

CHAPTER 5 PUBLIC AND AGENCY INVOLVEMENT

Since late 2010, several types of public and agency participation have occurred as a part of the project design and the environmental review process, pursuant to the requirements of the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), and 23 United States Code (USC) 139. Among other requirements, 23 USC 139 mandates that the federal lead agency establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project or category of projects. Stakeholders and public agencies, including those with permitting authority for the project, have been engaged as indicated below.

5.1 INITIATING ENVIRONMENTAL REVIEW PROCESS

From October through December 2010, prior to the initiation of the environmental review process, a series of stakeholder interviews was conducted by the Water Emergency Transportation Authority (WETA) and the design team. The purpose of this early outreach was to inform stakeholders about the project, and obtain input relevant to the development of the preliminary project design.

Initiating the environmental review process, WETA and the Federal Transit Administration (FTA) conducted a public and agency scoping process. The details of the scoping activities and comments received are provided in the Scoping Summary Report, included as Appendix A, and summarized below. As required by CEQA for the preparation of an Environmental Impact Report (EIR), WETA submitted a Notice of Preparation and the accompanying Notice of Completion to the California State Clearinghouse on March 24, 2011. The purpose of these notices was to alert potentially interested parties of the project, and invite participation in the environmental review process, including public scoping. A condensed scoping meeting notice, providing a brief project description, the dates for the public comment period and scoping meetings, and a project site diagram indicating the location of the planned scoping meetings, was also published in the *San Francisco Examiner* on March 31, 2011. In addition, project information was provided to the publisher of *Bay Crossings*, who published a major article about the project in April 2011, in both the printed and online editions of this periodical.

Pursuant to NEPA, the FTA published its Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Downtown San Francisco Ferry Terminal Expansion Project (project) in the Federal Register on April 7, 2011. The Notice of Intent described the project purpose and need, location and environmental setting, project alternatives, possible effects, and FTA procedures. The purpose of this notice was also to alert potentially interested parties of the project, and invite participation in the environmental review process, including public scoping.

In April 2011, copies of the scoping notice were mailed to approximately 500 interested parties, which included owners and residents within 500 feet of the project area, Port of San Francisco (Port) tenants, community organizations, public agencies and representatives, as well as a list of interested parties developed in coordination with WETA and the Port. Scoping meetings were held on April 26, 2011, at Pier 1, The Embarcadero, San Francisco, California. Approximately a dozen members of the public and one agency staff representative attended the public and agency scoping meeting. Comments were received at the meeting and throughout the scoping period, which ended on May 16, 2011.

WETA and FTA received three phone calls, three e-mail messages, and six letters during the scoping period. Four of the correspondents were property owners, property managers, or tenants with real estate interests in the project vicinity. Seven correspondents were public resource agencies. Copies of electronic and printed mail correspondence received during the scoping period are included in the Scoping Summary Report in Appendix A. In addition, another letter was received in February 2012. All comments received, which are summarized in Table 5-1, were considered in the preparation of the EIS/EIR.

**Table 5-1
 Summary of Comments Received**

Resource Area	Agency Comments	Public Comments
Aesthetics		<ul style="list-style-type: none"> • Avoid obstruction of views. • Identify maintenance measures to prevent bird droppings from accumulating on passenger protection and other raised structures. • Evaluate effects of passenger queuing and proposed canopies on restaurant views.
Air Quality	<ul style="list-style-type: none"> • Identify impacts of increased passenger water transit service on air quality through reductions in vehicular traffic. • Consider project relationship to Bay Area’s classification as nonattainment for ozone and fine particulate matter. • Examine localized air quality impacts from increased water transit service. • Identify ways to reduce emissions of diesel particulate matter. • Identify means for controlling fugitive dust and emissions from mobile and stationary sources during construction, including administrative controls. • Consider the use of best available control technology, including add-on controls for construction equipment. • Identify cumulative impacts from multiple construction projects. 	<ul style="list-style-type: none"> • Dust may be created during construction; identify means to prevent dust from coating windows or entering open windows and air vents. • Identify impacts of idling vessels on café areas. • Identify impacts of construction on indoor air quality. • Analyze the impact of construction on local air quality and heating, venting, and air conditioning systems in the project vicinity.
Alternatives	<ul style="list-style-type: none"> • Consider project alternatives that would avoid or minimize impacts to natural resources. 	<p>Consider an alternative that activates the Ferry Plaza, defines public access and pedestrian routes, restores Pier ½ for parking, fills the “lagoon,” and creates a waterfront promenade (e.g., between Gate B and Pier 1).</p>
Biological Resources	<ul style="list-style-type: none"> • Identify sensitive species in the project vicinity, and potential impacts to those species, including the potential to introduce invasive species. • Identify impacts on wildlife species and habitat from dredging, filling, pile driving and other project activities. • Identify impacts on wildlife from potential exposure to hazardous materials mobilized as a result of the project. 	
Cultural Resources	<ul style="list-style-type: none"> • Consider the possible presence of submerged cultural resources in the project vicinity, including historic wharves or shipwrecks. 	

