

# PORT OF OAKLAND

September 28, 2005

Ms. Janie Layton  
BART Environmental Compliance  
P.O. Box 12688, Mail Stop LKS-18  
Oakland, CA 94604-2688

**RE: BART SEISMIC RETROFIT PROJECT, BERKELEY HILLS TUNNEL TO THE MONTGOMERY STREET STATION, ENVIRONMENTAL ASSESSMENT**

Dear Ms. Layton:

Thank you for providing the Port of Oakland (Port) with the opportunity to review the environmental document for the Bay Area Rapid Transit District's (BART) seismic retrofit project. A portion of the proposed project would occur within property currently owned by the Port of Oakland. Page 2-53 indicates that BART proposes to dry dredged material at the Port's Berth 10 re-handling facility, until the new Berth 29 is constructed. The eastern end of the BART "Tube" begins on Port property between 7th Street and Berth 34 and continues under San Francisco Bay. The proposed project could result in temporary impacts by interfering with the Port of Oakland's operations. The Port looks forward to maintaining consistent communications with BART regarding this project, as it critical for the Port's Maritime Division staff to be apprised of the project's activities. The Port's comments on the document/project are provided below.

G-1

The document states in its Introduction on page 1-1, that the "Legislature has enacted a statutory exemption from CEQA for the project (Public Utility Code section 29031.1)" AB 1170 was introduced February 22, 2005 (by Assembly Member Canciamilla), which revised the exemption applicable to BART's seismic retrofit work on existing structures or facilities. The bill made the provisions of the exemption operative until June 1, 2010 (extended from June 2005) at which point it becomes inoperative. The Port has a particular interest in any changes to the construction/implementation schedule that could potentially affect its operations within the Maritime area. Please provide the Port with early notification of subsequent proposals (or amendments) that may extend the seismic retrofit project.

G-2

Page 2-2 – States that it is planned to dredge a trench along the bottom of the bay. Please confirm at what width and depth the channel will be constructed.

G-3

Page 2-54 and 2-55 (Figure 2-22), Project Construction Schedule – Please clarify that the units used are quarters (rather than months), i.e. the project will start in winter 2006.

G-4

Page 2-56 – 2.4.2, Transbay Tube – The first paragraph refers to three design variations as alternatives to stitching the tube. There are, however, only two listed. It appears that the internal

G-5

G-5 | ↑ battered micro pile tube tie-downs and installing a permanent coffer dam should be identified as alternatives three and four.

G-6 | Page 2-57, 2.4.3 Aerial Guideways - Adding more pile foundations only where required. Please indicate where these locations are.

G-7 | Page 3.3-4, 3.3.2.2 Impacts and Mitigation Archaeological Resources – The document states that any archaeological resources encountered during construction would be treated according to the provisions of 36 CFR 800.13 under the National Historic Preservation Act. The Port of Oakland additionally implements its own procedures when previously unknown resources are encountered during project activities. BART should follow the “Port’s Plan of Emergency Action” if resources are encountered within the Port’s property. A copy is enclosed for BART’s use.

G-8 | Page 3.4-1, Section 3.4, Transportation – BART’s Vessel Transportation Technical Study determined that the proposed project could result in impacts by interfering with the Port of Oakland’s operations. All identified impacts are identified as temporary. Some of the freeway segments on Interstates 880 and 580 that would potentially be affected are those that currently operate at an F Level of Service during A.M. and P.M. peak hours. The document identifies four specific segments: Interstate 880 south of 980, northbound in A.M. and southbound in P.M. BART proposes to mitigate these potential impacts by hauling the project dredge material outside of peak hours. What would the LOS be outside of peak hours?

G-9 | Page 3.4-24, Interference with Designated Vessel Traffic Lanes - Construction barges in the entrance channel to the Outer Harbor could affect operations in the Outer Harbor by preventing access for vessels. BART proposes to mitigate this impact by consulting with the Port to determine the amount of space to leave open for vessel passage during construction or if necessary utilizing the micro pile anchorage method rather than vibro-replacement. The Port concurs with this mitigation measure.

G-10 | Page 3.4-30, Preclude Use of Vessel Infrastructure at Port of Oakland – The vibro-replacement method could preclude Berth 34 from being used for a one-month period. BART proposes to schedule this activity at a time when no container ships are scheduled to arrive at Berth 34. BART is also prepared to not conduct vibro-replacement immediately offshore should it not be able to allow adequate space for vessel passage at the Outer Harbor Entrance Channel. The Port concurs with this mitigation measure.

G-11 | ↓ 3.5 Geology Seismicity, Topography and Stratigraphy – Stitching excavations would be required to install each stitching piling group on the Oakland end of the “Tube”. This would include the area within the Port’s property. The document indicates that the excavations would be temporary therefore no permanent changes in topography would occur. Temporary slopes near the Oakland Transition Structure would be shallow and completed in accordance with

Letter: Ms. Janie Layton  
Re: Bart Seismic Retrofit Project, Berkeley Hills  
Tunnel To The Montgomery Street Station,  
Environmental Assessment

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recommendations made by a licensed geotechnical engineer. The Port requests that BART submit, for Port staff-review, copies of geotechnical reports, design plans, and recommendations for all excavations within the Port's property.

G-11

3.6 Hazardous Materials - The Port should additionally review BART's Storm Water Pollution Prevention Plan, Health and Safety Plan, and Soil Management Plan applicable to the areas within Port property.

G-12

Please contact Mr. Richard Sinkoff, Environmental Assessment Supervisor at (510) 627-1182 or Renée Ananda, Associate Port Environmental Planner at (510) 627-1351 regarding the Port's comments on BART's Seismic Retrofit Project.

Sincerely,



Roberta L. Reinstein, Manager  
Port of Oakland  
Environment and Safety Department

Attachment

cc: Jerry Serventi, Director of Engineering, Engineering Division, Port of Oakland  
Jon Amdur, Maritime Projects Administrator, Maritime Division, Port of Oakland  
Richard Sinkoff, Environmental Assessment Supervisor, Engineering Division, Environment & Safety Department, Port Oakland  
Renée Ananda, Associate Port Environmental Planner, Engineering Division, Environment & Safety Department  
Environment and Safety Department File #2004171

1 **Roberta L. Reinstein, Port of Oakland, September 28, 2005**

2 **G-1.** Comment noted. BART will continue to maintain consistent communication with the  
3 Port's Maritime Division staff to ensure proposed retrofit activities will not interfere  
4 with Port of Oakland operations.

5 **G-2.** As stated in the EA (page S-1), pursuant to the CEQA exemption then in effect, the  
6 BART Board of Directors adopted the proposed project as described in the EA for the  
7 purposes of CEQA. The 2005 CEQA bill to which the comment refers will apply to  
8 future earthquake safety activities. BART will continue to maintain communication  
9 with the Port of Oakland to ensure any potential changes in project schedule do not  
10 adversely affect any Port operations within the Maritime area.

11 **G-3.** As discussed in EA section 2.2.1, "The Transbay Tube was installed by dredging a trench  
12 along the Bay bottom and laying a 2-foot thick layer of gravel to the bottom of the  
13 trench." The proposed project involves retrofit activities for existing structures and does  
14 not require dredging a trench along the Bay bottom.

15 **G-4.** Proposed retrofit activities are anticipated to commence in winter 2006; the project  
16 construction schedule is based on quarters, not months.

17 **G-5.** EA section 2.4.1 describes design variations considered for retrofit of the Transbay Tube,  
18 but eliminated from further evaluation. Consistent with this comment, the EA has been  
19 revised to state that four design variations were considered as alternatives to stitching  
20 the Tube (see revised EA section 2.1.5).

21 **G-6.** Please refer to EA Figure 2-18 for the general location of aerial structures and station  
22 retrofits.

23 **G-7.** BART will continue to work with the Port to ensure any unexpected cultural resources  
24 encountered during construction will be treated consistent with the Port's *Emergency*  
25 *Plan of Action for Discoveries of Unknown Historic or Archaeological Resources*.

26 **G-8.** Identifying level of service (LOS) conditions during non-peak hours is generally not  
27 required during standard surveys and modeling; therefore, conditions were determined  
28 by the PeMS database that logs average speeds along freeway intersections from  
29 California freeway traffic detectors, as well as incident-related data from the California  
30 Highway Patrol (CHP). According to PeMS data identifying travel speeds along the  
31 four freeway intersections identified in the EA, during non-peak hours, average speeds  
32 are generally greater than 60 miles per hour consistent with LOS D or better conditions.  
33 Furthermore, as several seismic retrofit techniques have been determined to be  
34 technically infeasible and/or ineffective and will not be implemented as part of the  
35 project (i.e., stitching the Tube; piles and collar anchorage; and the Isolation Wall  
36 Retrofit Concept), the total project dredge volume has been reduced to 5,000 cy,  
37 resulting in a substantial reduction in the number of truck trips required to haul dredge  
38 material analyzed in the EA.

39 **G-9.** Comment noted.

1 **G-10.** Comment noted.

2 **G-11.** Based on further design analysis, BART has determined that stitching the Tube is not a  
3 viable retrofit technique for preventing longitudinal movement at the seismic joints (see  
4 revised EA section 2.1.1), and therefore, stitching at the Oakland end will not occur.  
5 However, for any excavations occurring on Port property, BART will consult with the  
6 Port to ensure that all applicable geotechnical reports, design plans, and  
7 recommendations are provided for review by the Port to ensure proposed retrofit  
8 activities will not interfere with Port of Oakland operations.

