



Marin Audubon Society

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MTC Public Information
375 Beale Street, Suite 700
San Francisco, CA
San Francisco, CA 94105
EIRcomments@mtc.ca.gov

RE: PLAN BAY AREA AND DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)

Dear MRC:

The Marin Audubon Society appreciates the opportunity to comment on Plan Bay Area's Draft Program Environmental Impact Report (PEIR). Our focus is on protecting natural or biological resources which support people and wildlife, and are essential to a healthy community and quality of life for Bay Area residents. Our comments focus on natural resource protection which we find are virtually ignored in the Plan.

We support accommodating growth while focusing growth in already developed areas as a way of minimizing adverse environmental impacts. However, there is considerable potential for destruction of biological resources. We ask that the Draft PEIR address the following:

1. Inadequate Plan Goals. The stated goals of the Plan are insufficient. The only goal vaguely related to the environment is Agriculture and Open Space which is defined in the EIR as lands that are not in agriculture or timber. Open Space is also discussed in the one-page recreation section. These are not sufficient. This goal should be broadened to cover natural resources including water quality. Although clean air is touched on it is only discussed in terms of emissions. The importance of our biological resources, native vegetation, wetlands, streams, woodlands, grasslands etc. in providing clean air and water increasing resilience to climate change, should be discussed.

The omission of natural resources in the goals is particularly striking considering their prominence and importance in the Resilience Actions: Expand the region's network of natural infrastructure....preserve and expand natural features that reduce flood risk, strengthen biodiversity, enhance air quality...." Water quality and quantity should be given the same standing as air quality. In order to protect the Bay Area from flooding the first line of defense, our tidal marshes, must be sustained and restored.

We note that all of the adverse biological impacts of the Plan will remain significant even after mitigation. The EIR should discuss why, in spite of their recognized importance on the federal and state levels, and their importance to the region and its citizens and as reflected in the Biological Resources section of the PEIR, are biological resources not included as a Goal in Plan Bay Area?

2. Regional Advanced Mitigation. The Transportation discussion in the Plan focuses on maintenance and modernization that it claims would minimize impacts, while recommending a Regional Advanced Mitigation Program to address impacts. This acknowledges the finding of the PEIR that the biological impact would remain significant. Modernization is defined as improving speeds, adding safe bicycle routes, installing new technologies to improve flow and redesigning interchanges. Even these projects would impact biological resources.

As the DEIR describes, approximately 40% or 7,400 acres would be in TPAs and in addition PCA's face development under the proposed Plan, 84% of the land under growth footprints would occur in proximity to special-status species habitat. These attest to the ineffectiveness of planning concepts and boundaries to limit or avoid adverse impacts. Additional habitat and species impacts identified include habitat fragmentation, increased human intrusion, introduction of invasive species, disruption of migratory corridors and regional reduction in biodiversity. In addition, transportation projects would cause additional noise and dust impacts during construction and erosion during and after construction. These impacts would adversely impact vegetative habitats and wildlife. And, 54 four transportation projects included in the proposed Plan intersect areas that are designated by USFW as critical habitat for some species. The Plan's suggested Regional Advanced Mitigation Program to address the significant adverse impacts, however, is not likely to improve conservation outcomes, as claimed. Nor is it clear how this approach would "strengthen conservation priorities" as claimed. The PEIR should discuss how securing off-site mitigation for multiple infrastructure projects in advance of environmental reviews would ensure beneficial conservation outcomes, would ensure similar habitat for species and communities that would lose wetlands. It sounds as though this program is a promotion for mitigation banks. See last paragraph, #6 below for further comments on mitigation banks.

3. Additional transportation projects. Discuss the addition of Highway 37 to the list of projects to be implemented. Congestion on this highway is a major impediment affecting employment and the environment. Discussions are underway to rebuild a portion and turn it into a toll road which could adversely impact employment and tidal and seasonal wetland habitats. Its condition will have to be addressed within the time frame of the plan. This is a major North Bay highway that is a critical connection between the west and east section of the North Bay and also to areas to the north. We strongly recommend that it be added to the list of transportation projects for regional and state consideration, and that the DEIR discuss adding it to the list. If it is not recommended, discuss why not?
4. Mitigation Approach. While the actual footprint not or details of transportation projects or even housing projects may not be known, the location of major transportation corridors are located adjacent to the Bay and this would generally inform a conclusion that significant wetland and Bay impact would occur with many proposed transportation projects at least those located in this area.

