

CHAPTER 4 OTHER CEQA/NEPA CONSIDERATIONS

4.1 ENVIRONMENTALLY PREFERABLE/SUPERIOR ALTERNATIVE

The National Environmental Policy Act (NEPA) requires that “the alternative or alternatives which were considered to be environmentally preferable be identified. Environmentally preferable is defined as the alternative that will promote the national environmental policy expressed in Section 101 of the National Policy Act, meaning the alternative that causes the least damage to the biological and physical environment. In addition, it also means the alternative that best protects, preserves, and enhances historic, cultural and natural resources” (CEQ, 1981). Although Council on Environmental Quality regulations require the identification of the environmentally preferred alternative, it is not required that this alternative be adopted.

The national environmental policy expressed in Section 101 of NEPA includes the following goals:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- Preserve important historic, cultural, and natural aspects of our national heritage; and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life’s amenities; and
- Enhance the quality of renewable resources, and approach the maximum attainable recycling of depletable resources (NEPA, Section 101[b]).

The California Environmental Quality Act (CEQA) does not provide specific direction regarding the methodology of comparing alternatives and the proposed project. Each project must be evaluated for the issues and impacts that are most important; this will vary depending on the project type and the environmental setting.

The CEQA Guidelines (Section 15126.6[e][2]) state that “If the environmentally superior alternative is the “No Project” alternative, the Environmental Impact Report (EIR) shall also identify an environmentally superior alternative among the other alternatives.”

Under the No Action Alternative, there would be no implementation of facility improvements at the Downtown San Francisco Ferry Terminal (Ferry Terminal). Therefore, only a small increase in water transit service (i.e., only service that could be accommodated at the existing two gates that the Water Emergency Transportation Authority (WETA) has access to) could be safely accommodated at the Ferry Terminal over the long term. In addition, in the event of an emergency, WETA vessels deployed for evacuation purposes would be required to use the existing two gates at the Ferry Terminal available to WETA (Gates B and E). Existing Ferry Terminal and San Francisco Ferry Building (Ferry Building) areas would be used for staging of evacuees (e.g., areas along The Embarcadero or the Ferry Plaza), which are not built to Essential Facilities standards.¹ If areas of the Ferry Terminal not built to Essential Facilities standards fail, or otherwise cannot be safely accessed, passengers would need to be staged

¹ As defined by the California Building Code 2010 and the International Building Code 2009, Essential Facilities are buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow, or earthquakes.

elsewhere, and alternative access to vessels would need to be provided, potentially hindering evacuation activities.

The Action Alternative would accommodate the full expansion of water transit service outlined in WETA's Implementation and Operations Plan for the San Francisco Bay Area, by constructing three new gates, overwater berthing facilities, and supportive landslide improvements (such as additional passenger waiting and queuing areas, and circulation improvements). In addition, improvements constructed under the Action Alternative would all be constructed to Essential Facilities standards, to ensure that the improved circulation areas (e.g., the new Embarcadero Plaza) would be available for emergency operations and evacuee queuing, if necessary.

Although the No Action Alternative would not result in any physical impacts to the environment, it would not meet the purpose and need of the project; and over the long term, it would not improve alternative transportation and emergency operations in the Bay Area. The No Action Alternative would not accommodate the projected increases in transbay water transit trips that would help alleviate congestion over the Bay Bridge and through the Bay Area Rapid Transit Transbay Tube. Furthermore, the No Action Alternative would not address WETA and the Port of San Francisco's emergency operation needs. In addition, the No Action Alternative would be inconsistent with several of the plans and policies adopted for the Ferry Terminal area that encourage an expansion in water transit services, and improvements to public access and open space. Therefore, the No Action Alternative would not be considered an environmentally preferred/superior alternative over the long term.

The Action Alternative would meet the purpose and need of the project. The only significant, unavoidable, and adverse impacts that would result from implementation of the Action Alternative, in the short or long term, would be transportation and circulation impacts, as described in Section 3.2. All other impacts identified for the Action Alternative would be negligible, less than significant and not adverse, or less than significant and not adverse with the implementation of mitigation measures. As described in Section 2.7 of this document, other alternatives to the project have been previously evaluated. However, these alternatives were found not to meet the project purpose and need, to not be feasible, to not be consistent with other plans, or to exceed projected funding. A majority of the adverse impacts that would result from the Action Alternative would be temporary construction impacts, which would be outweighed by the long-term benefits of project implementation. The Action Alternative best meets the goals listed in NEPA Section 101 because it facilitates beneficial use of the environment through water transit service, without degradation or other undesirable consequences. Furthermore, it preserves important historic aspects of our national heritage and achieves a balance between population and resource use, permitting a wide sharing of San Francisco Bay as an amenity (through expanded use of the Ferry Terminal), and reducing the use of depletable resources.

