¦ was using water sports. 20 people parked.

[Jim McGrath] 19:04:35
And, uh, 4 people fishing.

TR1.14-5

[Jim McGrath] 19:04:38
Um, I asked them if they knew that the city was going to restrict all of that parking.

[Jim McGrath] 19:04:43
The 320 in the seawall lot and the 80â€¦

[Jim McGrath] 19:04:47
along the Seawall Drive to 7.

[Jim McGrath] 19:04:50
They thought that was nuts. I believe it's nuts. It's a direct usurpation

[Jim McGrath] 19:04:56
of recreational parking.

TR1.14-6

[Jim McGrath] 19:04:58
Then I want to hit the last issue that I'm going to hit here, which is the cost of this. You won't find this in the document.

[Jim McGrath] 19:05:04
You won't find it on the website. You have to submit a public records act request to get the city to cough up virtually anything.

TR1.14-7

TR1.14-7

[Jim McGrath] 19:05:11
The cost is nearly $170 million.

[Jim McGrath] 19:05:15
As Paul said, uh,

[Jim McGrath] 19:05:17
The only place that you can put the marina in that doesn't raise these biological impacts, and these recreational impacts,

[Jim McGrath] 19:05:24
is within the marina.

[Jim McGrath] 19:05:27
You would save in the process, $100 million, or more.

[Jim McGrath] 19:05:30
That would certainly be enough to fix all

[Jim McGrath] 19:05:32
all the remaining infrastructure problems at the marina.

[Jim McGrath] 19:05:35
Which, in my mind, are both more pressing and higher priority. $170 million. The public has been told about the $170 million.

TR1.14-8

[Jim McGrath] 19:05:43
And if you look on the website for, uhâ€¦

[Jim McGrath] 19:05:46
You know, the city doesn't put this in the document either.

[Jim McGrath] 19:05:50
The estimated cost for subsidy for operationalists, and this doesn't consider any of the capital cost, and it doesn't consider

[Jim McGrath] 19:05:57
Parking management, or landscape management,

[Jim McGrath] 19:06:01
9 to 12 million dollars. So you've got

[Jim McGrath] 19:06:03
Something that you've declared as feasible,

[Jim McGrath] 19:06:06
But it costs $170 million that you don't have,

[Jim McGrath] 19:06:10
And it cost $9 to $12 billion a year that you don't know where it's coming from.

[Jim McGrath] 19:06:14
I will submit my 22-page letter.

TR1.14-9

[Jim McGrath] 19:06:17
And I expect that you will recirculate this document, and hopefully you'll do a better job the next time.

TR1.14

-----Original Message-----
From: James McGrath <macmcgrath@comcast.net>
Sent: Monday, March 16, 2026 7:12 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>
Subject: Fwd: 3/16/26

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I took this picture today at 2:30. A sunny winter day with no swimmers or board sports use. There are twenty cars parked--all for recreational use. Reducing public parking from 400 or so spaces to 7 spaces will obviously usurp existing recreational use.

Jim McGrath
> ---------- Original Message ----------
> From: Jim McGrath <macmcgrath@comcast.net>
> To: macmcgrath@comcast.net
> Date: 03/16/2026 3:20 PM PDT
> Subject: 3/17/26



TR1.14-10

[Liza McNulty, City of Berkeley] 19:06:25
Thank you, Jim. Okay, next up we have Zora Whitfield.

[Zora Whitfield] 19:06:37
Hello. Hi. Nice to speak with you today. My name is Zora. I'm a liveaboard resident and regular user of the marina. First, I want to say that while the ferry plan identifies potential benefits for regional connectivity, environmental gains, reduced vehicle use and environmental response for emergency response.

[Liza McNulty, City of Berkeley] 19:06:37
Zora. Hi.

TR1.15-1

[Zora Whitfield] 19:06:57
It does not adequately account for existing conditions at the marina, or whether the ferry is necessary to achieve these goals without negatively impacting current residents and users, recreational use, live aboard residency and operational activities.

TR1.15-2

[Zora Whitfield] 19:07:13
could coexist with the ferry plan, but it seems like some parts of the plan have them in opposition and I just think that there could be other ways for the city to meet these goals of environmental just improving the environment and reduce vehicle use. However, there's not another way.

[Zora Whitfield] 19:07:31
to replace these current uses at the marina, including housing, recreation, and fishing. So if I had to choose one, if they were in opposition, I would choose these current uses.

TR1.15-3

[Zora Whitfield] 19:07:42
Second, I want to say that while the DER mentions liveaboard residents as part of the setting, it doesn't adequately represent other communities or fully adequate the lived experience or the impact that this will have on live aboard residents.

TR1.15-4

[Zora Whitfield] 19:07:58
And I believe that this is an issue. When I was looking at some of the mitigation impacts for things like air pollution. I did see that there were solutions put in place to mitigate the impacts. However.

[Zora Whitfield] 19:08:13
As someone who lives there, it does kind of feel like I would like a say in how you would mitigate. Additionally, I would like to have a say, like, as the project's going on, not just through the construction, but also through the implementation on like.

TR1.15-5

[Zora Whitfield] 19:08:29

like, let's say there was an issue with how you decided to mitigate that was impacting the community. How are you going to be held accountable while this is going on? I would like that to be added to the plan. Umâ€¦ Additionally, I wanted to point out that this is really important that you do this if this ends up going through, because during the feasibility and design stages, when looking at your engagement, community engagement was you didn't really engage people in the marina that much.

[Zora Whitfield] 19:08:54
like specific specifically like communities who are directly impacted. In fact, 7 of the engagements. I think there are about 12 engagements with people at the Marina specifically, and 7 of those were parking surveys, which means that that topic was limited to parking. So the majority of engagements were limited to parking as opposed to what would implementation look like? What are alternatives?

TR1.15-6

[Zora Whitfield] 19:09:16
Next, I know I'm running out of time. I want to say that, um.

[Zora Whitfield] 19:09:21
Whileâ€¦ well, I guess I will just say what I want to urge the city to do. I urge the city to strengthen engagement and outreach, just for any project, not just this one, with all communities who are impacted by projects. I also urge for the review of this plan to be extended, because I know a lot of people don't know about it.

TR1.15-7

[Zora Whitfield] 19:09:36
And a lot of people who are directly impacted don't know about it. And also, it's a really confusing document.

[Zora Whitfield] 19:09:42
And I also want more accountability for mitigation measures and to explore alternatives for mitigations. Thank you

TR1.15-8

[Liza McNulty, City of Berkeley] 19:09:49
Thank you, Zora. Okay, next up. I'm sure this timer is reset. We have Kelly Hammergren.

[kelly hammargren] 19:10:06
Okay, I just have a few comments. I appreciate all the prior comments.

[kelly hammargren] 19:10:14
And the, umâ€¦ just to reiterate, the EIR, the draft EIR, is really too narrow in scope. It's not looking at.

TR1.16-1

[kelly hammargren] 19:10:25
the long-term impacts. It's not looking at the breakwater impacts to the rest of the bay. It's not really covering enough of the waterfront. And we're not looking at the impact on on nature and ecosystems.

[kelly hammargren] 19:10:42
Um, there's also the assumption that the ferry is going to take passengers drivers off the bay.

TR1.16-2

[kelly hammargren] 19:10:52
off the Bay Bridge. But as far as I've gotten, there's no analysis of the impact on raiding passengers from BART or from other ferries. So I think that justifying this by saying you're going to take.

[kelly hammargren] 19:11:09
people off the bridge when it's more likely that some passengers will be coming from taking the ferry instead of Bart. So that really isn't.

[kelly hammargren] 19:11:24
a sound argument. Um, in terms ofâ€¦ the environment.

[kelly hammargren] 19:11:30
So that that's really all I have to say. Thank you.

TR1.16-2

[Liza McNulty, City of Berkeley] 19:11:35
Thank you, Kelly.

[Liza McNulty, City of Berkeley] 19:11:43
Okay, next up we have Noah Sadarski.

[Noah Sudarsky] 19:11:50
Mute. All right, am I unmuted? I believe so.

[Liza McNulty, City of Berkeley] 19:11:53
Yes, I can hear you.

[Noah Sudarsky] 19:11:54
Hi, um, my name is Noah Szdarski. I have been living in Berkeley now for 15 years.

[Noah Sudarsky] 19:12:00
I'm speaking on my own behalf and also on behalf of the Center for Environmental Structure, of which I am a project coordinator. The center is not as active as it once was, but it is a pioneer in user-based.

[Noah Sudarsky] 19:12:17
design and building the whole point of CS was to reclaim the built environment and allow lay people to take control of expensive building processes that were determined by developers and people with vested interests in other things other than quality of life.

TR1.17-1

[Noah Sudarsky] 19:12:34
So, CS built Julian Street Inn, which is a homeless shelter in San Jose. They've built multi-service centers in the Bronx and other places in the world.

[Noah Sudarsky] 19:12:45
Uh, as far as Japan. So the point of this premise is to say that.

[Noah Sudarsky] 19:12:52
We've all heard people talk fromâ€¦ Recreators, uh, to people who are obviously way more specialized and way more competent than I in analyzing these complicated.

TR1.17-2

[Noah Sudarsky] 19:13:08
Documents and DER and all sorts of stuff. I haven't heard anybody in favor of this.

[Noah Sudarsky] 19:13:16
But it will probably still happen. Why? Because of the dogma of top-down management, which is that the city thinks that by hiring a few experts and having people who have financial incentive to build a project, it's okay to go ahead and steamroll everybody and do whatever the heck it wants, and that's what's going to happen here.

[Noah Sudarsky] 19:13:36
Despite this overwhelming and obvious. and quality opposition.

[Noah Sudarsky] 19:13:44
And that is a sad, a really sad and ironic turn for a city like Berkeley.

TR1.17-2

[Noah Sudarsky] 19:13:49
So I think that the mayor and the entire city council and everybody involved in this project take a long, hard look at themselves to see what it is that they're actually doing with this and with other projects like it. But this is the most egregious example that I can think of.

