CITIZENS COMMITTEE TO COMPLETE THE REFUGE

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Redwood City Planning, Housing and Economic Development Department
Attn: Blake Lyon, Senior Planner
Saltworks Project Scoping Comments March 31, 2011
1017 Middlefield Road
Redwood City, CA 94063

Re: Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Saltworks Project located in Redwood City, San Mateo County, California, dated October 7, 2010.

Dear Mr. Lyon,

This comment letter in response to the Saltworks Project NOP is being submitted jointly with our local affiliate, Friends of Redwood City. We thank you for the opportunity to provide comments. The purpose of this letter is to discuss the existing environmental conditions of the site, the significant habitat values that currently exist within the project boundaries, and the value of the site in realizing regional goals of preserving the biodiversity of the bay ecosystem. We will submit general scoping comments in a separate letter.

Project Description: The NOP states the City has found the "current project description is sufficiently complete to allow the public and other agencies to provide meaningful input to the City regarding the EIR" however that "additional information is needed to complete the project description" and that comments provided in this first NOP period will "assist the City in developing further the project description." These statements are contradictory. A project description is either adequate and complete, or it is not. Issuance of an NOP with an unstable project description is incompatible with the requirements of CEQA. The California Environmental Quality Act (CEQA) requires the NOP "must be written so as to provide the agencies with sufficient information to enable them to make meaningful responses." (Remy etal, 2007) If "additional information" is required to "complete the project description" then release of this NOP was premature. Sometime this year the "City plans to circulate a second NOP for public and agency review *that will have a complete project description and a preliminary list of alternatives*." [emphasis added] We are confused by the meaning, authority and purpose of multiple NOPs. It is our understanding that under CEQA there is but one NOP for a draft EIR.

Under section 5.3 – Detailed Project Description the NOP describes a mixed-use community project of 12,000 dwelling units; however a footnote to Table 1 on page 11 of the NOP states "The Application proposes between 8,000 to 12,000 dwelling units. For the purposes of the EIR environmental analysis 12,000 housing units are assumed." This is a potential variation of 4,000 housing units which is a substantial number. A footnote to Table 2 "Conceptual Neighborhood Summary" on page 13 states, "The project application does not indicate how the units would be distributed under the 8,000-unit scenario." This statement confirms that insufficient information has been provided to respond substantively to this NOP. The second NOP must identify an accurate number of dwelling units for analysis so more meaningful environmental review and comment may be provided.

Historical and Existing Uses of the Site: An accurate and comprehensive account of the historical, recent, and existing uses of the site is essential to impact analysis and comparison of alternatives under

CEQA. The DEIR must account for recent changes in the nature and use of the remaining Redwood City salt pond system during the phase-out of the South Bay solar salt production system as a whole. The DEIR must clarify whether "salt production" at Redwood City is merely the terminal production of solar salt and bittern from processing residual brines in the system (following cessation of new brine production), or indefinitely ongoing, sustainable new solar salt from new brine production based on the full sequence of bay intake and evaporative concentration of hypersaline brines" under existing conditions, or with necessary modification of the remaining commercially operated South Bay salt ponds. This information is essential to meaningful public comment on impacts and alternatives, and is essential to meaningful discussion of the stability of the site's "existing conditions" during the permit application and CEQA process.

The NOP briefly describes the history of levee construction on the tidal marsh plain to enable solar salt production. Tidal slough traces are still evident in past aerial photography in many salt ponds during periods of low water levels within the ponds. The NOP fails to identify recent unprecedented changes in the condition of salt pond beds that are ongoing and continuing during the application process and continuing during the NOP process. The condition of the salt pond beds is essential to understanding and analysis of project impacts and alternatives. The NOP states, "The process for crystallizing salt on the site is explained here, because continued salt production will be an alternative in the EIR, and because it is germane to understanding the impacts that may occur from the conversion of the site to either the Saltworks Project or other uses."

The application submitted to the City and this NOP indicate the site is still being used to produce salt and could be used to produce salt in the future. This statement is inconsistent with several articles that appeared in different Bay Area newspapers in 2006 and 2007 that claimed Cargill was in the process of ceasing its salt making operations in Redwood City as it is no longer profitable.

Quotes from an article dated June 22, 2006, "Cargill Salt plans to shut down Redwood City plant," by Allison Louie, Inside Bay Area:

> The salt industry, which has been a part of the Redwood City business scene for more than 100 years, will be phased out, as Cargill Salt has announced plans to wind down operations at its local plant during the next few years.
>
> Cargill decided more than six years ago to concentrate on producing higher-end salt from its Newark location. Since that plant has a refinery, salt suitable for eating as well as pharmaceutical uses can be produced. The operations at Redwood City do not have refinery capabilities, and the plant can only produce unprocessed industrial salts that are used for roadways and shipped off on barges.

