UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUL 22 2013

Mr. Alexander Smith
U.S. Department of Transportation
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

Subject: Draft Environmental Impact Statement for the Downtown San Francisco Ferry Terminal Expansion Project, San Francisco, California (CEQ #20130153)

Dear Mr. Smith:

The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA is highly supportive of the project objective to provide an additional transit mode for transbay travel in order to reduce highway congestion, improve air quality, and for use in emergencies where other modes may not be available. We commend the Federal Transit Administration (FTA) and the San Francisco Water Emergency Transportation Authority (WETA) on including minimization of impacts to natural resources as a project objective. We look forward to the successful implementation of this project.

After reviewing the document for the proposed Downtown Ferry Building Terminal Expansion project, we rated this Draft Environmental Impact Statement (DEIS) EC-2, *Environmental Concerns, Insufficient Information*. Please see the attached *Summary of EPA Rating Definitions* for a description of our rating system. Our concerns are based on the need for additional information regarding potential material reuse and disposal sites for the 33,000 cubic feet of material the proposed project is expected to dredge during construction. We also recommend mitigation opportunities to reduce the impacts to the over 32,000 additional commuters exposed to emissions from idling. EPA further recommends species protection commitments identified through the biological consultation with the National Marine Fisheries Service. Lastly, we encourage FTA to consider additional mitigation measures at key pedestrian crossings and provide current circulation studies in the Final Environmental Impact Statement (FEIS). Our concerns are described in the attached detailed comments.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact Zac Appleton of my staff at 415-972-3321 or appleton.zac@epa.gov.

Sincerely,

for Jeff Scott, Director
Waste Management Division and
Communities and Ecosystems Division

Enclosures:
Summary of Rating Definitions
Detailed Comments

cc: Raymond Sukys, FTA
Mike Gougherty, WETA
Brenda Goeden, BCDC
Becky Ota, CA F&W
Ryan Olah, US FWS
Korie Schaeffer, NMFS
Robert Lawrence, USACOE
James Hurley, Port of San Francisco

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

Dredging

The Draft Environmental Impact Statement (DEIS) describes the proposed project generating up to 33,000 cubic yards of dredged material, to be beneficially reused and/or disposed of in accordance with the Long Term Management Strategy (LTMS) program for San Francisco Bay, and in compliance with a U.S. Army Corps of Engineers permit issued at a future date. The LTMS goals call for a significant reduction of in-Bay disposal and an increase in beneficial reuse. In-Bay disposal limits have already been reduced substantially and they will continue to be reduced under the LTMS management plan.

The LTMS agencies (including the U.S. Army Corps of Engineers and Bay Conservation and Development Commission) may determine the proposed project's construction dredging is "new work." Although maintenance dredging may dispose of material in-Bay under certain circumstances, in-Bay disposal of new work material is generally not allowed, and FTA and WETA may be required to prepare an alternatives analysis for future disposal, including options such as using the San Francisco Deep Ocean Disposal Site (SF-DODS) if no practicable beneficial reuse alternative is available. With these likely limitations in mind, EPA makes the following recommendations for the Final Environmental Impact Statement (FEIS).

Recommendations:

- Include a range of potential dredged material reuse and disposal sites for the construction-related dredging in the FEIS, with emphasis on alternatives that do not propose placing material back into San Francisco Bay.
- Include detailed information in the FEIS regarding the expected frequency and volumes of maintenance dredging. Proposed locations for disposal of dredged material should be included, noting the LTMS requirements stated above.

Air Quality

The DEIS describes a number of direct and indirect operational and construction emissions from the proposed project which contribute to a deterioration in air quality that do not exceed the Bay Area Air Quality Management District's annual threshold levels. Nevertheless, the proposed project is expected to nearly triple PM 10 and PM 2.5 emissions from idling vessels, closest to ferry commuters queuing for embarkation. Considering these localized emissions increases, EPA offers the following recommendations for the FEIS.

Recommendations:

- Since WETA is expected to procure additional vessels in future years to deliver the levels of passenger service outlined in the DEIS, EPA recommends FTA and WETA consider procuring vessels that meet Tier III and Tier IV marine engine standards (http://epa.gov/otaq/standards/nonroad/marineci.htm) and/or California Air Resources Board commercial harborcraft engine requirements (http://www.arb.ca.gov/ports/marinevess/harborcraft.htm).

- EPA further recommends FTA and WETA consider using construction equipment that meets U.S. EPA Tier 4 standards for non-road engines (http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm) and replace diesel-powered construction generators with connections to the municipal electricity grid, where practicable.

Biological Resources

We note that the DEIS describes minor impacts from a net 345 square feet of bay fill and a net 0.5 acres of shading to benthic habitat and phytoplankton production, which may result in a slight increase in predation for larval and young fish from the proposed project. The DEIS does not suggest mitigation measures for these impacts.

Recommendations:

- EPA recommends the FEIS identify mitigation measures regarding species protection as provided by NMFS, the San Francisco Bay Conservation and Development Commission, and/or California Department of Fish and Wildlife through the consultation process under the Endangered Species Act and the Essential Fish Habitat provisions of the Magnuson-Stevens Act.
- EPA further recommends the FTA, the WETA, and the Port of San Francisco consider the use of deck materials and designs that allow light penetration to the water surface to reduce shading impacts.

Multimodal Circulation

The proposed ferry terminal expansion project will double the number of new docks in the southern area of the Ferry Building compared with its northern area, and proposes a 24,500 square foot Embarcadero Plaza over the existing Lagoon to facilitate safe and efficient foot traffic for the projected 184% increase in ferry riders (an addition of 32,147 daily riders expected by 2035). The DEIS notes significant multimodal conflicts in the area of the Embarcadero in front of the Ferry Building, and offers mitigation with intersection adjustments and crosswalk improvements at northern approaches to the Ferry Building. While the proposed mitigation may address impacts to ferry commuters working in the Financial District, the proposed mitigation may not address a large proportion of future ferry riders using the more direct southerly route along Mission Street between the new ferry docks and the extensive commercial development now underway in the South of Market area.

Recommendations:

- EPA recommends the FEIS describe additional mitigation at Mission Street crossings (No. 18a/18b) to account for the forecasted ferry rider growth, and consider measures at this intersection to reduce subsequent northbound bicycle-pedestrian conflicts along the length of the Embarcadero in front of the Ferry Building.
- The FEIS should also supplement its bicycle circulation analysis to include a forecast of circulation impacts from pedicab operators and future Bikeshare station locations that are proposed for the area but were not included in the DEIS analysis.
- Similarly, EPA recommends the FEIS update Emergency Access and Use analysis to account for the more distant relocation of SF Fire Station 1 on Howard Street.