9 **G-12.** BART will continue to work with Port staff and provide copies of applicable Health and  
10 Safety Plans and Soils Management Plans for retrofit activities located on Port property.  
11 In addition, a SWPPP will be prepared and implemented for all landside project  
12 activities in accordance with the Clean Water Act (CWA) Section 402 permits, as  
13 discussed in EA Appendix C, section C.1.

TO: Janie Layton  
BART Environmental Compliance  
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Oakland, CA 94604-2688  
(510) 874-7423

[jlayton@bart.gov](mailto:jlayton@bart.gov)

CC: James Swindler/Golden Gate Bridge District, Ernest Sanchez/  
Alameda Oakland Ferry Service, Lindy Lowe/BCDC, Dan Hodapp/ Port of San  
Francisco, Byron Rhett/Port of San Francisco

DATE: September 28, 2005

RE: BART Seismic Retrofit Project Environmental Assessment

I am writing to comment on the environmental assessment for the BART Seismic Retrofit Project. The BART Seismic Retrofit Project has regional significance to the Bay Area's transportation system and we appreciate the opportunity to comment on it.

The Water Transit Authority is a regional ferry planning and operations agency but does not currently operate ferries within the project area. However, we are currently in discussions with the City of Alameda to operate the Alameda/Oakland and Harbor Bay Ferry Services and could therefore be an operator during the seismic retrofit construction. In addition, the WTA is currently sponsoring pedestrian and access improvements around the ferry building and is therefore interested in impacts to the Ferry Building Plaza.

H-1

Page 1-7 accurately recognizes the importance of BART (and this project) during an earthquake or other emergency event. It also correctly notes that, even with expanded ferry service, all displaced BART riders could not be accommodated on ferries. However, while the overall ridership may be small, ferries do play an important role in Bay Area transportation.

The daily ferry system ridership is approximately 5,500 trips per day. A majority of those trips take place during the peak hours. The WTA has forecast that this volume represents one lane of traffic on the Golden Gate Bridge during the peak hour, and approximately half a lane of traffic on the Bay Bridge during the peak. Therefore, any disruption to ferry service that reduces ridership could have a noticeable effect on these two key pieces of transportation infrastructure. In addition, during emergency events, ferries are planned to play a key role in transporting first responders, as well as in evacuation of waterfront neighborhoods. Therefore, we want work with BART to minimize disruption to ferry service.

H-2

As I understand, there will be several different strengthening activities ongoing around the ferry building.

H-3

- Tube micro pile or vibro replacement, which is intended to hold down the BART tube
- Stitching, which involves driving piles around existing BART tube joints to keep them from separating
- Steel pile retrofit concept or isolation wall at the San Francisco transition structure, which is intended to keep bay material from sliding into tube
- Joint restoration, which will further strengthen the tube joints but will be done from inside the tube

Page 3.4-31 indicates that construction work would preclude the use of the northern berth of the South Terminal (used for Alameda, Harbor Bay and Oakland ferry service) for up to 1 year, and that Golden Gate Berth 2 could be unavailable for as much as one year.

Table 3.4-7 lists five potential mitigation measures to this disruption.

H-4

1. Adjusting East Bay ferry schedules so all vessels can use the southern berth of the South Terminal
2. Use of Pacific Bell Park or Pier 27 berths
3. Adjusting Golden Gate schedules so all vessels can use Gate 1
4. Build a new float at Pier ½
5. Alter supply barge operations so barges would only be present outside the operations hours for the South Terminal.

H-5

Mitigations 1 and 3 would have some impact on ridership (likely small) and some operational cost implications (related to changing schedules and associated signing around the ferry building). In addition, the US Coast Guard has indicated to us that they have security concerns about placing facilities close to the South Terminal, as shown in Figure 2-13. More importantly, elimination of access to ferry gates would reduce the potential ferry capacity at the terminal by 33% (taking two out of the six gates out of service). While that may be accommodated during usual operations, it would be a significant effect during emergency operations when gate capacity could be a limiting factor. This would therefore affect the ability of ferries to perform during an emergency event.

H-6

Mitigation 2 proposes relocating the terminals one to three miles from their current locations. The WTA's ridership studies indicate that this relocation could have a significant adverse effect on ferry ridership, and the resulting fare revenue accompanying that ridership. A majority of the ferry riders are headed to destinations within half a mile of the ferry building. While transit connections

might be available from the relocated terminals, we would still expect ridership to drop. As noted above, this reduction in ridership could have a noticeable effect on bridge congestion, and therefore does not appear to be effective.

↑  
H-6

I therefore request that mitigations 1, 2 and 3 be eliminated from consideration.

However, I suggest that another mitigation be added for consideration. The Port's plan for the ferry building area includes the addition of another ferry gate to the south of the existing Alameda/Oakland gate. The WTA's expansion plans do not warrant the construction of that gate for approximately 10 years. However, if the gate was constructed prior to the BART retrofit project, it could provide the additional capacity to minimize schedule disruption as well as address potential US Coast Guard security issues. Obviously, we would not expect BART to bear the full cost for this construction. However, the additional gate would allow BART's retrofit contractor unlimited access to the north side of the South Terminal.

H-7

Figures 2-10, 2-12, and 2-13 all indicate that a portion of the ferry plaza will be unusable during the construction. Page 3.11-7, line 28 indicates that this impact is considered negligible. It is not clear from the drawings the exact extent of the construction activities. However, the walkway at the rear of the ferry building is the primary access corridor for ferry riders and cannot be replaced by other opportunities for sightseeing in the immediate vicinity. It is therefore critical that this passageway be kept clear of construction activity. We suggest as mitigation that the construction specifications include a requirement mandating continuous access for a 40' wide corridor at the rear of the ferry building.

H-8

The figures also indicate disruption to the existing Golden Gate ferries ticket booth. As you may know, the existing operators are now working on a plan to consolidate ticketing into a single facility. The Golden Gate ticket facility is the only publicly owned facility that could currently accommodate this consolidation.

Therefore, we request that the environmental document address relocation of this facility specifically.

H-9

Regarding potential noise impacts, Page 3.2-9 line 7 indicates that conventional pile driving would "interfere with speech communication outdoors and indoors".

Page 3.2-10 line 2 notes that conventional pile driving "would cause a substantial disturbance to persons outside in public areas, and inside the restaurant and other nearby buildings". These impacts appear to apply to any of the construction activities that use conventional impact pile drivers.

H-10

The proposed mitigations for use of conventional pile driving, listed on Page 3.2-10, starting at line 6, are avoiding high public use times, use of noise barriers, advance public notice, and a hotline for noise complaints. The document does not note which are considered high use times. However, verbal communication is essential during all ferry operations. In addition, given the high level of activity

H-11  
↓



H-11

around the ferry building, I would imagine that limiting hours of conventional pile driving operations would be limiting. Pre notification of pile driving activities would not be an effective mitigation.

H-12

The EIR indicates that rotary or oscillating pile-driving equipment would have a lesser effect. The EIR does not indicate how or when the decision will be made to use one type of pile driving over the other. I would recommend that rotary or oscillating pile-driving equipment be the only mitigation that would be effective in the Ferry Building area and suggest the document be revised to reflect that.

Again, we appreciate the opportunity to comment on the document and look forward to working with BART to implement this important transportation project.

Steve Castleberry, CEO  
Water Transit Authority  
120 Broadway  
San Francisco, CA 94111  
(510) 291-3377

1 **Steve Castleberry, Water Transit Authority, September 28, 2005**

2 **H-1.** Comment noted.

3 **H-2.** See response to Comment F-7. BART intends to provide continual access to the North  
4 and South Terminals through mitigation (summarized) requiring construction supply  
5 barges to be tied off at the northern and eastern ends of the Platform, and use of another  
6 berth at SBC Park or Pier 27 in the event of unscheduled maintenance or emergency. In  
7 addition, a functionally equivalent temporary terminal for Golden Gate Ferry operations  
8 is proposed to ensure continual service throughout the duration of construction as  
9 described in revised EA section 2.2.3 and identified on Figure 8. Mitigation is also  
10 proposed (see revised EA section 2.2.3, Ground Transportation) to ensure adequate  
11 pedestrian access and circulation by maintaining a 40-foot wide corridor behind the  
12 Ferry Building, and through dedicated queuing areas at each of the ferry terminals.  
13 BART will continue to work with the Water Transit Authority (WTA) to ensure proper  
14 implementation of these mitigation measures to maintain continual ferry operations.

15 **H-3.** See response to Comment H-2. Based on further design analysis, BART has determined  
16 the following techniques to be technically infeasible and/or ineffective for retrofit  
17 activities in the vicinity of the Ferry Plaza Platform: stitching the Tube; piles and collar  
18 anchorage; and the Isolation Wall Retrofit Concept. Therefore, impacts associated with  
19 implementation of these retrofit activities will not occur.

20 **H-4.** See response to Comment F-7. Based on further design review, the referenced EA Table  
21 3.4-7 mitigation measures were revised to more specifically address and minimize vessel  
22 transportation impacts anticipated under the plaza-based construction method. See also  
23 revised EA section 2.2.3 for additional details.

24 **H-5.** Please see response to Comment F-7. Revised mitigation measures proposed to ensure  
25 all ferry terminal operations are maintained throughout the duration of proposed  
26 construction activities are described in detail in revised EA section 2.2.3. Measures  
27 include (in summary): construction of a temporary, dual-berth Golden Gate Ferry  
28 Terminal at future Gate C; reconstruction of a permanent Golden Gate Ferry Terminal at  
29 the Platform following project completion; tying off construction supply barges to the  
30 northern and eastern ends of the Platform or providing advanced notice of barge  
31 movement; and, specific to unscheduled maintenance or potential emergency situations,  
32 providing access to a SBC or Pier 27 ferry berth. Access to all six operating berths is  
33 proposed to be maintained throughout construction at the Platform. As a result, the  
34 need to adjust schedules (referenced EA mitigation measures 1 and 3) is not anticipated  
35 except on an occasional basis and with the concurrence of the ferry operator. Therefore,  
36 the proposed project would not interfere with the ability of ferry operators to maintain  
37 service under normal operations or in the event of an emergency.

