PUBLIC SCOPING

APPENDIX A. PUBLIC SCOPING

Scoping, or early consultation with persons or organizations concerned with the environmental effects of the project, is required when preparing a joint EIS/R. NEPA regulations Section 1506.6 requires that agencies make diligent efforts to involve the public in preparing and implementing their NEPA procedures. Pursuant to NEPA, a Notice of Intent to prepare an EIS/R for the SBSP Restoration Project and the Shoreline Study was published in the Federal Register on November 9, 2004. Pursuant to CEQA Guidelines Section 15082, a Notice of Preparation was distributed to responsible agencies and the public on November 15, 2004. These notices announced a public comment period during which comments were received on the appropriate scope of the EIS/R. Two public scoping meetings were held on November 16 and 17, 2004 to solicit comments on environmental issues to be addressed in the EIS/R. Scoping comments received during scoping period are presented here.

I. Scoping Comment Letters Received (letters follow)

- Sandy, Olliges, National Aeronautics and Space Association
- Steve Edmondson, National Oceanic and Atmospheric Association
- Joseph R. Rodriguez, Federal Aviation Administration
- Shin-Roei Lee, Regional Water Quality Control Board
- Ann Draper, Santa Clara Valley Water District
- Daniel Strickman, Santa Clara County Environmental Resources Agency
- Kevin Woodhouse, City of Mountain View Environmental Management Coordinator
- David Lewis, Save The Bay
- Florence M. LaRiviere, Citizens Committee to Complete the Refuge
- George Trevino, Alviso Water Task Force
- Frank and Janice Delfino
- Donna Olsen, Tri-City Ecology Center
- Evelyn M. Cormier, Ohlone Audubon Society
- Libby Lucas, California Native Plant Society
- Jim McGrath
- Yves Zsutty, City of San Jose Department of Park, Recreation, and Neighborhood Services
- Laura Thompson, San Francisco Bay Trail
- Jim Foran, SC Open Space

II. November 16-17 Scoping Meeting: Attendance Lists (lists follow)

III. November 16-17 Scoping Meeting: Comment Lists (lists follow)

National Aeronautics and
Space Administration
Ames Research Center
Moffett Field, CA 94035-1000

December 2, 2004

Reply to Attn of:

Q:218-6

Marge Kolar
Refuge Manager
U.S. Fish and Wildlife Service
San Francisco Bay NWR Complex
P.O. Box 524
Newark, CA 94560

Dear Ms. Kolar:

The purpose of this letter is to provide scoping comments from NASA Ames on the joint programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to address the potential impacts of the South Bay Salt Pond Restoration Project and the South San Francisco Bay Shoreline Study.

NASA Ames has two comments. First, NASA Ames requests, pursuant to the National Environmental Policy Act, to be a cooperating agency in the preparation of the EIS/EIR, because some of the proposed levee alignments would impact NASA Ames property that is adjacent to the project location. Participation as a cooperating agency will allow NASA to sign a Record of Decision based on the EIS/EIR. This will facilitate the implementation of the preferred alternative adjacent to and on NASA Ames property.

Second, NASA Ames requests that the levee alignment along the southern boundary of Pond A3W be moved approximately 100 feet to the north, especially the western end near the runways, in order to avoid the NASA Ames safety arcs. This will facilitate public access along the levee by alleviating safety and security concerns.

Thank you for the opportunity to provide these scoping comments. NASA Ames looks forward to working with the U.S. Fish and Wildlife Service, the U.S. Corps of Engineers, and the California Department of Fish and Game to complete the NEPA/CEQA process, and to implement this restoration project.

If you have any questions, I can be reached at 650-604-3355.

Sincerely,

Sandy Olliges
Deputy Director, Safety, Environmental and Mission Assurance

cc: Carl Wilcox, California Dept. of Fish and Game

NOTICE OF PREPARATION/NOTICE OF INTENT

To: Sandy Olliges
NASA/Ames Research Center
MS-218-6
Moffett Field, CA 94035

Subject: **Notice of Preparation/Notice of Intent of a Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the South Bay Salt Ponds Restoration Project and the South San Francisco Bay Shoreline Study**

U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers, Lead Agencies under NEPA, and California Department of Fish and Game, Lead Agency under CEQA, will prepare a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the South Bay Salt Ponds Restoration Project and the South San Francisco Bay Shoreline Study. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the joint EIS/EIR when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Two public scoping meetings are scheduled. The first meeting will be held on Tuesday, November 16, 2004, at 7:00 p.m, at NASA/Ames Research Center, Building 943, Moffett Field. The second scoping meeting will be held on Wednesday, November 17, 2004, at 7:00 p.m., at Centennial Hall, 22292 Foothill Blvd., Room 4, in Hayward.

Please send your response, and the name of a contact person in your agency, to:

Carl Wilcox, Habitat Conservation Manager
California Department of Fish and Game
Region 3 Headquarters
P.O. Box 47
Yountville, California, 94559

Date: 11/10/04 Signature: Carl Wilcox

Title: Habitat Conservation Manager

Telephone: (707) 944-5525

Headquarters, P.O. Box 47, Yountville, CA, 94559. Written comments may also be sent by facsimile to (510) 792-5828, or via email through the public comments link on the South Bay Salt Ponds Restoration Project website, at www.southbayrestoration.org/Question_Comment.html. All comments received, including names and addresses, will become part of the administrative record and available to the public.

SUPPLEMENTARY INFORMATION

The joint programmatic EIS/EIR will address both the proposed South Bay Salt Ponds Restoration Project and the South San Francisco Bay Shoreline Study. USFWS, CDFG and the Corps propose to integrate the planning for these two projects, which have similar geographic scope and include restoration and flood management components.

Background

South Bay Salt Ponds Restoration Project

The South Bay Salt Ponds Restoration Project area comprises 15,100 acres of salt ponds and adjacent habitats in South San Francisco Bay which USFWS and CDFG acquired from the Cargill Salt Company in 2003 (see Figure 1). USFWS owns and manages the 8,000-acre Alviso pond complex and the 1,600-acre Ravenswood pond complex. CDFG owns and manages the 5,500-acre Eden Landing pond complex.

The Alviso pond complex consists of 25 ponds on the shores of the South Bay in Fremont, San Jose, Sunnyvale and Mountain View, in Santa Clara and Alameda Counties. The pond complex is bordered by the Palo Alto Baylands Nature Preserve and Charleston Slough on the west, on the south by Moffett Naval Air Station and Sunnyvale Baylands Park, and to the east by Coyote Creek and Cushing Parkway in Fremont.

The Ravenswood pond complex consists of seven ponds on the bay side of the Peninsula, along both sides of Highway 84 west of the Dumbarton Bridge, and on the bayside of the developed areas of the City of Menlo Park in San Mateo County. Bayfront Park is directly west of the pond complex, and the Dumbarton Bridge approach and the Union Pacific Railroad are along its southern border.

The Eden Landing pond complex consists of 23 ponds on the shores of the East Bay, west of Hayward and Union City in Alameda County. The approach to the San Mateo Bridge and the CDFG Eden Landing Ecological Reserve form the northern boundary of the acquisition area. Alameda Creek Flood Control Channel and the Coyote Hills form the southern boundary.

South San Francisco Bay Shoreline Study

The South San Francisco Bay Shoreline Study area extends along South San Francisco Bay and includes the three pond complexes within the South Bay Salt Ponds Restoration Project area, which are described above, as well as shoreline and floodplain areas in the counties of Alameda, San Mateo, and Santa Clara (see Figure 1).

The South San Francisco Bay Shoreline Study area includes the Alameda Creek Flood Control Channel in Alameda County, areas in San Mateo and Santa Clara Counties between the Ravenswood and Alviso pond complexes, including the City of Palo Alto, and several creeks within the Alviso pond complex in Santa Clara County. Three other parcels—Moffett Field (owned by NASA-Ames), Pond A4 (Alviso pond complex; owned by the Santa Clara Valley

South San Francisco Bay Shoreline Study

The Corps plans to prepare a Feasibility Report for the South San Francisco Bay Shoreline Study, pursuant to the following resolution by the U.S. House of Representatives Transportation and Infrastructure Committee, adopted July 24, 2002:

> "Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the Secretary of the Army is requested to review the Final Letter Report for the San Francisco Bay Shoreline Study, California, dated July 1992, and all related interims and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of tidal and fluvial flood damage reduction, environmental restoration and protection and related purposes along the South San Francisco Bay shoreline for the counties of San Mateo, Santa Clara and Alameda, California."

The Corps proposes to conduct the South San Francisco Bay Shoreline Study in coordination with the South Bay Salt Ponds Restoration Project and in partnership with USFWS and CDFG. It is possible that the Corps' Feasibility Report may be released after the completion of the joint programmatic EIS/EIR, and supplemental NEPA documentation may be required to address the potential impacts of the South San Francisco Bay Shoreline Study and future phases of the long-term South Bay Salt Ponds Restoration Project. If a supplemental NEPA document is required, the agencies propose to tier off of the joint programmatic EIS/EIR.

Alternatives

The joint programmatic EIS/EIR will consider a range of alternatives and their impacts, including the No Action Alternative. Scoping will be an early and open process designed to determine the issues and alternatives to be addressed in the EIS/EIR. For example, the range of alternatives may include varying mixes of managed ponds and tidal marsh habitat as well as varying levels and means of flood management and recreation and public access components which respond to the project objectives.

Content of the EIS/EIR

The EIS/EIR will identify the anticipated effects of the project alternatives (negative and beneficial) and describe and analyze direct, indirect, and cumulative potential environmental impacts of the project alternatives, including the No Action Alternative, in accordance with NEPA(40 CFR 1500-1508) and CEQA. For each issue listed below, the EIS/EIR will include a discussion of the parameters used in evaluating the impacts as well as recommended mitigation, indicating the effectiveness of mitigation measures proposed to be implemented and what, if any, additional measures would be required to reduce the impacts to a less-than-significant level. The EIS/EIR will include a proposed programmatic analysis of the long-term restoration project and flood management and recreation and public access components as well as a project-level analysis of the proposed Phase 1 project.

The list of issues presented below is preliminary both in scope and number. These issues are presented to facilitate public comment on the scope of the EIS/EIR, and are not intended to be all-inclusive or to be a predetermination of impact topics to be considered.

Economics

The EIS/EIR will evaluate the economic effects of the alternatives, including effects on commercial fishing of Bay shrimp.

Cumulative Impacts

The EIS/EIR will examine the cumulative impacts of past, ongoing, and probable future projects affecting tidal marsh and estuarine habitats in the South Bay.

