

(These additional scoping comments were submitted to Mr. Grindall by e-mail on November 28<sup>th</sup> and December 4<sup>th</sup> 2007)

Dear Mr. Grindall,

Thank you for scheduling the community workshop meeting last night. I thought the meeting was well attended. The information presented during the meeting and during the working portion of the workshop has raised other questions that I hope will be addressed within the

DEIR:

Hydrology:

It is my understanding after speaking with your consultants that water is still being pumped off portions of Area 4.

How much water is being pumped off the site -- i.e. what is the volume of water? What is the source of this water? Is it run-off from precipitation events? Is it run-off from other areas of Newark that are flowing through the site? Tidal waters introduced to the site by way of culvert? Groundwater? What impact does removal of this water have on existing wetlands? What impact does this water have on flood control for the site? Will the water need to be removed from the site by pump in perpetuity? If so, who will maintain the pump? Will the water be removed from the site by flood control "improvements"? If so, will those "improvements" be described in detail in the DEIR?

Flood Hazard:

It was suggested the developed areas will require the import of fill to raise the elevations of the developed areas out of the flood hazard zone, and presumably also outside the elevation of anticipated sea level rise. How many feet will the developed areas need to be raised? Where will the fill material come from? How many cubic yards of fill will be required? How will the changes in topography impact the existing wetlands and areas of ponding?

Golf course design:

When asked how the golf course could succeed where others had failed we were told there are many technological ways in which things like salt water intrusion can be dealt with, including sand areas that allow water to be captured in drains (?) I may not be describing what was suggested completely or accurately, but it does raise the question of how issues such as salt water intrusion or saline soils will be dealt with, and what impacts, direct and indirect this methods could have on the remaining wetlands - e.g. would water be directed away from them by such actions? Also, types of vegetation which are non-native were described as being used in other golf courses. Will native vegetation be utilized on the golf course playing and landscaped areas? If not, what will prevent escapes into the preserved wetland and upland areas?

"Preserved/Restored" areas:

The plans presented last night clearly show that while portions of the wetlands and uplands will not directly be altered by the proposed development of a golf course and residential and all the accompanying infrastructure, there will clearly be indirect impacts of the development on most of the "undeveloped" areas. Will thorough discussion of indirect impacts be included in the DEIR including potential "take" of listed species straying onto developed lands (including golf course areas)?

Much emphasis was placed upon restoration of wetlands. While this will be the ultimate requirement of the Corps for any wetland impacts, the proper sequencing is 1) avoid impacts to wetlands -- it is presumed there is a suitable upland alternative for any non water dependent project, 2) avoid the impacts to the greatest extent practicable, and then only after impacts have first been avoided and minimized is there consideration of compensatory mitigation.

The uplands of Area 4 are an extremely rare component of the fringing bay habitat. Most uplands next to the bay have been developed. Very few areas remain where a transition from tidal marsh to upland habitats remain. This is one of the reasons Area 4 is considered important for preservation.

Soils:

The jurisdictional maps shown last night showed patchy occurrences of uplands towards the westernmost portions of the site -- are the upland areas within Area 4 naturally occurring topographic variations or the result of topographic modification in the past, possibly as a result of levee construction or railroad construction? Are the soils in the upland areas native soils - i.e. are they soils that developed onsite?

Schools:

Who has the actual responsibility for construction of the elementary school? The current landowners? A future developer? The school district? If the school district, how will adequate funding be provided to account for inflation and costs of constructing the school to code?

Will the elementary school be built immediately or will the construction of the schools be dependent upon occupation of constructed housing units? If so, what number of housing units would need to be occupied before the construction of the school begins?

If the school district is responsible for the construction of the elementary school, it is imperative they have the detailed and site specific information necessary to determine the costs of constructing schools in this area given the identification of flood hazard, liquefaction, earthquake hazard, etc. Will site specific borings or testing of the subsurface materials be conducted to determine the liquefaction or lateral spreading hazards of the proposed school site be completed by the time the EIR is released and will that information be incorporated in the EIR? This information is crucial to enable to school district to have a complete and realistic estimate of the construction costs.

Why isn't an alternative in which the elementary school is incorporated into the residential neighborhood being considered? There is a nationwide movement - Safe Routes to Schools - which encourages new schools be constructed in locations which will promote children walking or riding their bikes to school. The locations proposed in last night's two conceptual designs are inconsistent with the growing Safe Routes to Schools movement and could significantly increase traffic congestion during the morning commute hours.

Biology:

Another issue for consideration in the DEIR is that of night lighting. Will the golf course or any of its associated infra structure be lit at night? What impacts, direct and indirect, will the lighting from the golf course and residential development have on wildlife? How will this be assessed, quantified, and mitigated? What measures would be undertaken to reduce the adverse impacts of light pollution on wildlife?

Cumulative Impacts:

A related issue that should be considered under cumulative impacts is the recent proposal to construct a minor league baseball field on the Newark Ohlone College. Certainly there would be additional noise, traffic, lighting, etc. issues which will add significant negative impacts on adjacent wildlife populations.

Will the proposed baseball stadium require any permitting, such as a grading or conditional use permit? If so, there should be a CEQA document which will be available for public review and comment. The proposed stadium will certainly exacerbate any environmental impacts and should be reviewed under CEQA.

Thank you for providing the additional information at last night's workshop. Since this information was not available prior to the close of the NOP comments, I am hoping you will include the information requested above in the DEIR. It is very important the public have this information so we can provide informed comments.

Regards,

Carin High  
CCCR Board Member