38 **H-6.** See response to Comment H-5. The ferry berths at SBC Park and/or Pier 27 will only be  
39 used in the event of unscheduled maintenance or emergency situations; these berths will  
40 not be used for commuter services or as a relocation option for ferry terminal  
41 infrastructure or operations. Implementation of revised vessel transportation mitigation  
42 measures (see revised EA section 2.2.3) will ensure impacts to ferry service at all

1 terminals at the Ferry Building are avoided or minimized throughout the duration of  
2 project construction.

3 **H-7.** Please see response to Comments H-5 and H-6. The referenced EA mitigation measures  
4 1, 2, and 3 from Table 3.4-7 have been eliminated (e.g., adjustment of schedules) and/or  
5 refined (e.g., use of SBC Park or Pier 27 ferry berths for unscheduled maintenance or  
6 emergency situations only) as described in revised EA section 2.2.3. The detail of all  
7 vessel transportation mitigation measures was increased to effectively address and  
8 minimize impacts, and to ensure continual ferry terminal operations throughout the  
9 duration of construction. As a result, there is no need for additional capacity or  
10 construction of an additional ferry gate south of the existing South Terminal. Future  
11 planning by the Port and the ferry operators for a potential additional ferry gate is too  
12 speculative at this time to be analyzed in the EA.

13 **H-8.** Please see response to Comment C-5. The proposed construction phases at the Platform  
14 are described in revised EA section 2.1.2 and depicted on Figures 2 through 7. The total  
15 maximum area of the Platform to be removed is approximately 59,000 sf, which is  
16 consistent with estimates analyzed in the EA. However, the maximum Platform area  
17 that would be restricted from public use during any of the construction phases would be  
18 39,000 sf. To ensure sufficient pedestrian access behind the Ferry Building duration  
19 construction, the EA has been revised to include provisions for a 40-foot wide corridor  
20 located at the rear of the Ferry Building (see revised section 2.2.2, Ground  
21 Transportation). Visual impacts resulting from the temporary removal of public  
22 viewing space at the Platform are described in EA section 3.8.2.2. Visual impacts  
23 resulting from the proposed construction and operation of the temporary Golden Gate  
24 Ferry Terminal at future Gate C are assessed in revised EA section 2.2.8.

25 **H-9.** Please see response to Comment F-7. The EA has been modified to clarify that BART  
26 will provide a temporary Golden Gate Ferry Terminal at future Gate C, including a  
27 functionally equivalent ticketing booth (see revised EA section 2.2.3). Future planning  
28 by the Port and the ferry operators for a potential consolidated ticket facility is too  
29 speculative at this time to be analyzed in the EA.

30 **H-10.** Please see response to Comment F-36. Further design review indicates that an estimated  
31 six of the total 116 steel pipe piles associated with Pile Array installation at the San  
32 Francisco Transition Structure may require use of an impact hammer due to difficult soil  
33 conditions. However, use of an impact pile driver will be limited those times discussed  
34 in revised EA Section 2.2.1, to minimize noise levels experienced by neighboring tenants  
35 and patrons (i.e., within 200 feet of construction activity).

36 **H-11.** As described in response to Comment F-36 and revised EA section 2.2.1, high public use  
37 times are described for this project as the lunch and dinner hours, consistent with  
38 mitigation proposed for the Downtown San Francisco Ferry Terminal Project and  
39 implemented successfully during construction of the San Francisco Muni Project. Pile  
40 driving activities will be limited to between the hours of 7:00 A.M. and 12:00 noon, and  
41 between 1:30 P.M. and 3:30 P.M. to have the least impact on the restaurant patrons and  
42 other people using the public outdoor and indoor spaces at the San Francisco Ferry  
43 Plaza. Revised EA Project Construction Standards for Noise (section 2.2.1) have been

1 refined to further ensure noise levels on sensitive receptors within 200 feet of the San  
2 Francisco Transition Structure associated with use of general construction equipment,  
3 dredging activities, and oscillating or rotating techniques are maintained within BART  
4 construction noise limits.

5 **H-12.** Please see response to Comments F-18 and F-36.

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September 28, 2005

*Via Fax and Messenger Delivery*

Ms. Janie Layton  
 BART Environmental Compliance  
 300 Lakeside Drive, 18<sup>th</sup> Floor  
 P.O. Box 12688, Mail Stop LKS-18  
 Oakland, CA 94604-2688

**Re: Environmental Assessment for BART Seismic Retrofit Project**

Dear Ms. Layton:

The August 2005 BART Seismic Retrofit Project Environmental Assessment ("EA") describes the San Francisco Bay Area Rapid Transit District ("BART") proposal to construct a seismic retrofit of certain BART transit system facilities (the "Project"), some of which are located within the jurisdiction of the Port of San Francisco ("Port"). The Port recognizes the importance of BART's need to strengthen BART system facilities in anticipation of a potential future earthquake. In reviewing the EA, Port staff have considered the Port's role and responsibilities as both landowner and public agency, interested in the potential impact on Port and Port tenant facilities and operations, existing Port agreements, as well as Port or City-wide policies related to issues such as public access, historic preservation, and maritime/ferry operations that pertain to the Project area and the Port's larger public trust responsibilities.

I-1

The Port anticipates negotiating an agreement with BART to not only authorize entry for the Project work as described in Section 5.0 of the EA, but to address other issues related to project impacts and reconstruction of Port facilities consistent with Port requirements and policies. Further, the Port anticipates that it will be included in other agreements with Port tenants related to this project in order to ensure that mitigation measures are consistent with Port objectives and other agreements pertaining to the area.

**Port of San Francisco Overview**

BART's Project lies within an area of San Francisco that we refer to as the "Ferry Building and Downtown Ferry Terminal" area. This area has undergone dramatic transformation in the past decade due to major public and private capital improvement projects, beginning with removal of the Embarcadero Freeway in the early 1990's. In the last five years following the City's redesign of The Embarcadero, there have been millions of dollars in private and public funds invested in the historic rehabilitation of the Ferry Building and Marketplace, integrated with an expansion and improvements in the Downtown Ferry Terminal; the relocation and capital improvements to the new World Trade Club at the east end of Ferry Plaza; the introduction of the popular Farmer's

I-2

1-2 ▲ Market operated by the Center for Urban Education about Sustainable Agriculture ("CUESA"); and major investments in new public access and amenities. Together with the Golden Gate Ferry Terminal, Agriculture Building/Amtrak terminal and Sinbad's Restaurant, this urban mix of businesses and activities which are shown in Exhibit A have enlivened the waterfront, drawing high volumes of locals and visitors daily.

1-3 The EA analysis indicates that the primary impacts associated with the retrofit project are expected to be construction-related. We understand that the project as described in the EA is a worst-case scenario, and that the actual as-yet-to-be-defined retrofit design may be scaled-down. Nevertheless, with an estimated construction schedule of two to four years, there will be a substantial amount of disruption, inconvenience and possible adverse business impacts for many Port tenants and, in turn, adverse impacts on Port revenues. The Project may also impact other Ferry Building area stakeholders and potentially other neighboring land uses beyond the immediate Ferry Building/Downtown Ferry Terminal area. The EA construction impacts discussion needs to be expanded to acknowledge this context and provide a more specific description of the types of impacts that can be anticipated, and the types of mitigation measures that may be employed to reduce or avoid them. In this letter, we have flagged some of the construction-related impacts that should be addressed in the EA.

1-4 We understand that BART has a very hands-on construction management and community outreach team to develop a framework to mitigate as many of these impacts as possible, which is reported to have been effective in other BART projects. To ensure an accurate understanding of this function, the EA also should include information about the way in which BART's construction management practices would mitigate the various types of impacts that can be anticipated in the Ferry Building area.

1-5 This mitigation framework will be extremely helpful in BART's ongoing efforts to work with affected businesses and entities to develop enforceable project construction specifications and accommodations to provide assurance of BART's commitment to minimize or avoid construction period impacts, and to the maximum extent possible, to keep all of the affected water transit operations and other business entities in the area fully functioning and whole. Toward that end, BART has indicated its willingness to enter into agreements with the affected businesses/parties that would include more specific commitments regarding mitigation of Project impacts. One very important point to keep in mind is that any such proposed agreements affecting Port property should include the Port. Each tenant has an existing agreement with the Port, and thus there is a need to ensure that any agreement with BART is not in conflict. Moreover, as described in further detail below, there are several instances in the Ferry Building area where there are overlapping uses and regulatory obligations that would need to be respected or reconciled in any new agreements with BART. Finally, the Port, like BART, is accountable to the public regarding the manner in which its property is used, and thus must maintain its involvement accordingly.

1-6 ▼ At the time of BART's original construction of the Transbay Tube in the late 1960's, the Port and BART signed an Agreement for Joint Exercise of Powers to define

the scope of construction, property rights and responsibilities, and conditions to address certain impacts of the project. A similar type of agreement will be required between the Port and BART regarding the current seismic retrofit work, in addition to any agreements with individual tenants. The Port anticipates negotiating an agreement with BART that would, in part, enable ongoing discussion to define mitigations that can be approved as more detailed information about project design and construction is provided.