[Noah Sudarsky] 19:14:04
Nobody wants this. Thank you.

[Liza McNulty, City of Berkeley] 19:14:08
Thank you, Noah.

[Liza McNulty, City of Berkeley] 19:14:16
Okay, next up. We have Tony.

[Liza McNulty, City of Berkeley] 19:14:23
Start home.

[Toni Mester] 19:14:23
Good evening. And I'd like to wish my good friend Jim McGrath happy St. Patrick's Day tomorrow and your family.

[Toni Mester] 19:14:35
And I would have given you my three minutes had I gotten my hand up before you.

[Jim McGrath] 19:14:41
you play some tunes for you, Tony

[Toni Mester] 19:14:42
Um, uhâ€¦ So, um, I think we need a little bit more time. It's over 600 pages. I have macular degeneration, and I can't stare at a screen for that long. Um, there's a lot to digest in the DEIR. I did go through the impacts and looked at some things I was interested in.

TR1.18-1

[Toni Mester] 19:15:02

So here are my comments. I think that the impacts are overly optimistic. I think the impacts will be much greater than the consultants have admitted to. I think they've overlooked several aspects that other people have commented on, so I won't repeat.

TR1.18-2

[Toni Mester] 19:15:22
Um, but I would like to add some new observations.

[Toni Mester] 19:15:29
In regards to the traffic impacts, there's sections on the.

[Toni Mester] 19:15:38
a greenhouse gas emissions and so forth. But there really isn't a traffic analysis. And I think there needs to be another. In other words, where are the ferry riders coming from? What are the patterns of travel?

[Toni Mester] 19:15:54
are the expectations that it will serve the city of Berkeley or.

[Toni Mester] 19:16:01
What is the, umâ€¦ where are the riders coming from? And that's important to understand some of the comments that Jeff Lomax made in regards to the impacts on.

[Toni Mester] 19:16:16
Um, other, uh, transportation modes and services that we rely on.

[Toni Mester] 19:16:24
So, I don't thinkâ€¦ I think it needs a traffic, a real traffic analysis.

TR1.18-3

[Toni Mester] 19:16:30
Um, I think that it passes over the city's planned.

[Toni Mester] 19:16:36
drainage plan and the impacts on the creeks north and south.

TR1.18-4

[Toni Mester] 19:16:44
The economic impacts areâ€¦ there's no, umâ€¦ there's no business model here. It should be summarized, like, how much is this going to cost? Who is going to pay for it, and how long is this construction going to go on?

TR1.18-5

[Toni Mester] 19:17:00
Finally, on my 27 seconds left, I'd like to say completely ignores the San Pablo Avenue specific plan, and all of the construction that's going on in West Berkeley, and these people are going to probably want recreational facilities more than they're going to want a water ride to the city.

[Toni Mester] 19:17:20
So that's it. Get with the plans that aren't included and make sure that you are inclusive. Thank you.

TR1.18-6

[Liza McNulty, City of Berkeley] 19:17:32
Thank you, Tony. Okay, next up, I see we have Larry version 3.1.0.

[Larry v3.1.0] 19:17:44
Yeah, trying to change that name. My name is Larry Molstein.

[Larry v3.1.0] 19:17:50
I'm speaking for myself as an individual. I have been.

[Larry v3.1.0] 19:17:55
blown away. This is my first time attending one of these public comment sessions, and I've been blown away by just the quality and care of everyone who's come to participate, as well as you all who are holding the space for this meeting, and I share the concern. TR1.19-1

[Larry v3.1.0] 19:18:13
That was just voiced, I believe, by Noah about the structure of this decision process, where.

[Larry v3.1.0] 19:18:21
I mean, Iâ€¦ I tend to agree with basically everything that everyone said, and in a way that is a lot less informed. But.

[Larry v3.1.0] 19:18:30
How Iâ€¦ my questions are reallyâ€¦ How do our comments make their way to city council? How can they be held accountable to actually responding and integrating what we're saying? So they're making a decision that is really.

[Larry v3.1.0] 19:18:47
you know, for the people, um, by the people, in a way that is not just.

[Larry v3.1.0] 19:18:52
You know, Iâ€¦ I don't have an understanding fully of what you'reâ€¦ mechanism for transmitting these comments is, but I'm concerned that they might be.

TR1.19-2

[Larry v3.1.0] 19:19:04
see buried in some way amongst the. quite staggering amount of literature, andâ€¦ You know, other information that I'm sure the city council members need to digest in order to make these decisions.

[Larry v3.1.0] 19:19:16
And so my questions, umâ€¦ Simply, what is the process by which you are making this decision? How are you intending to?

[Larry v3.1.0] 19:19:28
Um, really represent all of us who are impacted by the decision.

[Larry v3.1.0] 19:19:35
And if you do not feel that this process isâ€¦ sufficient for a decision that has such a substantial impact, not only on.

TR1.19-3

[Larry v3.1.0] 19:19:49
our city today, but our entire trajectory of our city, entire trajectory of our San Francisco Bay area. Shouldn't we?

[Larry v3.1.0] 19:19:59
not. Isn't it a lot better to not do something and to direct our resources towards the.

[Larry v3.1.0] 19:20:05
you know, myriad number of other pressing issues that we need them for. So, you know, I share also this question of.

[Larry v3.1.0] 19:20:16
We seem to have a lot that we need to do. We seem to have a limit of resources. I don't really see who's asking for.

[Larry v3.1.0] 19:20:25
this thing to happen. Perhaps they haven't shown up to the meeting, but if they really cared, maybe they would.

TR1.19-3

[Larry v3.1.0] 19:20:32
Um, andâ€¦ Yeah, I meanâ€¦ I'm just echo what everybody else is saying, likeâ€¦ BART needs resources. Our.

[Larry v3.1.0] 19:20:46
Our other public transportation methods need resources are environment needs resources. Our city needs resources. Let's direct towards caring for what we have instead of creating the new vision that we just might.

TR1.19-4

[Larry v3.1.0] 19:20:59
you know, be imagining.

[Liza McNulty, City of Berkeley] 19:21:02
Thank you, Larry. There are no other hands raised. And so it's a good opportunity for me to take the time to answer Larry's question about.

[Camille] 19:21:09
I thinkâ€¦ I'm sorry, Liza. A woman named Carol looks like she's, uh, looking like she's raising her hand.

[Camille] 19:21:19
But I don't think she used the tool, but in case you want to recognize her.

[Liza McNulty, City of Berkeley] 19:21:20
Umâ€¦

[Liza McNulty, City of Berkeley] 19:21:23
Thank you. I don't see that on my end. Is there a Carol on the line who would like to make comments who hasn't had the opportunity to?

[Liza McNulty, City of Berkeley] 19:21:32
If. Oh, okay, we can hear you, Carol. Go ahead. You've got 3 min.

[carolvalk] 19:21:33
I didn't I didn't find a place to click for chatting.

[kelly hammargren] 19:21:33
It'sâ€¦

[carolvalk] 19:21:40
Okay, I really, I really think that something like this needs to be put on a bond issue so that the people in Berkeley know what they're getting into. TR1.20-1

[Liza McNulty, City of Berkeley] 19:21:42
Thank you, Camille.

[carolvalk] 19:21:52
I know it's difficult, but I think if you've got a good idea, you should be able to convince people. For those of us who are passionately against this.

[carolvalk] 19:22:05
I'm speaking for myself as a windsurfer who's been using the Berkeley Marina since the mid 80s. TR1.20-2

[carolvalk] 19:22:13
And we're being asked to give up a world-class view.

[carolvalk] 19:22:17
We're being asked to become indebted to this fairy business. We're being asked to have our marina turned into a parking lot. We're also, as people who use the water, being asked to somehow carry our equipment for I don't know how far.

[carolvalk] 19:22:34
you know, because we can't park where we normally park on Seawall Drive, which has been essential. TR1.20-3

[carolvalk] 19:22:40
And you're taking over as lordships, that's one thing, but to take away Seawall Drive is just a disaster. I can't carry my stuff save from, you know, scopes or farther down or in other places. I can't carry my gear that far.

[carolvalk] 19:22:58
I mean, this stuff is heavy. The other thing I'd like to say is that if you really want to know what this is going to look like, go to go to Larkspur.

[carolvalk] 19:23:07
You know, nobodyâ€¦ nobody goes there for picnics. Nobody swims there. Nobody sails there. Even the ducks have left. It's a big, dirty mud puddle. And so the bay is shallow, sandy, muddy. TR1.20-4

[carolvalk] 19:23:23
And when those theories come in and go out, they churn like crazy. It's going to need dredging all the time, which is nasty. It's going to fill the little cove where cal sailing is even worse than it is, and it's going to muck up the boats.

[carolvalk] 19:23:40
I mean, I don't think, you know, Berkeley talks about ecology, but I'm shocked.

[carolvalk] 19:23:46
And also, one of the beauties of that place is that million dollar view that hasn't been spoiled by architecture. TR1.20-5

[carolvalk] 19:23:55
I mean, why would you want to mess with that?

[carolvalk] 19:23:59
So I'm I vote very strongly against this, and I really do think it should be presented to the people in Berkeley to vote on. Because you're indebted them, and you're taking away their marina. TR1.20-6

[carolvalk] 19:24:15
Done. Thank you.

[Liza McNulty, City of Berkeley] 19:24:16
Thank you, Carol. Okay. I'm going to speak for a few moments during which time, if anyone who has not commented on yet is would like to raise their hand. The way to do that is on the very.

[Liza McNulty, City of Berkeley] 19:24:34
There's a react button that has a heart on it. If you click on that button, you should see a raise hand. It's like the second button up just above be right back. So please feel free to do that.

[Liza McNulty, City of Berkeley] 19:24:50
While we give it a few moments to see if anyone else would like to make a comment, I'll respond to Larry's questions as far as sort of what happens next and what happens to these comments that we've received. This meeting is being transcribed, and so every comment that we've received will appear word for word.