Table 5-1 Summary of Comments Received (Continued)		
Resource Area	Agency Comments	Public Comments
Economic Impacts		<ul style="list-style-type: none"> • Consider the potential loss of retail sales due to loss of views or outdoor seating. • Identify impacts on back plaza farmer's market during construction. • Keep majority of construction on barges to limit construction encroachment on the Ferry Plaza. • Address floating debris resulting from construction.
Energy and Green Design	Consider LEED strategies in the project design, as well as other green infrastructure options for onsite stormwater management.	<ul style="list-style-type: none"> • Consider installing solar panels over berthing areas to power night time and emergency lighting. • Identify location for a backup generator.
Environmental Justice	<ul style="list-style-type: none"> • Identify how the proposed project would affect low-income and minority populations in the surrounding area. 	
Flood Protection and Climate Change	<ul style="list-style-type: none"> • Analyze effects of proposed fill with regard to flood protection and storm surges, including consideration of future sea-level rise in the project vicinity due to climate change, and potential adaptive management strategies. • Discuss project potential to alter flood flow. • Include a greenhouse gas emissions analysis. 	
Geology/Soils	<ul style="list-style-type: none"> • Analyze construction impacts to slope and stability of Bay Mud, and operational effects from potential scouring; and mitigate to maintain stability. • Identify risks associated with disturbing sediments that may contain hazardous materials. 	<ul style="list-style-type: none"> • Evaluate effects of construction activities on subsidence of piers supporting the historic San Francisco Ferry Building (Ferry Building) or Ferry Plaza platform.
Land Use	<ul style="list-style-type: none"> • Consider other property interests in the project area in the analysis. • Assess the projects' consistency with the Public Trust Doctrine. 	
Noise and Vibration	<ul style="list-style-type: none"> • Consider vibration impacts on existing platforms, BART facilities, and seawall; and noise impacts on sensitive species. 	<ul style="list-style-type: none"> • Evaluate effects of pile installation on noise and vibration. Identify mitigation measures to reduce impact inside adjacent buildings.

Table 5-1 Summary of Comments Received (Continued)		
Resource Area	Agency Comments	Public Comments
Pedestrian Circulation	<ul style="list-style-type: none"> Identify impacts of increased water transit service on pedestrian traffic around the Ferry Building and Embarcadero crossings, including impacts on the fire lane and driveway at the south end of the Ferry Building. Identify impacts of the project on BART’s emergency passenger evacuation route, and on access to BART’s facilities. 	<ul style="list-style-type: none"> Consider signage to guide passengers to ferries, and patrons to Ferry Building businesses, during construction. Evaluate adequacy of planned expansion of rear promenade area to accommodate passenger queuing, and to remove queuing from congested Embarcadero sidewalk areas. Ensure compliance with ADA standards for egress/ingress. Include pedestrians and delivery vehicles in the circulation analysis.
Recreation	<ul style="list-style-type: none"> Describe short-term and long-term project impacts to recreation, including boating and fishing, as well as project measures to provide maximum feasible free public access to San Francisco Bay. 	
Transit Service Impacts	<ul style="list-style-type: none"> Identify impacts on facilities, ridership demand, station area congestion, and travel times for Muni lines and BART service. Identify transfer agreements that would facilitate passenger transfers among transit providers. 	
Traffic and Parking	<ul style="list-style-type: none"> Consider additional vehicle use of the Ferry Plaza, and changes in circulation patterns, during construction and operation. Identify impacts of increased passenger service on parking for taxis and passenger parking. Avoidance of double parking on The Embarcadero. 	<ul style="list-style-type: none"> Consider how to accommodate emergency vehicles and personnel (ambulance, fire, and police) in the circulation impact analysis.
Wake/Wave Activity		<ul style="list-style-type: none"> Examine how increase in water transit activity could affect pilings that support the Ferry Building. Consider the effect of tides, currents, wind, storm conditions, and other vessel traffic (both commercial and noncommercial—e.g., kayaks and boats) as part of the navigation and safety impact analysis.

