



## CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto, CA 94306

Tel: 650-493-5540

[www.bayrefuge.org](http://www.bayrefuge.org)

[cccrrrefuge@gmail.com](mailto:cccrrrefuge@gmail.com)

December 11, 2014

Redwood City Community Development Department

Attn: Steven Turner, Planning Manager

1017 Middlefield Road, P.O. Box 391

Redwood City, CA 94064

[innerharbor@redwoodcity.org](mailto:innerharbor@redwoodcity.org)

RE: Notice of Preparation of a Draft Environmental Impact Report for the Proposed Redwood City Inner Harbor Specific Plan, dated November 6, 2014

Dear Mr. Turner,

Citizens Committee to Complete the Refuge appreciates the opportunity to respond and provide scoping comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Proposed Inner Harbor Specific Plan (IHSP). The City's Notice of Preparation states that implementation of the proposed Inner Harbor Specific Plan "may result in potentially significant environmental effects in sixteen CEQA factors" that will be analyzed in the DEIR.

**Inadequacy of NOP:** The California Environmental Quality Act (CEQA) requires that the NOP "must be written so as to provide the agencies with sufficient information to enable them to make meaningful responses." (Remy et al, 2007) A project description should include detail sufficient to ascertain the nature and general magnitude of environmental impacts. Insufficient information has been provided for agencies, other stakeholders and the public to respond substantively to the NOP, especially in the following key areas:

1) There is inadequate information as to the location, extent and nature of the various **existing wetlands** in the IHSP project area, either in the maps included in the NOP, or in the narrative of the Project Location or in the Project Description. Agencies are not directed to the document on the City's website where that information can be found. Based on the information provided in the NOP, there is no way of knowing that existing jurisdictional wetlands throughout the IHSP Project Area, including a 21-acre diked wetland on the Ferrari property, would be impacted from roads, a recreation field, and residential and "water-dependent" development.

2) There is no definition or description of what is included in the "Water-Dependent Development" land use, which is shown on the *Draft Land Use Concept Plan* (Figure 2) as being both adjacent to and within Redwood Creek and Steinberger Slough, and within the diked wetland referred to as the "Ferrari property". Agencies cannot discern if this type of land use would involve significant impacts from fill, dredging, pile driving, etc.

This important information missing from the NOP is essential in order to be able to provide input as to the appropriate scope and content of the DEIR, and to understand and evaluate the environmental impact analysis, especially for the various agencies that have jurisdiction over wetlands, waterways and public trust lands. CCCR requests that the City recirculate an appropriately detailed NOP to remedy these deficiencies, and extend the 30 day scoping comment period to provide adequate opportunity to respond to additional information. At the very least, the DEIR must address these inadequacies.

The DEIR must have a complete Project Description with a level of detail that is consistent with CEQA requirements for a “project level” analysis. If the DEIR for the IHSP will be prepared at the “program level”, this should be clearly stated in the document and the DEIR should identify the framework for subsequent “project level” environmental analysis, review and public comment periods that may be specifically required.

The Project Description in the DEIR must include a statement of the project’s objectives. The NOP states that the Draft Land Use Concept Plan for the IHSP (Figure 2) “includes opportunities for” eight land uses/activities. Assuming these “opportunities” are the project objectives of the IHSP, the DEIR should identify them as such for greater clarity.

## **Biological Resources**

**Existing Conditions:** The DEIR must provide an accurate description of existing conditions on the site, including the location, size, characteristics and current wildlife habitat value of all wetlands, tidal marsh, open waters and mudflats within the IHSP project area.

The IHSP includes a 21-acre diked wetland located on a site the NOP identifies as the “Ferrari property” which is labeled Water-Dependent Development-2 and Open Space Wetland Area in the Draft Land Use Concept Plan (Figure 2). This is a significant and important jurisdictional wetland that the DEIR must characterize accurately as:

- a former salt pond with historic tidal marsh channels still evident;
- surrounded by a perimeter levee with pickleweed and other tidal marsh vegetation;
- filled with rainwater, and bay water when the levee is overtopped during extreme high tides;
- containing shallow water and exposed and submerged mudflats;
- providing roosting and foraging habitat for migratory shorebirds and other waterfowl.