1-6

### Ferry Building Area Uses and Features

Below, we provide a description of some of the major functions, uses or entities in the Ferry Building/Downtown Ferry Terminal area. The EA descriptions of the existing environment and related impacts analysis in each subsection of Section 3 and 4 of the EA should include and address these existing Port facilities and operations and adjacent properties within the City that may also be affected by the Project (e.g. Water Resources, Noise, Transportation, etc.). A site plan showing the locations of these activities is provided in Exhibit A.

Public Access. Much of the outdoor area on the Ferry Platform and around the Ferry Building is dedicated public access pursuant to several permits issued by the San Francisco Bay Conservation and Development Commission ("BCDC") to Port tenants. Public access improvements on the Platform include hardscape and landscape materials, railing, benches, signage, striping, vehicle demarcation-bollards, bull-rail, lighting, and utilities. The Port is co-applicant on the BCDC Permits covering this area and, in some instances, is responsible for installing and maintaining certain public access improvements on the Ferry Platform within the Project area.

1-7

Several Port tenants at the Ferry Platform rely upon much of this same outdoor area to serve other functions besides public access, including but not limited to: vehicular access for the patrons of the World Trade Club, vehicular freight deliveries, trash collection and maintenance at the World Trade Club, Golden Gate Transit District and the Ferry Building; farmer's market staging area and parking areas; special events; entertainment, and public art displays.

Downtown Ferry Terminal and Ferry Platform. In general, the proposed Project is located in the center of the San Francisco Downtown Ferry Terminal ("DFT") which is centered on the Ferry Platform with berthing facilities flanking both the north and south sides (see Exhibit A). The DFT has been re-established as the central hub for all ferry and excursion vessel traffic in San Francisco Bay pursuant to the Metropolitan Transportation District's ("MTC") Regional Ferry Plan. As a result, the Port constructed approximately \$17 million in new improvements at the Downtown Ferry Terminal in 2001. Average daily ferry ridership in San Francisco (including weekends) on existing ferry routes is approximately 5,500 trips per day, with weekday ridership volumes at approximately 10,000 trips per day. The DFT currently accommodates multiple ferry service providers serving Alameda/Oakland, Vallejo, Tiburon, Larkspur and Sausalito. In 2007, the Water Transit Authority anticipates opening a new ferry route from South San Francisco with additional vessels landing at Gate E.



Not unlike BART's objectives for its transit facilities, the Port's DFT includes land and waterside improvements that are designed to provide safe and efficient landing areas for commuter and excursion vessels that will continue to be functional in a natural disaster. The 1989 Loma Prieta earthquake and 1994 Northridge earthquake near Los Angeles underscore the value of a multimodal transportation system in maintaining regional mobility in the wake of a natural disaster. The DFT is within a seismically active region, therefore all new ferry terminals and decks have been designed as essential structures to remain functional after a major seismic event, thereby allowing for emergency operations and transportation services should there be a disruption to the bridges and/or highway system.

The Golden Gate Bridge Highway and Transportation District ("GGBD") is the largest single ferry operator at the DFT. The GGBD leases approximately 28,300 sq. ft. of the Ferry Platform and approximately 100,000 sq. ft. of water area north of the Platform including exclusive berthing privileges in that area. The landside terminal facilities include a ticket office, covered passenger waiting areas and restrooms, bicycle parking, and public access viewing areas. There are two berths that each accommodates one vessel. The GGBD recently installed security improvements at its landside terminal facilities including polycarbonate barrier panels, signage and security gates. The outdoor area on the Ferry Platform serves other functions besides public access as discussed above. Ferry passengers utilize the Ferry Platform and the Ferry Building environs in general for way-finding, access and circulation.

Ferry Building and Ferry Platform. The Port leases the Ferry Building and most of the Ferry Platform to Ferry Building Investors, LLC ("FB Investors"). The Ferry Building is listed on the National Register of Historic Places and was rehabilitated by FB Investors consistent with the Secretary of the U.S. Department of the Interior's standards to qualify as a federal tax credit project. Beginning in 2005, the project will be monitored by the National Parks Service and State Historic Preservation Office for a five year period in accordance with the federal tax-credit guidelines.

The Lease for the Ferry Building includes approximately 105,000 sq. ft. of pier and land area and includes the Ferry Building and an additional 44,000 sq. ft. of the Ferry Platform used for weekly farmers markets, special events, public access, and other uses as permitted under the lease. In addition, FB Investors have a Parking License with the Port for approximately 5,000 sq. ft. of the Ferry Platform for farmers market parking purposes. The EA should address the following uses and operations managed by FB Investors that may be affected by the Project including potential direct impacts (e.g. operations in the area that will be temporarily relocated) and other potential environmental impacts within the area (e.g. noise):

- 65,000 sq. ft. of locally oriented public food market on the ground floor, including outdoor dining along the northerly side of the building facing the Bay and Ferry Platform

- 175,000 sq. ft. of Class A office space on the second and third floors, and the Port of San Francisco Hearing Room
- Farmers Markets operating four days per week including Saturday, staging within approximately 45,000 sq. ft. of the Ferry Plaza portion of the Ferry Platform, and parking areas on the east end of the Ferry Platform

World Trade Club and Ferry Platform. The Ferry Plaza Limited Partnership ("FPLP") operates a long-term lease on the Ferry Platform directly above and surrounding BART's transition structure within an approximately 35,000 sq. ft. lease area. The World Trade Club is a subtenant of FPLP and manages an international business association that includes indoor and outdoor dining and conferencing/entertainment facilities. Vehicular and pedestrian access is provided to the World Trade Club within the Ferry Platform, including a drop-off and pick-up area for valet parking operations. Landscape and hardscape areas are also maintained by the World Trade Club around the perimeter of the facility on the Platform, including some public access areas outside of the lease area.

Gandhi Statue. The Port leases approximately 100 sq. ft. to the San Francisco Arts Commission within Ferry Plaza for its installation of a sculpture of Mahatma Gandhi.

Other Port properties. Other Port properties and operations in the nearby vicinity of the project should be identified and the respective potential impacts described, including the Agriculture Building, a National Register resource, and Pier 1 office uses, and Sinbads and Pier 1 Deli indoor and outdoor dining uses. The Ferry Building, Agriculture Building, and Pier 1 are included in the Embarcadero Waterfront Historic District, which is pending action for listing on the National Register of Historic Places.

Other City properties. Other properties within the City and within the environs of the proposed Project should be acknowledged, particularly any sensitive receptors to noise or other such impacts, including the Golden Gateway residential area, Rincon residential area, Ferry Park, Hyatt Hotel, Embarcadero Center, etc.

### Impacts and Mitigations

As indicated above, we have identified various issues that should be more completely addressed in the EA, which are presented below. The EA should describe the potential impacts to such properties and operations in greater detail, commensurate with a more detailed description of such existing uses and operations, and prescribe mitigation measures for such impacts.

Downtown Ferry Terminal. Section 3.4 of the EA indicates that installation of the retrofit concept at the San Francisco Transition Structure may include removing and then restoring each of the two berths at the Golden Gate Transit Terminal. Section 2.0 of the

I-9

EA (Figure 2-10) indicates construction of a pile array within the existing landside passenger facilities at the Golden Gate Transit Terminal, precluding use of these facilities during construction. Figure 2-12 and Section 3.4 indicate that the northern berth of the South Terminal at Gate E could be temporarily removed during construction. The description of Project Alternatives should describe the temporary displacement and replacement of these ferry transit facilities in greater detail, including the temporary relocation of berths and passenger waiting/ticketing areas designed to maintain existing levels of service for Golden Gate and all other water transit providers. Diagram(s) to indicate the approximate location of proposed replacement facilities during construction, and analysis of any potential construction impacts (i.e. visual, temporary queuing, etc) should also be included. This analysis should include the potential water quality and biological impacts from temporary relocation of ferry berths and/or passenger facilities, including potential for disturbances to water quality and localized resuspension of bottom sediments, shadowing of bay waters, etc.

I-10

Noise. The EA should describe the anticipated day or night time periods during which retrofit activities may occur at the San Francisco Transition Structure, including the potential for both day and night shifts in order to expedite project construction. Section 3.2 should also acknowledge potential disturbance to neighboring uses, particularly the outdoor businesses and restaurants (i.e. Ferry Building marketplace, farmers market, World Trade Club, Sinbads, Pier 1 Café), residential or hotel uses (i.e. Golden Gateway, Hyatt) and office uses (i.e. Ferry Building, Pier 1, Agriculture Building) and other potential sensitive noise receptors in the surrounding area. The impacts within the dedicated public access on the Ferry Platform should also be described. Any procedures for convening with the businesses specifically affected by noise to discuss and/or negotiate noise-limiting mitigations for the project, and a process for ongoing feedback during construction, should be included.

I-11

The Ferry Building, Pier 1 and Agriculture Building are important historic buildings that need to be protected against construction impacts. While the Ferry Building and Pier 1 have recently undergone seismic retrofit and historic rehabilitation, the Agriculture Building has not. The EA should set forth a mitigation framework that identifies how construction impacts can be measured and monitored as it relates to vibration impacts from pile driving and high impact construction activities that could impact both rehabilitated structures and related tax-credit responsibilities or structures that have yet to undergo rehabilitation. Additionally the Port's adopted policy is to maintain, repair and conduct alterations on these structures consistent with the Secretary of Interior Standards for Historic Rehabilitation (Secretary Standards). We would expect BART to commit to this standard in its mitigation measures to avoid adverse impacts on historic and cultural resources.