The DEIR reports that transportation and housing projects as well as sea level rise are projected to have extensive impacts on natural resources. Transportation projects are projected to adversely impact 700 acres, Additional major areas would be inundated regularly under sea level rise and the mitigation strategy for areas of impact would be to adopt a range of adaptation strategies.

However, the PEIR reports that these must be adopted by local jurisdictions because neither ABAG nor MTC have the authority to require local jurisdictions to adopt such policies. This approach is

carried through in other impacts including Biological Resources. We recommend an additional mitigation measure be considered: withholding transportation funding as a way to influence local governments to adopt adaptation policies.

5. Corrections/Additions to Biological Resources Section.

Grassland loss most significant habitat type nationwide

The name of the California Clapper Rail has been changed to Ridgway's Rail

The stream resource discussion has left out Lagunitas Creek which has one of the largest populations of endangered Coho Salmon and Steelhead in the state.

Add Northern spotted Owl to the list of species for which Critical Habitat has been designated in the Bay Area by the USFWS. The Critical Habitat includes woodlands in Marin and, we believe, Sonoma Counties.

Although it may not have been formally mapped, the Bay and its margins is and should be identified as an Essential Connectivity Area.

6. Mitigating Natural Resource Impacts. Mitigation by reducing or reconfiguring project designs is always the preferred alternative in CEQA. The goal of reducing and reconfiguring should be to avoid special status species and sensitive habitats particularly wetlands all of the time, not just when "practicable." Even when it is impractical, reduction and reconfiguring should be required to avoid localized and cumulative losses. What may appear to be small losses add up to be cumulatively significant.

Neither surveys nor monitoring lessen impacts and, therefore, should not be considered mitigation in themselves, but rather a preparation for mitigation. (Page 2.9-36). These activities must bleed to subsequent avoidance or significant minimization actions'

Significant tidal wetlands are in the path of transportation infrastructure including major highways around the Bay. The Plan language suggests that there would be no significant adverse impacts because urban development will be directed within the urban footprint and there will be no significant upgrading to highways and other transportation modes. This approach is being disproven right now in the North Bay by the consideration for expansion of Highway 37 and proposed expansion of bike paths into tidal marsh that is endangered species habitat in Corte Madera. The DEIR reports that 106 transportation projects have the potential to adversely affect wetlands and other waters. Clearly this is a significant impact. The Plan should provide an estimate for the amount of wetland losses along the Bay that would be caused by these projects.

Transportation project impacts to natural resources would be significant. As discussed above, the Mitigation measure most effective would be to reduce and/or reconfigure projects to avoid adverse effects on protected species and habitats. There should be a strict standard that avoidance be the first consideration.

The EIR should address the need for in-kind mitigation and whether it will be assured. It is unclear that for example loss or other impacts to wetlands would be mitigated by restoring/enhancing the same kind of habitat. We additionally are concerned about mitigation for natural resource losses and other biological resource impacts by creating public access, this would result in even more significant impact. This could occur with direct mitigation for a project as well as through prior-approved of PCA's. We suggest policy recommendation in the Plan that requires mitigation for habitat loss to be in-kind, i.e. that tidal wetlands be mitigated by replacing with tidal wetlands,

agricultural losses be mitigated by restoring/protecting agricultural lands etc. and that mitigation be in the same in the same watershed as the site of impact.


Too often, project environmental review goes right to mitigation, particularly when a ready mitigation is available, such as with a mitigation bank. For this and other reasons, we object to the use of wetland mitigation banks. Banks make it too easy to lose wetlands and do not serve the communities and wildlife that lose habitat. If mitigation banks can be used at all, they should only serve a local watershed in which they are located.

As a mitigation measure, the DEIR preparers should create a model procedure or policy that would ensure avoidance is considered as the preferred mitigation. The policy should include guidance for acreage and the use of mitigation banks. 1:1 mitigation ratio is insufficient wetlands particularly for preservation because it would result in a net loss. We agree that wetland loss and species impacts remain significant particularly in the light of MTC/ABAG's inability to require avoidance.

7. Preferred Alternative. The preferred and environmentally superior alternative appears to be the Big City alternative because it would focus more development in already developed areas, has more beneficial biological affects and fewer adverse impacts when compared with the other alternatives, and scores well in all other areas. This would not mean adverse biological impacts would be avoided with this alternative because there are tidal and non-tidal wetlands, streams and native vegetative habitat that are in urban areas, but it would result in the fewest acres of wetlands and other biological impacts.

Thank you for considering our comments.

Sincerely,



Barbara Salzman
Conservation Committee