[Liza McNulty, City of Berkeley] 19:25:08
In the final EIR document and a response to each comment will be provided in that final document. That applies both to the verbal comments that we've received tonight, and to the written comments that we receive, that I received via email. So.

[Liza McNulty, City of Berkeley] 19:25:26
Every comment is produced in the final EIR word for word. We do not attempt to, umâ€¦ summarize or present people's comments on their behalf. All the decision about adoption of the final EIR will be made by Council. As I mentioned at the beginning of the meeting, our expectation is that we'll be bringing this to Council in July.

[Liza McNulty, City of Berkeley] 19:25:51
or September of this year, and of course that would be noticed as council meetings generally are. And when the final Eir is available for public review, we will be sending a notice of that to.

[Liza McNulty, City of Berkeley] 19:26:07
All of the email lists that we have, that includes anyone who submits a comment on the draft EIR by submitting a comment on the draft EIR, I will automatically add you to my email list to send notifications.

[Liza McNulty, City of Berkeley] 19:26:20
That's a good reminder that we're not capturing emails tonight, so if you made a verbal comment tonight and do not intend to submit a written comment, that's fine, but if you would like to make sure you receive project updates and information when I send them out, please go ahead and send me.

[Liza McNulty, City of Berkeley] 19:26:38
An email, so that I can add you to the list. And again, my email address is lmcnulty.

[Liza McNulty, City of Berkeley] 19:26:45
MCNULTY. at berkeleyca.gov, and I will drop that into the chat window so that everyone has it.

[Liza McNulty, City of Berkeley] 19:26:55
Okay, while I was speaking, I see we have a few more hands raised. So next up we have C.

[Liza McNulty, City of Berkeley] 19:27:03
PAF? Go ahead and unmute yourself and your comments. Hi, we can hear you.

[C Paff] 19:27:07
Hello?

[C Paff] 19:27:10
Okay. Uh, my name is Charlie Paffenbarger.

[C Paff] 19:27:14
long-time resident of Berkeley since the 60s, late 60s.

[C Paff] 19:27:17
When my family moved here, I speak for myself and my personal experience with the Berkeley

TR1.21-1

[C Paff] 19:27:23
Marina, which is extensive andâ€¦

[C Paff] 19:27:25
Various ways. Cal Sailing Club, when I was a youngster.

[C Paff] 19:27:31
And a birder in the last 25 or so years, 30 maybe.

[C Paff] 19:27:36
As presented, I think the draft EIR is woefully insufficient.

TR1.21-2

[C Paff] 19:27:41

endorse 90% of what people have expressed today.

TR1.21-2

[C Paff] 19:27:45
I will submit a written document, but I just wanted to raise my hand and say,

[C Paff] 19:27:49
I'm opposed with the project as proposed.

TR1.21-3

[C Paff] 19:27:53
alternatives of putting the ferry back inside the marina.

[C Paff] 19:27:56
would perhaps be better, but uhâ€¦

TR1.21-4

[C Paff] 19:27:59
I think all the other impacts that are not covered yet.

[C Paff] 19:28:02
People have raised, I think, areâ€¦

[C Paff] 19:28:04
germane and important to review.

TR1.21-5

[C Paff] 19:28:06
Soâ€¦ thank you.

[Liza McNulty, City of Berkeley] 19:28:09
Thank you.

[Liza McNulty, City of Berkeley] 19:28:15
Okay. Next up we have Doug Yamamoto.

[Liza McNulty, City of Berkeley] 19:28:26
Doug, go ahead.

[Doug Yamamoto] 19:28:28
My name is Doug Yamamoto, and I've been a long time.

[Doug Yamamoto] 19:28:34
User, enjoyer of the marina. I can remember walking on the Berkeley Pier as a child.

[Doug Yamamoto] 19:28:44
Uh, walking, it seems like, uhâ€¦ Halfway across the bay to San Francisco.

TR1.22-1

[Doug Yamamoto] 19:28:52
Uh, taking myâ€¦ my children there. Well, I want to, as a child.

[Doug Yamamoto] 19:28:57
And taking my children there, fishing. Uh, thisâ€¦ this project.

[Doug Yamamoto] 19:29:06

To me isâ€¦ something that's been, as some of the other comments have stated, someâ€¦ it was almost predetermined, because I've been coming to these meetings and.

[Doug Yamamoto] 19:29:20
participating in the city's efforts to get public comment, but I never.

[Doug Yamamoto] 19:29:28
Oh. I never got the sense that the city was interested in rebuilding the old pier, just the way it was.

[Doug Yamamoto] 19:29:40
When there's storms knock the pier down in Capitola. TR1.22-2

[Doug Yamamoto] 19:29:46
That city valued their peer. They rebuilt it in 2 years.

[Doug Yamamoto] 19:29:53
Our peer has beenâ€¦ A dead zone, except for the birds that live there forâ€¦ I guess we're going on nine years now.

[Doug Yamamoto] 19:30:07
This project here, as envisioned. is just going to turn it turn our our our marina into a parking lot.

[Doug Yamamoto] 19:30:18
for commuters. One of the things that I've noticed as a long-time user.

[Doug Yamamoto] 19:30:27
of a visitor of the pier is that the wide variety of people.

[Doug Yamamoto] 19:30:32
who come down every day. And none of that is addressed in this report.

[Doug Yamamoto] 19:30:40
People come down on their lunch hour. to just park their cars on Seawall Drive and look at the view. TR1.22-3

[Doug Yamamoto] 19:30:52
Other people come down when they're having someâ€¦ some conflict or issue in their life. And once again just sit there.

[Doug Yamamoto] 19:31:04
Umâ€¦ And Iâ€¦ this impact review doesn't give any value to that.

[Doug Yamamoto] 19:31:14
It only sees those spaces as spaces for commuters.

[Doug Yamamoto] 19:31:21
And I think that's wrong. It shouldâ€¦ Take into consideration.

[Doug Yamamoto] 19:31:30
The users today. as well asâ€¦ The increased use.

[Doug Yamamoto] 19:31:39
Uh, whenâ€¦ When things, uh, whenâ€¦ when there are improvements to the existing marine.

[Doug Yamamoto] 19:31:47
And it doesn't do that at all. It's going to beâ€¦ Andâ€¦ Okay.

TR1.22-3

[Liza McNulty, City of Berkeley] 19:31:58
Thank you, Dad.

[Liza McNulty, City of Berkeley] 19:32:05
Okay. I believe that we've received comment from everyone who's raised their hand.

[Kirk van Moon] 19:32:11
I'm seeing, uh, looks like Madeline King wants to speak. She's raising her hand in the video.

[Liza McNulty, City of Berkeley] 19:32:17
Oh, thank you. Madeleine. Hi, go ahead. Thank you for noticing that.

[Madeleine King] 19:32:22
Hi. Yeah, I apologize. I don'tâ€¦ I apologize, I'm on my cell phone, and Iâ€¦ I don't see the little hand raise emoji on here.

[Liza McNulty, City of Berkeley] 19:32:31
No, that'sâ€¦ that's fine. I can't see all the faces at once withâ€¦ All the little mini screens. Go ahead.

[Madeleine King] 19:32:38
I'm justâ€¦ I'm gonna make this really brief. I just want to register my comment that I echo a lot of what I've heard here. I want to thank everybody for yourself included, for all of the thoughtful input people have.

TR1.23-1

[Madeleine King] 19:32:54
mentioned, I come on here as an individual, but I also am on the SFBA, the San Francisco Board Sailing Association Board. I'm not speaking, um.

[Madeleine King] 19:33:06
I'm not speaking on behalf of them, I'm speaking for myself, but just to register that as well. Um, I came on here wanting to speak as a, um, recreational user, a wind sport enthusiast, but after hearing all of the comments, Iâ€¦ so many things resonated with me besides my own personal concerns. But my own personal concern, um, is as a wind sports enthusiast, uh, echoing what some other people said, theâ€¦ the use.

[Madeleine King] 19:33:40
of the launch site, uh, at the end of Seawall Drive by His Lordship's restaurant is indeed, as was mentioned earlier, the only launch site at low tide for many of us, not just.

TR1.23-2

[Madeleine King] 19:33:58

Um, the sport I do, which is wing foiling, but the swimmers andâ€¦ and etc, etc.

TR1.23-2

[Madeleine King] 19:34:05
Um, the docs are not always accessible. The parking, I think, is aâ€¦ huge issue that along Seawall Drive. There were some really interesting comments made by people about how, you know, people do just go down there just to park and look at the beautiful view, and.

TR1.23-3

[Madeleine King] 19:34:29
not only those of us who use it as a launch site, and there's lots of us, umâ€¦ So I can't even imagine that parking being diminished from.

[Madeleine King] 19:34:41
What's there currently? Uhâ€¦ And again, there were so many other comments that interested me and were concerning, like the dredging, um, and the impact on the bay, and umâ€¦ And the Berkeley Marina being turned into a parking lot, um, basically. I've been a user of that marina for a long time, and in various ways over the years, and it's a special, special place.

TR1.23-4

[Madeleine King] 19:35:12
Also concerning is something that NOAA first brought up, and then another person, I can't remember, Larry, maybe, um, the notion of, of.

[Madeleine King] 19:35:21
How do our comments make their way to the ears they need to make their way to? I also would be concerned that despite all of these comments, that it's just going to be pushed through anyway. I would hope that's not the case. And the other thing is, all of the people in Berkeley who don't know anything about.

TR1.23-5

[Madeleine King] 19:35:40
Those people who sit in their cars down there on Seawall Drive, and that somebody said they asked them if they knew anything about it. They don't know anything about it. It justâ€¦ it seemsâ€¦ I'm a post, and so I just want to register that. Thank you for the time.

[Liza McNulty, City of Berkeley] 19:35:57
Thank you, Madeleine. Okay.

[Liza McNulty, City of Berkeley] 19:36:05
If anyone sees someone who is indicating they'd like to make a comment, please do feel free to call that to my attention.