I-12

Transportation Access. The DFT is configured such that north-Bay ferries arrive at berths on the north side of the Ferry Platform (i.e. Golden Gate berths or Gate B) and east-Bay ferries arrive at/depart from the south side of the Platform at Gate E. This arrangement is designed to improve safety and efficiency of ferry operations by minimizing cross traffic whereby ferries must cross one another's path to get into their

respective berths. Proposed mitigation measures should be designed to avoid this "cross-over" problem or address impacts related to this issue.

I-12

As stated above, the description of Project Alternatives should describe the potential, temporary displacement and relocation of any ferry berths in greater detail, including a diagram(s) to indicate the approximate location of proposed replacement facilities during construction and reference to any related construction or temporary queuing impacts, potential water quality and biological impacts, etc.

I-13

Ferry passenger usage is affected by the presence (or lack) of landside passenger amenities, i.e. covered waiting areas, spacious public access and efficient and safe paths of travel. Replacement ferry facilities during construction of the project are highly desirable in order to minimize the potential for lost ridership and the resulting increase in vehicle traffic. A comprehensive approach to mitigation that maintains existing levels of ferry service and comfort to all affected ferry passengers may be the most effective means of avoiding long-term transportation impacts.

I-14

Geology/Seismicity. Project construction will require removal of large portions of the Ferry Platform, a pile-supported structure that was engineered and constructed to meet certain loads and seismic stability requirements. Structures constructed on top of the Ferry Platform may also be removed during construction. The Port expects that Project mitigation will call for design and reconstruction of Port facilities that are altered during Project construction, and that such reconstruction will be designed to meet seismic and other requirements for such construction as per current San Francisco Building Code.

I-15

Risk of Upset/Safety. The EA should acknowledge the role of the DFT as a means for evacuating the City by ferry in the event of certain emergencies. Mitigation measures should include plans or methods for coordination between BART, the Port's Homeland Security Director and the City of San Francisco Office of Emergency Services to develop alternative response plans for emergencies that could arise during Project construction.

I-16

Visual Resources The visual analysis should acknowledge the existing improvements and operations around the Project area, including the high levels of public use and visitation experienced on and around the Ferry Platform construction site. The analysis should also address any temporary relocation of ferry facilities. Mitigation measures should be responsive to the improvements and ongoing operations in the immediate environment.

I-17

Air Quality. As described earlier, there are a number of outdoor operations in the immediate vicinity of the project that may incur air quality impacts during Project construction. In particular, these include the outdoor dining areas throughout the Ferry Building/Downtown Ferry Terminal area, as well as public access areas, which would be expected to be exposed to varying levels of construction dust and particulates, and emission odors and particulates. The EA should describe the potential impacts to such .

I-18

I-18 ↑ properties and operations in greater detail and prescribe mitigation measures for such impacts.

I-19 Social Impacts. The temporary removal of the Ferry Platform will affect major Port tenant operations and thousands of persons every day including, but not limited to: ferry passengers each week that utilize the Platform for access and circulation at the DFT; approximately 5,000 people each Saturday that attend the Farmers Market on the Platform, farmers that rely upon the Platform for market-day parking; and the patrons of the World Trade Club that will no longer have vehicular access to the facility. These figures do not include the thousands of visitors to the Ferry Building each week that spill-out onto the Ferry Plaza throughout the day for seating and eating or the special events that are staged on the Platform throughout the year. The loss of this public space during Project construction may have a detrimental impact to business operations on the Platform and in the Ferry Building since the public area provides access to such business, enhances the visitor experience and includes seating for viewing and public outdoor dining. Following construction, if such impacts occur, these businesses will need to recover and resume current levels of operation. Therefore, replacement of the Ferry Plaza to its "pre-project condition" is not sufficient mitigation given the magnitude of the potential impact on the public and Port tenant operations. The Port recommends that the EA include, as mitigation, further negotiations with the Port regarding specific public access improvements at the Ferry Platform that could be constructed as part of the required Project mitigation, including enhancements that could offset construction impacts and assist operations in the area with post-construction recovery, if needed.

The Port appreciates the opportunity to comment on the EA and looks forward to working with BART in a cooperative fashion to accomplish this project in a manner that addresses these and other issues that may be of concern to the Port and its constituents as the project moves forward.

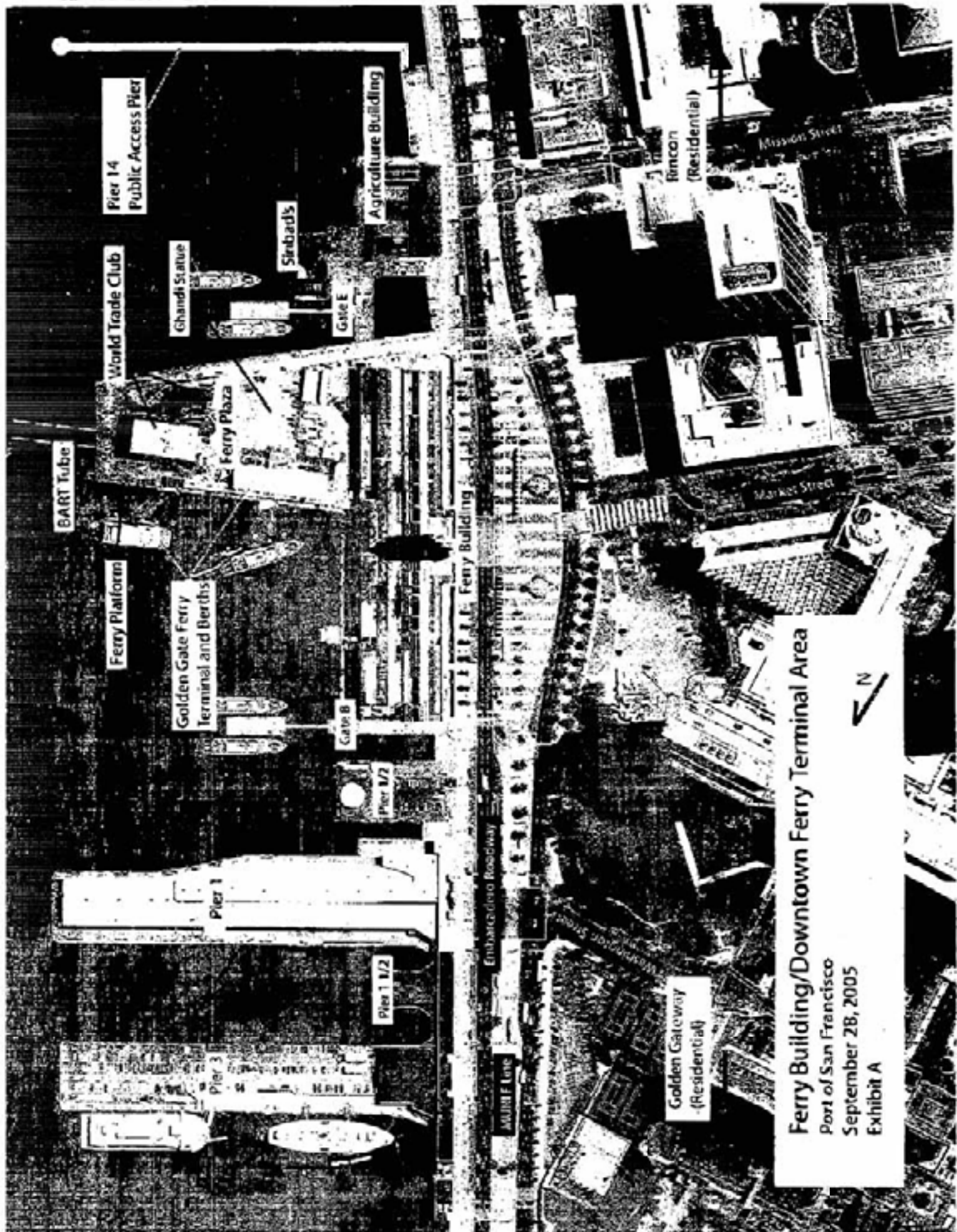
Sincerely,



Byron Rhett  
Director, Planning & Development

Attachment - Exhibit A

cc: Will Travis, BCDC  
Denis Mulligan, Golden Gate Bridge District  
Mary Hunter, Equity Office Properties  
George Lu, Ferry Plaza Limited Partnership  
Tim Odenweller, World Trade Club  
Steve Castleberry, WTA



**Ferry Building/Downtown Ferry Terminal Area**  
 Port of San Francisco  
 September 28, 2005  
 Exhibit A

1 **Byron Rhett, Port of San Francisco, September 30, 2005**

2 **I-1.** BART also anticipates entering into agreements with the Port, and will continue to work  
3 with the Port to ensure project activities are consistent with their policies and objectives.

4 **I-2.** Comment noted. Responses to each of the Port's specific comments are provided below.

5 **I-3.** Comment noted. Responses to each of the Port's specific comments are provided below.

6 **I-4.** BART's construction management and community outreach team will be used to  
7 facilitate the proposed project. BART's construction management staff will be tasked  
8 with the mission of enforcing compliance with the BART construction contract,  
9 including all environmental mitigation measures that are incorporated into the contract  
10 documents. Typical enforcement mechanisms can include refusal to accept substandard  
11 work, suspension or delay of work, or withholding of payment.

12 BART also has an experienced Community Relations (CR) staff tasked with the mission  
13 of conducting project communications and maintaining contact with key local  
14 stakeholders, affected groups and the general public. The goal is to provide advance  
15 information and preparation for those affected by construction, followed by responsive  
16 communications throughout construction.

17 Periodic meetings are held to keep groups informed about contract progress, learn of  
18 construction-related issues, provide status check-ins, and to provide an opportunity to  
19 hear concerns and discuss issues. The CR staff maintain several forms of public  
20 communication, including e-mail, a telephone hotline, and written communications.  
21 During construction, a contact phone number will be posted in the work areas. A  
22 project website is kept up to date as project information evolves. The CR staff is also in  
23 constant contact with the BART project management staff to convey the project issues  
24 raised by the public that require resolution with the contractor.