Therefore, the Action Alternative, as designed and with incorporation of the recommended mitigations, is considered to be the environmentally preferable/superior alternative.

4.2 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Under 40 Code of Federal Regulations (CFR) 1502.16, NEPA requires that an Environmental Impact Statement (EIS) describe the irreversible and irremediable resource commitments related to the use of nonrenewable resources that could result from the implementation of the proposed project. Irreversible effects would primarily result from the use or destruction of a specific resource, such as energy and minerals that could not be replaced within a reasonable time frame. Irremediable resource commitments would involve the loss in value of an affected resource that could not be restored as a result of the action; an example of this is the extinction of a threatened or endangered species, or the disturbance of a cultural resource. The proposed project would require the commitment of resources; primarily, the use of nonrenewable resources such as fossil fuels, water, labor, and electricity, for project construction and operation.

Construction activities would require the use of fossil fuels for the operation of vehicles and equipment. Construction of the project would also require a commitment of a variety of other nonrenewable or slowly renewable natural resources, such as construction materials. Use of raw building materials for construction would be an irretrievable commitment of resources from which these materials are produced. Commitment of labor and fiscal resources for construction and operation is considered irretrievable. However, project operation may be a zero-net energy project. It would incorporate green building approaches to the design of the new facilities, and potentially include photovoltaic cells into the canopies at Gates A, E, F, and G. The project's minor, incremental, increased use of these resources, however, would not significantly increase the overall commitment of resources associated with water transit operation in the Bay Area, or development within San Francisco. The project would involve only minor, incremental use of nonrenewable resources, and would not prevent sustainable development.

An irreversible loss of special-status species could occur, should the project result in incidental take of federally listed fish species. The proposed project may result in potential incidental take of green sturgeon and longfin smelt. However, measures have been identified in Section 3.9 that would minimize impacts to these species; therefore, an irretrievable loss of these species' populations is not expected.

4.3 SIGNIFICANT UNAVOIDABLE IMPACTS

Under 40 CFR 1502.16, NEPA requires that an EIS include a description of any significant unavoidable impacts for which no mitigation, or only partial mitigation, is feasible.

Section 15126(b) of the CEQA Guidelines requires that an EIR "describe any significant impact, including those which can be mitigated, but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described."

Two potentially adverse and significant indirect impacts are identified Section 3.2, Transportation and Circulation, related to pedestrian traffic congestion at three crosswalks along The Embarcadero. These impacts are summarized below:

- **Impact 3.2-3: Potential Impacts to Pedestrian Facilities in Existing Conditions.** Increases in pedestrian circulation associated with the project under Existing Conditions would result in substantial overcrowding for three study area crosswalks.
- **Impact 3.2-8: Potential Cumulative Impacts to Pedestrian Facilities in Future (2035) Conditions.** Increases in pedestrian circulation associated with the project under Future (2035) Plus Project conditions would result in substantial overcrowding for three study area crosswalks.

As described in Section 3.2, mitigation measures have been identified that could reduce these impacts. However, because there is uncertainty as to whether fully mitigating these impacts is feasible, these impacts were conservatively considered adverse and significant in this EIS/EIR.

4.4 RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND LONG-TERM PRODUCTIVITY

Under 40 CFR 1502.16, NEPA requires that an EIS consider the relationship between local short-term uses of the environment, and the maintenance and enhancement of long-term productivity.

Implementing the Downtown San Francisco Ferry Terminal Expansion Project (project) would result in short-term construction-related impacts on water quality, biological resources, and air quality. In addition, the proposed project would include short-term construction-related impacts from noise, vibration, and construction traffic.

Additional short-term adverse impacts include the potential for an increase in turbidity, suspended solids, and sedimentation during construction; the potential for accidental spills or seepage of hazardous materials during construction; and fish entrapment or mortality from in-water construction.

However, these potential adverse effects would be minimized by implementing the mitigation measures discussed in Chapter 3 for construction-related impacts. Moreover, these short-term impacts are expected to be outweighed by long-term beneficial effects of the proposed terminal improvements to accommodate WETA's expanded services and emergency operation capabilities in the Bay Area.

The project would result in a net increase of 345 square feet (0.008 acre) of permanent fill in San Francisco Bay. The placement of piles would be in the existing Ferry Terminal area, which has a number of structures already in place, and is considered a somewhat disturbed environment relative to other open-water portions of central San Francisco Bay. This small loss of benthic habitat would be considered negligible in this environment. In addition, the new structures would be placed within the existing Ferry Terminal area, where a number of overwater structures already exist. The increased area of shade that would result from the project is small relative to the size of the surrounding open waters of San Francisco Bay. To offset the new fill in San Francisco Bay, WETA would implement Mitigation Measure LU-1 (refer to Section 3.3), which requires WETA to remove of fill elsewhere in San Francisco Bay.

Therefore, the project would not be expected to impact the long-term productivity of the environment.