[Liza McNulty, City of Berkeley] 19:36:14
I don't see any other hands raised and looking to see other emojis to see if there are any hands floating.

[Liza McNulty, City of Berkeley] 19:36:25
So I believe we have reached everyone who would like to make a comment. So thank you, everyone, for participating in tonight.

[Liza McNulty, City of Berkeley] 19:36:36

The next steps will be for us to continue to receive comments through the public review period. And then as noted, we will be then working on the draft. I'm sorry, then working on the final document that will include.

[Liza McNulty, City of Berkeley] 19:36:53
Um, every comment that we receive in a response to that comment.

[Liza McNulty, City of Berkeley] 19:36:59
both verbally and and in writing. With that, I will wish you all a good evening. And again, thank you for your time.

[Camille] 19:37:18
Thank you.

[Kirk van Moon] 19:37:21
Thank you

[Paul Kamen] 19:37:26
Is there a next meeting planned for the community group?

[Liza McNulty, City of Berkeley] 19:37:31
Um, Paul, I don't have any specific meetings scheduled yet.

[Paul Kamen] 19:37:36
I was asking Camille, hoping she was still listening.

[Liza McNulty, City of Berkeley] 19:37:40
Sorry, I thought you were asking me. Well, I'll be quiet, um, and if Camille answers before the meeting ends.

[Paul Kamen] 19:37:48
I think she's off already.

[Liza McNulty, City of Berkeley] 19:37:50
All right.

/// END OF TRANSCRIPT ///

Verbal Comment TR1.1

Commenter: Paul Kamen

Date: March 16, 2026

Response to Comment TR1.1-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.1-2

The project design, including the proposed breakwater and the amount of fill and dredging required for the project, has been developed by qualified coastal engineering professionals based on site-specific studies, technical analyses, and engineering modeling prepared for the project. The design and supporting analyses are documented in the Coastal Study prepared by COWI, which evaluated wave conditions, sediment transport, operational requirements, and breakwater design criteria for the proposed ferry terminal. The comment does not provide evidence, engineering analyses, or other factual information demonstrating that the quantities of fill, dredging, or breakwater construction requirements described in the Draft EIR are underestimated.

With respect to the comment's concern regarding the cost of the breakwater, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

No further response is required.

Response to Comment TR1.1-3

Refer to Section 2.2.29, *Topical Response: Wind*, which discusses the engineering studies, wind and wave modeling, and design assumptions used to evaluate the proposed ferry facilities. As discussed therein, the ferry terminal, breakwater, gangway, and associated marine infrastructure were designed based on site-specific engineering analyses and are subject to detailed design review by qualified engineers and review by applicable permitting and regulatory agencies.

The comment expresses concern with the adequacy of the wind data and engineering assumptions used during project planning; however, the comment does not provide technical analyses demonstrating that the wind and wave studies relied upon for project design are inaccurate or that the proposed facilities would fail to perform under the design conditions evaluated for the project.

To the extent the comment concerns the engineering design, feasibility, or operational performance of the ferry facilities, those issues are engineering and design considerations rather than environmental impacts addressed under CEQA. The Draft EIR evaluates the physical environmental effects of constructing and operating the proposed project and relies on the project design and supporting technical studies prepared for the project.

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment TR1.1-4

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the data used to design the project. Based on the data, modeling, and design gathered and prepared by the City's licensed professional coastal engineers, updates to the design are not needed, and updated analysis on the amount of fill and dredging is not required. Pages 5-9 through 5-10 of the Draft EIR state the following: "The exact length of the breakwater under this Alternative would depend on future engineering to identify the shortened length that would still maintain the necessary safe harbor conditions for ferry vessels to

dock next to the proposed pier." Any reductions in the breakwater would maintain necessary safe harbor conditions. The comment does not identify a specific deficiency in the analysis presented. No revisions to the Draft EIR are required.

Response to Comment TR1.1-5

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the data used to design the project. Based on the data, modeling, and design gathered and prepared by the City's licensed professional coastal engineers, updates to the design are not needed, and updated analysis on the amount of fill and dredging is not required. The comment does not identify a specific deficiency in the analysis presented. No revisions to the Draft EIR are required.

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment TR1.1-6

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

To the extent the comment's reference to a more "economical" alternative reflects concerns regarding project costs or funding, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

The comment's preference for an in-marina ferry terminal location is noted and has been included in the project record considered by decision-makers. The comment expresses an opinion regarding project location and does not identify a deficiency in the Draft EIR's environmental analysis. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

Verbal Comment TR1.2

Commenter: Gordon Stout

Date: March 16, 2026

Response to Comment TR1.2-1

These statements provide background information. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.2-2

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking demand and adequacy. The Draft EIR evaluates whether project-related parking conditions would result in secondary physical environmental impacts and concludes that recreational access would be maintained. The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users. The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Response to Comment TR1.2-3

Refer to Section 2.2.20, *Topical Response: Parking,* which discusses parking supply and adequacy and Response to Comment TR1.2-2. The Draft EIR contains sufficient information to evaluate potential secondary environmental effects associated with parking and access consistent with CEQA requirements. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment TR1.2-4

Refer to Section 2.2.20, *Topical Response: Parking,* and Response to Comment TR1.2-2. The analyses and significance conclusions presented in the Draft EIR remain valid as written.

The commenter's opposition to the project is noted and has been included in the project record considered by City decision makers. However, the comment does not provide evidence demonstrating that the proposed parking management strategies would result in a secondary physical environmental impact or otherwise invalidate the analyses presented in the Draft EIR. Accordingly, no further response or revision to the Draft EIR is required.

Verbal Comment TR1.3

Commenter: Kirk van Moon

Date: March 16, 2026

Response to Comment TR1.3-1

These statements provide context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.3-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.3-3

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.24, *Topical Response: Seawall Drive/View Access.* The analyses and significance conclusions remain valid as written.

Verbal Comment TR1.4

Commenter: Shreyas Chand, Cal Sailing Club

Date: March 16, 2026

Response to Comment TR1.4-1

These statements are introductory in nature and provide context for subsequent comments. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.4-2

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* for discussion regarding sedimentation and siltation and impacts from the project. Refer to Section 2.2.29, *Topical Response: Wind,* regarding effects of the project on wind conditions and effects on nearby facilities including South Sailing Basin.

The analysis and significance conclusions presented in Draft EIR Sections 3.3, 3.8, and 3.11 remain valid as written, and no revisions to the Draft EIR are required.

Response to Comment TR1.4-3

Refer to Section 2.2.20, *Topical Response: Parking,* and to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance.*

As discussed therein, parking availability and parking convenience are not environmental impacts under CEQA in themselves. The Draft EIR evaluates whether project-related parking changes could result in secondary physical environmental impacts and concludes that recreational access would be maintained. In addition, Draft EIR Section 3.9, *Land Use and Planning*, evaluates consistency with applicable Bay Plan policies and concludes that the project would not conflict with those policies (see Impact LU-2, Table 3.9-1).

Because the Draft EIR does not identify a significant parking-related environmental impact, additional mitigation is not required under CEQA. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment TR1.4-4

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Wind Shelter Effects of Tree and Berm Removal), for discussion concerning CEQA and wind. No revisions to the EIR are required. No further response is required.

Response to Comment TR1.4-5

The Draft EIR discusses the impacts of ferry wake and Section 3.8.4. Impacts Analysis on page 3.8-33, and wave action and sea level rise concerns are addressed in Section 3.8.4 page 3.8-40. Drainage patterns alteration and erosion are addressed in Section 3.8.4 page 3.8-43 and 3.3-44. See Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for further discussion of sediment transport and siltation. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.4-6

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.5

Commenter: Sally Tobin

Date: March 16, 2026

Response to Comment TR1.5-1

The Draft EIR acknowledges the Berkeley Waterfront as a heavily used recreational resource in Section 3.11.2, *Environmental Setting*, and evaluates whether the project would adversely affect these uses in Section 3.11.4. The analysis concludes that the project would maintain and enhance recreational opportunities and access (Impact REC-1). Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding existing recreational uses and analysis of impacts.

The comment does not identify a specific environmental impact or deficiency in the analysis presented. Accordingly, the analysis and significance conclusions in Section 3.11, *Recreation*, remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.5-2

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking supply and demand. The Draft EIR evaluates the proposed project and concludes that project-related parking conditions would not result in significant environmental impacts. The suggestions to use remote parking facilities and shuttle services have been included in the project record considered by City decision makers. The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Response to Comment TR1.5-3

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to parking availability, parking management, and recreational access.

The comment does not identify a deficiency in the environmental analysis presented in the Draft EIR. No revisions to the Draft EIR are necessary.

Verbal Comment TR1.6

Commenter: David

Date: March 16, 2026

Response to Comment TR1.6-1

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

Accordingly, the analysis and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.6-2

The comment appears to reference the parking along Seawall Drive. Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for a discussion of parking in this location. Refer also to Section 2.2.20, *Topical Response: Parking,* for a discussion regarding the analysis of parking under CEQA.

Response to Comment TR1.6-3

Section 3.11, *Recreation*, evaluates whether the project would physically restrict access to recreational resources and concludes that access would be maintained and enhanced (Impact REC-1). Section 3.12, *Transportation*, evaluates parking and circulation, consistent with CEQA requirements.

For additional discussion of shoreline access and regulatory framework for water uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* respectively. For further clarification regarding parking considerations, refer to Section 2.2.20, *Topical Response: Parking.*

The comment raises concerns related to access and user experience but does not demonstrate that the project would result in a physical loss or degradation of recreational resources under CEQA.

Accordingly, the analyses and significance conclusions presented in Sections 3.11 and 3.12 of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.6-4

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.7

Commenter: Emilie Strauss

Date: March 16, 2026

Response to Comment TR1.7-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.7-2

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Response to Comment TR1.7-3

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking availability, parking-related secondary effects, and compliance with CEQA requirements. As discussed therein, the Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts and concludes that no significant parking-related environmental impacts would occur.