25 During construction, a single point of contact is identified for communication with  
26 affected groups. This streamlined approach allows for reliable, effective  
27 communications. The CR lead is positioned to address concerns in the field and respond  
28 directly to those expressing concerns. A Master Resolution Database is maintained to  
29 provide a record of issues raised and addressed. Notifications are distributed in  
30 advance of the start of all major construction activities to allow recipients to prepare for  
31 the new activity. BART project management and CR staff will work with stake holders  
32 to evaluate the posting of information in a variety of locations in and around the project  
33 work area, and will maintain information at community centers such as libraries, city  
34 hall, community recreation centers and other such locations.

35 The construction management and community outreach team will also ensure  
36 compliance with BART's standard construction practices, including Article GC7 of the  
37 2003 General Conditions for Construction Contracts and Section 01 57 00 of BART  
38 Facilities, Standards, Standard Specifications, Release 1.2. Furthermore, EA vessel

1 transportation and noise mitigation measures have been refined to minimize  
2 environmental impacts (see revised EA sections 2.2.1 and 2.2.3).

3 **I-5.** BART will continue to consult closely with the Port and will obtain the Port's consent as  
4 necessary to ensure any new agreements between BART and Port tenants are not in  
5 conflict with existing Port contracts. BART, in cooperation with Caltrans and FHWA,  
6 will consult with the Port to discuss and coordinate implementation of the mitigation  
7 measures identified in the EA, to ensure ferry and commercial operations are adequately  
8 maintained throughout the extent of construction activities at the Ferry Terminal area.  
9 All temporary and permanent replacement structures will be designed to provide the  
10 functional equivalent of the existing facilities, but will also be consistent with applicable  
11 current building and seismic code standards. In addition, although implementation of  
12 mitigation measures is expected to ensure that construction period impacts remain less  
13 than substantial, BART will continue to consult with the Port and other affected entities  
14 to refine the implementation of these measures, in order to further minimize any  
15 unanticipated impacts and to address the Port's interests and obligations.

16 **I-6.** BART will enter into an agreement with the Port, the form of which will be agreed upon  
17 between the Port and BART (which may or may not be a joint powers agreement). The  
18 agreement will enable ongoing discussion to refine the implementation of mitigation  
19 measures, as more detailed information about project design and construction becomes  
20 available.

21 **I-7.** The EA has been revised to clarify the existing tenants, uses, and features located within  
22 the Ferry Building/Downtown Ferry Terminal Area consistent with this comment. In  
23 summary, the following existing settings have been updated:

- 24 • Revised EA section 2.2.1 (Noise) to reflect the proximity of nearby Port properties  
25 and operations, including the Ferry Building, Agriculture Building, Pier 1 offices,  
26 Sinbads, and Pier 1 Deli, as well as other City properties along the Embarcadero,  
27 such as residential areas, hotels, and commercial/office uses.
- 28 • Revised EA section 2.2.3 (Vessel Transportation) to describe the Downtown Ferry  
29 Terminal and Ferry Platform facilities and ferry services, including at the North  
30 Terminal, Golden Gate District Ferry Terminal, and South Terminal.
- 31 • Revised EA section 2.2.7 (Social Impacts) related to public access uses and  
32 improvements on the Platform and around the Ferry Building, including the Ferry  
33 Building Marketplace and offices, Farmers Market areas, World Trade Club,  
34 Gandhi statue, and hardscape and landscape materials.

35 **I-8.** The information provided in the preceding comment has been incorporated into the  
36 revised EA (see response to Comments I-9 through I-19).

37 **I-9.** Please see response to Comment F-7. BART has refined vessel transportation mitigation  
38 measures and integrated additional details into the conceptual design of the temporary,  
39 floating Golden Gate Ferry Terminal at future Gate C to ensure continual ferry operations  
40 throughout the duration of construction (see Figure 8). The revised EA has also been  
41 modified to assess temporary effects of the temporary Golden Gate Ferry Terminal



1 including turbidity, resuspension of bottom sediments, fill, noise, pedestrian circulation,  
2 and visual effects (see revised EA section 2.2.8).

3 **I-10.** Please see response to Comment F-18. Noise impacts at the closest sensitive receptors  
4 identified in this comment are expected to be minimal with implementation of the  
5 revised project noise reduction measures described in revised EA section 2.2.1. These  
6 measures were proposed for the San Francisco Downtown Ferry Terminal Project, and  
7 implemented successfully during construction of the San Francisco Muni Project.  
8 Implementation of the noise reduction measures identified in the EA is expected to  
9 ensure that noise impacts remain less than substantial. Nevertheless, BART will  
10 continue to consult with the Port and other affected entities to refine the implementation  
11 of these measures, in order to further minimize any unanticipated impacts.

12 **I-11.** The EA section 3.3.2.2 describes potential construction impacts on the Ferry Building  
13 resulting from potential pile driving activity within 200 feet. Because of the recent  
14 seismic retrofitting and stabilization done to the Ferry Building, pile driving is not  
15 expected to have an adverse effect. The Agriculture Building is located approximately  
16 400 feet away from the six potential pile driving locations located adjacent and north of  
17 the existing BART Transition structure. The EA determined that potential pile driving  
18 vibration beyond 200 feet is not expected to have any measurable effect on buildings  
19 constructed prior to modern reinforcement techniques. Therefore, project construction  
20 would have no effect on the historical integrity of the Agriculture Building. Sinbad's  
21 and the Pier 1 Deli are similarly located beyond 200 feet from potential pile driving  
22 activities. However, in the event of unforeseen vibration impacts, BART has agreed to  
23 conduct pre- and post-construction surveys to document structural conditions of the  
24 Ferry Building and the Agricultural Building at project completion (see revised EA  
25 section 2.2.2). If applicable, work would be performed in accordance with the  
26 referenced Secretary of Interior Standards for Historic Rehabilitation.

27 **I-12.** Please see response to Comment F-7. BART has refined the conceptual design of the  
28 temporary Golden Gate Ferry Terminal at future Gate C (see Figure 8). Relocation of the  
29 Golden Gate ferry terminal, as well as mitigation to ensure construction and supply  
30 barges do not interfere with terminal access, will ensure that operations of all ferry berths  
31 will be maintained at a comparable level of service throughout project construction (see  
32 revised EA section 2.2.3). The proposed mitigation measures have been designed to avoid  
33 any potential "cross-over" traffic related to ferry arrivals and departures.

34 **I-13.** Please see response to Comment F-7 and Figure 8. The full text and analysis of revised  
35 mitigation measures are described in revised EA section 2.2.3. Details of the  
36 construction phasing plan are identified in revised EA section 2.1.2, and are shown on  
37 Figures 2 through 7. Impacts associated with implementation of the temporary Golden  
38 Gate Ferry Terminal are assessed in section 2.2.8, and mitigation identified, as  
39 appropriate.

40 **I-14.** Please see response to Comment F-7. To ensure adequate access is provided for Golden  
41 Gate District's ferry operations and a comparable level of service is maintained  
42 throughout construction, Golden Gate District's existing vessel infrastructure and  
43 support services will be relocated to a temporary, dual-berth ferry terminal at future

1 Gate C (see Figure 8). The full text and analysis of revised mitigation measures are  
2 described in revised EA section 2.2.3.

3 **I-15.** Revised EA section 2.1.2, and Figures 2 through 7, identify the proposed construction  
4 phases at the Platform, which include the temporary removal and replacement of the  
5 Platform structure itself. Design and reconstruction of the Port facilities altered during  
6 construction will meet applicable code requirements.

7 The Ferry Terminal at the San Francisco Ferry Plaza Platform proposed for removal and  
8 temporary relocation will also be rebuilt based on further consultation between BART,  
9 Caltrans, FHWA, the Golden Gate District, and other responsible agencies (e.g., Port of  
10 San Francisco, BCDC), and will meet applicable code requirements. Please see Section  
11 2.2.3 for additional information.

12 **I-16.** Please see response to Comment F-7. BART will coordinate with the Port's Homeland  
13 Security Director and the City of San Francisco Office of Emergency Services to develop  
14 any alternative response plans for emergencies that could arise during project  
15 construction.

16 **I-17.** EA section 3.8.2.2 assesses the impacts of San Francisco Transition Structure construction  
17 activity on visual resources. In addition, revised EA section 2.2.8 assesses the visual  
18 impacts associated with implementation of the proposed temporary terminal at future  
19 Gate C. Construction effects would be temporary, and the Platform and vicinity would  
20 be restored to its in-kind condition following construction. Therefore, project  
21 construction, including removal of a portion of the platform, would not affect the  
22 broader scenic setting and impacts on visual quality would be negligible. In addition,  
23 revised EA section 2.2.8 includes mitigation measures intended to direct visitors to other  
24 nearby, publicly-accessible viewing locations, thereby linking important and  
25 underutilized scenic resources located along the waterfront. Implementation of the  
26 proposed mitigation measures is expected to ensure that impacts from loss of public  
27 access viewing space will remain less than substantial. Nevertheless, BART will  
28 continue to consult with the Port and other affected entities to refine the implementation  
29 of these measures, in order to further minimize any unanticipated impacts.

30 **I-18.** The EA (page 3.10-5, lines 15-25) identifies project measures that will be implemented to  
31 minimize off-site construction impacts related to air quality emissions, and references  
32 the BART Seismic Retrofit Project Construction Standards Manual for additional details.  
33 As described in revised EA section 2.2.6, BART will implement best management  
34 practices for dust control, including the applicable BAAQMD "Basic," "Enhanced," and  
35 "Optional" control measures to reduce fugitive PM<sub>10</sub> emissions (e.g., dust) from  
36 proposed construction activities.