Quote from an article dated June 22, 2006, "Cargill explores uses for waterfront site in Redwood City 1,433 PRIME ACRES IN PLAY," by Paul Rogers, San Jose Mercury News:

> Cargill Salt on Wednesday announced it will end its 28 years of industrial salt production in Redwood City and begin exploring new uses for a 1,433-acre piece of prime land on San Francisco Bay's waterfront.

Quotes from an article dated July 19, 2006, "Debate over the future of salt ponds near Bayfront Park – Cargill and Redwood City start planning future uses for 1,433 acres of ponds when salt production ends," by Marion Softky, Almanac:

> Cargill is closing down its Redwood City salt operation because it is no longer profitable, said Jill Singleton, a consultant to Cargill.
>
> Since the 1940s, Cargill has been shipping raw, unprocessed salt by barge and ship to the paper industry in the Pacific Northwest and to Japan. "It's a low-margin operation, and the market changed," she said.

Quotes from an article dated February 6, 2007, "Operations winding down in Redwood City after 106 years," by Don Buchholz, Oakland Tribune:

> "All the salt produced at Redwood City is industrial salt. There never was a refinery here. It's cost prohibitive to truck the salt to Newark. A large competitor – a joint venture between Mitsubishi and the Mexican government – makes 6 million tons of industrial salt per year. We can't compete in cost per ton." [John Bruno]
>
> Redwood City produced about 200,000 tons last year, and about 350,000 at its peak. "We might see one or two more years of salt production," he said.
>
> Jill Singleton, a Cargill consultant, said, "Newark has been focusing on higher-grade and extremely pure salts for human and animal consumption and for medical uses," adding that part of the reason the company is getting away from industrial salt is because "much of its traditional market, especially lumber and paper pulp in the Northwest, has gone away."

The DEIR must establish accurate baseline conditions of the salt production facility at the time of the NOP, and not substitute policy statements of the landowner or project proponent for accurate factual descriptions of the status of commercial salt production or post-salt production land uses at the proposed project site. The EIR should discuss:

- the manner in which individual salt ponds and the site as a whole is currently being:
  (a) decommissioned in transition to post-salt production conditions,
  (b) operated for removal of residual salt (sodium chloride or bittern salts), or
  (c) used to produce new salt in each salt pond (crystallizer, bittern, brine, pickle, or other traditional or new salt pond uses);

- any new or ongoing filling or excavation operations that are occurring during the NOP scoping process which may alter environmental baseline conditions or affect the feasibility of reasonable alternatives with less environmental impacts than the proposed project;

- modifications that would be required to the way in which the site is operated (physical modifications, salinity regime, pond depths, etc.) should salt making be continued (in the context of alternatives);

- alterations that would be required in the way ponds in Newark are operated (physical modifications, salinity regime changes within the network of ponds, pond depths, etc.) to

sustain salt production at Redwood City, in the context of alternatives. If there is insufficient or no remaining capacity for ongoing bay intake and brine production for continued long-term salt making at Redwood City or within San Francisco Bay, the DEIR should state this clearly. The DEIR must clarify whether infrastructure currently exists within the consolidated salt pond facilities to support long-term future solar salt production, or whether significant modification of remaining salt ponds would be required to restore ongoing salt production (complete sequence of bay intake, brine concentration, pickle, crystallization stages)

A review of aerial photography (evident in time-sequence on Google Earth) of the 1,433 acres of ponds in Redwood City suggests that in 2005, Cargill began excavation and filling of Redwood City pond 9 and 9A in an unprecedented manner, physically transforming its substrate and topography from prehistoric tidal marsh plains with original, largely intact tidal sloughs, to linear parallel ditches or canals with side-cast ridges standing above brine levels in the pond. The physical fact of radically changed substrate elevation, topographic form, and drainage patterns, not the claimed purpose of the changes, is what is relevant to the description of existing conditions in contrast with the pre-2005 condition of northern crystallizer beds. In addition, at ponds 4, and 8E, there is evidence of progressive placement of fill and bay mud by ground-based earthmoving equipment, growing fans of fill material and pad fills in crystallizer beds at the southeastern corners of ponds 4 (crystallizer) and 8E (bittern pond), and equipment operating on the pond bottoms. Ground observations in 2010 from Bayfront Park to the south revealed large linear mounds of fill material in rows across the pond bottoms. Aerial photography also indicates that these activities appear to have obliterated antecedent tidal sloughs that could be observed in ponds 8E, 9 and 9A in 1975, and pond 9 in late 1991. <u>These unprecedented fill and excavation activities are occurring directly within the footprint of the proposed project and proposed mitigation site, and directly affect the feasibility of reasonable alternatives. These fills and excavation activities must be described accurately and explained in context of existing conditions and alternatives.</u> The EIR must provide an adequate and accurate description of the topography, elevation, and hydrology of salt pond beds, sufficient for analysis of impacts to existing or restored habitat in all reasonable alternatives.