Environmental Analysis Process

The EIS/EIR will be prepared in compliance with NEPA and Council on Environmental Quality Regulations, contained in 40 CFR parts 1500 - 1508; and with CEQA, Public Resources Code Sec 21000 et seq., and the CEQA Guidelines as amended. Because requirements for NEPA and CEQA are somewhat different, the document must be prepared to comply with whichever requirements are more stringent. USFWS and the Corps will be Joint Lead Agencies for the NEPA process and CDFG will be the Lead Agency for the CEQA process. In accordance with both CEQA and NEPA, these Lead Agencies are responsible for the scope, content, and legal adequacy of the document. Therefore, all aspects of the EIS/EIR scope and process will be fully coordinated between these three agencies.

The scoping process will include the opportunity for public input during two public meetings and by written comments submitted during the 30-day scoping period.

The draft EIS/EIR will incorporate public concerns associated with the project alternatives identified in the scoping process and will be distributed for at least a 45-day public review and comment period. During this time, both written and verbal comments will be solicited on the adequacy of the document. The final EIS/EIR will address the comments received on the draft during public review and will be made available to all commenters on the draft EIS/EIR.

The final step in the Federal EIS process is the preparation of a Record of Decision, a concise summary of the decisions made by USFWS and the Corps. The Record, or Records, of Decision may be published no earlier than 30 days after publication of the Notice of Availability of the final EIS. The final step in the State EIR process is certification of the EIR, which includes preparation of a Mitigation Monitoring and Reporting Plan and adoption of its findings, should the project be approved.

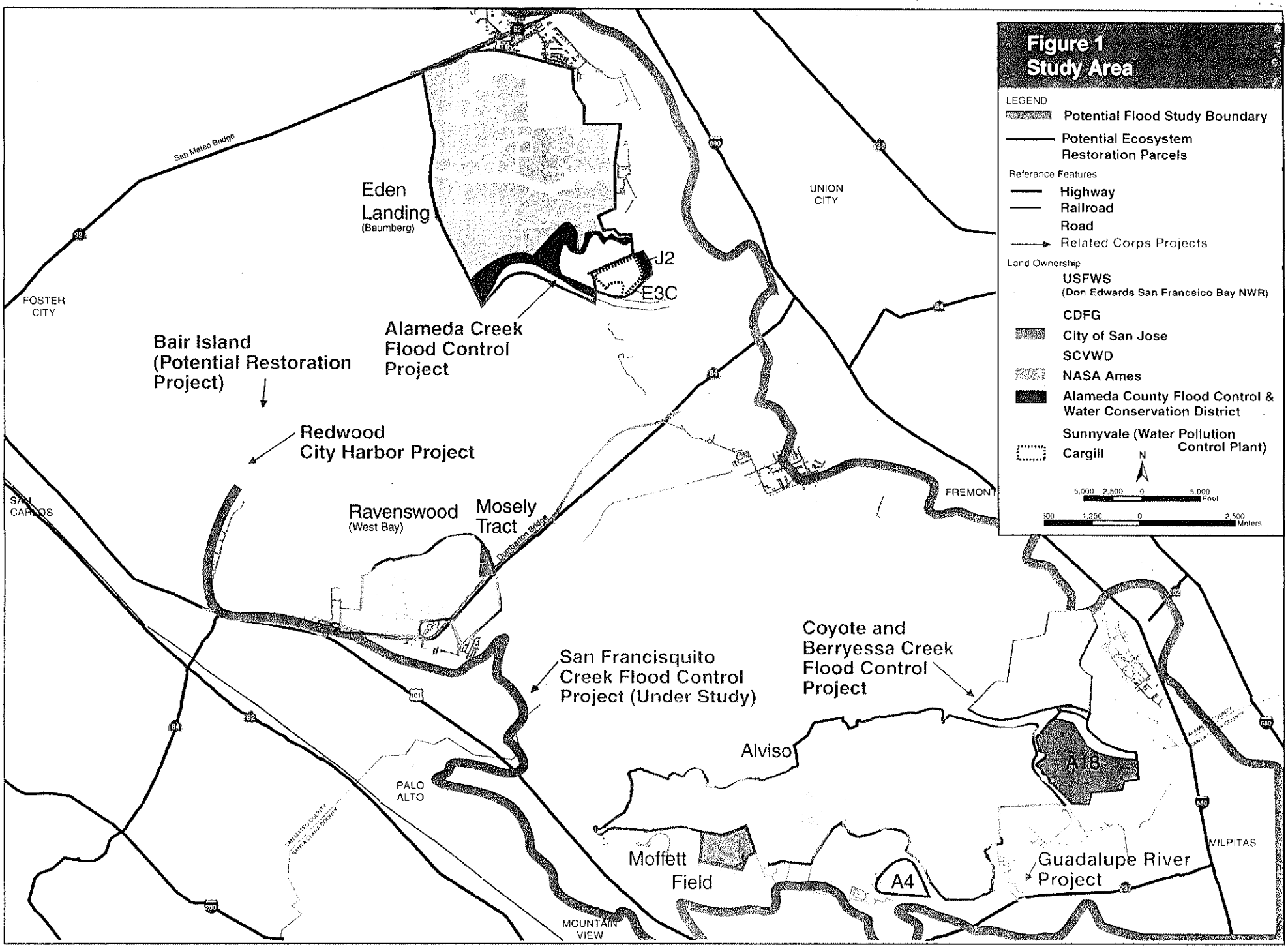


Figure 1
Study Area
LEGEND
Potential Flood Study Boundary
Potential Ecosystem Restoration Parcels
Reference Features
Highway
Railroad
Road
Related Corps Projects
Land Ownership
USFWS
(Don Edwards San Francsico Bay NWR)
CDFG
City of San Jose
SCVWD
NASA Ames
Alameda County Flood Control & Water Conservation District
Sunnyvale (Water Pollution Control Plant)
Cargill
N
5,000 2,500 0 5,000 Feet
1,250 0 2,500 Meters
San Mateo Bridge
Eden Landing (Baumberg)
J2
E3C
Alameda Creek Flood Control Project
Bair Island (Potential Restoration Project)
Redwood City Harbor Project
Ravenswood (West Bay)
Mosely Tract
Dumbarton Bridge
San Francisquito Creek Flood Control Project (Under Study)
Coyote and Berryessa Creek Flood Control Project
Alviso
A18
A4
Moffett Field
Guadalupe River Project
FOSTER CITY
UNION CITY
FREMONT
SAN CARLOS
PALO ALTO
MOUNTAIN VIEW
MILPITAS

send copy to Michelle Kolar
SFBNWR

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-6528

file South Bay Salt Ponds

December 17, 2004 In Response Refer To:
F/SWR3:KJ-S

Fish & Game
DEC 20 2004
Yountville

Carl Wilcox, Habitat Conservation Manager
California Department of Fish and Game
Region 3 Headquarters
P.O. Box 47
Yountville, California 94559

Dear Mr. Wilcox:

The National Marine Fisheries Service (NOAA Fisheries) received your Notice of Preparation/Notice of Intent of a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the South Bay Salt Ponds Restoration Project (SBSPRP) and the South San Francisco Bay Shoreline Study, dated November 10, 2004. The SBSPRP proposes to restore and manage salt ponds and adjacent habitats in South San Francisco Bay. The EIS/EIR will consider a range of project alternatives, including varying mixes of managed ponds and tidal marsh habitat as well as varying levels and means of flood management and recreation and public access components.

As project alternatives are developed, NOAA Fisheries recommends an alternative that includes the maximum feasible extent of tidal channel and marsh restoration. Channels within tidal marsh systems provide important rearing habitat for salmonids listed under the Federal Endangered Species Act and function as Essential Fish Habitat for Federally managed fish species.

NOAA Fisheries also recommends the EIS/EIR evaluate the benefits and feasibility of placing native shellfish (*e.g.*, oyster) within restored, managed ponds. High numbers of oysters, clams, and mussels have been found in nearby managed ponds, and are beneficial in the San Francisco Bay by providing a food source for other species, increasing primary production, and improving water quality. The incorporation of shellfish into managed ponds could enhance the habitat value and function of the ponds, and create a source of both larval and adult oysters for restoration efforts in other parts of San Francisco Bay.

If you have any questions regarding this letter, please call Korie Schaeffer of my staff at (707) 575-6087.

Sincerely,

Steve Edmondson
Northern California
Habitat Supervisor

U.S Department
of Transportation

**Federal Aviation
Administration**

Western-Pacific Region
Airports Division
San Francisco Airports District Office

831 Mitten Road, Suite 210
Burlingame, CA 94010-1300

December 2, 2004

Ms. Margaret Kolar
Refuge Manager
U.S. Fish and Wildlife Service
San Francisco Bay National Wildlife Refuge Complex
P.O. Box 524
Newark, CA 94560

Dear Ms. Kolar:

RE: Notice of Intent to prepare an Environmental Impact Statement/ Environmental Impact Report (DEIS/DEIR) for the South Bay Salt Ponds Restoration Project and the South San Francisco Bay Shoreline Study Restoration and Management Plan

The Federal Aviation Administration (FAA), San Francisco Airports District Office (ADO) has received a copy of the notice regarding the alternatives for the proposed federal undertaking of the U.S. Fish and Wildlife Service and the U.S. Army Corps Engineers.

The proposed alternatives should avoid land use activity that have the potential to create hazards to civil and military aviation operations at the airports within 10,000 feet of the proposed shoreline restoration sites. The airport land use compatibility criteria contained in the *State of California Airport Land Use Planning Handbook* and FAA Advisory Circular, (AC) 150/150-5200-33, *Hazardous Wildlife Attractants on or Near Airports*, and AC 150/5300-13, *Airport Design*, should be used to define impacts to airport operations as it relates to the restoration of habitat and land use compatibility planning. The public airports within Alameda County, San Mateo County, City and County of San Francisco, and Santa Clara County have accepted Federal funds that obligate the public agencies to protect the airspace and restrict land use activities that conflict with normal airport operations.

Any alternative that includes a land use dedicated for public access trails within the boundary of an airport would not be acceptable. The FAA runway safety program requires public agencies to restrict pedestrian access within the dedicated airport property boundary. Further, the public agencies are obligated to maintain the undeveloped areas on the airport in a manner that limits wildlife attractions.

The airspace subject to notification as specified in Federal Aviation Regulation (FAR) Part 77, *Objects Affecting Navigable Airspace*, must be reviewed prior to the start of construction activities.

We therefore request that the selected alternatives restrict activities that have the potential for creating a hazard to airport operations. The preferred alternatives for the restoration plan should consider the following objectives:

Follow the guidelines outlined in FAA AC 150/5200-33, Section 1 to avoid the development of manmade or natural areas that would increase the potential for bird strikes. We note that the existing wetlands do not meet the standard contained in the AC but where practicable wildlife management plans should be prepared to limit bird strikes or other potential wildlife hazards. Improvements that would enhance habitat to attract waterfowl should be minimized. Biological studies of the changes to existing dikes and levees should evaluate the increase in the potential for bird strikes within the aircraft approach zones for the San Francisco International Airport, Oakland International Airport, Hayward Executive Airport, San Carlos Municipal Airport and Palo Alto Municipal.

