SAN FRANCISCO BAY
CITIZENS COMMITTEE TO COMPLETE THE REFUGE

Ohlone Audubon Society

Sent via electronic mail

City of San Leandro
Facilities & Transportation Committee
935 East 14th Street
San Leandro, CA 94577

5 December 2018

Re: Discussion Item 18-616, Item 2.C. Review of Proposal for a Non-Exclusive License Agreement with PropSF for Non-Exclusive Access to the Wes McClure Public Boat Launch and Associated Parking to Conduct a Pilot Daily Private Charter Ferry Service at the San Leandro Shoreline.

Dear Mayor Cutter, Councilmembers Cox and Lopez and City Staff Members,

Thank you for your interest in maintaining transparency and allowing the public an opportunity to provide comments regarding the proposed PropSF Ferry license agreement. The Citizens Committee to Complete the Refuge and the Ohlone Audubon Society respectfully request that your committee consider our substantive comments. We regret that these comments are being submitted so late, unfortunately we only learned of this proposal yesterday morning, therefore the potential significant environmental impacts we are bringing to your attention may not be a complete list.

During the November 19, 2018 City Council meeting the discussion centered on the need to clarify impacts to available parking, the potential need to charge a fee for parking, notification of businesses in the area, and the value of the ferry service. Potential impacts of the proposed ferry service on biological resources were not raised nor was there any discussion of the need for environmental review.

The City of San Leandro is fortunate to have a diversity of biological resources ranging from habitat for Monarch butterflies to endangered species habitat in the tidal wetlands just south of the proposed ferry project. The shoreline provides habitat for the endangered Ridgway's Rail and salt marsh harvest mouse, and the endangered California Least Tern can be observed foraging in the waters of San Leandro Marina in the spring and summer. EBird lists the San Leandro Marina as a birding hotspot with a total of 217 bird species reported for the period 1992 to 2018.

Of particular importance are the open waters to the west of the San Leandro Marina. That area has been identified as a Global Priority Important Bird Area (IBA) and is titled– San Francisco Bay – South Marine [*attachment 1*]. This area regularly hosts more than 5,000 waterfowl on a given day, which qualified the area based on California criteria. Species of particular note are diving ducks, the Surf Scoter, Greater Scaup and Lesser Scaup. The global status of the IBA was

based upon the high number of Surf Scoters present within this area (global criteria – a species is present in numbers that area greater than or equal to 1% of their North American populations). Across the entirety of the United States there have only been 720 Global IBAs identified. The conservation issue identified as the clearest threat for this IBA, given its proximity to San Leandro Marina and the navigation channel is boat disturbance.

According to Audubon California[1], "Forty to fifty percent of the Pacific Flyway's Surf Scoter population is believed to overwinter in San Francisco Bay…Over the past 50 years, however, their populations have declined across their range by 50-60%."

De La Cruz[2] reported that Surf Scoters demonstrate strong site fidelity and faithfulness and that only the "western shoreline of the Central Bay below Oakland and the eastern shoreline north of the San Mateo Bridge were used as core areas by Surf Scoters during all study months, as opposed to other areas within the Bay that were more seasonal in scoter usage." This is relevant to the PropSF proposal because the ferry would cross the San Francisco Bay – South Marine Important Bird Area 16 times per day – Monday through Friday.

There are a number of factors that may have led to the scoter's precipitous decline within the San Francisco Bay the direct and indirect impacts of the 2007 Cosco Busan oil spill certainly had adverse impacts to the population. Other impacts such as predation on ducklings in northern nesting grounds, decreases in availability of food (e.g. herring roe), displacement of food sources by non-native invasive species, pollution, climate change and boating disturbance have also been identified as factors for a decline in scoter numbers.

As stated above, the conservation issue identified for the San Francisco Bay – South Marine Important Bird Area is boat traffic.

There is nothing in the information provided that indicates the speed at which the ferries will operate on the Bay or as they approach the San Leandro Marina. We assume a "no wake zone" restriction within the marina, but at what distance will PropSF ferries slow down? Is there the possibility of boat wakes hitting the breakwater area? Will the ferries slow down if rafts of diving ducks are on the waters to avoid potential collisions? Or will they continue at speed forcing birds to dive to take flight?

Golden Gate Audubon (personal communication) has observed ferry boat wakes wash pelicans off Alameda's Breakwater Island. This is a significant negative impact as injury can occur to birds as they scramble to escape swamping waves. In addition, escape response requires an energy expenditure that could have negative impacts on overall bird condition.

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[1] Audubon California. (n.d.) *Birds:Surf Scoter.* http://ca.audubon.org/birds-0/surf-scoter

[2] De La Cruz, Susan Elizabeth Wainwright, Ph.D. 2010. Habitat, Diet, and Contaminant Relationships of Surf Scoters Wintering in San Francisco Bay: Implications for Conservation in Urban Estuaries. Retrieved from https://pqdtopen.proquest.com/doc/814699728.html?FMT=ABS

Borgman[3] conducted a literature review of the impacts of human disturbance on waterbirds. Based upon her review of the literature she observed, "Overall, types of disturbances that appeared more likely to cause birds to flush sooner across all studies I reviewed included motorized boats at high speeds[25], all-terrain vehicle use [26], and activities with rapid movement such as running and unleashed dogs[27-28].

