



Marin Audubon Society

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MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105
eircomments@bayareametro.gov

Public Information:

Thank you for the opportunity to comment on Plan Bay Area 2050 Draft Environmental Impact Report. Our comments focus on deficiencies in the Plan that have the potential to result in adverse environmental impacts. While the Plan discusses and recognizes the significant natural resources of the Bay Area, it falls short of ensuring these resources are protected so that they can continue to support a healthy human community. It ignores opportunities to protect and enhance our natural environment.

Our comments address specific chapters, Biological Resources and Air Quality, but first we have several general questions we request the DEIR address:

- The Bay Area and the West is now suffering an unprecedented drought and it is expected that with climate change, drought conditions will be a more common occurrence or perhaps our entire climate may change. The Plan should justify the potential massive development it envisions, in view of the lack of water to support it. Where will the water come from to support the development? We cannot continue to move it from other places, when those other places are also suffering from drought.
- The Plan is intended to extend until the year 2050. Significant changes can occur over a time period that long. What provisions are there for interim revisions of the plan, particularly if there is some significant change, such as earthquake?
- One of the changes that could occur, and that may also be occurring according to press reports, is a reduction in population. How does the Plan address a potential reduction in population instead of the population increase the anticipated development is designed to accommodate?
- MTC has established a Priority Development and Priority Conservation Area Program. The DEIR should include environmental review of these programs. One of the issues we are particularly concerned about is area of particular environmental sensitivity that is located within Priority Development Areas. The DEIR should

identify the natural resources that are on the PDA areas and recommend ways the environmental resources on these areas be protected. One such area in Marin is the San Rafael Canal PDA, where development has the potential to adversely impact an 85-acre diked bayland that has never been filled.

Our comments on specific sections:

BIOLOGICAL RESOURCES

The List of Vegetation lists include several highly invasive species that should be removed or recognized as being detrimental to our natural environment.

Although the discussions address Coho salmon, this special status species is not shown on Figure 3.5-1.

Sensitive natural communities discussion of wetlands should be revised to recognize the importance of the upland areas bordering tidal marshes as essential components of tidal marsh habitats. The adjacent uplands are essential for survival of endangered Ridgway Rails and Salt Marsh Harvest Mouse and many other species, and essential to allow room for marshes to migrate with sea level rise.

The discussion fails to recognize the national importance of the Bay habitats for species whose migrations span nations. The Bay and its tidal marshes are essential to ensuring the survival of many migratory species and to ensure biodiversity.

The Urban Habitat discussion presents the view that wildlife use of urban areas is too limited and should be revised. As is clear from reports in the press, there are increasing observations of large mammals (coyotes, fox, and even mountain lion) in urban areas. Our backyards and parks cannot be dismissed as important habitats for species that can use them at night or other times when they can avoid or live with humans. The DEIR should recognize this phenomenon.

Discussions of Migration Corridors focus on upland corridors with only one noted in Marin County. This is an extremely limited view that fails to recognize there are many corridors in Marin that are essential for wildlife to migrate or move between habits or longer distances.

The Plan assumes that laws and regulations are effective incentives for project proponents to design projects to avoid or substantially reduce impacts to natural resources. This is not demonstrated in reality or reflected in the Plan. The Plan should address specific ways projects can avoid impacts. Rather it provides for many opportunities to mitigate impacts. This sends a clear message that one need not spend much time trying to avoid impacts – it's easier to mitigate. Agencies make it even easier to mitigate by approving and encouraging mitigation banks and plans that make it easier and cheaper to mitigate.

Impacts/Mitigation Measures:

BIO-1a: Substantial adverse effects either directly or through habitat modifications, on candidate, sensitive or special status species...

This impact should be expanded to include indirect impacts, which could result, for example, from increased public or domestic animal intrusion into habitats.

A list of mitigation measures is provided and all of the items are appropriate and necessary. However, requirements for a number of the measures are qualified, i.e. would only need to be performed where “feasible and necessary based on site specific considerations,” or “where practicable.” It’s easy to claim avoidance or other mitigation measures are not feasible. What specific agency review is recommended to ensure that avoidance is actually not feasible or practicable?

The discussion should provide guidance as to a process project sponsors should use to decide whether impacts are avoidable or unavoidable. We recommend that a decision procedure be provided that demonstrates sponsors have seriously considered avoidance, and then less-environmentally damaging alternatives, instead of taking the easy route of saying avoidance is not feasible. Nowhere are they required to actually show how that determination has been made. Without demonstrating avoidance is actually not feasible, it cannot be determined that an impact is less-than-significant.

Mitigation banks are provided as a mitigation option. These banks are more often than not, located many miles from the site of impact. The DEIR should address how mitigation banks serve the species whose habitat would be lost to the project.

BIO – 1b Substantial adverse impacts on designated critical habitat for federally listed plant and wildlife species.