Follow the notification requirements of FAR Part 77 to ensure all restoration, construction, maintenance and other activities comply with the federal requirements for the identification of hazards to aviation prior to the mobilization of equipment for proposed construction projects. The responsible official of the department of Interior should file a FAA form 7460-1, *Notice of Proposed Construction or Alteration.* The form is available on the FAA website at faa.gov.

We recommend that San Francisco Bay Wildlife Refuge Manager continue to work closely with the all public agency airport administrative and management staff regarding existing airport property management regulations and notification of proposed construction activities.

The FAA recognizes the unique wetland functions of the proposed restoration plan and is available to consult with the Department of Interior upon request. Thank you for the opportunity to provide comments on the proposed restoration and management plan. If you have additional questions regarding FAA airspace and airport design standards, you may contact me at (650) 876-2805.

Sincerely,

Joseph R. Rodriguez
Supervisor, Environmental Planning and Compliance Section

CC: Yvonne LeTellar, Project Manager U.S. COE
Carl Wilcox, Cal. Dept. of Fish & Game

California Regional Water Quality Control Board
San Francisco Bay Region

Terry Tamminen
Secretary for Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
http://www.waterboards.ca.gov/sanfranciscobay

Arnold Schwarzenegger
Governor

cc Marcia Kolar
SFBNWR
File South Bay Salt Ponds

December 10, 2004

Fish & Game
DEC 15 2004
Yountville

Carl Wilcox, Habitat Conservation Manager
California Department of Fish and Game
Region 3 Headquarters
P.O. Box 47
Yountville, CA 94559

RE: Notice of Preparation /Notice of Intent of a Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the South Bay Salt Ponds Restoration Project and the South San Francisco Bay Shoreline Study

Dear Carl,

Thank you for the opportunity to comment on the NOP/NOI for the South Bay Salt Pond Restoration Project. As the State Agency that issues water quality permits we request that if the U.S. Army Corps of Engineers plays a substantial role in the planning, construction, monitoring, and funding of this very large and important wetland restoration project, that the draft and final EIS/EIRs should lay out the possibilities for monitoring and adaptive management, in case the Corps' funding mechanism fails. Our experience with the restoration activities in the North Bay Salt Pond Restoration project was that the Corps was unable to participate to the extent originally expected which made it difficult for us to require the level of monitoring that we anticipated from the draft EIS/EIR for that project. While all contingencies cannot be known, it would be useful to have the draft EIS/EIR for the South Bay Salt Pond contain levels of monitoring and adaptive management based on the high, medium, and low levels of funding and a commitment to a minimal amount of monitoring and adaptive management in case the headquarters in Washington D.C. does not approve the final plan, and other under-funded federal or state agencies are left with the responsibility of evaluating and managing the project for years to come.

The project contemplates the incorporation of managed saline ponds into the habitat mosaic. As you know, these ponds require discharge permits from our agency, and some ponds that were connected to the Bay in 2004 have had problems complying with the San Francisco Bay Basin Plan water quality objectives, notably dissolved oxygen. We request that the EIR/EIS use this information to formulate potential impacts and mitigation measures for water quality protection. Proposed managed ponds themselves are waters of the state and need to comply with water quality objectives in the Basin Plan. If the EIR/EIS determines that this is not possible, then site-specific objectives would need to be adopted into the Basin Plan to avoid non-compliance.

We look forward to reviewing the draft EIS/EIR for this very exciting wetland restoration project. If you have any questions please contact Steve Moore at SMoore@waterboards.ca.gov or Andree Breaux at Abreaux@waterboards.ca.gov

Sincerely,

Shin-Roei Lee
South Bay Watershed Division

Santa Clara Valley Water District

5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

December 9, 2004

Margaret Kolar
Refuge Manager
U.S. Fish and Wildlife Service
San Francisco Bay NWR Complex
P.O. Box 524
Newark, CA 94560

Yvonne LeTellier
Project Manager
U.S. Army Corps of Engineers
333 Market Street, 8th Floor
San Francisco, CA 94105-2197

Carl Wilcox
Habitat Conservation Manager
California Department of Fish and Game
Region 3 Headquarters
P.O. Box 47
Yountville, CA 94599

Subject: Santa Clara Valley Water District Comments on Scoping Joint Environmental Impact Statement/Environmental Impact Report, South Bay Salt Ponds Restoration Project and South San Francisco Bay Shoreline Study

Dear Ms. Kolar, Ms. LeTellier, and Mr. Wilcox:

On behalf of the Santa Clara Valley Water District (District), I am providing comments regarding the scope of the Environmental Impact Statement/Environmental Impact Report (EIS/R) that will be prepared for the South Bay Salt Ponds Restoration Project (Restoration Project) and the South San Francisco Bay Shoreline Study (Shoreline Study).

The District commends the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and California Department of Fish and Game, along with the California Coastal Conservancy, for engaging in this historic effort to:

- restore tidal marsh habitat and related habitats throughout the Baylands;
- provide flood protection to low-lying areas adjacent to the Bay; and
- enhance public access and recreation opportunities.

The District also supports integration of the Shoreline Study and the Restoration Project, as much as possible, to comprehensively address these issues in the South Bay.

Because there is a strong likelihood that the District will carry out one or more projects that may be defined in this document, the District meets the definition of a Responsible Agency for this project, pursuant to the California Environmental Quality Act (CEQA). However, project(s) have not yet been

identified and so cannot yet be specified at this time. No assumption is to be made regarding intended or implied financial obligations until such project(s) have been identified and mutually agreed-upon by the District and lead agencies. I am requesting that California Department of Fish and Game, as the CEQA lead agency, acknowledge that the District is a Responsible Agency for this project.

Based on review of the Notice of Intent/Notice of Preparation, the District would like to see the joint EIS/EIR contain thorough analysis of the following:

1. Hydrology and Flood Management, specifically:
   - potential impacts to existing and planned flood management facilities, such as the Lower Guadalupe River Flood Control Project, and agreements that address management of these facilities (specific areas of focus should include hydraulics, sediment dynamics, and increased tidal prism); and
   - potential impacts to the level of tidal and fluvial flood protection. The District advocates that these projects increase the level of flood protection so that residences, business and infrastructure are protected during the 1 percent event (which is to say the event that has a 1 percent chance of occurring in any given year).
2. Water and Sediment Quality:
   - potential effects of restoration on quality of groundwater, from changes in both salinity and concentrations of other contaminants, as well as the conveyance capacity of abandoned wells; and
   - in addressing issues of water and sediment quality, we encourage close coordination with TMDL efforts that are ongoing for constituents of concern in the South Bay.
3. Biological Resources
   - consider predator control from a broader perspective than "within larger habitat blocks," which may be too limited.
4. Recreation and Public Access
   - additional analysis potential for recreation and public access (such as trails and watercraft access).

Thank you very much for the opportunity to provide comments on these projects. If you have any questions regarding these comments, please contact me at (408) 265-2607 x2736.

Sincerely,

Ann Draper
Assistant Operating Officer
Watersheds

Bd
W:\WPU\SF Bay Shoreline\Salt Pond Restoration Integration\Environmental Clearance\EIR-EIS Scoping Comments 12-9-04.doc]

cc: Steve Ritchie, South Bay Salt Pond Restoration Project
Amy Hutzel, California Coastal Conservancy
Nadine Hitchcock, California Coastal Conservancy

-----Original Message-----
From: Tim Corrigan [mailto:tcorrigan@scc.ca.gov]
Sent: Friday, December 10, 2004 10:20 AM
To: 'Steve Ritchie'
Subject: FW: SBSP Question/Comment submitted

Comments for Scoping EIR/S docs.
Dan's comments came in on time, but I was out for a few days and didn't get them till this morning.

tim

-----Original Message-----
From: question_form@southbayrestoration.org
[mailto:question_form@southbayrestoration.org]
Sent: Wednesday, December 08, 2004 12:33 PM
To: tcorrigan@scc.ca.gov
Subject: SBSP Question/Comment submitted

A question or comment has been submitted at www.southbayrestoration.org

First Name: Daniel
Last Name: Strickman
Organization: Santa Clara County Environmental Resources Agency Street Address: Vector Control Street Address2: 976 Lenzen Ave.
City: San Jose
State: CA
Zip Code: 95126
Country: USA
EMAIL: daniel.strickman@deh.co.scl.ca.us

Subject(s) of question or comment:
Habitat; Public Access and Recreation;

Question or Comment:
1. Reference request for comments by December 9, 2004 on scoping EIR/EIS documents.

2. Much of the County of Santa Clara\'s concern with the South Bay Salt Pond Restoration Project revolves around three issues: a) Limitation of the creation of mosquito breeding habitat, b) Public safety, and c) Public access.

3. We suggest that the EIR/EIS documents be written in such a way that these issues are quantitated before and after restoration.

a. Mosquito breeding: Estimate the number of acres and locations of marsh that produce mosquitoes, subdividing the habitats according to (1) Fully tidal salt marsh: Higher ground with pools or borrow channels that do not flush (produces Aedes squamiger (winter), Aedes melanimon (fall), Aedes dorsalis (summer), Aedes taeniorhynchus (summer), Culiseta inornata (winter)), (2) Muted tidal salt marsh: Pools and channels that do not flush vigorously (produces Aedes squamiger (winter), Aedes melanimon (fall), Aedes dorsalis (summer), Aedes taeniorhynchus (summer), Culiseta inornata (winter)), (3) Seasonal wetland: Brackish to nearly fresh water pools with vegetated margins (produces Aedes squamiger (winter), Aedes melanimon (fall), Aedes dorsalis (summer), Aedes taeniorhynchus (summer), Aedes washinoi (winter fresh water), Culex tarsalis (spring, summer), Culex erythrothorax (summer in tules), Culex pipiens (foul fresh water), Culiseta incidens (spring, fall fresh water), Culise ta inornata (winter)), and (4)

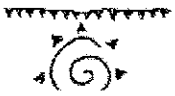
Vernal pools, upland fresh water marsh (produces Aedes washinoi (winter), Culex tarsalis (spring, summer), Culex erythrothorax (summer in tules), Culex pipiens (foul fresh water), Culiseta incidens (spring, fall fresh water), Culiseta inornata (winter)).

b. Public safety: Estimate the number of injuries resulting from activities in the restoration area. Document time to access for emergency response.

c. Public access: Estimate the miles of trails, number of disconnections in trails, and water access points.