With respect to ferry operations, the Draft EIR evaluates operational impacts associated with vessel movement, navigation, transportation safety, biological resources, hydrology and water quality, noise, recreation, and other environmental issue areas throughout Chapter 3. Refer to the Topical Responses related to Loss of Control, Electric Ferry, and Ferry Operations for additional discussion of ferry vessel operations, navigation, maneuverability, safety considerations, and operational assumptions incorporated into the environmental analysis.

The comment does not identify a deficiency in the environmental analysis or provide evidence demonstrating that the project scope is inadequate for purposes of CEQA review. Accordingly, the analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment TR1.7-4

The proposed increase in ferry trips would be incremental relative to existing vessel operational levels in San Francisco Bay. Stating that a direct population-level impact from this project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4, Impacts Analysis under Impact BIO-4, pages 3.3-63 through 3.3-62, and concludes that impacts would be less than significant. In addition, see Response to Comment O7-17 for a discussion of ferry operation impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-5

The Draft EIR addresses impacts to wildlife movement in Section 3.3.4 Impacts analysis. See Response to Comment O7-17 for a discussion of ferry operation impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-6

The Draft EIR addresses impacts to nesting birds in Section 3.3.4 Impacts Analysis (page 3.3-51). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-7

Impacts to nesting birds are analyzed in Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-44), which concludes impacts to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(c), and AES-1. In addition, see Response to Comment O9-5 for a discussion related to osprey. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-8

The Draft EIR evaluates impacts due to in-water construction activities, including dredging and pile installation, in Section 3.3.4 Impacts Analysis (pages 3.3-45 through 3.3-50) and concludes impacts would be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(d), and HYD-1. Additionally, dredging would occur within an existing U.S. Army Corps of Engineers channel that was previously dredged, and the project-related dredge depth would result in only short-term temporary impacts to water quality and benthic infaunal communities. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-9

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Based on the best available data, there are no documented occurrences of eelgrass within the project site. No revisions to the EIR are necessary.

Response to Comment TR1.7-10

See Response to Comment O9-3 for discussion of reconnaissance survey adequacy. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-11

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.8

Commenter: Camille Antinori, Berkeley Waterfront Community Coalition

Date: March 16, 2026

Response to Comment TR1.8-1

These statements provide background and context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.8-2

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking supply, parking management, and the role of parking under CEQA. Refer also to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* regarding modifications to Seawall Drive and continued public access to waterfront recreational resources.

The Draft EIR includes a description of the proposed project and associated parking improvements in Chapter 2, *Project Description*, including the reconfiguration of parking facilities within the project site and replacement of existing parking spaces as part of the Seawall Drive parking lot improvements (see Section 2.5, *Proposed Project Components*). The environmental analysis evaluates the proposed project based on the project description presented in the Draft EIR and assesses whether project-related parking changes could result in secondary physical environmental impacts. Consistent with CEQA Guidelines, parking availability is not considered an environmental impact in itself; rather, the relevant inquiry is whether parking-related changes could result in physical environmental effects. Accordingly, the Draft EIR evaluates potential effects on recreational access, recreational facility use, transportation, and plan consistency. As discussed in Sections 3.9, *Land Use and Planning* (Impact LU-2), 3.11, *Recreation* (Impact REC-1), and 3.12, *Transportation* (Impact TRA-2), the Draft EIR concludes that project implementation would not result in physical deterioration of recreational facilities, would maintain recreational access, and would not result in significant parking-related environmental impacts.

To the extent that the commenter references differing parking counts contained in other planning or conceptual project documents, those references do not alter the project description evaluated in the Draft EIR or demonstrate a deficiency in the environmental analysis. The Draft EIR evaluates the proposed project as described in Chapter 2 and provides sufficient information to assess the environmental impacts associated with parking and access under CEQA.

Accordingly, the analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment TR1.8-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.8-4

Refer to Response to Comment O10-202, which explains that the Draft EIR does not assume that no development or improvements could ever occur elsewhere within the project vicinity. As described therein, the Draft EIR has been revised to indicate that, under the No Project Alternative, reasonably foreseeable projects identified in Table 3-1 would continue to be implemented independent of the proposed project and, Draft EIR Table 3-1 identified some but not all potential pieces of the Bay Trail Extension(e.g., the Cesar Chavez Path). Accordingly, Table 3-1 has been revised to also include the Bay

Trail Extension in the Berkeley Marina as a reasonably foreseeable cumulative project, as it is described in the Bay Trail Extension To The Berkeley Marina Design Plan and Final Initial Study/Mitigated Negative Declaration prepared by the City of Berkeley Department of Parks, Recreation, and Waterfront in 2003.[62] Rrefer to Response to Comment O10-43, which includes this revision. The clarification presented under Responses to Comments O10-43 and O10-202 do not alter the conclusions of the No Project Alternative analysis presented in Draft EIR Chapter 5, *Alternatives*. Construction-related impacts under the No Project Alternative would remain less than those associated with proposed project implementation, because the ferry terminal, reconstructed pier, breakwater, ferry operations, and associated landside improvements would not be developed. The operational comparison presented in Chapter 5 similarly remains valid, because the No Project Alternative would not provide the proposed ferry service or associated transportation improvements that would improve regional connectivity and reduce reliance on single-occupancy vehicle travel. The clarification also does not alter the cumulative impact analysis. The Bay Trail Extension project would complement existing and planned recreational and active transportation facilities within the Berkeley Waterfront by improving connectivity and public access. Operationally, implementation of the Bay Trail Extension would support walking and bicycling opportunities and would not result in new significant cumulative operational impacts. Construction of the Bay Trail Extension would be comparatively limited in scale and duration and would not materially change the Draft EIR conclusions regarding cumulative construction impacts.

This clarification does not change the impact analysis or conclusions of the No Project Alternative. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.8-5

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which explains that the Draft EIR includes the reopening of a restaurant at 199 Seawall Drive as a cumulative project. Refer to Response to Comment P36-108 for a discussion about this cumulative project, as it relates to parking.

Regarding the comment about the No Project Alternative, refer to Response to Comment O10-130.

The analysis and significance conclusion presented under Impact the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment TR1.8-6

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment TR1.8-7

As discussed in Draft EIR Chapter 5, *Alternatives*, the City developed and screened alternatives based on their ability to feasibly attain most of the project's basic objectives while potentially reducing environmental impacts. The alternatives evaluated in the Draft EIR and the rationale for eliminating other alternatives from detailed consideration are described in Chapter 5 and are discussed further in Section 2.2.2, *Topical Response: Alternatives*.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

[62] Berkeley, City of. 2003. Bay Trail Extension To The Berkeley Marina Design Plan and Final Initial Study/Mitigated Negative Declaration. https://ceqanet.lci.ca.gov/2003092068 (accessed September 2026).

Response to Comment TR1.8-8

The comment is noted. However, because no supporting arguments, data, or analysis were provided to substantiate these statements, a substantive response is unable to be prepared. Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Based on the best available data, there are no documented occurrences of eelgrass within the project site. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Verbal Comment TR1.9

Commenter: Edward S.

Date: March 16, 2026

Response to Comment TR1.9-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.9-2

Transportation impacts under CEQA are evaluated consistent with CEQA Guidelines Section 15064.3 and applicable Office of Planning and Research guidance, which focus on vehicle miles traveled (VMT) rather than congestion or level of service. As discussed in Draft EIR Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment Memorandum*, the project's transportation impacts were evaluated using the methodology required under current CEQA requirements. The Draft EIR concludes that the project would not result in a significant transportation impact under CEQA and would contribute to a reduction in regional VMT.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment TR1.9-3

The comment does not provide specific questions regarding the Draft EIR air quality analysis nor provide additional information to inform the analysis. Impacts related to air quality are discussed in detail in Draft EIR Section 3.2 Air Quality. The analysis concludes that air quality impacts would be reduced to less than significant levels with the implementation of Mitigation Measure AQ-1 (see Impacts AQ-1 through AQ-4 on pages 3.2-25 through 3.2-35). The Draft EIR air quality significance conclusions and mitigation measures remain the same, and no Draft EIR text changes are necessary in response to this comment.

Response to Comment TR1.9-4

Roadway safety is evaluated in Draft EIR Section 3.12, *Transportation*, under Impact TRA-3. As discussed therein, the project would not substantially increase hazards due to a geometric design feature or incompatible uses and would not result in a significant transportation safety impact. The analysis considered project-generated traffic, circulation patterns, and proposed multimodal improvements, including bicycle and pedestrian facilities. The analysis and significance conclusion presented under Impact TRA-3 remain valid as written. No revisions to the Draft EIR are necessary.

Response to Comment TR1.9-5

University Avenue is currently subject to posted speed limits and existing traffic control measures. In addition, the project includes multimodal transportation improvements intended to improve pedestrian, bicycle, transit, and vehicle circulation. As discussed under Impact TRA-3 in Draft EIR Section 3.12, *Transportation*, the proposed project would not introduce roadway features that would create a transportation safety hazard. Enforcement of traffic laws and management of vehicle speeds are ongoing City operational responsibilities and are not environmental impacts of the proposed project requiring mitigation under CEQA. The Draft EIR remains valid as written.

Response to Comment TR1.9-6

Roadway safety is evaluated under Impact TRA-3 in Draft EIR Section 3.12, *Transportation*. As discussed therein, the project would comply with applicable City and State design standards and would not introduce roadway features that would adversely affect the safety of motorists, bicyclists, pedestrians, transit users, or other roadway users. In addition, Draft EIR Section 3.11, *Recreation*, evaluates whether the project would increase the use of existing recreational facilities such that substantial physical deterioration would occur or require the construction or expansion of recreational facilities. The Draft EIR concludes that operation of the project would maintain and enhance recreational opportunities and access and would not result in a significant impact to existing recreational facilities (Impact REC-1). Concerns regarding changes in user experience or the recreational character of the Waterfront are not, by themselves, environmental impacts under CEQA. Accordingly, no significant transportation safety impact or significant operational recreation impact has been identified that would require mitigation.