The impact is defined far too narrowly. It fails to include federal special status species or endangered species for which critical habitat has not been identified. State endangered and special status species are completely ignored. This is even though it is known that the reasons for not identifying critical habitat for many species or not designating many species as endangered on the federal level have been political. To fail to include these species is inexcusable and contrary to the public interest.

It is vital that this impact should be broadened to include habitat for many species that are critically endangered and have been so listed for many years, such as Ridgway Rails and Salt Marsh Harvest mouse, but for which critical habitat has not been defined. For other species it is known that their populations are at dangerously low levels and they should be listed. In Marin, species that should be listed include California Black Rail, Northern Spotted Owl, and Monarch Butterfly.

BIO – 2 Have a substantial adverse effect on riparian habitat, state or federally protected sensitive natural communities, identified in local or regional plans, policies, or regulations or by CDFW or USFWS have a substantial adverse effect through direct removal, filling, hydrological interruption or other means.

This discussion addresses potential impacts on the aquatic resources of wetlands; other waters, vernal pools, rivers, streams etc. based on the USFWS NWI maps. The coverage should also extend to seasonal wetlands and diked historic baylands, lands that were once subject to tidal action that have been mapped by the San Francisco Estuary Institute.

This discussion shows that the same qualifications as BIO-1a. that allow avoidance measures to be set aside when it is claimed to be “not possible. Our recommendation is the same as above, that a process should be required to demonstrate they have used a decision process that justifies not avoiding impacts.

As stated above, providing for the purchase of mitigation credits or mitigating through RAMP can have detrimental impacts on the site of loss. The discussion should address potential impacts at the site of loss and how these impacts can be avoided. That proposed mitigations cause adverse impacts that are not addressed, or even identified, should be discussed.

A more complete discussion of wetland mitigation provisions is needed in the EIR. A minimum 1:1 mitigation ratio is insufficient mitigation for wetland loss and should be reevaluated. It fails to consider temporal loss and possible problems at the mitigation site affecting success. Protection and enhancement should not be allowed as mitigation where they would result in violation of the “no net loss” policy. The EIR should also address the importance of existing wetlands in the location where they exist, to provide habitat, to protect shorelines at this time of sea level rise, and to encourage the protection, restoration and enhancement of existing wetlands.

Implementing all feasible, mitigation measures is premature and would not reduce the significance of the loss or impacts to wetlands. Only full creation of replacement and successful maturation of the mitigation wetlands would reduce the significance of wetland loss impact.

BIO-3 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor or impede the use of native wildlife nursery sites.

Essential Connectivity Areas form the basis for addressing movement corridors, but they are not adequate to address this impact. We agree that corridors have already been degraded and fragmented. At minimum, the discussion should address how corridors could be repaired and, at minimum, provide ways to ensure they will not be degraded further. Movement corridors must be expanded to include streams, riverbanks and shorelines of the Bay. The mitigation for this impact is uncertain and cannot be reduced to less than significant.

AIR QUALITY

The DEIR focuses on and presents a comprehensive discussion on the Bay Area's air quality problems. Measures and efforts to address air quality focus on reducing emissions by regulation of transportation, land use, and many other urban growth related activities of people. Natural resource related strategies include protection of conservation lands and land use measures that presumably will protect these resources.

The benefits of natural vegetative habitats and their contribution to air quality should be included in the discussion. That plants absorb carbon dioxide and release oxygen should be a major part of the air quality discussion but it is virtually ignored. All of the measures cited are fine, but the plan ignores the natural process of plant growth that, without much human effort except for planting of native plants, yields major and multi-benefits for the human community. The process of photosynthesis is the only process that puts oxygen back into our environment.

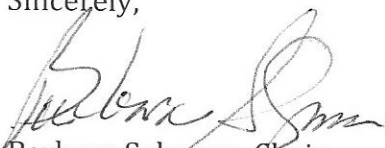
Benefits of planting trees and other vegetation, including wetland plants, are many and include producing clean air, moderating climate, sequestering carbon, providing habitat for wildlife particularly of native species, aesthetic and spiritual experiences, stabilization of banks, ecosystem support, and contribute to the liveableness of a community. It is not just important conservation lands that need to be saved. These are vital but they are limited in extent and location.

Native trees and other plants should be required as part of the design for all communities. Disadvantaged communities probably benefit most, as they often are multi story-structures that are close together leaving little room for vegetation.

The only impact that appears to be directly related to people is Impact to Sensitive Receptors AQ 4. While some receptors are certainly more sensitive, all living creatures are sensitive to bad air. We recommend the addition of a Mitigation Measure that will ensure native trees are planted in all communities particularly multi-cultural communities. This would help to mitigate construction and other impacts of urban uses on our air quality.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Salzman', is written over a light blue horizontal line.

Barbara Salzman, Chair
Conservation Committee