4. Thank you for your attention.

Daniel Strickman, Ph.D.
ERA Representative to SBSPRP



Clyde Morris

12/13/2004 04:54 PM

To: Margaret Kolar/SFBAY/R1/FWS/DOI@FWS, sritchie@scc.ca.gov
cc:
Subject: City of Mountain View Scoping Comments for EIR/EIS

For the record.

Clyde Morris
Manager
Don Edwards San Francisco Bay National Wildlife Refuge
----- Forwarded by Clyde Morris/SFBAY/R1/FWS/DOI on 12/13/2004 04:54 PM -----

"Woodhouse, Kevin" <kevin.woodhouse@ci.mtnview.ca.us>

12/13/2004 04:48 PM

To: "'clyde_morris@fws.gov'" <clyde_morris@fws.gov>
cc: "Bettencourt, Paula" <paula.bettencourt@ci.mtnview.ca.us>
Subject: City of Mountain View Scoping Comments for EIR/EIS

Dear Clyde:

I would like to submit the following comments via e-mail (some new comments and some reiterating previous scoping comments made by City staff during various forum and workgroup meetings as part of the Longterm Restoration planning process):

1. Management and restoration of Ponds A1, A2W, and those north of Moffett Federal Airfield should consider potential impacts to the sloughs and tidal marshes being restored by the City at Shoreline at Mountain View, including the Charleston Slough, the Mountain View Tidal Marsh (Permanente Creek) and the Stevens Creek Tidal Marsh.

2. Public access alternatives for accessing all or part of levees around A1 and A2W should also be evaluated.

3. The opportunity for a unique tidal trail, or boardwalk, or other options for limited or special observation/access into a portion of A1 or A2W should also be evaluated.

Thank you for considering these scoping comments.

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Save the Bay

December 9, 2004

Margaret Kolar
Refuge Manager
U.S. Fish and Wildlife Service
San Francisco Bay National Wildlife Refuge Complex
P.O. Box 524
Newark, CA 94560

Dear Ms. Kolar,

Save The Bay is pleased to submit our scoping comments for the programmatic EIR/S for the South Bay Salt Pond Restoration Project. We recognize that the scope of this environmental review encompasses many complex issues that must be addressed further as future phases of the Salt Pond restoration project are planned, and that subsequent environmental review may be required for implementation of specific restoration actions or projects within the larger project.

Focus on Ecosystem Restoration

The South Bay Salt Pond Restoration Project has the potential to have a major beneficial effect on the ecosystem of San Francisco Bay, as well as specific benefits for the South Bay. The EIR/S should look at potential impacts, in the short-term and long-term, to the whole Bay system and ecology, including how different mixes of habitat will contribute to the long-term sustainability of the health of the Bay, its habitats and wildlife. This should include particular impacts on subtidal habitats that support fish, both local populations and estuary-wide fisheries.

The Baylands Ecosystem Habitat Goals report has recommended overall habitat restoration goals for the South Bay subregion, which includes the South Bay Salt Pond Restoration project area. These goals focus on the restoration of "... large areas of tidal marsh connected by wide corridors of similar habitat along the perimeter of the Bay." The Habitat Goals report bases its recommendations on historical conditions of this region of San Francisco Bay in which extensive tidal marshes were part of a mosaic of associated habitats that supported a large and diverse natural community. The South Bay Salt Pond Restoration Project presents an historic opportunity to revive and expand natural habitats vital to wildlife and biotic communities indigenous to the San Francisco Bay ecosystem.

Integration with Adjacent Land Use

The restoration project is very large, with over 10,000 acres, and in proximity to Bay shoreline under the jurisdiction of many municipalities and other agencies. This presents the restoration project many complex issues related to the integration of the restoration project activities with adjacent land uses. This is an opportunity to consider how the restoration project

benefits can extend to adjacent communities and stakeholders with their participation and support. In particular, this is an opportunity to look at the impacts and benefits integrating nearby flood control, wastewater treatment, and stormwater runoff management activities with the restoration project.

Urban Setting of Wildlife Refuge

The restoration project is uniquely located within a large metropolitan area that has an increasing need for open space and recreation destinations that are close to home. There has historically been limited access to the San Francisco Bay shoreline, largely due to private ownership of the shoreline, which now is being remedied by the construction of public access trails along and to the shoreline, and the creation of shoreline parks. The maximum possible public access should be provided consistent with the goals of the national wildlife refuge and the habitat goals of the South Bay Salt Pond Restoration Project.

The San Francisco Bay Trail program has been instrumental in providing access trails in keeping with the goals of ecosystem protection. Early integration of public access with the restoration plan is the best way to maximize wildlife protection and public access objectives. It is important that the Bay Trail be continuous around San Francisco Bay and that a hierarchy of access be provided, from widely accessible, multi-use trails to limited access trails, and including spur and connector trails. Integration of the Bay Trail with the restoration project will help to build a strong constituency for the restoration goals of the project.

Unique Cultural Resources

The project area contains unique cultural resources particular to the history of San Francisco Bay and its inhabitants that should be protected to the greatest extent possible. For instance, the historical salt works at Eden Landing in the "Baumberg Tract" portion of the project area are unique cultural resources that link the past human enterprise along the shores of the Bay with the present day. Preservation of these unique resources can contribute to understanding of the historical interactions of people with San Francisco Bay, and the effect of this human history of the ecology and health of the Bay.

Community-Based Restoration

The size and scope of the restoration project in the South Bay as well as the long-term nature of implementation will require a sustained program of implementation activities and funding to support it. The success of the restoration project will depend in part on the participation and support of many people over long periods of time.

In the San Francisco Bay region a burgeoning public interest in restoring wetlands, shoreline habitat, and associated watersheds has contributed to the development of Community-Based Restoration programs that have revitalized and restored native habitat at sites around the Bay. Using volunteers from the community and directed by professionals working from a science-based and site-specific program plan, these programs can provide a cost-effective way to implement essential restoration and monitoring activities.

In particular, Community-Based Restoration programs can implement removal of invasive plant species, native plant seed collection and plant propagation, planting of natives on

site, and ongoing monitoring of restored sites. Early integration of Community-Based Restoration programs into the long-term restoration plan can provide important benefits for the restoration project and should be included as an element of the project implementation.

Save The Bay thanks you for your consideration of these comments and we look forward to contributing our resources to the success of this project.

Sincerely,

David Lewis

David Lewis
Executive Director

CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto CA 94306 Tel 650 493-5540 Fax 650 494-7640 e-mail: marsh@refuge.org

Marge Kolar
Refuge Manager
U.S. Fish and Wildlife Service
San Francisco Bay NWR Complex
P.O. Box 524
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9 December 2004

Re: EIS/EIR Scoping Comments South Bay Salt Pond Restoration Project (SBSPRP)

Dear Ms. Kolar,

The Citizens Committee to Complete the Refuge (CCCR) is responding to the request for EIS/EIR scoping comments on the South Bay Salt Pond Restoration Project. Several of our members have attended the November 2004 public scoping meetings, but we would like to submit our comments in writing as well. We thank you for these opportunities to provide comments.

As you are aware our group has a keen interest in the restoration of the 16,000 acres of salt ponds acquired in the South Bay. When we began our quest to form a wildlife refuge in the South Bay over thirty years ago, the intent was to stem the losses of wetlands along the edge of the Bay and to provide for the recovery of a number of sensitive species associated with those wetlands habitats. It is with this in mind that we submit the following comments.

Existing or potential wildlife values of areas identified by the 1990 Land Protection Plan must not be diminished by the actions of the proposed restoration plan:

In 1990, a "Land Protection Plan, Potential Additions to San Franicsco Bay National Wildlife Refuge. Alameda, San Mateo and Santa Clara Counties, California" was published. Under the project description, the report states "... On October 28, 1988 Congress passed Public Law 100-556, which increased the Service's acquisition authority from 23,000 acres to a total of 43,000 acres." While the public has purchased of number of properties since that time (including the 16,000 acres currently under consideration), there are still many lands that are yet to be acquired. These lands were added to the land protection plan because they provide:

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. ...an opportunity for wildlife oriented recreation and nature study within the open space so preserved.

It is imperative the activities of the south bay salt pond restoration not diminish the wildlife values of identified lands not yet acquired, and the potential for future incorporation into the refuge should be considered in habitat design. Certainly permanent structures incorporated into the restoration design of any of the alternatives developed should not isolate lands that have been identified for acquisition, from areas that will be restored by this project. As one example, lands that have been identified but not yet acquired should not be cut-off from the areas to be restored by flood control structures or public access trails.

Lands that have been identified but not yet acquired include the Whistling Wings and Pintail duck clubs in Newark, the Hickory Street parcel in Newark, the Weber tract in Hayward, the Redwood City and Newark crystallizers, etc.

Control of non-native Spartina and its hybrids:

We recognize control of non-native Spartina and its hybrids technically falls under the purview of the Invasive Spartina Project (ISP), however, the timing of levee breaches could have significant impacts on the efficacy of invasive Spartina control. Serious coordination must occur between the South Bay Salt Pond Restoration Project (SBSPRP) and the ISP. The consequences of untimely levee breaches could jeopardize the restoration of native tidal salt marsh habitat and result unnecessarily in the implementation of additional and costly control measures. More specifically what are the biological, logistical and cost factors that determine when specific levees are breached and how will these factors be weighed against Spartina eradication.

Tidal Marsh Recovery Plan, Endangered species, sensitive habitats, and coordination with the Endangered Species Branch of the U.S. Fish and Wildlife Service:

We are concerned about the degree of coordination between the SBSPRP and the Endangered Species Branch of the U.S. Fish and Wildlife Service that has occurred to date – apparently limited. Regulatory agencies regularly encourage project proponents to meet with agency staff prior to submitting a development plan to avoid costly redesigns. In this particular case it would be advantageous to meet with Endangered Species Branch staff while developing alternatives to avoid serious conflicts in how areas should be utilized down the road (e.g. should this area be managed pond or tidal marsh, should there be public access in a particular area, etc.). If areas exist that are critical to the recovery or continued existence of a particular species or habitat of concern, this should be known before the development of project alternatives.

The CCCR has long awaited a Tidal Marsh Recovery Plan. The development of the plan has been through several iterations and we hope a draft plan will be circulated at some point in the future (near we hope). The purpose of the tidal marsh recovery plan is implicit in its title – the recovery of tidal marsh and its complex of

sensitive species (plants – e.g. *Suaeda californica* and animals - e.g. salt marsh harvest mouse, clapper rail, etc.) and habitats. Since this project has come to fruition more quickly than the release of the recovery plan, it is imperative substantive coordination between the project, science, and consulting teams and the Service occur to fully allow for the recovery of tidal marsh. The South Bay Salt Pond Restoration Project has a number of goals including those that may benefit the recovery of tidal marsh (and its associated complex of habitats and species), but there are other goals including maintaining existing levels of migratory waterfowl and shorebirds, improving public access, maintaining or improving flood control, etc. The tidal marsh recovery plan should inform this project process – not be constrained or significantly altered by whatever ends up being the preferred alternative of the SBSPRP.

