

**PIER 9
LAYOVER FERRY
BERTH FACILITY**

MITIGATED NEGATIVE DECLARATION

INTRODUCTION

This Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA) of 1970 and its applicable Guidelines, as amended. It is an informational document prepared to inform decision-makers and the general public of the potential environmental effects associated with the proposed project located at Pier 9, along the northeast San Francisco, California waterfront.

The San Francisco Bay Area Water Emergency Transportation Authority (WETA) will use this Mitigated Negative Declaration in its decision making process on the proposed project. The conclusion of this Mitigated Negative Declaration is that the proposed project, with mitigation, would not generate any significant direct or primary physical impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

The proposed project is to construct Layover Berths for two (2) San Francisco Bay Area Water Emergency Transportation Authority (WETA) ferry boats alongside the northern apron of Pier 9, adjacent to the WETA Administrative Offices and the San Francisco Bar Pilots Association administrative headquarters. Pier 9 is located on The Embarcadero at Vallejo Street and is bounded by The Embarcadero to the west and San Francisco Bay to the east, north and south.

The Layover Berths will be used to hold out-of-service ferries when existing terminal berths cannot be used due to operating constraints, or to hold the ferries when they are surplus to capacity requirements. Two berths are proposed for the WETA's 118' Catamaran Ferry. The layover berths are not intended to be used for passenger service, or as a base for staging daily operations. While at the layover berths, the ferries may be provided with janitorial and hotel services to include:

- Refilling potable water tanks
- Pumping out wastewater holding tank
- Commissary provisions
- Trash removal
- Shore Power (ship-board generators will not be running)

FINDINGS AND BASIS FOR A MITIGATED NEGATIVE DECLARATION

The San Francisco Bay Area Water Emergency Transportation Authority (WETA) has reviewed the Initial Study for the proposed project and finds the following:

- A. General Findings.** The WETA finds that although the Initial Study identifies two potentially significant effects on the environment, (i) the WETA has agreed to design or mitigate the Project so as to reduce these impacts to a point where clearly no significant effect on the environment would occur, and (ii) there is no substantial evidence in light of the whole record and background reports that the Project, as designed and mitigated, may have a significant effect on the environment.
1. Pursuant to Public Resources Code Section 21082.1(c) (3), the WETA finds that the Mitigated Negative Declaration reflects the WETA's independent judgment and analysis.
 2. Pursuant to Public Resources Code Section 21091 (f), the WETA will consider the Mitigated Negative Declaration together with any comments received from the public prior to approval of the proposed project.
 3. The custodian of the documents and other materials that constitute the record is John Sindzinski, WETA Manager, Planning & Development, or his designee. Such documents and other materials are located at Pier 9, Suite 111, The Embarcadero, San Francisco, CA 94111.

The following findings set forth the basis for an analysis supporting the WETA's decision to adopt a Mitigated Negative Declaration for the Project.

- B. Findings Regarding Mitigation of Potential Environmental Impacts.** The following findings are made with respect to potential environmental effects analyzed in the Mitigated Negative Declaration. All references to mitigation measures refer to the mitigation measures as set forth in the Project mitigation monitoring program, as incorporated into the Mitigated Negative Declaration.

1. Air Quality

Analysis of Issue. The Mitigated Negative Declaration analyzed and discussed potential impacts to this issue on pages 16 and 17 of the Initial Study.

Mitigation Measure. The Mitigated Negative Declaration determined that Mitigation Measure 3-1 is necessary to reduce potential impacts to air quality to a less than significant level, as identified and discussed on pages 16 and 17 of the Initial Study. With the implementation of this mitigation measure, the Project's impacts related to air quality would be less than significant.

Finding. As designed and mitigated, the Project would not conflict with or obstruct implementation of any applicable air quality plan, conflict with San Francisco General Plan, or violate any air quality standard, including the Bay Area Air Quality Management District's (BAAQMD) 2005 Ozone Strategy, or interfere with implementation of the 2005 Ozone Strategy or the BAAQMD 2001 Ozone Attainment Plan. The Project would not contribute to an existing or projected air quality violation because there would be no new

stationary sources of emissions, would not significantly increase car or truck traffic in the area, would not develop new polluting industries and businesses, and would not contribute to the concentration or quantity of volatile pollutants in the Bay Area relative to the existing waterfront uses onsite. In addition, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment, expose sensitive receptors to a substantial pollutant concentration, or create a permanent source of objectionable odors.

