



Citizens Committee to Complete the Refuge

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April 2, 2025

Senator Scott Wiener
Senate Transportation Committee

Subject: SB 71 Wiener. CEQA: exemptions: transit projects, as amended March 25, 2025

Dear Senator Wiener and Committee Members:

Citizens Committee to Complete the Refuge supports legislation to remove the sunset clause for the CEQA exemption for construction and maintenance of zero-emission infrastructure for existing transit service facilities, including ferry terminals. **We have substantive concerns regarding the proposed blanket exemption for required CEQA environmental review for construction of new ferry terminals, or expansion of existing ferry terminals, and ferry operations due to potential significant and unmitigated adverse impacts to San Francisco Bay sensitive habitats and wildlife.** For this reason, we must oppose the bill, unless amended to exclude construction of new, or expansion of existing, ferry terminals and associated operations.

Citizens Committee to Complete the Refuge (CCCR) has spent decades protecting the Bay's tidal wetlands and listed and rare species, and has an ongoing interest in wetlands restoration and acquisition. Our senior members worked with Congressman Don Edwards to obtain congressional authorization in 1972 to establish the Don Edwards San Francisco Bay National Wildlife Refuge, and to expand the Refuge in 1988. Since then, our organization has taken an active interest in Clean Water Act, Endangered Species Act and California Environmental Quality Act /National Environmental Policy Act regulations and implementation at the local, state and national levels, demonstrating our ongoing commitment to wetland, wildlife and Refuge issues.

Initially, SB 71 was a bill to streamline project approvals for transit operations in urban infill areas through CEQA exemptions for certain zero and low emission bus, light rail, etc. Unfortunately, a later amendment added a broad CEQA exemption for construction and operation of new ferry terminals, with no consideration of the potentially significant impacts of construction and ferry operations to the waters, sensitive habitats and wildlife of San Francisco Bay – an extraordinary natural resource that warrants full protection under CEQA.

The more recent amendment to SB 71 removing pending ferry terminal projects from the CEQA exemption until 2026 doesn't address San Francisco Bay Ferry (WETA) expansion plans already on record. The agency's *2050 Service Vision* released in May 2024 lists the following:

Tier 2 expansion opportunities identified for further exploration include:
Carquinez Strait communities such as Martinez, Pittsburg and Antioch

Hercules
Direct East Bay-Marin County service
Foster City
Additional routes serving South San Francisco
Frequent service between Alameda and Oakland

The Foster City area and communities near or along the Carquinez Strait currently have no ferries, and new terminals and routes could be located in or near areas with sensitive habitats including tidal marsh, extensive mudflats, eelgrass beds and Important Bird Areas. Additional routes and more frequent service for ferries operating in the Central Bay could increase vessel-strike impacts to the growing number of endangered humpback whales that are now frequenting this high-traffic area to forage, as documented in a recent study that analyzed this growing threat from high-speed ferries and other vessels.

Additionally, WETA is not the only ferry operator in the Bay. Private commuter ferry and water taxi companies could also work with local cities to initiate ferry service in locations throughout the Bay, and new terminals and routes to accommodate their operations/service would also be exempt from CEQA under the proposed legislation.

This legislation has no sunset clause, and so there is no provision for periodically evaluating whether the exemption is still appropriate as vessel traffic and noise disturbance increases and/or the distribution and numbers of birds and marine mammals within the Bay inevitably changes over time. CEQA project reviews for new operations include the required analysis of potential cumulative impacts, and this analysis would no longer be completed.

Language in Section 21080.25.(b) (5) (A) states: “***The project shall be located on a site that is wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.***”

As stated above in the bill, the exemption is limited to urbanized areas to preclude the lack of full CEQA review for transit expansions into agricultural, rural or environmentally sensitive non-urban areas. The *2020 Census Urban Areas of the United States and Puerto Rico* map shows San Francisco Bay waters, where ferry docks/landings would be constructed and vessels would operate, is a non-urban area.

The waters, tidal marshes and mudflats of San Francisco Bay, and its tidal creeks, rivers and sloughs, are some of the most environmentally sensitive habitats in the Bay Area. This bill would remove the protections CEQA affords (through required project level analysis, avoidance and mitigation) to Bay sensitive habitats and wildlife in areas of the Bay that can be impacted by expansion of new ferry terminal construction, new docks/landings, associated dredging and ferry operations on new routes through Bay waters.

It appears that the bill’s CEQA exemption was specifically designed for expansion of light rail, buses and other transit in urban areas and that ferries were subsequently added to the list. Based on the proposed legislation’s stated requirement above, ferries should not be included in the proposed CEQA exemption.