Impacts of phasing of project design must be taken into consideration when assessing impacts to wildlife (endangered species and otherwise), etc.:

The development of project alternatives will reflect the desired end result of project implementation. However, it will take time to reach the desired end result, and project phasing must be taken into consideration when reviewing the alternatives. How quickly tidal marsh develops or invasive Spartina is eliminated can have significant impacts on the success of recovering sensitive species such as the California clapper rail. Likewise, how quickly certain levees are breached may influence how quickly improvement in flood protection is achieved locally. How quickly large pans and salinas develop in some areas of the restored tidal marsh might influence how quickly or not, additional managed salt ponds might be converted to other types of habitat. Needless to say, the phasing of habitat restoration could have significant impacts on wildlife populations, flood control improvement, public access, etc. and must be taken into consideration when determining project impacts.

Consideration of how the Cargill operations in the Newark Plant may or may not influence wildlife populations when assessing cumulative impacts of the project:

The effects of the proposed salt pond restoration must be viewed globally within the bay ecosystem. Obviously waterfowl and shorebirds are mobile and to some extent can adjust where they roost, nest and feed, so long as adequate habitat exists. It is important therefore, to determine what changes may or may not occur in bird use (at population and community level) as a result of changes in the salt-making operations in the Newark ponds. This information may be significant when determining what the preferred tidal marsh-managed salt pond ratio should be. Similarly, some consideration should also be given as to what types of habitat are likely to be restored should salt-making ever cease in those ponds.

Data gaps in knowledge of sediment processes in the South Bay must be identified to be able to postulate reasonable and practicable contingency measures:

We understand that existing knowledge and modeling can only go so far towards predicting what will actually end up on the ground, and that adaptive management will be necessary to adjust for unforseeable circumstances. That being said, we do hope the newly formed Sediment Group will continue to work towards identifying areas of knowledge in which additional information must be gathered, so further down the road we can be prepared to implement appropriate contingency measures should the need arise. For example, as indicated in the Data Summary Report, dated July 2004, "recent research presented by Foxgrover (2004) indicates the South Bay has undergone net erosion from 1955 to 1990, rather than deposition as presented in Krone (1996; 1992)." Matters such as these require additional investigation because as indicated in the Data Summary Report they represent "significant revisions to earlier sediment budgets with important implications for the SBSP Restoration Project."

Data gaps in knowledge of bird use:

The Data Summary Report identifies as a data-gap "How do food resources available for shorebirds on tidal mudflats and in tidal marshes compare to resources available in salt pond?" and states, "These data will aid in determining the impact of restoratiion on birds currently using the ponds." Is the question of whether these same species of birds prefer salt pond habitat over thriving tidal marsh (and the complexity of habitats it supports) in areas where both types of habitat exist also being investigated? Can a mature tidal mudflat/tidal marsh complex (including salinas, high marsh, pannes, etc.) satisfy the needs of foraging and roosting shorebirds as well as managed salt ponds? Can shallow water and deeper water habitat provide for the needs of diving ducks and can these habitats be created thus eliminating the need for as many managed ponds?

Adequate conceptual descriptions of the target habitats:

We fully understand it will be impossible to pinpoint what type of habitat may develop in any exact location, however, for the purposes of understanding what types of functions and values may be created within the broad category of "tidal marsh," we believe it is necessary to clearly define what types of sub-categories of habitats will develop within a given area. For example, Robin Grossinger's presentation at one of the early shareholder's meetings demonstrated that tidal marsh does not mean the same thing in all geographic areas. Along the eastern edges, of the project (e.g. Fremont, Newark, etc.) tidal marsh included the presence of large salinas and pannes. In the southern and western reaches of the bay the geomorphological features of the tidal marsh complex were different. These differences in geomorphological features will produce different functions and values for wildlife and would likely result in different species composition. In order to provide substantive comments about how these different habitats will provide for wildlife needs we need to understand the range of habitats that are likely to be present in the end result and what types of species are likely to utilize them.

Peer review of the EIS/EIR:

The SBSPRP has done an admirable job of soliciting internal scientific review (national science panel included) – will there be a mechanism for independent, external peer review such as the Estuarine Research Federation as well?

We recognize this is an on-going process and additional information will be developed and provided as quickly as possible. We also realize there will be other opportunities to provide public comment and we thank you.

Sincerely,

Florence M. LaRiviere

Florence M. LaRiviere
Chairperson

Alviso Water Task Force

Alviso Water Task Force
Alviso Historic District
995 Elizabeth Street PO Box 206
Alviso, CA 95002
408-262-2563
TrevinoGeo@aol.com

December 8, 2004

Margaret Kolar
Refuge Manager
U.S. Fish and Wildlife Service, San Francisco Bay NWR Complex
P.O. Box 524, Newark, California, 94560

Dear Ms. Kolar:

The Alviso Water Task Force would like to thank you for the opportunity to participate in this wonderful program. We find your community outreach program to be exceptional and the content of information that you make available to be public to be rich in content.

Below please find the Alviso Water Task Force comments to the Salt Pond Restoration Program EIS/EIR.

a) Consider providing the community of Alviso with an environment that combines effective flood protection with wildlife habitat enhancement and restoration, while increasing the recreational opportunities such as boating and hiking trails.

b) Create a muted tidal connection between Pond A8 and the Guadalupe River to allow bay water to flow into the Guadalupe River on high tides and to channel that water, which contains a higher salinity level, down the Alviso Slough during the low tides, thereby restoring the salinity of the Alviso slough. This effort should be considered as part of the South Bay Salt Pond Restoration Project phase I project.

c) Establish Ponds A8 and A12 as tidal ponds in Phase 1 of the Salt Pond Restoration Program.

d) Provide interim management and long-term restoration that provides flood protection from all ponds that surround the Alviso community.

e) Maintain one-percent flood protection to the community of Alviso.

f) Restore the Alviso slough's open water channel width to those conditions that existed prior to 1983 conditions.

g) Improve navigation in the Alviso and Guadalupe sloughs to expand on boating and other recreational opportunities.

h) Restore historic public access and aesthetics to Ponds A8 and A12.

i) Implement a design in Ponds A8 and A12 that reduce mosquito breeding grounds.

j) Expand open water habitat and inundated mudflat habitat of the Guadalupe and Alviso sloughs.

k) Promote the integration with the Santa Clara Valley Water District Lower Guadalupe River program to bring saltwater connections to the Lower Guadalupe River and Alviso slough.

l) Provide a design that clears the channels and reduces sedimentation-related impacts along the Lower Guadalupe River and Alviso Slough.

m) Identify potential project impacts on Alviso and bayland areas and mitigate significant impacts.

Please let me know if I can be of any help or answer any questions. We look forward to your continued cooperation and support.

Sincerely,

George Trevino
Chairman, Alviso Water Task Force

cc: Yvonne LeTellier, Project Manager, U.S. Army Corps of Engineers
Steve Ritchie, Executive Program Manager, Salt Pond Restoration Program
Clyde Morris, US Fish and Wildlife Service
Del D. Borgsdorf, City of San Jose
Carl Mosher, City of San Jose
Richard Santos, Santa Clara Valley Water District
Stan Williams, Santa Clara Valley Water District
Alviso Water Task Force Members

December 2, 2004

Marge Kolar, Refuge Manager
U.S. Fish and Wildlife Service
San Francisco Bay NWR Complex
P.O.Box 524
Newark, California 94560

Subject: South Bay Salt Pond Restoration Project Scoping Objectives for the EIS/EIR, December 9, 2004.

Dear Marge Kolar:

At the Scoping Meeting of November 17, 2004 there was included in the paper hand-out a section on OBJECTIVES for the South Bay Salt Pond Restoration Project. This section on OBJECTIVES should be included and expanded in the EIS/EIR. By expansion there should be an explanation as to how the OBJECTIVES will be achieved. We believe the OBJECTIVES are noteworthy, but there are other concerns that should be considered while preparing the EIS/EIR.

1. How will the wetlands that are beyond the salt pond restoration project be protected and remain upland wetlands if a flood control levee causes these wetlands to be excluded? For example: areas known as Whistling Wings and Pintail wetlands that were former duck ponds surrounded by wetland vegetation, and Hickory Street wetlands could be excluded by a misplaced levee. Consideration should be given to the location of the flood control levee so as not to exclude wetlands that are outside or just beyond the proposed levee.

2. Studies on sediment transport within the Bay.

3. Information on mercury and other toxic metals that are in the South Bay.

4. Control of Lepidium as well as non-native Spartina.

5. Consider wildlife habitat values in Cargill ponds in Redwood City. Consider wildlife habitat values in ponds that continue to be used to produce salt that are located south of Alameda Creek to the Newark ponds and crystallizers.

6. Consideration should be given to restoration management and the finances needed to adequately manage the ponds. There should be an explanation for the sources of revenue.

7. How will a mixture of tidal habitat and managed ponds be managed for wildlife habitat values?

The EIS/EIR should have some discussion concerning restoration of naturally occurring levee breaks. The discussion should include outboard and internal levees around managed ponds.

We appreciate this opportunity to comment on scoping issues.

Sincerely yours,

Frank Delfino Janice Delfino

Frank and Janice Delfino
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Marge Kolar, Refuge Manager
U.S. Fish & Wildlife Service
San Francisco Bay NWR Complex
P.O. Box 524
Newark, CA 94560

December 9, 2004

Re: EIS/EIR Scoping Comments, South Bay Salt Ponds Restoration Project

Dear Ms. Kolar,

Thank you for the opportunity to provide comments on the South Bay Salt Pond Restoration Project. We only recently discovered we that these comments were due. Please excuse the lateness of our letter, which of necessity will be brief.

The Tri-City Ecology Center has been involved with Bay Area wetland preservation and restoration for many years. Consequently, we are very interested in the future of the recently acquired 16,000-acres of salt ponds in the South Bay.

The center feels the "Objectives for the EIS/EIR" portion of the proposed document should be expanded or altered to include:

1. **A detailed study on the impact of the flood control levee**. We need to know how it will affect future additions to the wildlife refuge, such as Whistling Wings and Pintail (former duck ponds in Newark), the Hickory Street parcel (Newark), the Oliver tract in Hayward and various crystallizer ponds around the Bay. A poorly-located structure could severely impact valuable wetlands.