37 **I-19.** Please see response to Comments C-6 and F-7. BART will continue to work with the  
38 Port and tenants to address their concerns to ensure that disruption of their businesses is  
39 minimized, mitigation measures are implemented (see revised EA section 2.2.7), and  
40 public access to affected businesses is maintained throughout project construction.  
41 BART's project management and community outreach team will be actively involved  
42 throughout the construction period to quickly respond to and resolve any issues that

1           may arise. However, although social impacts must be considered for purposes of  
2           NEPA, including impacts on access to services that Port tenants provide to the public,  
3           the tenants' potential lost business income is not an environmental impact.

1

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"Ernest Sanchez"  
<Epsanche@clalameda.ca.us>

To <jayton@bart.gov>  
cc

10/13/2005 03:34 PM

Subject Re: BART Seismic Retrofit Project Environmental Assessment

\*\* High Priority \*\*

I would like to comment on the five mitigation measures listed in Table 3.4-7 of the Environmental Assessment (EA).

Mitigation Measures 1 & 3

a) I ask that any reference to "representatives from Alameda-Harbor Bay Ferry" be deleted from the text as the City of Alameda is the operator of the Alameda Harbor Bay Ferry (AHBF) and does not agree with the opinion reported.

J-1

b) The City operates two ferry services: the AHBF and the Alameda/Oakland Ferry Service (AOFS). Both services are funded in part through MTC Regional Measure 1-5% Bridge Toll program (RM1) grants. To maintain grant eligibility, each ferry must maintain at least a 40% Farebox Recovery Ratio (FRR). This year the AHBF almost lost grant eligibility due to a low FRR. As that system is struggling to reach (and maintain) a 40% FRR any disruption (and especially an extended disruption) could have significant consequences for the service. Having to adjust the service schedule by 15 to 20 minutes would very likely significantly suppress ridership.

J-2

c) The likelihood that one of the boats will breakdown while at the pier is not address by this mitigation measure.

J-3

I believe that this mitigation measure should be considered as a last resort only.

Mitigation Measure 2

a) I ask that any reference to "representatives from Alameda-Harbor Bay Ferry" be deleted from the text as the City of Alameda is the operator of the Alameda Harbor Bay Ferry (AHBF) and does not agree with the opinion reported in the text.

J-4

b) Relocating the terminals one to three miles from their current locations would have a very significant negative effect on our ridership.

J-5

I do not believe this to be a viable option. I ask that this measure be eliminated from the EA.

Mitigation Measure 4

a) It is not clear how this measure would mitigate the impact of the work on the east bay ferries. The measure suggests that if a new float were constructed at Pier 4, our ferries could be repaired there. But the main impact of the work on our ridership will result from delays due to 1) multiple vessels using the southern berth of the South Terminal and 2) breakdown of a vessel at the berth.

J-6

I believe that this measure could be of some very limited benefit but it does not address the principal concern.

Mitigation Measure 5

This measure would be acceptable if it were to result in only a 2 week closure of the northern berth.

J-7

1 Ernest Sanchez, City of Alameda, (on behalf of the Alameda Harbor Bay Ferry and  
2 Alameda/Oakland Ferry Service), October 13, 2005

3 J-1. EA mitigation measures have been revised to eliminate all references to “representatives  
4 from the Alameda-Harbor Bay Ferry.” Please see revised EA section 2.2.3 for additional  
5 details.

6 J-2. Please see response to Comment F-7. Vessel transportation mitigation measures have  
7 been revised to ensure all ferry terminal operations are maintained during proposed  
8 construction activities at the Ferry Plaza Platform to avoid temporary impacts associated  
9 with loss of ridership (see revised EA section 2.2.3). Specifically, to avoid impacts at the  
10 South Terminal, BART proposes to tie-off construction supply barges at the northern  
11 and eastern ends of the Platform and/or to provide the City of Alameda 48-hours  
12 advanced notice if a construction supply barge needs to be moved during ferry hours of  
13 operation. In addition, in the event of unscheduled maintenance or an emergency  
14 situation, access to a SBC Park or Pier 27 ferry berth is proposed. As a result, requiring  
15 adjustment of ferry schedules is no longer anticipated.

16 J-3. Please see response to Comment J-2. In the event of unscheduled maintenance or  
17 emergency situation, such as a boat breaking down at berth, access to another ferry  
18 berth at SBC Park or Pier 27 will be provided to ensure continual ferry operations  
19 throughout the duration of construction (see revised EA section 2.2.3 for details). With  
20 implementation of the revised mitigation measures, requiring adjustment of schedules  
21 (EA Table 3.4-7 measures 1 and 3) is no longer anticipated.

22 J-4. Please see response to Comment J-1.

23 J-5. Please see response to Comments H-5 and H-6. The ferry berths at SBC Park and/or  
24 Pier 27 will only be used in the event of unscheduled maintenance or emergency  
25 situations, and were not intended for commuter use.

26 J-6. As described in revised EA section 2.2.3, mitigation measures to minimize or avoid  
27 vessel transportation impacts are provided for all ferry operators at the Ferry Building.  
28 The referenced mitigation measure is specific to Golden Gate Ferry Terminal operations,  
29 and is proposed to offset impacts associated with precluding access to existing Golden  
30 Gate District infrastructure at the Ferry Platform (see response to Comment F-7). To  
31 avoid impacts to ferry operations at the South Terminal, mitigation is proposed  
32 requiring construction supply barges to tie-off to the northern and eastern ends of the  
33 Platform, or to provide 48-hours advanced notice in the case a barge needs to be moved  
34 during ferry hours of operation. In addition, in the event of unscheduled ferry  
35 maintenance, or emergency situations that may affect any of the six berths at the Ferry  
36 Building, use of a SBC Park or Pier 27 ferry berth would made be available (see revised  
37 EA section 2.2.2). Therefore, impacts associated with loss of ridership resulting from  
38 delays is not anticipated.

39 J-7. As discussed in revised EA section 2.2.3 and depicted on Figures 2 through 7,  
40 construction supply barges will be tied off to the northern and eastern ends of the

### *3.0 Responses to Written Comments on the EA*

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1 Platform to avoid interfering with ferry operations at the South Terminal throughout the  
2 duration of construction. In the event that a barge would need to be moved during ferry  
3 hours of operation, BART has agreed to provide 48-hours advanced notice to the City of  
4 Alameda. Therefore, vessel transportation impacts resulting from precluding access to  
5 the northern berth at the South Terminal would be avoided.

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September 27, 2005

Janie Layton  
BART Environmental Compliance  
PO Box 12688, Mail Stop LKS-18  
Oakland, CA 94606-2688

**Re: Environmental Assessment**

Dear Mrs. Layton,

On behalf of the Ferry Plaza Limited Partnership ("FPLP") and its subtenant the World Trade Club of San Francisco ("WTC"), I would like to express our concerns about the Environmental Assessment, dated August, 2005. As you may be aware, FPLP has a long term lease on the building designated as the San Francisco Transition Structure in the report, consequently any work that is performed on the Ferry Plaza will have a detrimental impact on our subtenant's business.

K-1

Although we have been in contact with BART representatives on this matter for several months now, I only learned of the existence of the environmental assessment and was only provided a copy by the Port of San Francisco yesterday. Due to this short time frame to review the document, my comments will be general in nature.

K-2

Section 3.0 Existing Environment, Impacts, and Mitigation, lists ten different studies that were done to prepare the environmental assessment. Of particular concern for FPLP and the WTC is the noise and vibration that drilling the piles will make. We have never been given a copy of the Noise Technical Study and due to the uncertainty of the method of construction, the number of piles to be drilled and the length of construction, it is impossible for us to know exactly what to expect. I just want to remind you that the WTC derives the majority of its business from its meeting rooms and banquet facilities. Any constant, loud noise will harm the WTC's business. For instance, during construction of the fence at the bottom of the structure, one person using a small hammer caused enough noise for the company renting the room for a meeting to complain to the manager that they could not hold their meeting. While I see mitigation measures for locations 3-19 and 20-37, I did not see anything mentioned for the Transition Structure other than the last four lines on page 3.2-9. We need more information as to what exactly will be done on the plaza, what mitigation measures will be in place and how long will the construction take.

K-3



Janie Layton  
September 27, 2005  
Page 2

K-4

There is also no mention of the impact on transportation on the plaza. While the plaza is not a transit corridor, we do need access to the club for its members and guests and for commercial deliveries. The plaza is the only means by which anyone can reach the building. We just want to be assured that there will be a clean and safe way for the public to do so.

K-5

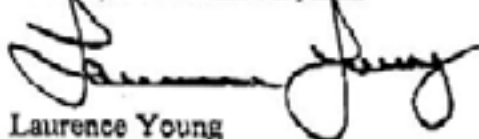
Finally, under Social Impacts, page 3.11-7, lines 22-28, it is disingenuous for the report to say that "impacts related to use of this facility are considered negligible." To the WTC and the tenants of the Ferry Building, the impact of the construction will be huge. Business at the club could potentially dry up if proper measures aren't taken to allow convenient access to the building that is safe and inviting to the members and their guests and to mitigate the noise, vibration and pollution caused by the drilling.

K-6

We fully understand and appreciate that this is a major construction project and that details in this report may not occur since the project is still being finalized, however, we have to be concerned with anything that will impact the WTC' use and enjoyment of the Transition Structure. It is an ongoing business which sits directly on the ferry plaza and since the construction will be on the plaza it will be directly impacted by the sight, sound, vibration, and pollution of the construction and its access to the street will be restricted.