The DEIR must disclose the areal extent of recent radically changed baseline conditions of salt pond substrate, drainage pattern, and topography within the footprint of the proposed project area and mitigation site, and the relevance of these changes for the feasibility of reasonable alternatives that may be environmentally superior.

In Cargill's Maintenance Work Plan Report 2000-2001, Cargill proposed to dredge a brine ditch leading to the reconstructed pump platform in pond SF2 with the purpose of improving the transmission of bittern and brines from Redwood City to Newark. The DEIR must state whether bittern and brine being transferred to Newark ponds under existing conditions, or whether Newark bittern or brine are being transferred to Redwood City in existing conditions.

The NOP identifies Pond 10 as a "mixed-use area complex." The uses identified for the site include "temporary storage for solids from the salt making process and maintenance water." This activity appears to be occurring in the southwestern corner and appears to have obliterated antecedent tidal sloughs in that portion of the pond. The DEIR must state the areal extent of impacts of this activity under existing and proposed conditions. If the project would result in indirect impacts from changed bittern or brine management in Newark, this must be analyzed in the DEIR.

Biological Resources:

Existing Conditions: Page 48 of the NOP inaccurately describes the existing conditions of the area between Seaport Boulevard and the crystallizers on the western side of the project and between the Pacific Shores Center and the crystallizers and Pond 10 on the northern side of the project site. In contrast to the description of the habitat provided in the NOP "vegetated with non-native plant species and dotted with isolated depressions that fill with rainwater" which gives the impression these areas have little habitat function or value, these areas currently support expanses of open water that persist into the summer months. Adjacent to the open water are mudflats and wetlands supporting bands of varying width of *Sarcocornia pacifica* (perennial pickleweed), *Frankenia salina* (alkali heath) and other vegetation [see attached memo "Perimeter wetlands" prepared by Matt Leddy, 2011]. These areas support foraging and roosting shorebirds and other waterbirds. The DEIR must analyze whether these wetlands do or may support habitat or populations of the federal- and state- listed endangered salt marsh harvest mouse (*Reithrodontomys raviventris*) as well as special-status birds. The upland habitats further upslope provide foraging and roosting habitat for passerines. The site description and biological resource sections should be corrected to reflect the existing conditions of these areas of the project site.

It appears a portion of the wetland habitat located between the Pacific Shores Center and the crystallizers and pond 10 was to be enhanced and expanded as required by Special Condition 2 of the above mentioned Corps permit to replace the loss of 0.27 acres of wetland habitat lost during the construction of Westpoint Marina.

The mitigation and monitoring plan stated:

> A hydrological connection in the form of a 10-inch PVC pipe with a control valve will connect the marina basin with the ditch just downstream of the primary access crossing. This pipe will be placed at approximately 1-foot below MHW. This will allow controlled tidal water to enter the ditch below the primary access road gated culverts and flow out through the lower ditch and into Westpoint Slough through the outlet gate. Management of this valved connection will allow tidal water to be introduced into the ditch during the dry season. The controlled tidal influence will extend the duration and area of soil saturation and/or inundation within the mitigation wetland. This, along with the grading of the southwest bank would provide suitable gradients to support the enlarged and enhanced wetland species within the mitigation site.

The DEIR must indicate the precise location of the required mitigation and whether the mitigation and monitoring period has been successfully completed and the final condition of the mitigation site approved by the Corps.

On-site habitats: Warnock et al. (2002), in their review of bird use of salt ponds, defined microhabitats within salt ponds as:

> 1) Island: island of dry substrate which could not be covered by water in a strong wind;
> 2) Man-made: structures such as dikes, roads, pilings, boardwalks, etc.;
> 3) Mud: mudflat (dry or wet) or shallow water less than 10 cm deep; and,
> 4) Water: open water greater than 10 cm.

The EIR must identify the microhabitats that exist within the 1, 436 acres (either those mentioned above or others as appropriate). The EIR must also identify the species or suite of species that utilize the

microhabitats seasonally or throughout the year. Surveys of waterbirds must be conducted in a manner that will capture any biologically significant influence of the tides on waterbird use of the site. Sampling methods must address tidally-correlated and seasonally-correlated variation in bird use of salt ponds throughout the year.

Mudflats/salt panne habitat: Scientists studying the use of San Francisco Bay salt ponds have classified salt pond bottoms as "mudflats" in terms of bird habitat functions. The existing conditions of the crystallizer beds that are visible from Seaport Boulevard and the bed of pond 10 are analogous in condition and function to salt pan/mudflat habitat, as summarized by Baye (2010). The DEIR must accurately characterize existing habitat conditions in relation to waterbird use, based on comprehensive review of published scientific regional shorebird habitat data and analysis.