2. **A greater (primary) emphasis on endangered species and their habitat**. The primary purpose of the wildlife refuges to maintain and restore the natural habitat of the area. This should be a top priority. Detailed discussions of public access is premature, and should only come AFTER the recovery of the tidal marsh and its associated species and their habitats (Tidal Marsh Recovery Plan).

3. **A discussion of wildlife values of the salt ponds that are still in use near the Newark plant.**

4. **Control of <u>all</u> non-native invasive species.**

The ecology center looks forward to taking part in future discussions. Please keep us notified at tcecdonna@juno.com.

Sincerely,

Donna Olsen

Donna Olsen, on behalf of the Board of Directors

Cc: Citizens Committee to Complete the Refuge
Ohlone Audubon Society

Ohlone Audubon Society

A Chapter of the National Audubon Society
Serving Southern Alameda County
Our Mission: Study, Enjoy and Protect birds and other wild animals, and their habitats

December 9, 2004

Marge Kolar, Refuge Manager
U. S. Fish and Wildlife Service
San Francisco Bay NWR Complex
P. O. Box 524
Newark, California 94560

Subject: South Bay Salt Pond Restoration Project Scoping Objectives for the EIS/EIR

Dear Ms. Kolar,

When determining the content for theEIS/EIR, the objectives should be spelled out in more detail and the implementation of those objectives described along with the resources needed to accomplish the objectives.

Consider other wetlands such as the Weber property in the Eden Landing Ecological Reserve for inclusion in the restoration.

The wildlife habitat values of the Redwood City ponds and the Newark Cargill ponds should be included.

Consideration should be given for flexible management of the tidal marshes, managed ponds, and seasonal ponds to accommodate potentially changing wildlife uses.

Thank you for providing the opportunity to comment on the scoping issues.

Yours truly,

Evelyn M. Cormier

Evelyn M. Cormier
President, Ohlone Audubon Society
31020 Carroll Avenue
Hayward, CA 94544

Comment submitted re the Nov 16 Scoping meetings...

A question or comment has been submitted at www.southbayrestoration.org

First Name: Libby
Last Name: Lucas
Organization: Calif. Native Plant - Santa ClaraValley Chap Street Address:
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Subject(s) of question or comment:
Habitat; Public Access and Recreation; Flood Management;

Question or Comment:
In regards Nov. 16, 2004 Scoping Meeting comments I recommend more emphasis be given to interface between Salt Ponds and urban development. It is essential that a viable (100\' to 250\') vegetative buffer be retained in \'natural upland habitat\'for resident wildlife and migratory waterfowl of the Pacific Flyway, for water quality and for health of all marshes of the South Bay. In recent S.F. Spartina Conference,Mark Bertness of Brown University noted the Phragmites invasion of East Coast marshes was averted only when there was at least a fifty foot woodlands buffer to shore. Where urban development or golf courses extended right up to marsh, Phragmites took over. This Phragmites invasion is highly visable now in Palo Alto\'s flood basin and precludes valuable marsh vegetation. Please make sure that invasive Phragmites, like Spartina, preventive measures are emphasized in the Salt Pond Restoration Plan.

Flood Control and public access appear to me to be so closely linked that they should be handled in the same element. The trails to coordinate with would be the Coyote Creek, Guadalupe River, San Tomas Aquino and Stevens Creek trails. These levees have a guarantee of maintenance, connect to inland residentiial and light industrial uses, and integrate with regional Bay Trail recreation. It also provides a built-in solution to parking that is available on weekends in industrial parks.

I have expressed concerns about previous analysis of Sediment transfer to South Bay from the Delta and underestimation of sediment volumes from local creeks, such as Coyote Creek but bave heard no response as to any adjustment in estimates. A response on this matter would be appreciated.

It would be important for reference flood control project interface with San Francisco marshes be put forth early in this scoping process. That is to say

that the resource agencies agree where a healthy Bay wetlands habitat interface has been achieved by Santa Clara Valley and Alameda County Water Districts for riverine flood control design.

Thank you for the opportunity to attend Nov. 16\'s scoping session at NASA Ames.

Libby Lucas

Jim McGrath
2301 Russell Street
Berkeley, CA 94705
October 26, 2005

Steve Ritchie
Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

Subject: Salt Pond Restoration

Dear Steve:

I offer the following comments as "pre-scoping" comments for development of an EIR. My intent is to do some issue spotting about issues that need careful attention in the EIR, and in the issue resolution process. Parenthetically, I observed at the last stakeholder meeting that the stakeholder process is working well, and will reduce if not eliminate conflicts as the project moves to the approval stage. Stakeholders have worked together long enough to establish good working relationships and trust, and dialogue now occurs between stakeholders, with virtually everyone both listening to other stakeholders, and accepting the validity of their viewpoint. This reflects the good concepts you and Mary have brought to bear, and the huge amount of work that you have done.

PUBLIC ACCESS

I think that the concerns about the effect that public access may have on habitat are important, and amenable to analysis. However, the analytical process and the stakeholding process are complicated by the multiple standards that have been established in various laws and policies. The nature of these standards, and how they might establish certain mandates tends to be poorly understood by the stakeholders, and in some cases by the project team. The discussion of navigational servitude at the recent stakeholder forum is a case in point; I doubt that most of the participants fully understood either what the concept of navigational servitude is, or how it might be affected by an agreement between Cargill and the State Land Commission. Analysis in the EIR, and issue resolution, will be helped by a careful recitation of the standards and by some attempt to rationalize those standards. The various standards that I have heard thus far include:

> [public access which] ...will not materially interfere with or detract from the mission of the [wildlife refuge] unit (USF&WS legislative direction)

Provide public access compatible with restoration (charge in legislative authorization of the salt ponds aquisition)

Provide maximum feasible public access consistent with the project (MacAteer-Petris Act)

Prevent or mitigate significant impacts (CEQA)

Through the Federal Coastal Zone Management Act, the requirement for maximum feasible public access becomes a mandate for F&WS and for the restoration effort. In addition, the nature of some of the waters in the project area as waters of the State accords the public access rights through navigational servitude. While this policy has been established through litigation rather than legislation, it is well established and supported by language in the California Constitution that mandates access to the water.

With these different mandates, there are a number of different terms that must be carefully defined and rationalized, a larger task than faced in most EIR's where the essential standard is "significant impact." As a general rule in interpreting legislative language, something different must be meant by the different standards. Thus, I think it is vital to work those issues through, and hopefully engage and educated the various stakeholders in that effort.

Now I will turn to my own thoughts about the application of these matters, without any particular order or priority. To begin with, because this is a restoration effort, and the pre-alteration stage was a tidal system, I can accept that it is not always feasible to have public access in a restored tidal marsh. I can also accept that public access can and should be restricted in order to prevent adverse impacts to endangered species, or to prevent significant adverse impacts to other habitat in the restored area. However, that does not mandate a restoration system that excludes the public. Making decisions that do not optimize the gains for endangered species in order to provide maximum feasible public access does not constitute either a significant impact, or an adverse impact on endangered species within the scope of the Endangered Species Act.

Managing public access where rights exist through common law, such as the right to navigate on state waters, poses another set of issues. I think it is worth noting that the recent Bay Water Trail legislation provides recognition that access rights might need to be managed. As a kayaker, I would support restrictions on public access where it could be shown that water access would have significant adverse impacts, particularly to existing habitat. I would, however, prefer to see measures that limit the intensity of use to a level that can be reasonably expected to prevent significant impacts. Kayaking in the south Bay in a restored tidal system will be a challenge. Presently much of the area is too shallow for even kayaks, and the increased tidal currents that will result from restoration, and result in channels that are more navigable, will remain a significant challenge to kayaks. I am convinced that the South Bay in the vicinity of the Salt ponds will be an area unsuitable for instruction, organized events such as races, and higher intensity use by even non-motorized boats. The intensity can be controlled by limiting the number of access points and the size of support facilities. However, I am convinced that at least

one carefully selected overnight camping facility in the South Bay needs to be provided. Throughout discussion of public access benefits or impacts, and potential impacts to habitat, I think you need to adopt a set of metrics which allow quantification of benefits and impacts. Two such metrics come immediately to mind: length of trails provided, and the relative area of a restored system subject to some impact from public access along corridors. Looking at the "straw man" alternatives discussed in the last stakeholder forum and public access workshop, I am convinced that over 75% of the restored area, and perhaps in excess of 90% of the area is so far from any access point that additional access could be provided without significant adverse impacts. On the other hand, metrics that show substantial increases in public access opportunities at all stages of the project may be sufficient to demonstrate that even this restricted public access would meet the standard of "maximum feasible public access." Additional metrics, including the availability of parking, the variety of end points near the Bay, and limited access led by docents would provide a more complete basis for comparing alternatives, evaluating impacts, and assessing feasibility. Another important metric that would be useful in evaluating the impact of access for non-motorized boats is a comparison with activity levels from motorized boats, and comparative figures on ownership or annual sales for kayaks and motorized pleasure craft. I think such a metric would show that kayak use in the Bay is a small fraction of motorized boat use.

I would like to turn to some specifics on access that concern me. First, creation of tidal marsh throughout ponds E6A, E6B, E8 and E9 at Eden Landing would eliminate public access opportunities that now exist. The same can be said about proposals to eliminate entirely an existing loop trail at Ravenswood. This is normally seen as a significant impact under CEQA. As such, the project sponsors must adopt feasible alternatives that would avoid such an impact, or provide all feasible mitigation measures. I would suggest that the project team adopt a measurement metric that calls for no loss of access at each stage of the overall restoration effort. Indeed, in order to secure support for funding, I think that improvements to both access and habitat need to be realized at each stage of the project. Under this metric, access can be relocated without a significant adverse impact. On the other hand, access removed at one project phase with promises of future access improvements would remain a significant impact, subject to the tests of feasible alternatives and mitigation measures in CEQA.

I have similar concerns over limitations on public access for the managed pond alternative at Alviso. Those restrictions seem overly restrictive when it appears that over 90% of the system will be hundreds of feet from any public access point. Again, some of the alternatives would eliminate existing public access, and thus require all feasible mitigation. I believe that the test of feasibility, both for removing access and for provision of new access, is a rigorous test. Further, I do not believe that minor impacts that occur within a buffer zone constitute any incompatibility. On the contrary, provision of public access and careful education efforts are essential to create a sense of stewardship in adjacent communities where such stewardship is essential to manage impacts such as contaminated runoff and trespass, and to provide political support for funding of restoration.

In looking at the reasonableness of removing access at a location such as Ravenswood, where it

appears that an entire path would be removed, or the Alameda Creek levees, both impacts and the
feasibility of mitigation measures must be assessed. For example, while it may be necessary to construct breaches to achieve tidal action within Eden Landing, provision of alternative access, or bridging restored sloughs, need to be shown to be either infeasible or to result in significant adverse impacts or a basic incompatibility with restoration. As noted earlier, a small, non-significant impact of disturbance along an accessway does not automatically constitute either a significant impact or incompatibility if the restored wetland well away from the accessway remains a significant improvement over existing conditions.