Attached to this scoping comment letter are photographs and bird observation data provided by Matthew Leddy documenting the different habitats and bird use at this site.

Omissions in the IHSP technical studies must be corrected in the DEIR, such as the failure to document the presence and extent of pickleweed and other tidal marsh vegetation on the inboard side of the perimeter levee on the Ferrari property diked wetland, and along sections of Redwood Creek and Steinberger Slough.

Surveys should be completed documenting wildlife in the Project Plan area, including surveys for endangered and special status species of plants and animals. Surveys of waterbird use conducted for the EIR should be

conducted throughout the year during high and low tide events to provide a clear picture of how the waterways and associated mudflats, and the Ferrari property diked wetland are being used by waterbirds (foraging, roosting, breeding, use by resident and migratory birds, etc.) and the suite of birds that are present. We assume that surveys will be conducted to determine how the IHSP Project Area is used by other species (such as mammals, etc.) as well.

Federal, state, and regional agencies with areas of jurisdiction in the IHSP Project area must be identified in the DEIR and the basis for their jurisdiction over specific sites and waterways should be accurately documented. Omissions in the technical report with respect to agency jurisdiction, such as the failure to document that the Ferrari property diked wetland is a former salt pond with historic tidal channels still evident, must be corrected in the DEIR (Section 10 Rivers and Harbors Act likely applies).

**Potential Impacts:** In addition to identifying and analyzing potential IHSP Project impacts to wetlands, tidal marsh, open waters and intertidal mudflats, the DEIR should specifically analyze any Project impacts to the interior of the Ferrari property which contains habitat that is synonymous in form and function to “mudflat” habitat, further supported by observations of bird use. In addition to tidal marsh, the Clean Water Act Section 404 (b) (1) Guidelines (Guidelines) (40 CFR §230-233) identify “mudflats” as Special Aquatic Sites which are defined at 40 CFR §230.3(q-1) as:

...those sites identified in Subpart E. They are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region (See 230.10(3)).

The DEIR should identify the impacts of the proposed project on special status species and other wildlife during construction and resulting from implementation of the proposed project, including any impacts to fish from potential entrainment issues, sedimentation or pollutants. Impacts analyzed in the DEIR must include the following:

- noise impacts from construction equipment, pile driving and project based activities;
- light pollution, including any proposed night lighting for recreational fields;
- vibration from pile driving, and other construction or project related equipment or activities;
- disturbance from human activities including:
  - introduction or increase in non-native predators;
  - disturbance or predation by domestic pets;
  - attraction of nuisance species;
  - introduction or spread of invasive plant species.

Impacts to wildlife may range from loss of habitat, inability to conduct daily functions (roosting, foraging, breeding, nesting, etc.), detrimental expenditures of energy as wildlife move away from disturbance, reduced recruitment, greater distance traveled to roost sites, etc. These are just a few of the impacts to wildlife resources that must have effective and enforceable mitigation measures proposed in the DEIR.

The IHSP Project Area includes sites for “Water-Dependent Development”, which is not defined. If this land use would include placement of pilings, wharves or other structures in or over Redwood Creek, Steinberger Slough and the Ferrari property diked wetland, the DEIR must identify the specific impacts to biological resources in these areas. Additionally, if “Water-Dependent Development” would require dredging, both during construction and on an ongoing basis to maintain marinas and boating channels, the DEIR must identify the specific locations where dredging impacts would occur, the expected frequency of those dredging impacts in the future and the nature of the impacts dredging would have on biological resources.

The Project Area includes roosting and foraging habitat for birds, and migratory shorebirds and other waterfowl utilizing nearby Bair Island and the Cargill salt ponds may traverse the area. For this reason, any tall buildings in the IHSP Project Area could create bird strike hazards, and the DEIR should assess this hazard and propose appropriate mitigation measures.