Sincerely,

CHAN, DOI & LEAL, LLP



Laurence Young

1 **Laurence Young, Chan, Doi & Leal, LLP, on behalf of the Ferry Plaza Limited Partnership**  
2 **and World Trade Club, September 27, 2005**

3 **K-1.** Based on further design review, several of the proposed retrofit techniques analyzed in  
4 the EA have been eliminated from further consideration in order to avoid a detrimental  
5 impact on businesses and patrons at and surrounding the Platform, including the World  
6 Trade Club (see revised EA sections 2.1.1 through 2.1.3). Accordingly, impacts  
7 associated with their implementation are no longer applicable. Further design review  
8 also indicates that pile driving, dredging, and fill will be substantially reduced  
9 compared to that analyzed in the EA, as would be the resulting noise, water quality, and  
10 public access impacts (see revised EA sections 2.2.1 through 2.2.8 for additional details).  
11 Responses to specific concerns are addressed below.

12 **K-2.** A copy of the EA was received by Tim Odenweller at the World Trade Club, on August  
13 28, 2005. In addition, the Public Notice of Availability was sent to the following  
14 representatives at the World Trade Club: Christian Thon, Damir Priskich, Tad Lacey,  
15 and Gregory Putnam. This mailing meets the Federal Highway Authority's (Lead  
16 Agency) requirements for public review pursuant to NEPA, and provided the World  
17 Trade Club a 30-day period to review and comment on the environmental document.

18 **K-3.** Per NEPA CEQ Guidance, technical studies are not required to be circulated to the  
19 public with the EA; however, BART sent a copy of the Noise Technical Study on  
20 December 12, 2005 to Chan, Doi & Leal, LLP. In addition, all technical studies, including  
21 the Noise Technical Study, were made available for review during the 30-day public  
22 comment period at six locations: the BART, Caltrans, and FHWA offices, and three local  
23 libraries (San Francisco Main, Rockridge Branch, and Oakland Main). The EA is  
24 required to contain sufficient technical information from these reports to substantiate the  
25 conclusions drawn.

26 Further design review indicates that an estimated six of the total 116 steel pipe piles  
27 associated with Pile Array installation at the San Francisco Transition Structure may  
28 require use of an impact hammer. The remainder of these piles would be installed by  
29 rotating or oscillating techniques, which are not expected to produce noise levels or  
30 vibration in excess of approved standards. In addition, project noise construction  
31 measures will be implemented throughout the duration of construction to minimize or  
32 reduce noise levels, as described in revised EA section 2.2.1, including limiting pile  
33 driving hours to avoid the lunch and dinner hours. See also response to Comments F-35  
34 and F-36.

35 For further information on the proposed construction phases at the Platform, see revised  
36 EA section 2.1.2 and Figures 2 through 7. The anticipated construction schedule for the  
37 transition structure is described in revised EA section 2.1.4; retrofits are expected to take 2  
38 to 3 years.

39 **K-4.** To facilitate access to and use of the Platform during retrofits at the San Francisco  
40 Transition Structure, construction would occur in up to six phases, ensuring that  
41 portions of the Platform remain publicly accessible by both pedestrians and transit,

1 including entrance(s) to the World Trade Club throughout the duration of construction  
2 activities (see Figures 2 through 7). BART will continue to consult with the World Trade  
3 Club to ensure that access to the existing entrance(s) on the Platform remain operational  
4 during construction, as it is expected that patron access to the club and commercial  
5 deliveries would continue through these entrances.

6 **K-5.** Please see response to Comment C-5. Measures will be implemented to ensure that  
7 noise, vibration, pollution (e.g., dust), and public access impacts are minimized during  
8 construction as described in revised EA sections 2.2.1 through 2.2.8. BART will specify  
9 these measures, as well as other BART standard construction measures, within all  
10 construction contracts to minimize environmental impacts. See also response to  
11 Comments F-34 through F-36. However, although social impacts must be considered for  
12 purposes of NEPA, including impacts on access to services that businesses provide to  
13 the public, potential lost business income is not an environmental impact.

14 **K-6.** Comment noted. BART, in cooperation with Caltrans and FHWA, will continue to  
15 consult closely with the World Trade Club to ensure construction impacts are reduced or  
16 minimized through proper implementation of mitigation measures proposed in the EA.

Jane\_Connors@equityoffice.com

To Jlayton@Bart.Gov

cc MMcCarthy@Bart.Gov, Mary\_Hunter@equityoffice.com

09/28/2005 04:57 PM

Subject BART Environmental Assessment/Ferry Building Concerns

Janie -

I am writing this letter in response to the Environmental Assessment of the BART Seismic Upgrade - and it's potential impacts on the surrounding area

of the plaza behind the Ferry Building.

While we understand the importance of this upgrade it is imperative that we

protect the interest of our tenants who have invested in businesses at the

Ferry Building. We would hope these conditions will be considered:

Our primary concern is that BART work with all Ferry Building tenants to access noise level concerns.

That various work shifts on the back plaza are scheduled in consideration of work and retail needs of the Ferry Building tenants, because of noise levels.

All hazardous materials are clearly labeled, guarded and maintain a far

distance from the Marketplace and Farmers Market.

That BART contacts Ferry Building management within 72 hours of any use of fumes that may effect the health and welfare of Ferry Building tenants.

That water quality in the Bay is closely monitored.

The area under the Ferry Building is closely monitored for erosion during the seismic upgrade, and that land be returned to a condition as

least as good as that which existed before the seismic upgrade.

That no permanent adverse environmental impacts interfere with the use

of the back plaza after the seismic retrofit is completed.

Jane Connors  
Ferry Building  
Communications Specialist  
Phone 415.591.0950 ext.116  
Fax 415.591.0951

The Ferry Building is dedicated to the celebration of San Francisco's artisan food culture and cuisine and is supported by Equity Office, a company committed to fostering the values of this community.

L-1

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1 **Jane Connors, San Francisco Ferry Building, Equity Office, September 28, 2005**

2 **L-1.** Comment noted. Responses to specific comments are provided below.

3 **L-2.** See response to Comments F-34 through F-36. BART, in cooperation with Caltrans and  
4 FHWA, will continue to consult closely with the Port and Ferry Building tenants to  
5 ensure noise levels are maintained within acceptable limits throughout the extent of  
6 construction activities at the Ferry Terminal area. See also revised EA section 2.2.1 for  
7 details regarding the proposed noise reduction measures.

8 **L-3.** Please see response to Comment L-2.

9 **L-4.** Revised EA Section 2.2.4 includes a mitigation measure requiring the proper handling,  
10 disposal, and use of hazardous materials in the vicinity of active pedestrian and public  
11 use areas at the San Francisco Ferry Building.

12 **L-5.** Revised EA Section 2.2.4 includes a mitigation measure requiring BART to contact the  
13 San Francisco Ferry Building Management within 72 hours prior to the start of  
14 construction activities that could release fumes that may affect Ferry Building tenants or  
15 patrons.

16 **L-6.** BART will be required to obtain regulatory permits consistent with local, state, and  
17 federal requirements, including those from the San Francisco Regional Water Quality  
18 Control Board, and to adhere to conditions imposed as part of these permits regarding  
19 water quality and pollution control. See also EA section 3.1.2.2 for a discussion of  
20 project actions that will be implemented to avoid water impacts, such as use of  
21 temporary construction sheet pile walls around construction areas for confinement of  
22 turbidity and construction debris.

23 **L-7.** As described in EA section 3.5.2.2, proposed retrofits would have negligible impacts on  
24 geology and seismicity, including at the San Francisco Transition Structure. Completion  
25 of these upgrades will actually strengthen the land materials surrounding the transition  
26 structure and Tube, and greatly reduce the potential for liquefaction or other  
27 seismically-induced impacts or erosion. During dredging activities, BART will use  
28 temporary construction sheet pile walls, which will also act to reduce the potential for  
29 slope failure. Removal of portions of the Ferry Plaza Platform, including up to 80  
30 support piles, will be replaced and redeveloped to pre-construction conditions.

31 **L-8.** Environmental impacts associated with the proposed project would be temporary (i.e.,  
32 only occur during the duration of construction activities); the project would not result in  
33 any permanent, long-term adverse impacts. In addition, the Platform will be restored to  
34 its pre-project conditions following project completion. See revised EA sections 2.2.1  
35 through 2.2.8 for proposed mitigation measures that will be implemented to ensure  
36 impacts to the Platform and surrounding area are minimized during project construction.

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## 4.0 REFERENCES

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## 5.0 ACRONYMS

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BART	San Francisco Bay Area Rapid Transit District
BCDC	San Francisco Bay Conservation and Development Commission
Caltrans	State of California Department of Transportation
CDFG	California Department of Fish and Game
CESA	California Endangered Species Act
CHP	California Highway Patrol
CUESA	Center for Urban Education about Sustainable Agriculture
CWA	Clean Water Act
cy	cubic yards
CZMA	Coastal Zone Management Act
dBA	A-weighted decibel
EA	Environmental Assessment
EFH	Essential Fish Habitat
ESA	federal Endangered Species Act
FHWA	U.S. Department of Transportation Federal Highway Administration
FONSI	Finding of No Significant Impact
FPLP	Ferry Plaza Limited Partnership
LOS	level of service
MHTL	mean high tide line
NOAA	National Oceanic and Atmospheric Administration
NMFS	National Marine Fisheries Service
sf	square feet
SWPPP	Stormwater Pollution Prevention Plan
WTA	Water Transit Authority

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