EVALUATING THE NO ACTION ALTERNATIVE

Ownership of land entails certain management responsibilities, particularly under judicial direction. Thus, the owners of the salt ponds may not be able to simply allow deterioration of project site levees if that would result in some form of environmental impact. For example, erosion of levees could result in losses to shorebird habitat, an increase in methylation of mercury, an increase in flood risk, and/or an increase in mosquito vectors. This issue should be given careful attention, particularly in light of court cases on Central California streams that establish liability for flood control agencies that fail to maintain levees, even where funding for that maintenance cannot readily be secured.

USE OF MITIGATION FUNDS

While this has not received much attention, I think that the EIR needs to establish some clear policy basis for whether mitigation funding will be accepted. The arguments against accepting mitigation funds are: 1) an assumption that lands in public ownership will eventually be restored anyway, and thus accepting mitigation funds limits the potential acreage of restored wetlands; and 2) making mitigation easier may lead to an increase in fill of wetlands. The arguments in favor of accepting mitigation funding are: 1) there can be significant scale benefits in restoration projects because larger systems are more resilient and provide greater buffers, and 2) the timeliness of restoration matters. I would suggest that the project management team develop a draft policy such as "restoration funding for mitigation of off-site projects will be accepted if it can be demonstrated that such funding will result in higher quality restored wetlands, and if funding for the cost of land acquisition is also provided."

ALTERNATIVE EVALUATION

I have not yet had a chance to review the underlying material for the diagrams that showed how each alternative performed in achieving the restoration goals, so I reserve judgement on that at this time. Some aspects are counterintuitive. For example, how can the no action alternative show no change for mercury, when erosion of levees might lead to both mobilization of mercury now embedded in subaerial sediments, and increased methylation in marsh and unvegetated plains?

PHASE I PROJECTS

I have only two concerns about the Phase I projects. First, I remain concerned about trail restrictions at Ravenswood, and think that each phase of the project needs to show net improvements. Second, I am as yet unconvinced that restoration of Pond A-8 at this time does not have an unacceptable risk of increased mercury bioaccumulation. Information in the "Mercury Technical Memorandum" indicates that Pond A8 has one of the highest levels of total mercury among the Alviso ponds, and in at least in some samples, a relatively high level of methylmercury. Further, the levels indicate that peak flows from upstream have probably overflowed into pond A8, and thus some consideration should be given to using this pond to strip mercury before it reaches the open bay or the sediment sinks that breached ponds represent.

In my view, tidal restoration should begin at Eden Landing, with monitoring that allows us to evaluate the impact of landscape changes that maximize methylation potential at a site furthest removed from the historic source of mercury. These results can be compared to restoration of the island ponds, which are substantially further from the historic sources than pond A-8. These results can be used to guide the overall pace and experimental design of further efforts. I am not convinced that any tidal effort is "reversible", either in engineering or politically. I am also concerned that proceeding with Pond A-8 before completion and final approval of the Guadaloupe TMDL is premature because some of the ponds may be needed to manage mercury inputs. While I am willing to be convinced on all of these issues, mere eagerness to pursue a tidal element in each geographic area is not a sufficient cause.

I trust that these will be more useful than irritating. As you have said yourself, you can always see me coming.

Very truly yours,

Jim McGrath

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Parks, Recreation and Neighborhood Services

October 27, 2005

Steve Ritchie
Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

Subject: Salt Pond Restoration and Public Access

Steve,
Thank you for the invitation to attend the workshop on October 18. It was informative and I was sorry to have to leave early for a prior commitment.

With this letter, I would like to indicate support for ABAG's proposal (see Laura Thompson's letter of October 26) for a new alignment that would follow the proposed flood control levee from Alviso Marina County Park along the edge of Ponds A12, A16 and A18 connection to the existing Coyote Creek Trail in Milpitas near Dixon Landing Road.

Should this alignment be provided as part of the project, the City would seek to follow up with any necessary master planning documents to define the level of recreational and public safety enhancements before the trail would be open to the community. To ensure that the alignment would permit for a viable trail, we would seek to have the alignment accessible by emergency vehicles at multiple points and be highly visible from nearby roadways.

Also noted in ABAG's proposal is an alignment that parallels the railroad corridor between Alviso and Fremont. Having not seen the specific alignment and not being familiar with the site, I wish to note that I would have concerns about the ability to provide access for emergency vehicles and allowing public access near a transportation corridor. In developing trails recently, I am finding that railroads and utility companies are far more concerned about people in close proximity to their facilities. Additionally, the solitude of the potential alignment might raise public safety concerns that could limit the City's interest in trail development if a portion or all of the route fell within its jurisdiction.

Finally, I want to ensure that an alignment along the perimeter of the Legacy Property (former land fill) that permits access from Alviso Slough to Sunnyvale Baylands appears as priority for early development. The route is identified as 1065 on the attached map. The Federal Transportation Bill has allocated $800,000 for development of a trail along this route and the

City is investing local and Bay Trail grant funds to study a pedestrian bridge that would make the alignment accessible from the Alviso community.

Please let me know if you need any additional information. If helpful, I would be more than happy to visit your office and review plans and provide input. I can be reached at (408) 793-5561.

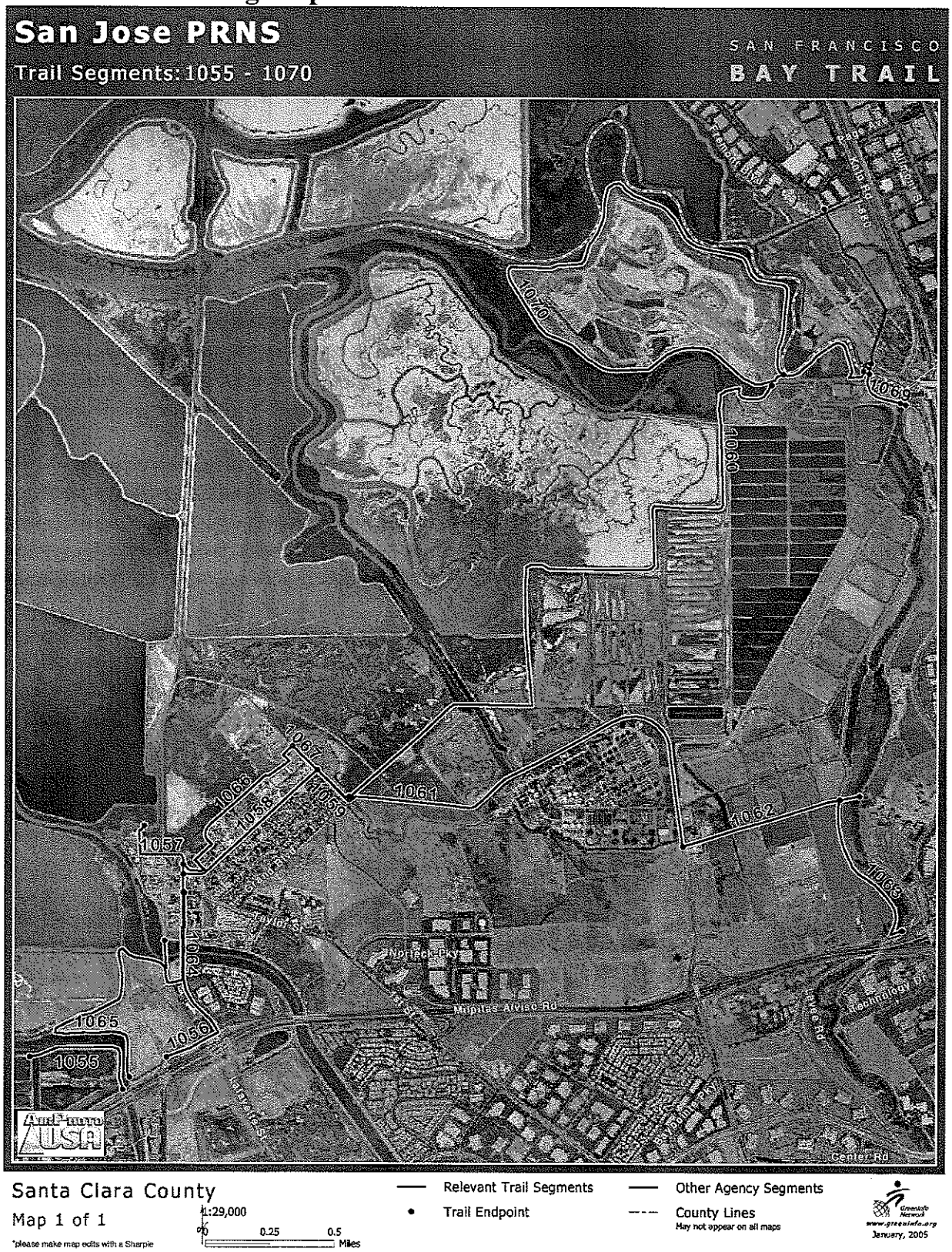
Sincerely,

/s/

Yves Zsutty
Program Manager – Trail System

cc. Laura Thompson, ABAG
Donna Plunkett, EDAW
Bill Miller, SJPD

Attachment: Routing Map



October 26, 2005

Steve Ritchie
Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

Subject: Salt Pond Restoration and Public Access

Dear Steve:

On behalf of the San Francisco Bay Trail Project, I am writing to provide comments on the proposed South Bay Salt Pond Restoration Public Access Alternatives. Thank you for organizing the two successful site visits and the public access workshop to discuss trail alternatives in more detail. Bay Trail staff participated in these meetings, and found them to be very instructive.

The basis for these comments is to ensure the full range of options for public access is considered under environmental analysis within the 50:50 and 90:10 restoration ratios. In addition, we have concerns about proposals to eliminate existing public access in the Eden Landing (Alameda Creek Flood Control Channel levee trail) Alviso (Alviso loop trail) and Ravenswood (Refuge spur trails) restoration areas.

Under the salt pond restoration project CEQA/NEPA analysis, existing public trails should not be eliminated without replacement of similar value. Removal of an existing recreational opportunity can be identified as a significant impact under the California Environmental Quality Act unless there are no feasible alternatives.

The following suggestions for public access would provide new shoreline trail experiences in areas where access is lost as part of restoration. They also seek to ensure continuity of the Bay Trail spine.

Eden Landing

- **Add new southern spine trail alignment connecting the outer flood control levee to the existing trail along the Alameda Creek Flood Control Channel**

Administered by the Association of Bay Area Governments
P.O. Box 2050 • Oakland, CA 94604-2050
Phone: 510-464-7900 • Fax: 510-464-7970
Web: www.baytrail.org

This suggested new alignment would extend west from the proposed new flood control levee, between Ponds E5 and E6C, along the western edge of Turk Island connecting near Pond E1C to the existing trail along Alameda Creek.