Warnock etal (2002) analyzed the potential impacts of the conversion of South Bay salt ponds to tidal marsh and discussed conservation and management recommendations. The changes in the importance of remaining salt ponds following large-scale conversion to tidal mudflat and marsh must be identified and analyzed in the DEIR. Warnock et al. (2020) assessed waterbird species use of the salt ponds and made confident scientific conclusions that are directly relevant to the existing conditions and impacts analysis of the DEIR:

> …Additionally, we have shown that this habitat provides foraging areas to many species of waterbirds that traditionally feed on tidal mudflats. This open foraging habitat may compensate, in part, for the roughly 40% of tidal mudflats lost in San Francisco Bay to landfills and dredging in the past 2000 years (Goals Project 1999).

Microhabitats identified within the salt ponds by Warnock etal (2002) include "Mud: mudflat (dry or wet) or shallow water less than 10 cm deep." Their study found:

> In general, foraging birds were found most on moist to wet soils and on the water, and least on islands and other man-made structures…For birds observed foraging at high tide, 58% of the birds were seen using mud habitat and 38% water, while on the low tide 41% used the mud habitat and 56% used the water.

Stralberg etal (2003) report that due to the loss of tidal marsh and mudflats "…salt pond habitat in San Francisco Bay has become extremely important for millions of waterbirds." The federally listed threatened Western Snowy Plover (*Charadrius alexandrinus nivosis*) is heavily dependent upon salt ponds, as is the federally listed threatened California Least Tern (*Sterna antillarum brownii*). Salt ponds also provide important breeding habitat for Black-necked Stilts (*Himantopus mexicanus*) and American Avocets (*Recurvirostra americana*). The authors add, "For many other waterbirds, however, *salt ponds likely serve as a replacement for the seasonal wetlands, tidal flats, and salt pannes that have been lost in recent years*." [emphasis added]. The DEIR must assess the project and alternatives impacts on existing salt ponds in terms of both short-term and long-term ability to provide functional habitat for shorebirds under foreseeable future, dynamic conditions in San Francisco Bay.

The Southern Pacific Shorebird Conservation Plan (SPSCP) (2003) identified historic, natural salt pan habitat as "open areas amongst the marshes" that "once served as supra-tidal foraging and roosting sites for many shore species, and as nesting areas for plovers, stilts, and avocets." Naturally occurring salt pans were subsequently replaced by man-made salt ponds that have "displaced their natural

forerunners." However, "*very shallow ponds often contain drier areas that serve as excellent salt panne mimics*." [emphasis added]

During the period between 1981 and 1984 Kelly et al. conducted aerial waterbird counts of ponds and crystallizers of the Redwood City plant site (Kelly 2010). The highest single day count was over 27,300 small shorebirds, 2,300 medium shorebirds, almost 3,900 large shorebirds, and over 7,300 large gulls on ponds 7B, 9, and the crystallizers during the fall of 1981. The highest species diversity for the ponds surveyed was 12+ species of waterbirds (some waterbirds were grouped rather than identified to species, e.g. small, medium, large shorebirds, diving ducks) on sampling dates in January and February 1983. These data should be utilized by the DEIR to estimate boundary conditions for background variability in the capacity of existing salt ponds to provide shorebird habitat under existing or modified (alternative) conditions.

During the winter of 2010-2011 Leddy (2011) made observations of bird use on ponds 7B, 7C, 8W and 10, and crystallizers 1 and 2 at high tide. Leddy's work confirms the utilization of the ponds as mudflat and roosting habitat. Of the species observed Leddy noted foraging behavior within the salt ponds mudflat/salt pannes by Willets (*Catoptrophorus semipalmatus*), American Avocet, Black-necked Stilt, Dowitcher (*Limnodromus sp.*), Least Sandpiper (*Calidris minutilla*), Western Sandpiper (*Calidris mauri*), Yellowlegs (*Tringa sp.*), and Semipalmated Plover (*Charadrius semipalmatus*), demonstrating the value of the ponds for waterbirds. Greater Scaup (*Aythya marila*), Nothern Shoveler (*Anas clypeata*), and Bufflehead (*Bucephala albeola*) were also observed foraging in a portion of pond 10.

These observations confirm that the Redwood City salt ponds can and do provide important mudflat/salt panne foraging habitat for both migratory and resident waterbirds. This is contrary to statements that it is inhospitable for birds. The DEIR must provide an accurate and unbiased, comprehensive analysis of the capacity of remaining salt ponds to provide shorebird habitat, considering long-term variability in managed (salt pond operation) or unmanaged (rainfall, tidal overtopping, drought) conditions. This is the relevant CEQA environmental baseline against which the impacts of the project must be evaluated, and against which alternatives must be compared. .