In the bill, projects anticipated to exceed an estimated 100 million dollars have extra requirements that must be met including the following language in Section 21080.25 (d) (1):

(A) The project is incorporated in a regional transportation plan, sustainable communities strategy, general plan, or other plan that has undergone a programmatic-level environmental review pursuant to this division within 10 years of the approval of the project.

(B) The project's construction impacts are fully mitigated consistent with applicable law.

Based on the excerpt above from the bill, a cursory CEQA review would only be required for ferry projects over 100 million dollars in costs. This review would be limited to a programmatic-level EIR that was completed within the previous ten years for a plan, that in some cases such, as a City General Plan, may only include a few pages or paragraphs about ferries because the programmatic environmental impact analysis for the plan anticipated additional and specific project-level analysis as required by CEQA.

Additionally, only the construction impacts must be mitigated, not the impacts from ferry operations, such as tidal marsh erosion from ferry wakes, safety impacts to rowers and kayakers, etc. Without CEQA, there would be no required mitigation and monitoring plan to ensure the mitigation measures are actually implemented.

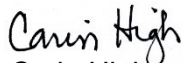
In alignment with current CEQA requirements, the *Notice of Preparation of an Environmental Impact Report and Initial Study for the Redwood City Ferry Terminal Project* released in 2024 provided a Project Description and Project Location that includes not only the construction at the ferry terminal site but also the ferry operations, including all the areas on Redwood Creek and San Francisco Bay that ferries will be traversing. Impacts from all project construction activities and ongoing operations will be identified, analyzed and mitigated if required. The Port of Redwood City identified potential significant impacts in 16 different topic areas in the Initial Study. This is not surprising for a project adjacent to and within San Francisco Bay.

The promotion of zero emission and clean energy transit in no way can justify removing the construction of new ferry terminals and the associated docks/landings and new ferry operations within the waters of San Francisco Bay from the requirements of CEQA. This legislation would set a dangerous precedent that seriously undermines the foundational intent of California's environmental protection laws.

Thank you for giving our concerns your careful consideration.

Best regards,


Gail Raabe


Carin High

Co-Chairs, Citizens Committee to Complete the Refuge

Resources:

SF Bay Ferry Tier 1 and Tier 2 Commits to Major Enhancement, Expansion and Electrification of Regional Water Transit (<https://sanfranciscobayferry.com/sf-bay-ferry-commits-to-major-enhancement-expansion-and-electrification-of-regional-water-transit/>)

San Francisco Bay Important Bird Areas – Audubon Map: excerpt attached

Takekawa et al 2008 Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay (https://www.southbayrestoration.org/science/2008symposium/2008Symposiumpresentations/presentations/Takekawa%20et%20al_Effects%20of%20Ferry%20Traffic%20on%20Migratory%20Waterbirds%20in%20the%20San%20Francisco%20Bay%20.pdf)

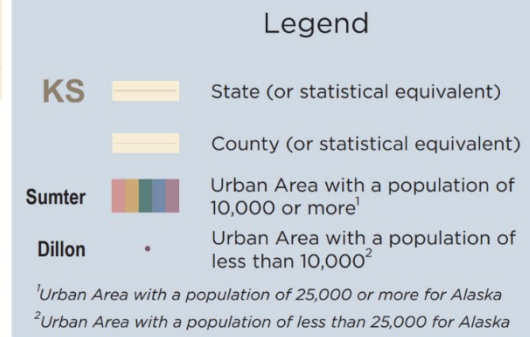
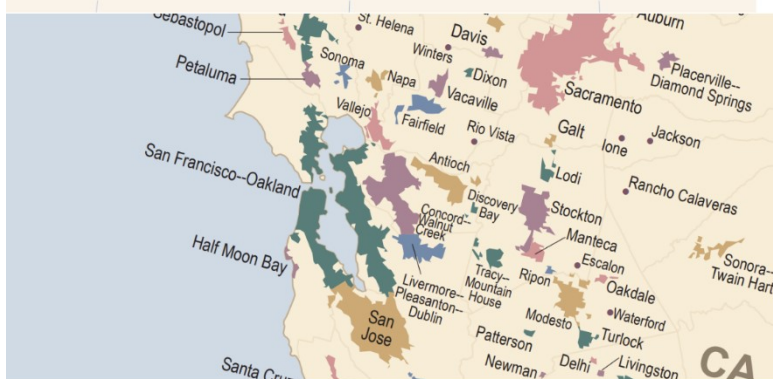
Aquatic Conservation - 2024 - Markowitz - New urban habitat for endangered humpback whales San Francisco Bay (Markowitz, T.M. et al. 2023. New urban habitat for endangered humpback whales: San Francisco Bay. *Aquatic Conserv: Mar Freshw Ecosyst.* 2024;34:e4107 at: <https://onlinelibrary.wiley.com/doi/10.1002/aqc.4107>)