The Bay Trail spine as currently shown on the Eden Landing alternative map follows the edge of the urban area. The new trail spine proposal described above would extend along the route taken by the tour vans and would follow the highest portions of the restoration area. It would provide trail users with an opportunity to experience the restored tidal wetland along the spine of the Bay Trail. If a section of the existing trail along the Northern Alameda Creek levee is closed as was discussed at the public access workshop, this rerouted spine alignment would help to replace the public shoreline trail experience available today. This proposal could also provide opportunities for spur trails to the top of the Turk Island hills for expansive views of the area.

Alviso

- **Add outer flood control levee alignment between Alviso and Milpitas to complete the Bay Trail spine**

  This suggested new alignment would follow the proposed flood control levee from Alviso Marina County Park along the edge of Ponds A12, A16 and A18 connecting to the existing Coyote Creek Trail in Milpitas near Dixon Landing.

  This new alignment would be in addition to the proposed trail shown along the edge of the railroad corridor between Alviso and Fremont. Adding this outer alternative is consistent with other portions of the restoration area where the Bay Trail spine follows the edge of the project area.

Ravenswood

- **Add spur trail along the length of Ravenswood Slough**

  This suggested alignment would offset removal of existing spur trails north of the Dumbarton Bridge that allow trail access to the edge of the Bay. In addition, the new trail alignment would serve as access to the proposed boat launch in Ravenswood Slough

We would like to see these changes incorporated into the alternatives and ranked in time for the next meeting scheduled to review the evaluation process.

The Bay Trail Project greatly appreciates the opportunity to provide additional comments on these alternatives. We look forward to our continued involvement in this process. Please do not hesitate to call me at (510) 464-7935 if you have any questions regarding the above comments.

Sincerely,

Laura Thompson
Bay Trail Project Manager

cc: Donna Plunkett, EDAW
Terry Noonan, East Bay Regional Park District
Jim Foran, Santa Clara Open Space Authority
Yves Zsutty, City of San Jose
Jim McGrath

Jim Foran
SC Open Space

Stakeholder Forum
October 21, 2005

Project Alternatives

Alternative B fails to provide continuous and connected salt marsh habitat which is necessary to the recovery of the salt marsh harvest mouse and the clapper rail. Alternative B fails to provide a meaningful improvement with regards to the mouse and marginal improvement with respect to the rail as indicated by the Technical Ratings.

The project needs to be thought of in a landscape scale context that takes account of areas adjacent and beyond the limits of the project area. The project area proper has been deemed critical to the recovery of these species. Other areas would likely fail to allow recovery without a functioning and sustainable salt marsh within the project area. It is the only large area suitable for such habitat.

Technical Ratings

Technical Ratings need to be related to overall project goals. Recovery and maintenance goals for species are a function of the landscape scale context surrounding and including the project area. This is particularly relevant for the estuarial streams which feed the area, opportunities for connected upland habitat outside the project area, and the remaining 18,000 acres of salt ponds continuing in active operation within the project area. A 50 : 50 alternative within the project area is, in reality a 23 : 77 alternative when the adjacent habitat is considered. A 90 : 10 alternative is actually representative of a 41 : 59 split between marsh and pond habitat. Although one cannot assume that management of those ponds still in active operation would be managed for species goals one must assume that their likely management will result in suitable habitat for certain species. Furthermore, actions such as predator reduction efforts would be ineffective if they did not also apply to such a large area situated in the middle of the project area.

Habitat maintenance is not in and of itself the goal, but a tool for maintenance of species populations. This is reflected in the statement of criteria 1B-1, 1B-3, 1C-1, 1C-3, 1C-2, 1C-4A, and 1C-4B. Criteria 1B-2 and 1C-5 should be similarly rephrased.

With respect to criteria for achieving goals the maintenance of a specific type of habitat will have a widely varying effect on maintenance of species population depending on whether the habitat type in question is a limiting factor in species population or whether other factors beyond the project scope rather than the specific type of habitat considered limits the species population.

It should also be pointed out that individual species populations are only indicators of overall ecosystem health. Attainment of criteria alone does not necessarily constitute success. A No Alternative case in which the Salt Ponds had not been purchased but had continued to be maintained for salt production could have led to continued silting up of

the south Bay and with it continued reduction of south bay salinity. The hydrological question that needs to be asked is: How much pond area beyond the Dumbarton Narrows needs to be opened up to generate sufficient tidal action to assure a healthy and functioning south bay?

S C O P I N G M E E T I N G A T T E N D E E S (11/16/04)

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7	Jim Foran	403 Camille Circle #12, San Jose, CA 95134	foran@alum.mit.edu
8	Eileen McLaughlin	Wildlife Stewards, P.O. Box 1177, Alviso, CA 95002	Wildlifestewards@aol.com
9	Dan Strickman	Santa Clara County ERA, 976 Lenzen, San Jose, CA 95126	Daniel.strickman@deh.co.scl.ca.us
10	John Schmidt	Resources Legacy Fund, Sacramento	
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14	Sean Michael	P.O. Box 730, Alviso, CA 95002	Sean2250@earthlink.net
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17	Ann Stillman	County of San Mateo, 555 County Center, 5th Floor, Redwood City, CA 94063	astillman@co.sanmateo.ca.us

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20	Felicia Borrego	Save the Bay	Felicia@savethebay.org
21	Charles Laslor	P.O. Box 984, Alviso, CA 95002	charles@tomato.com

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6	Beth Dyer	SCVWD, 5750 Almaden Expressway, San Jose, CA 95118	
7	Meredith Williams	18 Casells Avenue, San Francisco, CA 94114	mersemail@rcn.com
8	Judy Sheen	8 Hearst Avenue	

South Bay Salt Pond Restoration Project / South San Francisco Bay Shoreline Study Scoping Meetings

Tuesday, November 16, 2004, 7:00-9:00 p.m.
NASA/Ames Research Center, Building 943
Moffett Field

Wednesday, November 17, 2004, 7:00-9:00 p.m.
Centennial Hall, 22292 Foothill Blvd., Room 4
Hayward

Comments from November 16 Scoping Meeting

- Need to investigate mercury issue and potential impacts, in particular, mercury levels in Alviso Slough and Pond A8
- Evaluate option to move freshwater/sewage outfall deeper into Bay to allow salt marsh restoration
- For Phase 1, consider making Pond A8 tidal, and restoring the tidal connection to Guadalupe Slough
- Want a design to promote sediment removal and improve water conveyance in Alviso Slough
- Need to address project impacts on navigation through Alviso Slough
- Need to provide access for physically challenged
- Need to address excessive seagull population and predation on other birds
- Consider for Alviso Option 2: A1, A2W, AB1 A2E, and A9 should be managed ponds, and A9, A13, A14 and A16 should be tidal. This would provide better water quality
- Ponds A8 and A12 should be tidal
- A8 should provide tidal connection to Guadalupe River to increase salinity and to provide flood protection
- Restore navigable waterways to Alviso and Guadalupe Sloughs
- Design Pond A8 to minimize mosquitos – it is close to Alviso community
- Also design ponds to minimize odors near Alviso and other communities
- How to limit geographic scope of flood management (100-year floodplain)?

Comments from November 16 Scoping Meeting (continued)

- To what extent will restoration project limit or extend area of other potential restoration projects?
    - Need to identify other potential restoration sites
    - Make sure our alternatives promote rather than prevent other restorations

- Long-term planning with respect to landfills – public access could exist if a landfill is closed in the future

- Map of endangered species hot spots and historic least tern foraging spots

- Establishing connectivity in habitats (e.g., SMHM corridor)

- Create outboard habitat levee if shoreline levee must be maintained free of vegetation

- Create upland transitions with shoreline levee

- Natural levees adjacent to tidal sloughs for species such as SMHM

- Impacts to future or proposed transportation plans, especially as habitats are restored

- Conflict between ongoing maintenance of flood control levees and infrastructure as sensitive habitats are restored. Possible permitting difficulties

- Use of dredged materials from neighboring sites

- Effect of spartina on sediment dynamics – coordination with spartina project

- Look at how changing hydrology of channels affects small boat use, allowing more access as well as preventing it, such as in small channels where clapper rails exist

- Incorporate adjacent habitats including existing problem areas/invasives. Encourage community participation

- Communication between SBSP and neighboring watershed management initiatives

- Phasing affects cumulative impacts

- Address impacts to fisheries and native fish

- Better understanding of adjacent land use and open space for compatible goals

- Opportunities for local governments to rethink their edge

- Can landfills compliment upland ecosystems and wetland transitions?

Comments from November 16 Scoping Meeting (continued)

- Possibility of positive benefits of acquiring adjacent lands, such as warm springs transition area behind salt ponds. Affects levee placement

Comments from November 17 Scoping Meeting

- Perry Gun Club should be within the project boundary
- Is EBRPD work part of the project? Are you working with EBRPD?
- Concerned about winter bird populations. Is bird data available?
- Look at effects on all birds, including grebes
  - Effects of ISP on birds
  - Don't want to reduce rich bird diversity/habitat
- What assumptions are we using for bird usage on plant sites? On Cargill ponds?
- Connect Bay Trail across Dumbarton Bridge, through Alviso
- Will you be able to plan trails which correspond to other plans for trails?
- EIS/R should address Bay Trail gaps
  - What is shown on the option maps?
- Some levee paths are not passable year-round
- Describe the term "spine trail"
- Need to address unexpected levee breaches that could occur and how to maintain the levees
- Take Cargill's Redwood City ponds into consideration – bird habitat
- Try to protect Mowry Ponds 1, 2 and 3 (owned by Cargill)
- Try to protect Ponds E10 and E11 in Eden Landing
- How will you control spartina and hybrid?
- Should we consider letting levees erode away/breach?
- What is the status of the algae problem?

Comments from November 17 Scoping Meeting (continued)

- What is the reason for high mercury levels in Pond E11?
- Railroad tracks through Drawbridge routinely flood – do you plan to provide flood control?
- Explain term "scour"
- Address impacts to existing and planned facilities
- Increase level of flood protection to one percent – this would be a beneficial impact
- Address effects on groundwater quality
    - Abandoned wells in the project area
- Need close coordination with TMDL efforts to establish the baseline for evaluating impacts
- Consider predator control in a broad way – not just within large habitat blocks (refers to the wording of the Notice of Intent)
- Need analysis on potential for trails and water access
- Where is spartina a problem?
- Will you address spartina through management, or upfront control?
- Are you working with people involved in the spartina project?
- Are spartina impacts going to affect the restoration project?