

Sara L. Tobin, Ph.D.
742 Lobos Avenue
Richmond, CA 94801

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Lina Velasco, Community Development Director
City of Richmond Planning Division
450 Civic Center Plaza-2nd Floor
Richmond, CA 94804
admin@pointmolateseir.com

Dear Ms. Velasco, City Manager, Mayor, and City Council:

The most striking aspect of the DSEIR is its bland willingness to justify alteration, rather than restoration, of the Point Molate watershed. Certainly, some signs of historic uses should be preserved, such as the Ohlone shell mounds and the Winehaven site. Cleanup of contamination should continue. However, the particular project addressed by this DSEIR is inappropriate for Point Molate. In addition, the DSEIR is flawed to such a degree that instead of functioning as a blueprint to avoid environmental damage, it provides documentation that if the proposed project is built, lasting damage will result.

BIOLOGICAL ISSUES

Several important biological issues are glossed over in the DSEIR. First, migrating monarch butterflies come back to the same roosting sites year after year. The DSEIR suggests excluding them from their roosting sites and removing the trees. Populations of monarch butterflies have plummeted in recent years, and it is thought that habitat destruction (such as that advocated in the DSEIR) is responsible for part of the drop.

A second issue has to do with the equally poorly designed plans to remove bats during the construction process. Bats are a crucial component of many ecosystems because of their appetite for insects. The process described in the DSEIR is to wait until the bats have left their roosts for the night, and then to use netting to keep them from returning. At least one local bat species has been designated as being of 'a species of special concern' by the California Department of Fish and Wildlife, yet there has been no study of the species of bats that are found on Point Molate or their numbers or the status of their populations. The DSEIR does not discuss how to avoid reducing the number of bats in the population during the proposed construction. In particular, bat populations can be harmed by using such primitive exclusionary methods at the wrong times of the year. In the winter, bats can be hibernating, and those that do not fly out will die. Also, in the spring when young bats are present, the pups will die if the parents are unable to return to feed them. It is important for all of us to practice responsible stewardship of ecological systems. And bats need sweeping, undeveloped areas for feeding. Covering Point Molate with residences may have a deadly effect on local bat populations. How will effects on bat populations be tracked, when no one has bothered to ascertain the numbers or even the species of bats present?

The DSEIR barely mentions the southern Distinct Population Segment (sDPS) of the North American Green Sturgeon, which is federally listed as threatened under the Endangered Species Act. San Francisco Bay, up to the high tide line, is designated as critical habitat for this local species, which migrates down the Sacramento River. Young sturgeon are known to feed at the periphery of eelgrass beds (Stilwater, 2018). Sturgeon are thought to be affected adversely by pesticide residues, pollution, and sediment, all of which are likely to be washed into the Bay during the proposed project. The failure to include impacts on the sDPS green sturgeon is a major flaw in the DSEIR.

The alterations to the pier are likely to require a permit from the Army Corps of Engineers, though this possibility is not presented in the DSEIR. Such a permit and associated consultations may provide additional protection for the eelgrass ecosystem and for the fact that the area is designated critical habitat for other endangered and threatened species, in addition to the sDPS green sturgeon.

Throughout the DSEIR, potential damage to ecosystems is considered. The discussions follow a similar pattern: potential damage, suggested mitigation or recovery, and a declaration (without references) that application of the mitigation will protect the environment. A case in point: Damage to riparian habitat. "There are no known recovery plans, mitigation guidelines, local policies, or other provisional documents with a set precedence of standards for mitigating impacts to mixed riparian habitat. By providing setbacks around un-impacted riparian habitat and compensatory mitigation compliant with necessary permit terms, implementation of Mitigation Measure 4.3-14 would reduce impacts to mixed riparian habitat to a less-than-significant level." Apparently the public is supposed to believe these entirely unsubstantiated claims.

EELGRASS

Eelgrass is protected by law under the Federal Fisheries Act because it plays a critical nursery function for commercial and sport fish and crab. In addition, eelgrass beds serve as effective carbon sinks to fight global warming. At Point Molate, extensive eelgrass beds are found both north and south of the central pier. The eelgrass beds need protection along the entire beachfront. The southern eelgrass beds need shielding from the silt that would be generated during the proposed construction. If 1000-2000 residences are built at Point Molate, the increased traffic will subject the southern eelgrass beds to oil, brake linings, and tire particles from the intense use of Stenmark Drive over time. How can this be monitored effectively? During construction, monitoring will depend on the alertness of a construction monitor with a built-in conflict of interest. The DSEIR does not make a useful distinction between monitoring and protection. But monitoring is not protection. Protection means that adverse effects will be prevented. Monitoring means that adverse effects will be detected after damage has been done. Monitoring is better than nothing, but it is not enough to ensure that a critical biological resource will be undamaged during and following the level of ecological disruption that is proposed for Point Molate. It is astonishing that a mitigation plan will not be created until after the damage is done. And two listed options involve purchase of mitigation credits! An SWPPP is not enough to protect eelgrass. And a promise to restore eelgrass beds is meaningless when the Point Molate eelgrass beds are functioning as donors to repair damage to other sites!