During the period of construction diesel emissions would be generated by diesel powered pile-driving equipment. This would result in the temporary release of diesel exhaust, fumes and odors. This potential impact is substantially similar in scope to short-term air quality effects related to construction and pile-driving for waterfront developments or improvements throughout the San Francisco Waterfront. This impact will be reduced to a less than significant level through the implementation of Mitigation Measure 3-1, as described on page 17 of the Initial Study. As this mitigation measure would implement standard construction emission control procedures, the Project would result in a less-than-significant air quality impact related to diesel exhaust, regulated by the California Air Resources Board as a toxic air contaminant.

Based on all the evidence in the record, the Project, as designed and mitigated, will not conflict with or obstruct implementation of any applicable air quality plan, will not violate any air quality standard or contribute to an existing or projected air quality violation, will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard, will not expose sensitive receptors to substantial pollutant concentrations, and will not create objectionable odors affecting a substantial number of people.

2. Noise

Analysis of Issue. The Mitigated Negative Declaration analyzed and discussed potential impacts related to noise on pages 30 through 32 of the Initial Study.

Mitigation Measure. The Mitigated Negative Declaration determined that Mitigation Measure 11-1 is necessary to reduce potential noise impacts to a less than significant level, as identified and discussed on page 32 of the Initial Study. With the implementation of this mitigation measure, the Project's impacts related to noise would be less than significant.

Finding. Ambient noise and vibration levels in the Project vicinity are typical of neighborhood noise levels in San Francisco, which can include vehicular/transit traffic (trucks, cars, MUNI buses/rail, emergency vehicles), and land use activities. Neighborhood noise sources in the Project vicinity include motor vehicle traffic on The Embarcadero, the MUNI F-Line streetcars, and existing residential and commercial land uses.

The Project would not add significant traffic, other than the sporadic delivery of supplies to the berthed ferries, or would involve traffic-generating land uses. Therefore, the Project-generated traffic would not have the potential to expose people to or generate noise levels in excess of applicable standards, or to cause a significant increase in the ambient noise level in the Project vicinity.

Temporary, short-duration construction involving pile driving and installation of the gangways would temporarily increase noise in the Project vicinity. During the majority of

construction activity, noise, although related to a single-event peak level rather than a sustained average level, would be above existing ambient levels in the Project vicinity. Construction noise would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers (including subsurface barriers). The project proposes a limited number of piles (2 gangway supports, 2 fender piles and 6 float guide piles).

Construction noise would be intermittent and limited to daytime hours during the period of construction. Construction noise is regulated by the San Francisco Noise Ordinance. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools, such as jackhammers and impact wrenches, must have both intake and exhaust muffled to the satisfaction of the Director of the Department of Public Works (DPW). Section 2908 of the Noise Ordinance prohibits construction work between 8:00 PM and 7:00 PM if noise would exceed the ambient noise level by 5 dBA at the Project property line, unless a special permit is authorized by the Director of DPW.

Compliance with the San Francisco Noise Ordinance regulating construction noise and implementation of Mitigation Measure 11-1, as described on page 32 of the Initial Study, would reduce impacts related to short-term and temporary construction noise to a less than significant level.

Based on all the evidence in the record, the Project, as designed and mitigated, will not conflict with the San Francisco Noise Ordinance and will not expose sensitive noise receptors to permanent increase in ambient noise levels. The Mitigated Negative Declaration describes standard construction noise control measures that the Project would implement; as such, the Project would result in a less-than-significant construction noise impact.

3. Other Environmental Issues

The WETA has reviewed the Initial Study for the Project and finds the following with respect to other environmental issues:

- a) The project will not generate significant adverse effects on water quality.
- b) The project will not have any significant adverse impacts on the flora or fauna of the area.
- c) The project will not have a significant adverse effect on cultural resources.
- d) The project will not significantly degrade the aesthetic quality of the area.
- e) The project will not have any significant adverse impacts on traffic, land use, or public services and infrastructure.
- f) In addition, the project will not:
 - Create impacts that have the potential to significantly degrade the quality of the environment

- Create significant impacts that achieve short-term, to the disadvantage of long-term, environmental goals.
- Create impacts that are individually limited, but cumulatively considerable to a significant degree.
- Create environmental effects that will cause significant adverse effects on human beings, either directly or indirectly.

INITIAL STUDY

A copy of the Initial Study on which the findings for a Mitigated Negative Declaration has been based is attached.

REVIEW PERIOD

The review period is from April 21, 2008 through May 21, 2008. All written comments regarding this Mitigated Negative Declaration must be received by the San Francisco Bay Area Water Emergency Transportation Authority (WETA), Pier 9, Suite 111, The Embarcadero, San Francisco, CA 94111, no later than 5:00 PM, May 21, 2008.

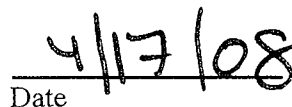
CALIFORNIA ENVIRONMENTAL QUALITY ACT

This Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act and its applicable guidelines, as amended.

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Date