Analysis of project impacts to biological resources should encompass potential adverse impacts to wildlife and habitats both adjacent to, and nearby the Project Area, especially with respect to water quality, noise and human disturbance. The reaches of Redwood Creek both bayward and landward of the project area should be included in the areas studied for potential impacts, as well as the National Wildlife Refuge at Bair Island. The IHSP project as proposed, will most likely lead to increased pedestrian and bicycle use of trails in the Refuge, and a greater number of recreational watercraft in Redwood Creek and nearby sloughs, and impacts to wildlife (including breeding harbor seals, endangered Ridgeway’s rail, migratory shorebirds, etc.) from these activities should be evaluated.

**Recovery and Conservation Plans:** The DEIR must also acknowledge and consider the existence of recovery plans and conservation plans that encompass the natural resource value of sites in the IHSP Project Area; specifically, the Ferrari property former salt pond which is labeled as a “diked wetland” in the geographic **Segment N – Redwood City Area** section of the 1999 *Baylands Ecosystem Goals Report*. This report by scientists and government agencies presents recommendations for the “kinds, amounts, and distribution of wetlands and related habitats that are needed to sustain diverse and healthy communities of fish and wildlife resources in the San Francisco Bay Area.” Under the discussion of “Unique Restoration Opportunities” specific to Segment N the report states:

This area has high potential for tidal marsh restoration and enhancement of seasonal wetlands and salt ponds for shorebirds and waterfowl.

The DEIR should also document and consider that this former salt pond is included in the U.S. Fish and Wildlife Service *Recovery Plan for Tidal Marsh Ecosystems*, which identifies strategies and geographic areas suitable for the recovery of federally listed species such as the salt marsh harvest mouse and Ridgeway’s rail (formerly California clapper rail) in San Francisco Bay.

**Mitigation for Loss of Jurisdictional Wetlands:** Based on the NOP and the City’s February 2014 *Redwood City Inner Harbor Environmental Issues and Options Report*, a significant number of acres of jurisdictional wetlands would be lost in the IHSP Project Area, specifically from Water-Dependent Development, residential development, roads, a recreational field, and public open space. These wetland habitats have been characterized in the report as Pickleweed Marsh, Shallow Open Water and Riparian.

If this proposed development is approved by permitting agencies, mitigation for wetland losses will be required. It is important that these losses are replaced by habitat with equivalent functions and wildlife values.

Additionally, the wetlands lost to development should be replaced in the vicinity of the Project Area. It is especially important that shorebird roosting habitat be located close to the extensive mudflats in the Redwood City area where the birds forage, as availability of close roosting sites can be a critical factor for migratory shorebirds. The DEIR must identify suitable “on-site” and “in-kind” locations that would fulfill these habitat parameters, and any mitigation must address the needs of the diverse suite of species that will be adversely impacted.

In order for mitigation of wetland loss to be effective, the DEIR must propose measures that include monitoring of mitigation sites to ensure the required habitat function and values have been realized. Mitigation measures must include monitoring plans, reporting intervals for on-site observations, and should clearly identify the agency (or agencies) that will be responsible for oversight/enforcement.

**Enhanced or Restored Wetlands:** The Project Description in the NOP states that the *Draft Land Use Concept Plan* for the IHSP includes opportunities for “Enhanced or restored wetlands”. The two areas designated as “Wetland Areas” in the Concept Plan (Figure 2) along Redwood Creek and on the Ferrari property already have jurisdictional wetlands. There are a number of questions and concerns regarding these “enhanced and restored wetlands” that should be addressed in the DEIR:

- 1) It is inappropriate to identify restoration or enhancement of wetlands as a project objective if these actions would not occur in the absence of approvals and implementation of other project objectives. Since this is identified as an “opportunity” or project objective, any enhancement or restoration of wetlands must be clearly identified as being in addition to restoration, enhancement or preservation of wetlands required as mitigation for wetland acreage lost as a result of IHSP development. If this enhancement/restoration of the two Wetland Areas in the IHSP is associated with mitigation required by permitting agencies, it cannot be a project objective.
- 2) Since these two areas already have wetlands, in what ways will the Wetland Areas be enhanced or restored?
- 3) Will the IHSP Project result in the loss or conversion, from one type to another, of any existing waters of the U.S. as a result of the proposed restoration or enhancement?
- 4) Will the current function and wildlife values be modified; for example, current shallow, open water shorebird roosting/foraging habitat replaced by restoration to historic tidal marsh? If so, mitigation will be necessary for the loss of the existing habitat.
- 5) The DEIR should analyze and address potential impacts to the enhanced or restored Wetland Area on the Ferrari property from the adjacent proposed Water Dependent Development, adjacent industrial operation, the proposed road and any public trails associated with the bridge over Steinberger Slough. Impacts to wildlife, including endangered species such as salt marsh harvest mouse and Ridgeway’s rail, that may currently inhabit the area or become established following restoration must be considered and mitigated.
- 6) Because enhancement/restoration of these Wetland Areas is a project objective and not required mitigation, the DEIR should identify the party that will be responsible for implementing this objective in the IHSP. Would this be the City of Redwood City or private property owners?
- 7) Adverse environmental impacts to habitats or wildlife can often occur in larger restored wetlands if the site is not properly managed, especially in urbanized areas like the IHSP. How will long-term maintenance and management of the Ferrari property Wetland Area be addressed?

## **Aesthetics**

The DEIR should document the current views of the Ferrari property wetland and wildlife from various vantage points both within and adjacent to the Project Area. The IHSP project's Water-Dependent Development proposed for two thirds of this diked wetland will block views of the remaining "Open Space Wetland Area" from a number of vantage points and this impact should be analyzed.

"Water Dependent-Development-1" includes a proposed expansion to the east along the edge of Steinberger Slough. The DEIR should evaluate whether any structures placed in this area, or new structures placed in and along any Project Area waterways will block views from the proposed public open spaces in the IHSP.

Buildings proposed for the Inner Harbor-1 and Inner Harbor-2 sites could impact viewsheds from public waterways, Refuge lands, and other sites in and around the Project Area. The DEIR must consider this impact and provide photo simulations from a variety of vantage points. Additionally, the use of story poles for any structures taller than existing heights in the IHSP Area should be employed to provide the public and other stakeholders with an accurate assessment of the visual impacts. Simulations and story poles should take into account increased elevations in certain parts of the IHSP area from placement of fill material.

## **Air Quality**

The NOP provides no information on the source and amount of off-site fill material needed for the IHSP Project, including fill possibly needed for "measures to address risks associated with sea level rise".

The DEIR must provide information on the possible sources and amount of off-site fill material needed for the project, the probable means of conveyance to the site, the number and routes of truck trips to the site and the number of months that fill will be moving to the site and grading will be taking place. This information is essential because the DEIR must analyze air quality impacts from transporting fill and grading, as well as traffic impacts and potential public health hazards for nearby residents and workers.

## **Hydrology and Water Quality**

The IHSP project area includes, and is adjacent to, sensitive aquatic, mudflat, tidal marsh, diked wetland, and riparian wetland habitats that could be adversely affected by construction activities and stormwater runoff. Construction activities, including fill and grading, could pollute these sites with excess sediment, and with chemical contamination from construction materials such as concrete, mortar, hydrated lime, fuels and paint. Stormwater run-off from the landscaped open space and recreational fields in the IHSP could carry pesticides and herbicides, and other stormwater contaminants will be generated by the various types of development in the IHSP. The DEIR must analyze these potential impacts and provide mitigation measures to prevent pollutants from affecting sensitive sites and waters of the Bay.

According to the NOP, the IHSP will provide "measures to address risks associated with sea level rise". The DEIR must provide adequate information on the proposed measures that will be employed to address 100-year flood risks in general, and flooding from sea level rise specifically, so that the environmental analysis in the DEIR can be evaluated. Any measures proposed should not impact sensitive habitats in the IHSP Project Area,

including any measures considered to protect existing urban development adjacent to the Ferrari property diked wetland.

The DEIR should analyze the effectiveness of these measures at various sea level rise scenarios, and consider potential impacts from future modification of these flood protection measures in the event sea level rise exceeds IHSP projections. The measures should be designed to meet standards established by the Bay Conservation and Development Commission (BCDC) to ensure that any necessary future modifications do not impact Bay habitats (the recent BCDC permit for the Pete's Harbor Project would be an appropriate resource).