Recent and ongoing unprecedented topographic, substrate, and drainage alterations to the Redwood City any salt ponds must be analyzed in terms of past, recent, and potential future habitat use by shorebirds. If recent topographic changes have degraded shorebird habitat conditions for certain species, or improved them for others (e.g., conversion of flat salt pond beds to high-relief parallel canals and ridges), this must be disclosed and analyzed in the DEIR.

Surveys of waterbird use conducted for the EIR should be of all the ponds within the 1,433 acres and should be conducted throughout the year during high and low tide events to provide a clear picture of how these ponds are utilized by waterbirds (foraging, roosting, breeding, use by resident and migratory birds, etc.) and the suite of birds that are present. We assume surveys will be conducted to determine how the site is used by other species (mammals, etc. as well).

Special Status Species: The NOP is correct in its initial identification of known listed species either occurring on or adjacent to the proposed project location. The federally listed threatened Western Snowy Plover has been reported as occurring within the project boundaries. Western Snowy Plover breeding and wintering locations have been documented on the levees surrounding ponds. The recovery plan for the Western Snowy Plover (USFWS 2007) reports salt ponds provide breeding and wintering habitat for the species. "Dry salt ponds and unvegetated salt pond levees are used as western

snowy plover habitat. Ponds with shallow water provide important foraging habitat for western snowy plovers…" The DEIR must analyze project impacts to existing snowy plover habitats and potential recovery areas under altered, foreseeable San Francisco Bay wetland conditions, including likely sea level rise scenarios, consistent with State climate change policy.

The federal and state listed endangered salt marsh harvest mouse has been observed on Greco Island and may occur within the project boundaries and within the wetland habitat immediately adjacent to the project site. The DEIR must analyze project impacts to existing salt marsh harvest mouse habitats and potential recovery areas under altered, foreseeable San Francisco Bay wetland conditions, including likely sea level rise scenarios, consistent with State climate change policy.

The EIR should disclose and analyze project impacts to a *core population* of the federal and state listed endangered California clapper rail that are known to occur on Greco Island just across Westpoint Slough. California clapper rail may also occur in the tidal marsh on the bayward side of the salt pond levees. The importance of this population of California Clapper Rail must be taken into consideration when assessing any adverse impacts of the proposed project. The DEIR must analyze project impacts to existing California clapper rail habitats and potential recovery areas under altered, foreseeable San Francisco Bay wetland conditions, including likely sea level rise scenarios, consistent with State climate change policy.

A small breeding colony of the California Least Tern has been documented within the vicinity of the proposed project (Bair Island) and has been observed roosting on levees within the project site. The DEIR must analyze project impacts to existing California Least Tern habitats and potential recovery areas.

Jurisdiction: A preliminary Jurisdictional Determination of U.S. waters has been issued by the Corps. Assertion of jurisdiction by the Corps is consistent with determinations made for the analogous Napa Plant site (a complex of pickle, crystallizer and bittern ponds) as well as the adjacent Westpoint Marina which was created in a portion of Redwood City pond 10. The DEIR should disclose that the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency have consistently asserted Clean Water Act Section 404 jurisdiction over all salt ponds, bittern ponds, and crystallizers, without exception.

In addition to discussing the potential significant impacts to "wetlands," the EIR must discuss the potentially significant impacts to "mudflats." The Redwood City complex of ponds contain habitat that is synonymous in form and function to "mudflats" and "salt panne" habitat. This is well documented in the scientific literature and supported by observations of bird use.

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. There 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).

Movement of Fish or Wildlife Species: We concur that this is a potentially significant impact, and as demonstrated by the information provided above, impacts would occur directly within the project

boundaries as well as to the significant resources of the adjacent Don Edwards San Francisco Bay National Wildlife Refuge.

Impact Analysis: To hold two NOP periods is unprecedented. The public has already committed a significant investment of time during this NOP scoping process. The appropriate baseline for environmental review is October 2010 when this NOP was released for review and comment.

The NOP 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. The review of impacts should include wildlife species as sensitive receptors to noise and light pollution and vibration. Human disturbance as well as the potential disturbance resulting from the introduction of domestic pets, and the attraction of feral animals, nuisance species, and predators to the project site should be considered.

Impacts to wildlife may range from loss of habitat, inability to conduct daily functions (roosting, foraging, breeding, etc.), detrimental expenditures of energy as wildlife move away from disturbance, reduced recruitment, etc. As an example, the Recovery Plan for the Western Snowy Plover states:

> …human disturbance resulting from the maintenance activities associated with the operation of commercial salt ponds can result in the loss of western snowy plovers and disturbance of their habitat. If conducted during the western snowy plover breeding season, reconstruction of salt pond levees could destroy western snowy plover nests. Maintenance activities that are conducted by vehicles, on foot, or through the use of dredging equipment could result in direct mortality or harassment of western snowy plovers.

