

Arc Ecology

Environment, Economy, Society, & Peace

April 19, 2004

Ms. Michelle Hightower
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

RE: Draft EIS/EIR – Mare Island Dredged Material Disposal Ponds Commercialization

Dear Ms. Hightower:

Arc Ecology has reviewed the above-mentioned document and has several comments to offer. As a member of the Mare Island Restoration Advisory Board, we have a sincere interest in seeing an appropriate reuse of the former naval facility that benefits the community most affected by the base closure. We took part in the scoping discussions that took place two years ago and sent comments to the Army Corps of Engineers during the public comment period. Several of the issues we brought up at that time are not adequately addressed in this report. In addition, the overall project purpose and alternatives are inadequately developed and many of the conclusions within the report are not well supported. Our specific comments on the document are below. In addition, Arc Ecology concurs with the comments submitted by the Solano Group of the Sierra Club.

General Comments:

1. Project Alternatives –

Several of the project alternatives are determined to be economically infeasible as disposal facilities due to their limited size. However, nowhere in the document is the “required capacity” explained. The document merely states that “[f]or market viability, any alternative must provide the minimum capacity for one continuous placement episode of 1.5 MCY (Gahagan & Bryant Associates, Inc. 2003)” (page 2-5). Including a summary in the introduction of the report of how the required capacity for market viability was determined would be useful, as it may aid decision-makers in choosing an appropriate alternative.

Issues presented in scoping comments that were not adequately addressed:

2. Unexplored alternative –

The alternative of only accepting material suitable for aquatic disposal was not evaluated, nor was an explanation provided as to why this alternative was not included.

3. Water Management Plan –

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The water management plan presented in Chapter 2 does not adequately mitigate the creation of an attractive nuisance for birds (Effect 3.4-7) because it does not address the main impacts. A more thorough water management plan needs to be included.

4. Land use and transportation conflicts with proposed Regional Park –

The report states “implementation of any of the proposed alternatives is consistent with the current land use requirements and would result in no effect with respect to land use.” (Page 3.1-5) While it may be true that the ponds have been designated for the disposal of dredged material in the Mare Island Specific Plan and other relevant plans, conflicts with the recreational uses designated for Piers 34 and 35 and the associated drying area have become apparent at this project level analysis. Now that we have information about where the material will be mechanically off-loaded and the proposed truck routes, we need an analysis of the environmental impacts of these activities on the Regional Park area.

The oversight of these conflicts, in particular, is serious enough to warrant reissuing the document in draft form for public review once all public comments have been addressed.

5. Levee Design and Stability –

- a. The report concludes, “If a failure occurred, the failure surface would not likely extend a significant distance beyond the toe of the levee” (page 3.2-11). The only supporting information for this conclusion is a poorly explained figure. A better explanation of how this conclusion was drawn is required and better assurance is required that a levee failure would not affect proposed adjacent developments.
- b. Mitigation 3.2-1, which proposes implementing recommendations from geotechnical investigations for all levee-raising activities, is proposed for Effects 3.2-1 (Levee Slope Stability) and 3.2-2 (Seismic Hazards and Levee Slope Stability). This, however, is an insufficient mitigation as it defers mitigation to a later time.
- c. In our scoping comments, we requested an analysis of the impacts to wildlife, human health, and water quality in the event of an accidental spill from ponds due to a damaged levee. A quantitative analysis of the potential for accidents that could occur during transport by barge or truck was also requested but not included in the report. Mitigation measure 3.2-10 says that the spill prevention will be developed and implemented as part of the NPDES permit process. In order that this not be a deferred mitigation, performance standards for the permit process need to be specified in this report.

Similarly, mitigation measure 3.3-2 provides a brief list of methods that may be used to prevent spillage. In order for this to be an adequate mitigation measure, methods that **will** be required, not *may* be required, and/or the performance standards that will be required need to be included.

6. Water and Sediment Quality –

- a. The effects of discharging several million gallons of water from the effluent pipe on the mudflats have not been evaluated in the report. This is different than the surface water quality effects from effluent discharges.
- b. While the report addresses the effects of pond reuse on groundwater quality, the effects on hydrology and groundwater flow have not been addressed.

- c. Even though the details of the reclamation plan for reuse of the ponds may not be foreseeable, any features of a reclamation plan that are currently foreseeable need to be evaluated in this EIS-EIR.

7. Effects of operating equipment on shore birds in the vicinity of Pier 35 –

Effect 3.4-6 discusses the potential disturbance of nesting osprey and/or great blue heron, both of which have been observed nesting on light poles at Piers 34 and 35. However these are the only species listed in the effects for this area. Table 3.4-2 lists the California brown pelican as a special-status wildlife species with potential to occur in the action area and notes that piers are a roosting area for California brown pelicans. Page 3.4-5 mentions other shorebirds that forage in the tidal mudflats west of Pier 34 and north of Pier 35 such as the long-billed curlew and the western snowy plover. The effects on all special-status wildlife species found in the vicinity of Piers 34 and 35 need to be included in the report.

It is unclear how the mitigations proposed for Effect 3.4-6 will decrease the effect on these shorebirds. For example, Mitigation Measure 3.4-4 talks about the implementation of the wetland mitigation and monitoring plan. As Piers 34 and 35 are not part of the wetlands in question, the effect of this mitigation measure on the shorebirds in this area is unclear. Mitigation measure 3.4-8 discusses measures that will be taken to protect nesting ospreys and herons. The measure begins by suggesting that off-loading be scheduled so as not to interfere with the nesting season. The final bullet, however, states that less noisy and less disturbing equipment will be used should mechanical off-loading be required during the nesting/fledgling season. What determines whether or not off-loading is required? Is it purely a matter of whether or not material is available? Please elaborate on how this is determined. Also, please list other equipment that can be used for off-loading that is less noisy and explain why it is not used all the time, if it will cause less overall disturbance.

8. Mare Island San Pablo Bay Trail –

The trail is discussed in Section 3.9 but is stated as being part of a separate project. It also states that the Mare Island San Pablo Bay Trail project will fulfill the Bay Conservation and Development Commission's and the State Land Commission's public access requirements. The public access requirements are a direct result of allowing the dredge ponds to be used as an upland disposal and handling facility. Why, then, is this being discussed as though the two are not related?

During the scoping period, the US Fish and Wildlife Service was not supportive of perimeter public access due to the potential effects on wildlife within the marsh. The effects of allowing public access to the San Pablo Bay National Wildlife Refuge should therefore be assessed.

9. Socio-economic impacts –

Our scoping comments requested an analysis of the socio-economic impacts of accepting potentially hazardous materials in an economically challenged area. Section 3.12 acknowledges the need to comply with Executive Order 12898, "Federal Actions Address Environmental Justice in Minority Populations and Low-Income Populations". However the report determines that there are no identifiable concentrations of minority, low-income, or Native-American populations located in the area potentially affected by the proposed action.

It is unclear how this conclusion is drawn. The project affects the greater Vallejo community, of which 62.9% is people of color, versus 44% in Solano County and 41% in the Bay Area. Therefore, Vallejo has a concentration of people of color both within the County and within the region that qualifies it as an environmental justice community.

Arc Ecology appreciates the opportunity to review and comment on this document. As specified in our comments, we believe there are major impacts and conflicts that have not been addressed in this report. We urge you to consider reissuing the document in draft form once all comments have been addressed and incorporated.

If you would like to discuss my comments further, please contact me at 415-495-1786 or lealoizos@mindspring.com.

Sincerely,

Lea Loizos
Staff Scientist

Cc (electronic): Elizabeth Dyer, U.S. Army Corps of Engineers