### **Cumulative Impacts**

As required by CEQA, the DEIR will analyze cumulative impacts of the IHSP Project for environmental factors such as transportation, greenhouse gas emissions and air quality. Because the IHSP Project Area is located in the baylands of Redwood City and includes Bay waterways, tidal marsh, mudflats and wetlands, impacts from the IHSP Project on biological resources must also be analyzed in the context of cumulative effects, both on the Redwood City segment of the Bay and the San Francisco Bay Estuary.

Conservation and species recovery plans developed by representatives from the scientific community and government agencies have identified key habitats and recovery strategies that are critical to the health of the estuary. When so much has been lost, even smaller areas of tidal marsh, mudflat, sloughs and ponds can provide crucial wildlife corridors, increase populations of endangered species, serve as nurseries for fish, and be a key component of the tidal marsh restoration/shorebird roosting site mosaic being carefully planned throughout the South Bay.

Former salt ponds retained for shorebird roosting in Alviso won't serve the shorebirds foraging in Redwood Creek or on the intertidal mudflats off of Greco and Outer Bair islands. Hundreds of acres of former diked lands in the Redwood City segment of the Bay are well on their way to becoming restored tidal marsh, which means shorebird roosting habitat and shallow open water will become even scarcer in years to come. The Cargill salt ponds can't be figured into the mosaic because their future is uncertain. These are important considerations that must be addressed in the DEIR.

### **Alternatives**

The IHSP, as proposed, would result in the loss of two thirds of the Ferrari property diked wetland. This 21-acre site, with its mix of tidal marsh vegetation, open shallow water and mudflat, provides important roosting and foraging habitat for migratory shorebirds and other waterfowl. The former salt pond still has evidence of the tidal channels from the historic marsh that extended all along Redwood Creek and Steinberger Slough, making restoration back to tidal marsh much more easily accomplished.

Because of these significant current habitat and potential restoration values, it is important that the DEIR consider project alternatives in which impacts are avoided and this entire jurisdictional wetland remains intact. The DEIR alternatives analysis should include at least one alternative that proposes no development on the Ferrari property site, and instead increases the number of acres of "enhanced or restored wetlands" called for in the IHSP.

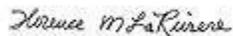
An alternative that avoids the permanent loss of a significant portion of the Ferrari property diked wetland could still meet all the IHSP project objectives. When considering the eight “opportunities” or project objectives listed in the NOP, all of the objectives can be met without this wetland being developed, including the “floating home community”. The Project Area has multiple locations designated for “Water-Dependent Development”, and the City of Redwood City currently owns and operates a marina along Redwood Creek in the Project Area that serves a floating home community of 100 residences. Maintaining and upgrading the current location would be expected to have far fewer environmental impacts than the loss of jurisdictional wetlands.

The Citizens Committee to Complete the Refuge has an ongoing history of interest in wetlands protection, restoration and acquisition. The Committee was originally formed in 1965 when our founding members became alarmed at the degradation of the Bay and its wetlands. With the support of Congressman Don Edwards, we worked to pass Congressional legislation in 1972 to form the San Francisco Bay National Wildlife Refuge. We worked with Congressman Edwards again, and in 1988 his legislation to double the size of the Refuge was signed into law. Our efforts have led to Refuge additions of 1,600 acres at Bair Island in Redwood City, and hundreds of acres throughout the Bay.

We have taken an active interest in Clean Water Act (CWA), Endangered Species Act (ESA) and California Environmental Quality Act (CEQA) regulations, policies and implementation at the local, state and national levels, demonstrating many years of ongoing commitment to wetland issues and protecting the public interest in wetlands, in Section 404 and 401 of the CWA, the ESA, and CEQA.

We thank you for the opportunity to provide comments. Please provide an acknowledgement that our comments have been received.