These are just a few of the impacts to wildlife resources that must be considered.

Habitat Conservation Plan: The NOP is correct in stating the project location is not included in a Habitat Conservation Plan. However, the natural resource value of the project location has long been recognized by the scientific community. The EIR must not focus solely on whether or not an HCP exists that encompasses this site. The EIR must also acknowledge and consider the existence of recovery plans for federally listed species, conservation plans for shorebirds, and the refuge expansion boundary
The DEIR must acknowledge that Congress approved a Refuge expansion boundary. In 1988 Congress passed Public Law 100-556, which "increased the Service's acquisition authority for the refuge from 23,000 acres to a total of 43,000 acres." The expansion of the original Refuge boundaries was to further the purposes of Public Law 92-330 (the law enacted to establish the original San Francisco Bay National Wildlife Refuge):

1. For the preservation and enhancement of highly significant wildlife habitat.
2. For the protection of migratory waterfowl and other wildlife, including species known to be threatened with extinction.
3. To provide an opportunity for wildlife-oriented recreation and nature study within open space so preserved.

The DEIR must analyze impacts to Redwood City salt ponds in land use and biological context of the 1990 U.S. Fish and Wildlife Service (Service) "Land Protection Plan for Potential Additions to the San Francisco Bay National Wildlife Refuge, Alameda, San Mateo, and Santa Clara Counties, California." The Final Environmental Assessment for that document described the need for <u>expansion</u> of the Refuge boundaries and the issues taken into consideration when the list of potential additions was developed:

> The importance of acquiring additional acreage to add to the existing wildlife refuge is underscored by the national priorities established by the Service for land acquisition. The San Francisco Bay Area has been identified as 1 of 34 "Waterfowl Habitat Areas of Major Concern" in Canada and the United States as identified in the North American Waterfowl Management Plan. The project area also contains habitats essential to endangered species such as the salt marsh harvest mouse, California clapper rail, and the California least tern (U.S. Fish and Wildlife Service recovery plans, 1980, 1984).

The need to expand the Refuge boundaries to protect important wildlife resources was considered to be of such import that the "No Project Alternative" was considered unacceptable for the following reasons:

> a. This alternative would not provide sufficient protection of the natural resources…
> b. It is not in keeping with the spirit of Public Law 100-556 and Congressional appropriations.
> c. It is not consistent with Service responsibilities under the Endangered Species Act and the and the Migratory Bird Treaty Act.

In describing the affected environment the FEA states, "…the project site [San Francisco Bay] is rich ecologically, supporting substantial and diverse wildlife populations. This is demonstrated by the fact that 70 percent of all shorebird species using the Pacific Flyway inhabit the marshes, mudflats, open water, and salt ponds of the area."

Areas still under active salt production are listed as Priority 3:

> Priority 3 includes all active salt ponds. Active salt ponds include concentrator ponds and most crystallizer ponds. Purchase of active salt ponds would proceed in accordance with Congressional intent. The Congressional Record for Public Law 100-556 (Senate-10/14/88) states: "The salt ponds contemplated for acquisition are currently used as salt evaporator ponds and salt crystallizer ponds. *The acquisition of the lands in active use for salt production is a low priority for the refuge, since the salt production operations are not currently detrimental to the health of wildlife in the refuge. Should the salt production operations be discontinued in the future, the Service should seek to acquire the wetlands on which those operations currently take place." The Service recognizes that generally the salt evaporator ponds have provided, and continue to provide, valuable wildlife habitat.* [emphasis added]

Thus, if salt production is discontinued the ponds would increase to a Priority 1 action as "Abandoned salt ponds", "These are areas formerly used in the salt production process including, but not limited to, intake ponds, crystallizer ponds, concentrator ponds, and bittern storage ponds. "

The DEIR must acknowledge that the project site was included in the list of potential additions to the Refuge for the reasons elaborated above.

The DEIR must acknowledge that preservation and restoration of this site would help to fulfill the salt pond goal of the South Pacific Shorebird Conservation Plan (2003) that states:

> Goal: Maintain sufficient amount of high quality salt pond habitat to support breeding shorebirds, including the Western Snowy Plover, as well as migrating and wintering shorebirds.

Priority conservation actions for salt ponds are to:

• Manage some amount of salt ponds, especially at San Francisco Bay, Monterey Bay, and San Diego Bay, specifically for nesting, feeding, and roosting shorebirds, including some to be managed specifically for nesting Snowy Plovers, as recommended in the Snowy Plover Draft Recovery Plan.

