

[Accept-Expend State Grant]

Resolution authorizing the San Francisco Port Commission to accept and expend grants in the total amount of One Million Dollars (\$1,000,000) from the California Coastal Conservancy, the Association of Bay Area Governments San Francisco Bay Trail Project, the California Transportation Commission Environmental Enhancement and Mitigation Program and the State of California Wildlife Conservation Board for the Ferry Terminal Public Pier Project.

WHEREAS, The proposed Ferry Terminal Public Pier Project is an element of the Downtown Ferry Terminal Project, currently under construction, that includes a new, freestanding breakwater, which the Port completed in July 2001 at a cost of \$3 million; and

WHEREAS, The proposed Public Pier Project would finish the top of the breakwater with public pedestrian improvements to create a landmark public access fishing and recreation pier, by constructing an approximately 100-foot pier extension to connect the freestanding breakwater to the Embarcadero Promenade, and a circular terminus at the other end of the pier, extending 600-feet into the Bay; and

WHEREAS, The Ferry Terminal Public Pier Project (the "Project") will provide public access improvements on the existing Ferry Terminal breakwater, support recreational fishing and other wildlife-associated recreation uses, and will include interpretive displays on the Bay's natural resources; and

WHEREAS, The Project is an important part of the Port's Waterfront Land Use Plan; and

WHEREAS, All relevant agencies, including the Bay Conservation and Development Commission, the Regional Water Quality Control Board, and the Army Corps of Engineers, have issued permits for approval of the Project; and

WHEREAS, The San Francisco Planning Department adopted and issued a Final Negative Declaration (the "Negative Declaration") pursuant to the California Environmental Quality Act on August 7, 1997 and the Federal Highway Administration issued a Finding of No Significant Impact pursuant to the National Environmental Policy Act for the Downtown Ferry Terminal Project, which incorporates the Project; and

WHEREAS, The Port Commission previously reviewed the Negative Declaration and determined that there is no substantial evidence that the Project could have a significant effect on the environment; and

WHEREAS, The Port Commission by Resolution No. 01-21, dated March 26, 2001 authorized the Port's Executive Director to apply for, accept and expend San Francisco Bay Trail Project funds from the Association of Bay Area Governments in the amount of \$200,000 for the construction of the Downtown Ferry Terminal Public Pier Project; and

WHEREAS, The Port Commission by Resolution No. 01-85, dated November 7, 2001 authorized the Port's Executive Director, to apply for, accept, and expend, Two Hundred Thousand dollars (\$200,000) in California Transportation Commission Environmental Enhancement and Mitigation Program grant funds from the State of California for the Public Pier Project; and

WHEREAS, The Port Commission by Resolution No. 01-94 authorized the Port's Executive Director, to accept, and expend, Four Hundred Thousand dollars (\$400,000) in State Coastal Conservancy grant funds with the State of California for the Public Pier Project; and

WHEREAS, The Port Commission by Resolution No. 02-08 dated July 9, 2002, authorized the Port's Executive Director's to accept and expend \$200,000 in grant funds from the Wildlife Conservation Board's Public Access Program for the Public Pier Project.

WHEREAS, The San Francisco Port Commission by its resolutions Nos. 01-21, 01-85, 01-94, and 02-28 approved the Ferry Terminal Public Pier Project, as described in the transmittal letter to this Board of Supervisors and authorized the Executive Director, or his designee, to apply for, accept, and expend the grant funds, and approve, sign and execute an agreement and any amendment(s), including an agreement to hold the State of California harmless from liability arising out of the Project, and to perform all other activities reasonably necessary to obtain those grant funds; and

WHEREAS, The San Francisco Port Commission now seeks the approval of the Board of Supervisors to apply for, accept and expend funds from the San Francisco Bay Trail Project of the Association of Bay Area Governments, California Transportation Commission Environmental Enhancement and Mitigation Program, State Coastal Conservancy, and Wildlife Conservation Board's Public Access Program; and

WHEREAS, The San Francisco Port Commission proposes to maximize use of available grant funds on program expenditures by not including indirect costs in the grant budget; now, therefore, be it

RESOLVED, That this Board of Supervisors authorizes the San Francisco Port Commission to apply for, accept and expend a total of \$1,000,000 of grant funds from the San Francisco Bay Trail Project of the Association of Bay Area Governments, California Transportation Commission Environmental Enhancement and Mitigation Program, State Coastal Conservancy, and Wildlife Conservation Board's Public Access Program the design and construction of fish processing facilities at Pier 45, and be it

FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of indirect costs in the grant budgets; and be it

FURTHER RESOLVED, That the Executive Director of the Port, or his designee, is authorized to approve, sign and execute an agreement to hold the granting agencies harmless from liability arising out of the Project.

Recommended

Approved:_____

Mayor

Approved:_____

Controller

Department Head