Sincerely,



Florence LaRiviere  
CCCR Chairperson

Attachment: Photographs and Wildlife Observations – Ferrari Property Diked Wetland

cc: USACE  
SFBRWQCB  
EPA  
DESFBNWR, USFWS  
CDFW  
NMFS

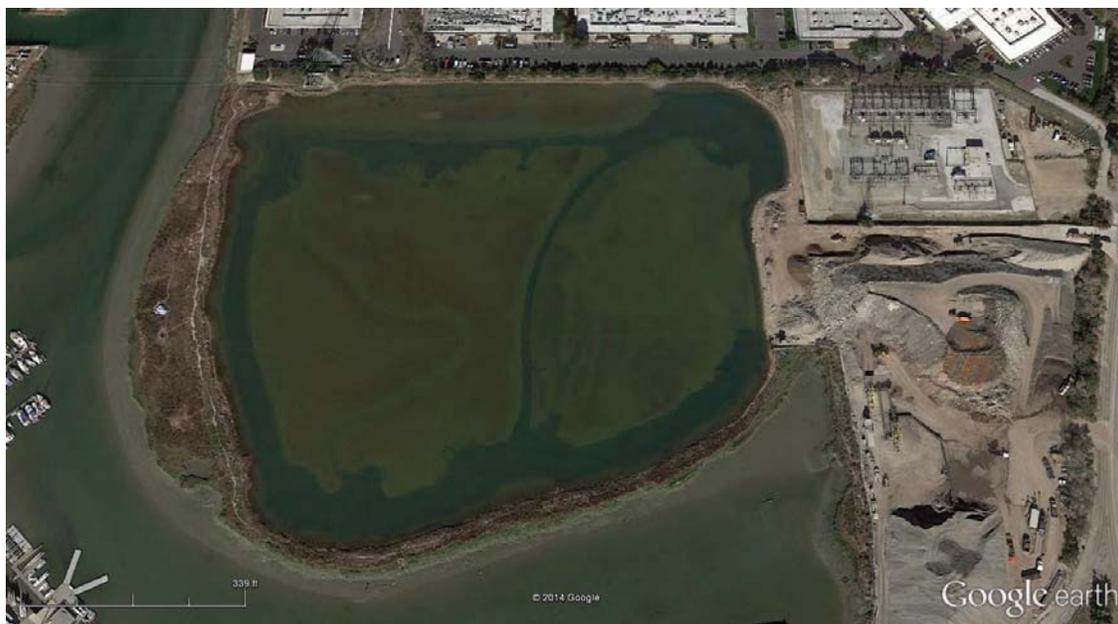
Literature Cited:

Goals Project. 1999. Baylands Ecosystem Habitat Goals. A report of habitat recommendations prepared by the San Francisco Bay Area Wetlands Ecosystems Goals Project. U.S, Environmental Protection Agency, San Francisco, California and San Francisco Regional Water Quality Control Board, Oakland CA.

Remy, M.H., T.A. Thomas, J.C. Moose, W.F. Manley. 2002. Guide to CEQA, California Environmental Quality Act 2006 Edition. Solano Press Books, Point Arena, CA.

U.S. Fish and Wildlife Service. 2013. Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. Sacramento, California.