The DEIR must acknowledge that preservation and restoration of this site is consistent with recovery actions identified in the Narrative Outline of Recovery Actions of the Western Snowy Plover recovery plan:

> In addition to the known breeding sites, all known wintering locations (Appendix B) are considered currently important to western snowy plover conservation. These sites include both wintering locations that currently support breeding birds and locations that may potentially support nesting birds in the future. [portions of the Redwood City Saltworks site have been identified as wintering locations and breeding habitat]
>
> To compensate for the loss of existing western snowy plover breeding habitat values in San Francisco Bay from planned conversion to tidal marsh, appropriate salt ponds should be designated for protection and enhancement as western snowy breeding habitat. Currently, most western snowy plover breeding habitat occurs on levee roads, margins of active salt ponds, *and pond bottoms of inactive salt ponds*. [emphasis added]
>
> Any replacement of western snowy plover breeding habitat in San Francisco Bay should concentrate on areas where the necessary components of western snowy plover breeding habitat can be created. *These areas include locations where unvegetated salt pans, salt ponds, islets, levees, and tidal mudflats/sandflats can be created or enhanced.* [emphasis added]

The DEIR must identify the project site location is within the boundaries of Recovery Unit Segment N of the Draft Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California because of its potential to provide habitat that would support the recovery of the salt marsh harvest mouse, California Clapper Rail, and other rare species associated with tidal marsh habitat. Under the discussion of species recovery and conservation strategies, the Draft Recovery Plan states:

> Ultimately, if the remaining active salt ponds in Newark and Fremont on the east side of the Bay and west of the Ravenswood restoration area on the west side are someday no longer needed for salt production, they should also be considered for restoration to tidal marsh or water bird habitat…The area northeast of Redwood City should be restored to create contiguous habitat between Bair Island and the Ravenswood Point salt ponds to be restored per the South Bay Salt Pond Restoration Project.

The DEIR must identify the project site location within the context of the Goals Project (1999) geographic recommendations. The Goals Project (1999) presented 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." The proposed project is located within "Segment N – Redwood City Area." Greco Island is identified as the "largest contiguous marsh on the western side of the Bay" and "it is one of the main population centers of the California clapper rail in South Bay."

Under the discussion of "Unique Restoration Opportunities" 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 Redwood City crystallizers and associated salt ponds offer the opportunity to maintain and enhance shorebird and waterfowl habitat in close proximity to the large tidal flats that are so important for foraging shorebirds. Creating salt pan habitat would provide nesting habitat for the snowy plover.

The report recommends that tidal marsh along Westpoint Slough and Redwood Creek be restored, and that the crystallizers adjacent to Redwood Creek be modified as salt pan habitat that is managed for shorebirds and waterfowl.

If the all of the recommendations of the report for the entire Segment are implemented the restoration would:

> …directly benefit the salt marsh harvest mouse. It also would increase habitat for a major source population of the California clapper rail. Enhancing the salt ponds would benefit shorebirds and waterfowl and would provide an opportunity to improve snowy plover nesting habitat.

The DEIR should also analyze impacts to opportunities for salt ponds to perform ecological functions from the perspective of Siegel and Bachand (2002), who state:

> All the crystallizer ponds are optimally suited for enhancement as salt panne habitat consisting of seasonal ponding and little vegetative cover.
>
> Crystallizer ponds are the most easily restored and managed lands for Western snowy plover nesting, California least tern foraging, shorebird roosting, and habitat for the endemic rare insect western Tanarthus beetle. The loss of these crystallizer ponds to development, especially on such a scale, would severely hamper recovery efforts for these species.

The DEIR must rigorously evaluate the growing body of scientific knowledge regarding the significance of salt ponds for listed species and migratory birds. The recommendations identified within recovery plans and conservation plans to sustain the biodiversity of the Bay cannot be ignored and the value of these ponds for restoration to tidal marsh and to higher marsh habitats (including salt panne habitat) must not be understated. The ponds currently provide habitat for resident and migratory shorebirds as well as habitat for special status species. This is highly significant as the regional footprint of this type of habitat will diminish as the restoration of the South Bay salt ponds to tidal marsh progresses. This site reduces the tension that exists between the competing needs of tidal marsh species such as the California Clapper Rail and species that are dependent upon the variety of microhabitats provided by salt ponds such as the Western Snowy Plover.

The assessment of biological resources in the DEIR must acknowledge that the project site is also unique in its ability to provide a range of sustainable tidal marsh habitats capable of persisting in the face of sea level rise. This is due to the unique location of a permanent South Bay deepwater port that is a potential site for offloading dredged clean bay muds to provide thin-layer sediment nourishment. Alluvial fan sedimentation in tidal marshes could be emulated at this site through hydraulic placement of low-density slurry in gradual, multiple lifts on constructed high salt marsh plain and pan complexes created

within the existing crystallizers. This is a unique, site-specific opportunity to link sustainable high salt marsh habitat (a limiting habitat for multiple endangered tidal marsh species, according the USFWS draft recovery plan) with an adjacent core population of Salt Marsh Harvest Mouse and California Clapper rails at neighboring Greco Island (Refuge). South Bay salt pond restoration sites are otherwise generally remote from highly feasible offload sources of hydraulically placed dredged clean bay mud that may be generated by future major port deepening projects. The ability of restored salt marshes to sustain the critical high marsh habitat despite accelerated sea level rise is a key factor in assessment of location-specific alternatives for habitat restoration, and less environmentally damaging alternative project locations.