Cope et al 2021 Multi-sensor integration for an assessment of underwater (Multi-sensor integration for an assessment of underwater radiated noise from common vessels in San Francisco Bay. *The Journal of the Acoustical Society of America* **149**, 2451 (2021); doi: 10.1121/10.0003963 at: <https://pubs.aip.org/asa/jasa/article/149/4/2451/1067793/Multi-sensor-integration-for-an-assessment-of>)

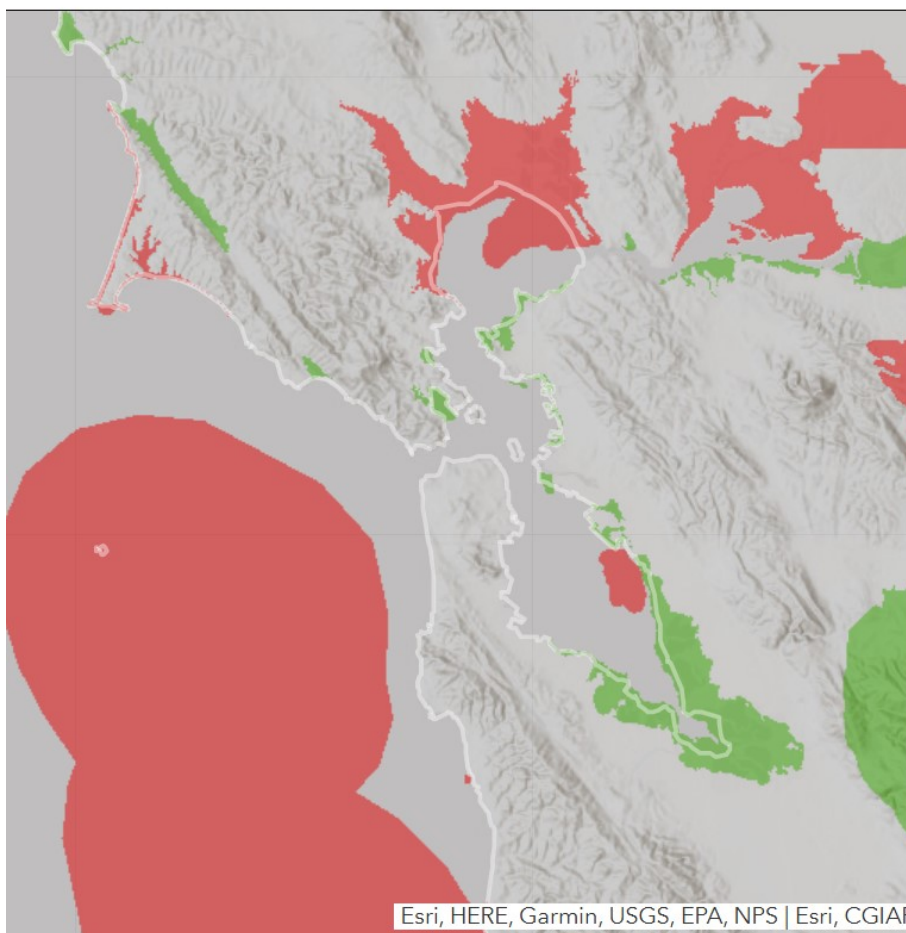
US Census 2020 Urban Areas Map: excerpt attached

Port of Redwood City Ferry Terminal Project Notice of Preparation and Initial Study (https://www.redwoodcityport.com/files/ugd/4597b5_5410d6b6c122471c92b51761bfa63c8f.pdf and https://www.redwoodcityport.com/files/ugd/4597b5_e98e1208e8534aeaac6f31ba7c8decee.pdf)

2020 Census Urban Areas of the United States and Puerto Rico



https://www2.census.gov/geo/maps/DC2020/UA20/UA_2020_WallMap.pdf



Legend

Important Bird Areas

IBA Priority Level



San Francisco Bay Important Bird Areas map

<https://audubon.maps.arcgis.com/apps/webappviewer/index.html?id=4e13561a76304c0687ec273a32bea3a2>