**Attachments: Photographs and Wildlife Observations – Ferrari Property Diked Wetland**



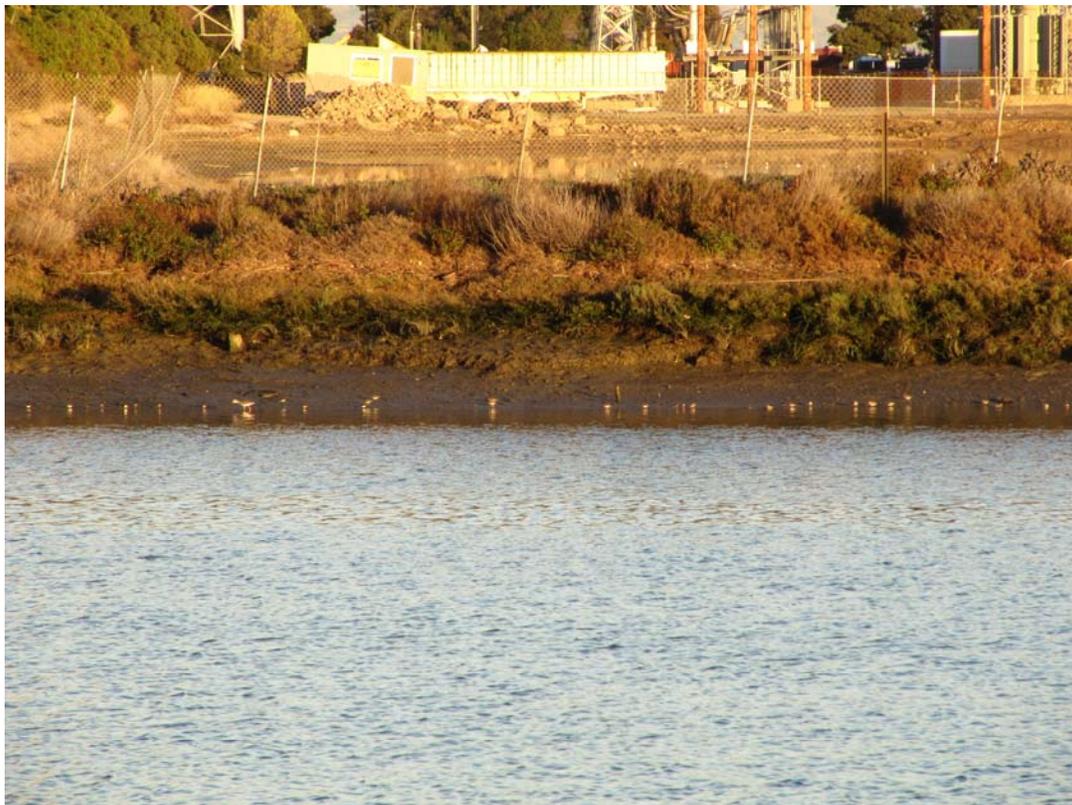
Google earth image showing the 21-acre Ferrari property diked wetland, a former salt pond with historic tidal marsh channels still evident. February 2014.



Ferrari property diked wetland showing mudflat and pickleweed on inboard side of levee. Steinberger Slough is in the background just beyond the levee.  
November 9, 2014



Ferrari property diked wetland with roosting shorebirds.  
November 9, 2014.



Ferrari property - shorebirds foraging on the mudflat along the outboard side  
of the perimeter levee adjacent to Redwood Creek. November 24, 2014

**Wildlife Observations:**

This former salt pond hosts a unique assemblage of waterbird species (shorebirds and ducks) that are using the exposed and submerged mudflat and open water habitat. Diving ducks, such as goldeneye and buffleheads, as well as dabblers, such as the northern shoveler, forage in this pond.

**January 10, 2010 (high tide count)**

<b>Species</b>	<b>Number of birds</b>	<b>Bird activity</b>
Black-necked Stilt	45	foraging and roosting
American Avocet	23	foraging and roosting
Willet	105	roosting
Lesser Yellowlegs	2	foraging
Western sandpiper	15	foraging and roosting
Least sandpiper	40	foraging and roosting
Dowitcher (species)	100	roosting
California Gull	17	roosting
Common Goldeneye	25	foraging
Bufflehead	7	foraging
Northern Shoveler	10	foraging

**January 10, 2010 (low tide count)**

<b>Species</b>	<b>Number of birds</b>	<b>Bird activity</b>
Black-necked Stilt	47	foraging
American Avocet	6	foraging
Lesser Yellowlegs	2	foraging
Common Goldeneye	29	foraging
Bufflehead	9	foraging
Northern Shoveler	6	foraging

**November 9, 2014 (high tide count)**

<b>Species</b>	<b>Number of birds</b>	<b>Bird activity</b>
Black-necked Stilt	149	foraging and roosting
American Avocet	133	roosting
Willet	44	foraging and roosting
Least sandpiper	21	foraging
Dowitcher (species)	110	roosting

**November 21, 2014 (high tide count)**

<b>Species</b>	<b>Number of birds</b>	<b>Bird activity</b>
Black-necked Stilt	112	foraging and roosting
American Avocet	110	roosting
Willet	81	roosting
Least sandpiper	42	foraging and roosting
Dowitcher (species)	310	foraging and roosting
Western Gull	1	roosting

All photographs and observations were made by Matthew Leddy, Professor Emeritus Biology, College of San Mateo. Contact: [mtleddy@sbcglobal.net](mailto:mtleddy@sbcglobal.net)