De La Cruz et. al.[4] reported, "In recent behavioral studies in SFB [*San Francisco Bay*], Takekawa et al. (in review) determined that surf scoters responded to ferry passage at distances between 30 and 900 m by diving, flying, or swimming away." She went on to state, "While this suggests that surf scoters do show displacement due to ferry traffic, our results indicated that scoters do not permanently avoid ferry routes in SFB."

De La Cruz et. al.[5] referencing the occurrence of scoters along ferry routes states:

> "This use of routes despite daily disturbances might indicate that resources in these areas are too important to avoid, or potentially that individuals are in good enough condition to respond to disturbances without excessive cost (Gill, 2007). Long-term effects of temporary displacement, including potential demographic costs due to lower survival or reproduction, depend on its influence on foraging time or energy expenditure (Gill, 2007; Gill et al., 2001; Larsen and Laubek, 2005; Merkel et al., 2009). With human population growth and expansions to water-based transportation and recreational access in urbanized estuaries, research that quantifies the energetic costs of responses to water traffic and other potential forms of disturbance is urgently needed to further understand how such interactions may influence sea duck populations.

Larsen and Laubek[6] studied the effects of high-speed ferries on wintering sea ducks in the Kattegat Sea, Denmark. Their study identified the following impacts of high=speed ferries to sea ducks (Common Eiders and Common Scoters):

> The impacts of highspeed ferries on sea ducks may be divided into three main categories: i) changes in habitat, ii) disturbance and iii) collision risk. *Changes in habitat*

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[3] Borgmann, K. L. 2012. *A Review of Human Disturbance Impacts on Waterbirds.* Audubon CA report for San Francisco Bay Joint Venture.

[4] De La Cruz, Susan E.W., John M. Eadie, A. Keith Miles, Julie Yee, Kyle A. Spragens, Eric C. Palm, John Y. Takekawa. 2013. *Resoource selection and space use by sea ducks during the non-breeding season: Implications for habitat conservation planning in urbanized eastuaries.* Biological Conservation 169 (2014) 68-78.

[5] Ibid.

[6] Larsen, J.K. & Laubek, B. (2005). Disturbance effects of high-speed ferries on wintering sea ducks. Wildfowl. 55. 99-116.

caused by high-speed ferries may occur where the ferries pass through shallow waters, through the physical effect of the underwater waves generated, by the combined effect of the hull and the water jet, on the bottom substrate (Dahl & Kofoed-Hansen 2003). Changes in substrate composition may in turn affect the benthic fauna on which sea ducks depend. Sailing, like many other human activities, is a source of *disturbance* to birds. A boat passing through a sea-duck site will cause a temporary displacement of birds and a change in activity pattern within a corridor along the route travelled. Depending on the frequency of disturbance and the ability of birds to compensate for the resultant loss of feeding time, and the concomitant increase in energy expenditure, this may lead to a loss of feeding habitat. Finally, high-speed ferries may pose a *collision risk* to sea ducks. The speed at which a high-speed ferry travels leaves limited reaction time for sea ducks located in the ferry's immediate path, which might be especially critical during feeding bouts, when sea ducks spend much time underwater, or when visibility is reduced. Birds may collide with the ferry or, when attempting to escape by diving, become caught in the underwater turbulence.

These studies raise significant concerns regarding the potential negative impact of the proposed ferry service through the San Francisco Bay – South Marine Important Bird Area - questions that apparently have not been raised or answered through an environmental review process.

- What are the potential long-term impacts to diving duck population and use, of 16 daily trips (Monday-Friday) of a high-speed ferry through the San Francisco Bay – South Marine Important Bird Area?
- Could the repeated flushing response to ferry disturbance result in decreased body condition of diving ducks due disruption of critical feeding and roosting behaviors. Repeated flushing in response to disturbance requires an expenditure of energy that may have negative impacts on energy stores for migration or reproduction (i.e. will the birds have sufficient energy store to reach their breeding grounds and once there, will they have sufficient energy to successfully reproduce?). Scoters have low reproductive rates so any negative impacts on breeding success will have repercussions at the population level.
- Could the substrate disturbance of the high-speed ferry in shallower waters have negative impacts on benthic invertebrates – i.e. diving duck food supply?

These are substantive and significant concerns. What identification and analysis of environmental impacts has occurred to date? Has a California Environmental Quality Act (CEQA) analysis occurred? If not, what entity has the responsibility of determining whether a CEQA analysis is required or not, will it be the City of San Leandro? The proposed license agreement makes reference to Public Improvements that would be the responsibility of PropSF. Would approval of such improvements trigger CEQA requirements by the City? Does the ferry route require any other authorizations, if so we respectfully request copies of those authorizations?

We do not oppose the use of ferry service to alleviate traffic congestion, but the siting of such services must take into consideration avoidance of important conservation areas. It does not appear that such analysis has taken place to date regarding this proposed ferry route. Therefore we believe it is premature to enter into any license agreement. We request that we be kept apprised of any future opportunities for public comment.

Sincerely,

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Attachment 1

California IBAs