Table 5-1 Summary of Comments Received (Continued)		
Resource Area	Agency Comments	Public Comments
Water Quality/ Water Surface Area and Volume	<ul style="list-style-type: none"> • Identify ways to minimize surface water contamination from runoff or worksite spills or litter. • Identify impacts from dredging and fill on turbidity and sedimentation. • Quantify impacts (e.g., identify acres of water impacted). • In compliance with the Clean Water Act, demonstrate that impacts to waters of the United States have been avoided or minimized. • Analyze how proposed project-related filling would affect total surface area and volume of water in San Francisco Bay. 	
Water Vessel Circulation	<ul style="list-style-type: none"> • Evaluate impacts on water vessel traffic and vessel circulation patterns (including water-based access to BART facilities for maintenance activities). 	
Other	<ul style="list-style-type: none"> • Evaluate consistency with the San Francisco Bay Plan, including policies related to public access, transportation, fish, other aquatic organisms and wildlife, water surface area and volume, water quality, safety of fills and sea level rise, and public trust. • Consider earthquake safety and security in the project area. • Consider other proposed projects, including BART’s safety and security projects, in the project’s cumulative impact evaluation. • Identify adequate and feasible mitigation measures for significant impacts or cumulatively considerable impacts. 	<ul style="list-style-type: none"> • Evaluate effects of rodent or pest issues during construction. • Consider need for additional restroom, storage, and bicycle storage facilities associated with the project. • Consider the weight-bearing capacity of the back plaza in an emergency situation (emergency vehicles and many people present). • Consider all project impacts, as defined by CEQA, avoiding “piecemealing” or project segmentation.
<p>Notes: ADA = Americans with Disabilities Act BART = Bay Area Rapid Transit CEQA = California Environmental Quality Act LEED = Leadership in Energy and Environmental Design Muni = San Francisco Municipal Railway</p>		

Pursuant to 23 USC 139, federal, state, and local agencies that have jurisdiction over resources that could be affected by the project, or that have technical expertise on an issue relevant to the proposed project were formally invited to participate in the environmental review process as either cooperating or participating agencies in the NEPA process. Table 5-2 lists those agencies that accepted invitations to participate in the NEPA process for the project. The National Marine Fisheries Service accepted FTA’s request to serve as a cooperating agency pursuant to NEPA, and requested participation in the development of the EIS/EIR as it relates to the assessment of potential impacts and conservation measures for Endangered Species Act-listed fish species under the jurisdiction of National Marine Fisheries Service, and Essential Fish Habitat under the Magnuson Stevens Fishery Conservation and Management Act.

Agency	Type of Agency	Type of Participation	Jurisdiction/Interest
National Oceanographic and Atmospheric Administration – National Marine Fisheries Service	Federal	Cooperating	Biological and marine resources
U.S. Army Corps of Engineers	Federal	Participating	Wetlands and waters of the U.S.
U.S. Coast Guard, San Francisco Sector	Federal	Participating	Marine navigation and safety
U.S. Environmental Protection Agency	Federal	Participating	Ecosystems, air quality, and global climate change
U.S. Fish and Wildlife Service	Federal	Participating	Biological resources
California State Lands Commission	State	Participating	Submerged lands
San Francisco Bay Conservation and Development Commission	Regional	Participating	Bay shoreline land uses and public access
Bay Area Air Quality Management District	Regional	Participating	Air quality
Port of San Francisco	Local	Participating	Land owner
San Francisco Bay Area Rapid Transit District	Local	Participating	Transportation, access
Notes: NEPA = National Environmental Policy Act			

Additionally, the Port, the California State Lands Commission, and the Bay Conservation and Development Commission are responsible agencies under CEQA.

An agency coordination meeting was held on December 8, 2011. Attendees included representatives from WETA, FTA, the U.S. Army Corps of Engineers, the National Oceanographic and Atmospheric Administration, the U.S. Environmental Protection Agency, the Port, the San Francisco Bay Conservation and Development Commission, Bay Area Rapid Transit, the State Lands Commission, and the U.S. Coast Guard. This meeting was held to provide agencies with an opportunity for meaningful participation in the environmental review process; to comment on the Draft Coordination Plan; and to discuss the purpose and need and project alternatives. A summary of this meeting and meeting notes are provided in Appendix D. Agency consultation and coordination is ongoing, as described in the Coordination Plan.