The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Verbal Comment TR1.10

Commenter: Geoff Lomax

Date: March 16, 2026

Response to Comment TR1.10-1

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment TR1.10-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless, the comment has been included in the project record provided to decision makers for consideration. No further response or revisions to the EIR are required.

Response to Comment TR1.10-3

Refer to Response to Comment O2-2 and Section 2.2.27, *Topical Response: VMT,* for discussion regarding transit-to-transit mode shifts, regional transportation assumptions, and the transportation analysis prepared for the project. The analyses and conclusions presented in the Draft EIR remain valid as written. No further revisions are necessary.

Response to Comment TR1.10-4

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Verbal Comment TR1.11

Commenter: Bill Feucht

Date: March 16, 2026

Response to Comment TR1.11-1

The Draft EIR evaluates operational impacts to the Bay in Section 3.3.4 Impacts Analysis, starting on page 3.3-39. See Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion regarding how the EIR does not need to address Baywide ferry route impacts that were previously addressed in the 2003 WETA EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.11-2

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for more information about this topic. No further response is required.

Response to Comment TR1.11-3

Because no supporting arguments, data, or analysis were provided to substantiate the comment statements, a substantive response is unable to be prepared. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment TR1.11-4

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.11-5

To the extent the comment concerns the cumulative environmental effects of existing and reasonably foreseeable future ferry projects, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which discusses the methodology used to identify cumulative projects and evaluate cumulative impacts consistent with CEQA Guidelines Section 15130. As explained therein, the Draft EIR evaluates the project's incremental contribution to cumulative impacts in combination with past, present, and reasonably foreseeable probable future projects. The Draft EIR also considers regional ferry planning documents where appropriate and incorporates relevant information from the Water Emergency Transportation Authority (WETA) planning efforts and the 2003 WETA EIR.

The comment appears to request information regarding future regional ferry planning and the long-term expansion of ferry service in San Francisco Bay. To the extent the comment concerns future policy decisions or service expansion plans that are outside the scope of the proposed project, such issues do not identify a deficiency in the environmental analysis presented in the Draft EIR. The Draft EIR evaluates the environmental impacts associated with the proposed Berkeley Water Transportation Pier Ferry Project based on the project description and reasonably foreseeable future conditions.

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment TR1.11-6

Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required.

Verbal Comment TR1.12

Commenter: Julie Allen

Date: March 16, 2026

Response to Comment TR1.12-1

These statements provide background information and context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.12-2

The Draft EIR discusses the 199 Seawall launch point on page 3.11-7 of the Draft EIR. Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

Response to Comment TR1.12-3

The Draft EIR describes existing recreational uses at the Berkeley Waterfront, including both formal and informal activities, in Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7). These include walking, picnicking, boating, and water-based recreation such as sailing, kayaking, and wind-based sports. As discussed in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), the impact analysis evaluates whether the proposed project would result in a physical loss of recreational resources or restrict access and concludes that the project would maintain and enhance recreational opportunities and access (Impact REC-1).

For additional discussion of on the ground recreational uses, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*; Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* regarding continuation of existing uses and access points; and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding permitted uses.

The Draft EIR does not identify a significant conflict between project implementation and recreational use. In addition, the comment does not identify a specific deficiency in the Draft EIR's analysis or demonstrate how the project would result in a physical impact to recreational resources. Accordingly, the analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.12-4

Refer to Sections 1.2.2, *Public Outreach*, 1.2.4, *EIR Notice of Preparation*, and 1.5, *Environmental Review Process*, of the Draft EIR for a summary of the public outreach conducted between 2021 and 2025. Additionally, the Draft EIR public comment period was held from February 27, 2026, to April 26, 2026, a total of 60 days.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Verbal Comment TR1.13

Commenter: Erin Diehm

Date: March 16, 2026

Response to Comment TR1.13-1

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Response to Comment TR1.13-2

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment TR1.13-3

The Draft EIR evaluates operational impacts to the Bay in Section 3.3.4 Impacts Analysis, starting on page 3.3-39. See also Section 2.2.2, *Topical Response: Alternatives*, for a discussion of project objectives and scope of the Draft EIR. Because no supporting arguments, data, or analysis were provided to substantiate the comment statements, a substantive response is unable to be prepared. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment TR1.13-4

The Draft EIR evaluates operational impacts to the Bay and impacts to nesting birds in Section 3.3.4 Impacts Analysis, starting on page 3.3-39. Because no supporting arguments, data, or analysis were provided to substantiate these statements, a substantive response is unable to be prepared. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment TR1.13-5

A reconnaissance-level field survey, when combined with targeted database and literature review and the application of standard CEQA avoidance/minimization measures, provides sufficient, project-specific information to map and evaluate potential species habitats and sensitive biological resources and to support the CEQA impact analysis. CEQA requires enough information to evaluate environmental effects and to adopt feasible mitigation; it does not require exhaustive scientific research or the generation of new baseline science beyond what is necessary to make an informed determination. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.13-6

This is not an accurate statement. The Draft EIR considers the potential impacts from construction, operation, and maintenance of the proposed project. As an example, refer to Impact Discussion AES-1 in Section 3.1.4, *Impacts Analysis*, of the Draft EIR. This section, like others throughout the document, separates the impact discussion into two separate headings – one for construction and one for operation. No further response is required.

Response to Comment TR1.13-7

The CEQA significance thresholds for energy consumption do not have requirement for comparing efficiencies from one form of transit to another. The project as proposed is not anticipating replacing existing forms of transit but rather including an additional option to remove passenger vehicles from the roadways. The current bus and BART operations would continue with or without the project, and the implementation of the project would not require or result in a change in trips of these alternate modes of transit. Therefore, the energy consumption from buses and BART would continue consistent with what they are consuming today. Therefore, the analysis of the project in isolation of an energy efficiency comparison with other forms of transit is accurate. Further, Draft EIR Alternatives (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected as they did not meet the project objective of provision of all-electric ferry service between Berkeley and San Francisco. The analysis in the Draft EIR accurately analyzes energy consumption with respect to CEQA and Bay Area Air District methodologies and thresholds (see methodology approach discussion on Draft EIR page3.6-30 and specific thresholds of significance on Draft EIR page 3.6-33). Therefore, additional analysis is not required. No Draft EIR changes are necessary in response to this comment.

Response to Comment TR1.13-8

See Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.13-9

The project-related increase in ferry trips would be incremental relative to existing vessel operational levels in San Francisco Bay. Stating that a direct population-level impact from this project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4 Impacts analysis. In addition, see Response to Comment O7-17 for a discussion of impacts of ferry service on waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.13-10

Refer to Impact HYD-1 in Section 3.8 *Hydrology and Water Quality* of the Draft EIR (pages 3.8-33 to 3.8-34) for a discussion of water quality impacts from the operation of ferry vessels. Impact HYD-1 found that the water quality impacts from the operation of ferry vessels would be less than significant with compliance with existing regulations. The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality* remains valid as written.

The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality,* remain valid as written. No further revisions to the EIR are necessary.

Response to Comment TR1.13-11

The Draft EIR evaluates impacts due to dredging and pile installation and provides mitigation measures in Section 3.3.4 Impacts Analysis on pages 3.3-45 through 3.3-50 Specifically, Mitigation Measure BIO-1(d) would require aquatic species avoidance techniques and would reduce construction-related (including dredging and pile driving) impacts to less than significant with mitigation. Additionally, dredging would occur primarily within a former U.S. Army Corps of Engineers channel, which was previously dredged, and the proposed design dredge depth would result in only short-term temporary impacts to water quality and benthic infaunal communities. In addition, see Response to Comment O5-36 for a discussion of impacts of dredging on aquatic habitat and Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a

discussion of maintenance dredging No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.13-12

Please refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which clarifies that the development of 26 ferry terminals is not a cumulative impact.

Regarding the comment's suggestion to reallocate project funding to existing transit agencies, CEQA does not require the evaluation of funding allocation, fiscal policy decisions, or the comparative prioritization of unrelated public infrastructure investments. As explained in Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* economic considerations and funding decisions are not environmental impacts under CEQA and are outside the scope of environmental analysis. Such considerations are appropriately addressed by decision-makers as part of the broader project approval process, rather than as part of the environmental impact analysis. As described in Chapter 2, *Project Description*, of the Draft EIR, the project includes multimodal access improvements, including enhancements to pedestrian, bicycle, and transit infrastructure, and improvements to AC Transit facilities serving the project site (refer to Draft EIR Section 2.5.2). Additionally, one of the stated project objectives is to improve regional connectivity and provide efficient, environmentally friendly, zero-emission ferry service that supports multimodal transportation options and reduces reliance on single-occupancy vehicle travel (refer to Draft EIR Section 2.3).

The Draft EIR adequately evaluates cumulative impacts consistent with CEQA requirements and appropriately scopes the analysis to environmental issues. Therefore, the analysis, significance determinations, and mitigation measures remain valid as presented, and no revisions to the Draft EIR are necessary in response to this comment.

Verbal Comment TR1.14

Commenter: Jim McGrath

Date: March 16, 2026

Response to Comment TR1.14-1

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. CEQA does not require quantitative analysis in all cases. In general, an EIR must provide substantial evidence and a good-faith effort at full disclosure, which may be quantitative or qualitative. Nonetheless, quantitative analyses are provided throughout the Draft EIR, including in the Air Quality, Biological Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Recreation, and Transportation sections. No further response is required.

Response to Comment TR1.14-2

This is incorrect. BCDC scoping comments were considered and addressed throughout the Draft EIR. Section 1.2.4, *EIR Notice of Preparation*, and Table 1-1, *EIR Scoping Comments and EIR Location Information*, of the Draft EIR, provides a summary of the scoping comments received during the 2025 notice of preparation public review period and where in the Draft EIR the comments were addressed by the City. Page 1-7 of the Draft EIR identifies the a summary of the comments raised by BCDC, as well as the sections of the Draft EIR where those scoping comments were considered.

