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Dear Deidra,

TRAC, the Trails for Richmond Action Committee, has several comments on Bay Trail aspects of the November 2003 Draft EIR for the WCCSL Bulk Materials Processing Center and Related Actions.

The key Bay Trail issues are:

1. The Phase I trail should include the 0.5-mile spur from the SW corner of the landfill levee system to the southern breach in the outer levee
2. There is no evidence that significant environmental effects would result from a trail on the outer levee segment currently isolated by breaches and, hence, no justification for recommending deletion of the Phase 4 Bay Trail route, which is specified in the North Richmond Shoreline Specific Plan, because:
 - a. no data are presented on the species or numbers of birds, if any, which use this isolated section of the outer levee and
 - b. the two-year Wildlife and Public Access Study by Trulio and Sokale found no evidence that human use of levee trails affects bird abundance or diversity in foraging habitats at three locations where mud flats are exposed at low tide.
3. Poison oak and blackberry should be deleted from the trail side plant list.

Phase 1 Trail Definition

The broad, diverse WCCSL Bay Trail Loop Committee comprised of ABAG, BCDC, City of Richmond, Contra Costa County, Neighborhood House of North

Richmond, Save The Bay, Sierra Club, TRAC, Jay Vincent, WCCSL and others worked during 2000-2002 to develop a public access plan which WCCSL is willing to carry out. This plan calls for opening a scenic Bay Trail loop around the landfill in phases as described in the February 2002 WCCSL Shoreline Public Access Trail Development Plan, which was endorsed by the Bay Trail Loop Committee on March 4, 2002.

The April 2003 trail plan presented in DEIR Appendix 3K appears to be generally the same as the February 2002 plan. Section 5.1 of the trail plan in Appendix 3K correctly defines the Phase 1 trail to include a 0.5-mile spur leading from the SW corner of the landfill to a gap in the levee and states "Extending the spur trail beyond the gap is a part of a possible Phase 4". **However, Figure 3-7 on page 3-39 incorrectly shows this Phase 1 spur as part of Phase 4.**

13-1

The WCCSL Bay Trail Loop Committee's recommended that the 0.5-mile trail spur to the southern breach in the levee should be included in Phase 1. It should not be reclassified as Phase 4. This spur has fine vistas and provides an excellent opportunity for recreational and educational viewing of wading birds which forage in mud flats. (See summary below of Trulio and Sokale study.)

Phase 4 Trail on Isolated Section of Levee

The North Richmond Shoreline Specific Plan calls for a multi-use trail around the outer levee of the landfill, including the section isolated by breaches (Specific Plan Figure 7 Public Access and Recreation). Contrary to the Specific Plan, the DEIR recommends deletion of the Phase 4 trail (pages 2-11, 9-3, 11, 13 & 15-19 and 13-46). As discussed below, there is no basis for concluding that the Phase 4 trail would have significant adverse environmental effects.

DEIR Section E.4., Preferred Environmental Alternatives, on page 13-46 states: "Chapter 9 recommended Mitigation Measure 9-4(a) to eliminate Phase 4 because the levee provides important resting, roosting and nesting habitat for birds. Section A.1.a. on page 9-3 goes on to state: "A resource of particular importance to birds is the *isolated levee segment* along the northwestern edge of Area C. Because this levee has been breached in two locations, human access to the *isolated portion* requires a boat, which contributes to its sensitivity and importance as resting, roosting, and nesting substrate for numerous birds." **However, the DEIR contains no evidence that birds of any species use the isolated section of the levee for resting, roosting or nesting.** Absent such evidence, there is no basis for eliminating this trail, which is specified in the North Richmond Shoreline Specific Plan.

13-2

Furthermore, there is no support for the DEIR's statement that "Human access associated with the Phase 4 alignment would greatly diminish and possibly eliminate the use of this area by many species" (Section E.4, page 13-46). Preliminary results

of the two-year Wildlife and Public Access Study by Trulio and Sokale (Reference 98, DEIR page 9-19) found no relationship between human use of trails and bird abundance or diversity in foraging habitats at three locations in the Bay Area. This study was funded by ABAG, BCDC, California Coastal Conservancy, East Bay Regional Park District, Mid Peninsula Open Space District, National Park Service and others. At each of the three locations studied, bird abundance and diversity was evaluated in a tidal wetland where mud flat is exposed at low tide, comparing an adjacent Bay Trail site on a man-made levee with a control site having no trail within one half mile. The WCCSL EIR should rely upon the Trulio and Sokale study since it is ideally designed for evaluating the effect on birds of trail use on the WCCSL levee system.

13-3

The DEIR also suggests that bridges over the levee breaches might require bay fill which would have adverse environmental effects. This could be avoided easily by use of clear span bridges, which do not require fill, as Audubon has done at their preserve on Tomales Bay.

13-4

In conclusion, absent evidence that threatened or endangered species nest on the isolated section of the levee, there is no basis for concluding that the Phase 4 trail would have significant environmental effects. If there were such effects, mitigation measures should be evaluated rather than simply overturning the North Richmond Shoreline Specific Plan.

13-5

Bayside Trail Planting

The DEIR calls for installing a “tough, prickly barrier” of plants along about one mile of trail “to control the spread of invasive exotics and to establish a protective buffer of native vegetation between the proposed trails alignment and adjacent marsh and open water habitats” (Impact 9-1 on pages 2-26 & 9-11). “The barrier plantings would be installed along the upper elevations of the levee along the south side of Areas B and C to discourage any access into the adjacent marsh and mud flats at low tide” (page 9-11). Unfortunately, the plant list of Appendix 3K includes hostile, invasive native plants such as California blackberry and poison oak.

First, a barrier planting is unnecessary because very few people would be inclined to wade into mud flats where they would become mired down. Second, preliminary results of the two-year Wildlife and Public Access Study by Trulio and Sokale (Reference 98, DEIR page 9-19) found that human use of levee trails **with “little or no buffer vegetation”** had no effect on bird abundance or diversity in tidal wetland foraging habitats, which included mud flats, at three locations in the Bay Area. Hence, barrier planting is not needed from the standpoint of foraging birds.

13-6

Although not necessary to protect foraging birds, many of the plant species listed in Appendix 3K Bayside Trail Planting Recommendations could enhance the levee

environment both for wildlife and trail users. However the proposal for planting a barrier of poison oak and California blackberry is unnecessary and ill advised. Such a barrier would interfere with bird watching and nature education opportunities along the trail and also create serious ongoing management problems to control these invasive plants.

13-7

Children and many adults do not recognize poison oak, especially when it is dormant and leafless. Furthermore, some children and adults are acutely allergic to the toxins contained in poison oak and would require treatment with corticosteroids. The trail will soon require application of herbicides to control invasion of both blackberry and poison oak. Herbicides may adversely affect the wetland ecosystem.

I hope that these comments are helpful. Please let me know if you would like clarification.

Sincerely,



Bruce Beyaert, TRAC Chair