5.2 REVIEW OF DRAFT EIS/EIR

The Draft EIS/EIR was published on May 31, 2013. On May 30, 2013, the Notice of Availability (NOA) for the Downtown San Francisco Ferry Terminal Expansion Project Draft EIS/EIR was filed with the San Francisco County Clerk’s Office, mailed to the project Mailing List (i.e., government agencies, interested parties, and property owners and occupants within 500 feet of the project site), and posted at the project site. Copies of the Draft EIS/EIR, including the NOA, were also provided to the San Francisco Public Library and mailed to each of the Participating and Cooperating Agencies in the NEPA process (which also included Responsible Agencies as defined by CEQA).

The Draft EIS/EIR was made available for download on WETA's website (www.watertransit.org), and WETA notified its users, through both the website and Twitter, of the availability of the Draft EIS/EIR. A hard copy of the Draft EIS/EIR was also available for public review at WETA's office.

On May 31, 2013, the San Francisco Examiner published a Public Notice for the project.

The Notice of the Availability of the Draft EIS/EIR was also published in the Federal Register on June 7, 2013.

Agencies and the general public had the opportunity to review and comment on the Draft EIS/EIR during a formal 60-day comment period, ending on July 30, 2013.

During the comment period, a public meeting was held on June 25, 2013, at the Port of San Francisco's Offices at Pier 1, to receive comments on the Draft EIS/EIR. The public meeting was announced in the NOA and through the same notifications described above. At the public meeting, an overview of the proposed project and the findings of the Draft EIS/EIR was presented; the public was given the opportunity to provide verbal comments, which were recorded by a court reporter. The transcript of the public meeting is provided in Appendix F, Response to Comments.

5.3 NATIVE AMERICAN CONSULTATION

Pursuant to the revised implementing regulations of the National Historic Preservation Act, found at Title 36 Code of Federal Regulations Part 800.4(a)(4), URS Corporation, on behalf of FTA and WETA, contacted the California Native American Heritage Commission (NAHC) on March 10, 2011, to request a review of its Sacred Lands Files, and to receive a list of the individuals and groups that the NAHC believes should be contacted regarding information or concerns related to the project areas. A review of the Sacred Lands Files by the staff of the NAHC failed to identify Native American cultural resources within the immediate project area. The NAHC provided a list of groups and individuals who could have an interest in the project area. Native American groups and individuals identified by the NAHC were sent a copy of the Notice of Preparation and scoping notice during the EIS/EIR scoping process. No responses have been received from the Native American community concerning cultural resources within the Archeological Area of Potential Effects (APE).

5.4 NATIONAL HISTORIC PRESERVATION ACT SECTION 106 CONSULTATION

Pursuant to Section 106 of the National Historic Preservation Act, FTA initiated consultation with the State Historic Preservation Officer (SHPO) on June 4, 2012, regarding the delineation of the APE for archaeological and historical architectural resources. The SHPO concurred with the FTA delineation of the APE on September 13, 2012. On February 14, 2013, the FTA submitted to the SHPO a finding of no effect on archaeological resources, and a finding of no adverse effect on historic architectural resources. On April 15, 2013, the SHPO concurred with FTA's finding of no adverse effect for the proposed project (refer to Appendix D).

5.5 ENDANGERED SPECIES ACT SECTION 7 AND MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT CONSULTATION

Pursuant to Section 7 of the federal Endangered Species Act—and, for Essential Fish Habitat, to the Magnuson-Stevens Fishery Conservation and Management Act—the FTA consulted with the National Marine Fisheries Service regarding potential impacts to species and protected habitat under its jurisdiction that are protected under these Acts. NMFS issued its Biological Opinion, Incidental Take Statement, and EFH Conservation Recommendations on June 30, 2014 (see Appendix D). Refer to Section 3.9, Biological Resources, for additional information.

5.6 ONGOING AGENCY COORDINATION

WETA and FTA have coordinated informally with agencies with permitting authority over the proposed project throughout the environmental review process, such as the Bay Conservation and Development Commission, California Department of Fish and Wildlife, and U.S. Army Corps of Engineers. WETA will continue coordination with these agencies during the permitting process. Refer to Section 2.6, Agency Approvals Required, for more information on expected approvals required.