Throughout the CEQA process, the City has engaged with relevant regulatory agencies to address those potential concerns in the Draft EIR. During the scoping period, the City held an interagency meeting on May 8, 2025, with staff from the U.S. Army Corps of Engineers, RWQCB, and CDFW who provided their input on the project. In addition, the City has presented the project to the BCDC Design Review Board on three dates (May 12, 2025, November 3, 2025, and May 11, 2026), as well as the Engineering Criteria Review Board on two dates (February 26, 2025, and May 27, 2026).

No further response is required.

Response to Comment TR1.14-3

Impacts on biological resources from dredging are addressed in Section 3.3, *Biological Resources* of the Draft EIR. Specifically, refer to Impact BIO-1 and 3, which includes specific subheadings that discuss potential dredging impacts (refer to subsection “Pile Driving and Dredging Water Quality” on page 3-45 and 3-50, “Dredging Noise” on page 3-46 and 3-50, and “Fill and Dredging Impacts” on page 3.3-59.

Regarding the comment on impacts to fishing, refer to Response to Comment O10-135.

Because no supporting arguments, data, or analysis were provided to substantiate these statements, a substantive response is unable to be prepared. No further response is required.

Response to Comment TR1.14-4

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of how the Draft EIR adequately considered alternatives in its Draft EIR.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.14-5

The comment incorrectly characterizes the mitigation included in the Draft EIR. The comment appears to be referencing mitigation that include the development of plans, such as Mitigation Measure BIO-3. Refer

to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for a discussion about how the mitigation in the Draft EIR is compliant with CEQA requirements.

To the extent the comment raises concerns regarding parking availability and the potential displacement of recreational users by ferry patrons, refer to Section 2.2.20, *Topical Response: Parking*.

The Draft EIR adequately addresses both mitigation requirements and parking-related concerns. The analyses and conclusions presented in the Draft EIR remain valid as written. Therefore, no revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.14-6

The statement that the project would reduce parking to seven parking spaces is not supported by the Draft EIR, which states in Chapter 2, *Project Description*, that the project would replace the 404 total existing parking spaces, including the 320 spaces at Seawall Drive, with 400 to 450 new parking spaces pending final design (see Section 2.5, *Proposed Project Components*, page 2-18), and states that the project would maintain a shared-use approach to maintain parking availability for both recreational users and ferry patrons (see Impact LU-2, Table 3.9-1).

Refer to Section 2.2.20, *Topical Response: Parking,* for further discussion regarding parking availability, parking management, and the role of parking under CEQA. For additional discussion regarding parking along Seawall Drive and continued public access, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access.* As discussed therein, parking availability and parking convenience are not environmental impacts under CEQA in themselves. The Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts, including restrictions on access to recreational resources. The Draft EIR concludes that recreational access would be maintained and that implementation of the project would not result in a significant impact to recreational resources or access. The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Response to Comment TR1.14-7

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment TR1.14-8

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

To the extent the comment's reference to a project costs, operating subsidies, and funding priorities reflects concerns regarding project costs or funding, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

The comment's preference for an in-marina ferry terminal location is noted and has been included in the project record considered by decision-makers. The comment expresses an opinion regarding project location and does not identify a deficiency in the Draft EIR's environmental analysis. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.14-9

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Verbal Comment TR1.15

Commenter: Zora Whitfield

Date: March 16, 2026

Response to Comment TR1.15-1

Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7), describes existing recreational conditions at the Berkeley Waterfront, including the range of user groups, activities, and locations where recreation occurs. This includes both land-based and water-based uses and reflects the environmental baseline used for impact analysis. The level of detail provided is consistent with CEQA requirements, which require a reasonable description of baseline physical conditions sufficient to evaluate environmental impacts. For discussion of baseline recreational conditions and CEQA requirements, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The comment does not identify specific deficiencies in the baseline description or demonstrate how additional detail would change the impact analysis or conclusions. Accordingly, the analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.15-2

The Draft EIR evaluates the environmental impacts of the proposed project on recreation, transportation, biological resources, noise, and other CEQA Guidelines Appendix G resource areas throughout Chapter 3, *Environmental Impact Analysis*. As discussed in Draft EIR Section 3.11, *Recreation*, the project would result in a net increase in recreational facilities and opportunities at the Berkeley Waterfront, including a restored public-access pier, public-access breakwater, Bay Trail Extension, cycle track, public plaza, and related amenities (see Section 3.11.4, *Impacts Analysis*, Impact REC-1).

Additionally, Draft EIR Chapter 5, *Alternatives*, evaluates alternatives and compares their ability to meet the project's objectives while reducing environmental impacts. As discussed in Section 5.5, *No Project Alternative*, the No Project Alternative would not provide ferry service, public access improvements, or recreational enhancements because the existing pier would remain closed and continue to deteriorate. The Draft EIR further concludes that the No Project Alternative would generally result in greater impacts related to air quality, greenhouse gas emissions, land use and planning, and transportation because it would not provide the transportation and environmental benefits associated with the proposed ferry service. Section 5.10, *Environmentally Superior Alternative*, also concludes that Alternatives 2 through 4 would provide public access and recreational benefits, but to a lesser extent than the proposed project. Accordingly, the Draft EIR specifically evaluates whether the project's objectives can be achieved through alternatives with reduced facilities or through the No Project Alternative and concludes that those alternatives either would not meet the project's basic objectives or would do so to a lesser extent than the proposed project.

To the extent the comment is suggesting a restored pier without ferry service, please refer to Response to Comment O10-215. As discussed therein, the City considered a "No Ferry Service with New Pier Alternative" but did not carry it forward for detailed analysis because it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco.

The comment does not identify a deficiency in the Draft EIR's environmental analysis or alternatives analysis, but instead questions whether ferry service is necessary to achieve the project's objectives. The Draft EIR evaluates that question through its analysis of the No Project Alternative, the reduced-feature action alternatives, and alternatives considered but rejected, and concludes that the proposed project best achieves the project's objectives while providing greater public access and recreational benefits and transportation-related environmental benefits than the alternatives considered. Therefore, the analysis

and conclusions presented in Chapter 5, *Alternatives*, remain valid as written, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.15-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.15-4

As noted in Chapter 1, *Introduction*, the City led several public outreach efforts with various groups within the Berkeley community, prior to preparation of the Draft EIR (refer to Draft EIR Section 1.1.2, *Public Outreach*). These efforts, which involved engagement with Marina liveaboard residents, helped the City to refine the project design and identify key issues to address in the Draft EIR. As noted in the comment, the presence of liveaboard residents is included in the environmental setting presented in Draft EIR. Further, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding construction and operation impacts on the entire marina community, including liveaboard residents. The City of Berkeley maintains standards relating to pedestrian access during construction projects, which would require safe and accessible paths of travel for pedestrians throughout the construction period. Prior to the beginning of construction, the contractor will be required to implement the traffic control plan. Adopted standards require that recreational and vehicular access be maintained during construction to the maximum extent feasible. Accordingly, construction traffic control plans would maintain, to the maximum extent feasible: (1) vehicular and recreational access to the South Cove area; (2) vehicular access along University Avenue to Seawall Drive; and (3) access to the Bay Trail and adjacent recreational areas. Pedestrian access along Seawall Drive and the shoreline would be maintained except when actual construction of the Bay Trail was occurring, and pedestrian detours would be provided during those periods.

With regard to operations, the Draft EIR for the proposed project evaluates project-specific and proximate environmental effects associated with ferry operations at the Berkeley Waterfront using representative operational assumptions (see Chapter 2, Section 2.7). These analyses focus on nearshore and localized conditions, including terminal approach and docking, vessel presence within the project viewshed, and project-related contributions to vessel traffic in the immediate vicinity. As described in Section 3.3, *Biological Resources*, and 3.8, *Hydrology and Water Quality*, the Draft EIR concludes that operational impacts associated with ferries, including vessel traffic, underwater noise, wake, and water quality effects would be less than significant or less than significant with mitigation (see Sections 3.3.4 and 3.3.5).

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required. The City will continue public outreach and engagement efforts as the project progresses through implementation.

Response to Comment TR1.15-5

Refer to Section 1.5, *Environmental Review Process*, of the Draft EIR for a summary of the CEQA process and where public input could be garnered. Future additional opportunities to provide input after the CEQA process could be possible during the permitting phase of the proposed project, but would be separate from the CEQA comment period altogether and is not defined in the EIR as it would not pertain to CEQA. No further response is required. Generally, this comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.15-6

Refer to Sections 1.2.2, *Public Outreach*, 1.2.4, *EIR Notice of Preparation*, and 1.5, *Environmental Review Process*, of the Draft EIR for a summary of the public outreach conducted between 2021 and 2025.

Additionally, the Draft EIR public comment period was held from February 27, 2026 to April 26, 2026, a total of 60 days.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.15-7

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Response to Comment TR1.15-8

The Draft EIR identifies mitigation measures in accordance with CEQA Guidelines Section 15126.4 and presents them in Table ES-1 and throughout Chapter 3, including clear descriptions of performance standards and implementation actions. As shown within Table ES-1 (refer to Draft EIR, *Executive Summary*, pages ES-5 through ES-15) and throughout Chapter 3, *Environmental Impact Analysis*, in the Draft EIR, mitigation measures reduce impacts to less than significant levels in most cases. Where impacts remain significant, the Draft EIR clearly identifies them as such, consistent with CEQA's disclosure requirements. Mitigation measures are formulated to achieve standards that reduce impacts, consistent with CEQA Guidelines Section 15126.4(a)(1), and reflect substantial evidence in the record, regulatory compliance measures, industry best practices, and the professional judgment of qualified subject-matter experts. Regarding accountability, the City of Berkeley, as lead agency, would adopt a Mitigation Monitoring and Reporting Program (MMRP) at the time of Final EIR certification to ensure implementation of all mitigation measures, as required by CEQA Guidelines Section 15097.

Accordingly, mitigation measures in the Draft EIR are supported by substantial evidence, grounded in accepted professional practice and regulatory standards, and consistent with CEQA requirements. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid. No revisions to the EIR are required.