Cumulative impacts: The cumulative impacts analysis must consider the impacts of the proposed project on listed species and waterbirds at both the local and regional levels. The EIR should consider the cumulative effects of this project and other developments and restoration projects within the South Bay on resident and migratory waterbirds populations. We know the available acreage of the suite of habitats provided by salt ponds will diminish as they are developed (as proposed by this project) or restored to tidal marsh. The DEIR must discuss how the cumulative impacts of this project i.e. the reduction in available habitat will be mitigated. The EIR should consider the cumulative effects of this and other projects on our ability to sustain populations of special status species such as the salt marsh harvest mouse, California Clapper Rail, etc. in the face of sea level rise. The DEIR must analyze the cumulative effects of this project on the availability of tidal marsh habitat capable of persisting as sea level rises.

The DEIR must consider the cumulative impacts of the proposed project compared with multiple off-site reasonable development alternatives that are based on urban infill or redevelopment within a reasonable market area on the Peninsula, including comparable zoning changes from industrial to residential (conversion of economically declining off-site industrial areas on the Peninsula, not necessarily within the current ownership of project proponents).

Alternatives: The City has yet to provide information regarding the basic project purpose that is not unreasonably or narrowly defined to be essential to the applicant's preferred project site. Therefore the current NOP does not provide sufficient basis for soliciting meaningful public comments on potential alternative on-site project alternatives or off-site project alternatives. The City must provide this information in the subsequent NOP.

The Citizens Committee to Complete the Refuge has an ongoing history of interest in wetlands protection, wetlands restoration and wetlands acquisition. The Committee was originally formed in 1965. Our senior members were part of a group of citizens who became alarmed at the degradation of the Bay and its wetlands. We joined together, and with the support of Congressman Don Edwards, requested that Congress establish a wildlife refuge. The process took seven long years and in 1972 legislation was passed to form the San Francisco Bay National Wildlife Refuge. We turned to Mr. Edwards again, and in 1988 (the first year he submitted it) his legislation to double the size of the Refuge was signed into law.

Our efforts have led to Refuge additions of 1,600 acres of Bair Island in Redwood City, 275 acres of the Warm Springs Unit of the Refuge in Fremont, 440 acres of vernal pool mitigation on Pacific Commons in Fremont, 128 acres of Mayhews Landing in Newark, the Munster property in Union City, the Cullinan Ranch in Napa, and the Marin Islands, to name just a few.

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. We have established a record of providing information regarding possible CWA violations to the U.S. Army Corps of Engineers (Corps), the San Francisco Regional Water Quality Control Board (RWQCB) and the Environmental Protection Agency (EPA). We regularly respond to Corps public notices and RWQCB notices of water quality certification and waste discharge requirements and inform the public of important local CWA issues. We regularly respond to CEQA NOPs, Negative Declarations and EIRs. All of these actions demonstrate our ongoing commitment to wetland issues, towards protecting the public interest in wetlands, in Section 404 and 401 of the CWA, the ESA, and CEQA.

The Friends of Redwood City works collaboratively with the Citizens Committee to Complete the Refuge on issues impacting the health of San Francisco Bay. In 1983 the Friends of Redwood City led a successful local referendum to protect Bair Island from development. The preservation and restoration of Bair Island is providing important wildlife habitat and recreational benefits for Redwood City and the greater Bay Area. The Friends of Redwood City continue to advocate for sound local land use decisions that protect the Bay and enhance the quality of life for residents.

We thank you for the opportunity to provide comments. We request an acknowledgement that our comments have been received. Please provide an updated schedule for the CEQA process.

Regards,

Florence M LaRiviere

Ralph Nobles

Florence LaRiviere,
CCCR Chairperson

Ralph Nobles,
Founding Member FORC

[attachments enclosed]

cc: USACE
EPA
SFBRWQCB
BCDC
USFWS, Sacramento
USFWS, DESFBNWR
CDFG
NMFS
Baykeeper
California Audubon
Committee for Green Foothills
Loma Prieta Sierra Club
Save the Bay
Sequoia Audubon
U.S. Senator Dianne Feinstein
U.S. Senator Barbara Boxer
U.S. Representative Anna Eshoo
U.S. Representative Jackie Speier
State Senator Joe Simitian

State Assemblymember Rich Gordon
San Mateo County Board of Supervisiors
Redwood City City Council

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