Verbal Comment TR1.16

Commenter: Kelly Hammargren

Date: March 16, 2026

Response to Comment TR1.16-1

See Section 2.2.2, *Topical Response: Alternatives*, for a discussion of Draft EIR scope and Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of wave climate and breakwater effects beyond the project site. In addition, because no supporting arguments, data, or analysis were provided in the comment to substantiate statements with respect to breakwater impacts on aquatic resources, a substantive response is unable to be prepared. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.16-2

Refer to Section 2.2.27, *Topical Response: VMT*, for discussion regarding ridership assumptions, transit-to-transit mode shifts, and the basis for the transportation analysis conducted in the Draft EIR. The Draft EIR remains valid as written. No further revisions are necessary.

Verbal Comment TR1.17

Commenter: Noah Sudarsky

Date: March 16, 2026

Response to Comment TR1.17-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.17-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.18

Commenter: Toni Mester

Date: March 16, 2026

Response to Comment TR1.18-1

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Response to Comment TR1.18-2

Based on the best available information, the Draft EIR has identified environmental impacts from the proposed project that range from no impact to significant and unavoidable impacts. Refer to page 4-1 of the Draft EIR, which identifies that the project would result in significant and unavoidable impacts related to construction noise.

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment TR1.18-3

Transportation impacts under CEQA are evaluated consistent with CEQA Guidelines Section 15064.3 and applicable Office of Planning and Research guidance, which focus on vehicle miles traveled (VMT) rather than congestion or level of service. As discussed in Draft EIR Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment Memorandum*, the project's transportation impacts were evaluated using the methodology required under current CEQA requirements. The Draft EIR concludes that the project would not result in a significant transportation impact under CEQA and would contribute to a reduction in regional VMT.

Refer to Section 2.2.27, *Topical Response: VMT*, for discussion of ridership forecasts, mode split assumptions, regional travel behavior, and transit-to-transit mode shifts. The analyses and conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary.

Response to Comment TR1.18-4

Refer to Impact HYD-3 in Section 3.8, *Hydrology and Water Quality* of the Draft EIR (pages 3.8-36 to 3.8-39), which found that the proposed project would result in less than significant impacts related to drainage patterns. The analysis and significance conclusion presented under Impact HYD-3 in Section 3.8, *Hydrology and Water Quality* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment TR1.18-5

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment TR1.18-6

Regarding the San Pablo Avenue Specific Plan and construction projects occurring in West Berkeley, the Draft EIR identifies and evaluates cumulative projects consistent with CEQA Guidelines Section 15130 and based on the methodology described in Chapter 3, *Environmental Impact Analysis*. As discussed in

Section 2.2.9, *Topical Response: Cumulative Impacts*, cumulative projects were identified based on publicly available information and evaluated according to the geographic scope and impact pathways applicable to each environmental resource topic. The Draft EIR does not include every project occurring within the City of Berkeley; rather, it includes projects that are reasonably foreseeable and that could combine with the proposed project to contribute to a particular cumulative environmental effect.

The San Pablo Avenue Specific Plan area is located inland and outside of the Berkeley Waterfront and project vicinity. The comment has not identified a specific project within the San Pablo Avenue Specific Plan area that would combine with the proposed project to result in a cumulative environmental impact. Moreover, because cumulative impacts are evaluated separately for each resource area based on the relevant geographic scope of potential impacts, inland development occurring along the San Pablo Avenue corridor would generally not combine with the proposed project's waterfront-related impacts involving resources such as recreation, biological resources, hydrology and water quality, waterfront access, or shoreline conditions. Accordingly, the City determined that the San Pablo Avenue Specific Plan did not constitute a cumulative project requiring inclusion in Draft EIR Table 3-1. For additional discussion regarding the cumulative impact assessment methodology, including the criteria used to identify and evaluate cumulative projects, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*.

With respect to the comment's preference for recreational improvements in lieu of ferry service, the Draft EIR recognizes the importance of recreational resources and evaluates both existing conditions and project-related changes in detail. As described in Chapter 2, *Project Description*, the proposed project includes substantial recreational enhancements, including a new publicly accessible pier, public plaza, Bay Trail improvements, bicycle and pedestrian facilities, and related amenities designed to improve public access to the waterfront (see Draft EIR Section 2.5.2). The environmental effects of these improvements are fully analyzed in the Draft EIR.

As discussed in Section 3.11, *Recreation*, the City currently maintains a high ratio of parkland and open space relative to population (34.5 acres per 1,000 residents, see Draft EIR page 3.11-1), and even with projected population growth, the City's park acreage per resident would remain well above established City targets. As analyzed under Impact REC-1, assuming an estimated population of 141,000 residents by 2040, the citywide parkland to persons ratio would be 31.6 acres per 1,000 residents, approximately eighteen times the established City target of at least 2 acres of parkland per 1,000 residents (see Draft EIR page 3.11-19).

The proposed project does not present a binary choice between recreation and transit improvements. Rather, it is designed to achieve multiple, complementary objectives, including expanding recreational opportunities at the waterfront while also providing new zero-emission ferry service and improving multimodal access (see Draft EIR Section 2.3, *Project Objectives*). As such, the project would both enhance recreational resources and contribute to regional transportation goals, consistent with the City's broader planning objectives.

Accordingly, the Draft EIR adequately evaluates cumulative impacts and recreational effects consistent with CEQA, and no revisions to the analysis are required in response to this comment.

Verbal Comment TR1.19

Commenter: Larry Molstein

Date: March 16, 2026

Response to Comment TR1.19-1

These introductory statements provide context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.19-2

Refer to Section 1.5, *Environmental Review Process*, for a summary of the CEQA process. Page 1-15 of the Draft EIR states the following: "Prior to making a decision on the proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency (i.e., Berkeley City Council); and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving the proposed project (CEQA Guidelines Section 15090)." The comments provided on the Draft EIR, and the response to those comments have been included as a part of the Final EIR. Therefore, the City Council will see these public comments when they review the Final EIR prior to their decision to certify the EIR. No further response is required.

Response to Comment TR1.19-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.19-4

The comment expresses an opinion regarding public policy, funding priorities, and whether the proposed project should be implemented. Such comments do not address the adequacy of the environmental analysis presented in the Draft EIR and do not identify a specific environmental impact requiring further analysis under CEQA. The comment has been noted and included in the project record provided to City decision-makers for their consideration. No revisions to the Draft EIR are required.

Verbal Comment TR1.20

Commenter: Carol Valk

Date: March 16, 2026

Response to Comment TR1.20-1

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.20-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.20-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for discussion regarding modifications to Seawall Drive and continued public access to Waterfront recreational resources. Refer also to Section 2.2.20, *Topical Response: Parking,* Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussions regarding parking availability, equipment-dependent recreational uses, and shoreline access. As discussed therein, the Draft EIR recognizes that certain recreational activities require specialized equipment and evaluates whether the proposed project would physically restrict access to recreational resources. The Draft EIR concludes that recreational access would be maintained and enhanced and that the project would not result in a significant impact to existing recreational resources (Impact REC-1).

The comment's concerns regarding parking location preferences and the distance required to transport recreational equipment do not, in themselves, constitute significant environmental impacts under CEQA unless they result in a physical degradation of recreational resources or loss of physical access. The Draft EIR does not identify such impacts. Accordingly, the analyses and significance conclusions presented in Sections 3.11, *Recreation*, and 3.12, *Transportation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment TR1.20-4

The Draft EIR evaluates environmental conditions and project impacts based on site-specific characteristics of the Berkeley Waterfront. Sections 3.3 (*Biological Resources*), 3.8 (*Hydrology and Water Quality*), and 3.11 (*Recreation*) evaluate potential effects related to sediment disturbance, dredging, vessel wake, and water-based recreation using project-specific data and technical analysis. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for a discussion regarding analysis of sediment disturbance.

Conditions at other ferry terminals reflect different environmental settings, infrastructure, and operational characteristics, and are not determinative of impacts at the project site. The Draft EIR relies on site-specific analysis rather than comparison to unrelated facilities.

The comment does not identify a specific deficiency in the technical analysis presented in the Draft EIR or provide substantial evidence demonstrating that similar impacts would occur under the project conditions analyzed. Accordingly, the analyses and significance conclusions presented in Sections 3.3, 3.8, and 3.11 of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.20-5

This comment is noted; however, it does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.20-6

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.21

Commenter: Charley Paffenbarger

Date: March 16, 2026

Response to Comment TR1.21-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.21-2

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment TR1.21-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.21-4

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

No revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.21-5

All comments on the Draft EIR have been responded to and are included in their respective responses to comments. No further response is required.

Verbal Comment TR1.22

Commenter: Doug Yamamoto

Date: March 16, 2026

Response to Comment TR1.22-1

These statements provide background information and context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.22-2

As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected* (pages 5-25 through 5-28), the City considered an alternative involving repair of the existing pier in its historic form. As described on page 5-27 of the Draft EIR, this alternative was not carried forward for detailed evaluation because the existing pier has substantially deteriorated and reconstruction of the pier in its historic configuration was determined to be infeasible. The Draft EIR explains the basis for eliminating this alternative from further consideration and identifies the factors used to evaluate alternatives during project planning. For additional discussion regarding the assumptions used to develop and evaluate project alternatives, as well as how alternatives were dismissed from further evaluation, refer to Section 2.2.2, *Topical Response: Alternatives*.

The comment does not identify a specific deficiency in the environmental analysis presented in the Draft EIR. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.22-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.23

Commenter: Madeleine King

Date: March 16, 2026

Response to Comment TR1.23-1

These statements provide background information and context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.23-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any permanent changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

Accordingly, the analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.23-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for discussion regarding waterfront viewing opportunities and Seawall Drive access, and Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking availability and recreational access.

Response to Comment TR1.23-4

The comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.23-5

Refer to Response to Comment TR 1.19-2 for a response to this comment. No further response is required.

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