Whether or not the Modified Project is built, both eelgrass beds need effective protection. The DSEIR touched on several important issues, such as placing the eelgrass beds off limits to boat traffic, whether motor-driven, sailed, or human-powered. The document also mentioned preventing wakes and limiting the pier to its current size. However, the DSEIR missed two issues that are lethal to eelgrass: anchoring and enforcement. The first is that no boat should ever be permitted to anchor to the bottom of the bay in or near eelgrass beds. As tides and wind rotate the boat about the anchoring point, eelgrass is uprooted and killed in a circular pattern. Damage from anchoring is what wiped

out 41% of the eelgrass beds in Richardson Bay. Any boat should tie up only to the pier. Ever (for example, see Kelly *et al.*, 2019). Yet according to the document, private mooring of boats to the pier will not be allowed. This may prompt some to use their anchors, destroying the eelgrass beds. How will wakes and pier limitations and destructive anchoring be prevented? The DSEIR is silent. Point Molate is on list of possible sites for the Water Trail. How will boaters be guided about where to launch and land without damaging the eelgrass? Where will boaters use restrooms and picnic?

DRAINAGE

There seem to be two major issues here: restoration of original drainage and contaminants carried by surface runoff and groundwater. The DSEIR mentions the desirability of restoring previously damaged riparian habitat, but then falls short with regard to specific plans addressing how to do so. Much of the water flow from ridge line to the bay is ephemeral in nature. The largely seasonal runoff has been channeled through miles of culverts: under Drum Lot 2, under Stenmark Drive, through the Winehaven complex, under the contaminated ravine, under the Beach Park, etc. Section 4.6.3 of the DSEIR states that buildings shall be underlain by foundation sub drainage. But what about restoring original drainage patterns and placing buildings so that they don't interfere with original drainage? There seems to be no apparent limit on the use of culverts for ephemeral drainage. No comprehensive plan to daylight streams or to restore drainages to their natural state is presented. There is only a quote from the Richmond General Plan that, "Daylighting of creeks that are currently in culverts or hardened channels shall be pursued where feasible in new and redevelopment projects." Even the assessment of existing drainage seems incomplete, with only 11 outfalls listed, when there appear to be nine or more storm drains discharging across the beach from the pier south to the property boundary. The writers of the DSEIR even state that 11 outfalls may be too many. This is an indication that restoration of original drainage patterns may not be a priority. If mitigation fails, there will be additional years of management for an environment that has already been compromised, perhaps permanently.

With regard to the Bay Trail, the plans should incorporate boardwalks and bridges over drainages and wetlands, rather than using culverts. These elements should be indicated in specific locations in the plans for the Bay Trail.

The second drainage issue involves prevention and monitoring of contaminated drainage into the bay. This would pollute the Bay and threaten the eelgrass beds. With slopes of 46% and/or 35% (both are cited in the DSEIR) in the watershed above, both surface water and groundwater will bring existing pollutants to the Bay. Though treatment of the VOCs and TCE plume from Drum Lot 2 has reduced the mobility of contamination (Appendix G), the Bay still needs to be protected. Hydrocarbons still remain, particularly around Building 87 (the Quonset Hut). After years of remediation, RWQCB is still requiring additional remediation for groundwater (IR 3). In section 4.8.5.4, the DSEIR states that "New and increased levels of urban land use on the Project Site can increase the level of storm water pollution that could ultimately wash to the Bay. Any increased pollution that would violate water quality standards is considered a potentially significant impact." An SWPPP is not going to address contaminated soils that should not be disturbed by construction of this project. According to the DSEIR, a Construction General Permit can discharge storm water to surface waters IF no hazardous substance is present. How can one determine (prior to the storm) that there is no hazardous substance in runoff? Does this include silt? How can damage be prevented, rather than monitored after the eelgrass has been damaged?

GRADING OF SITE

It is striking to look at the extent of grading that is proposed for Point Molate. Though the Modified Project is often lauded by supporters for "preserving 70% open space," the surface area that is slated for grading (bulldozing) appears to be much larger than 50%. The proponents of this project need to present an accurate quantitative measure of how much of the site will be graded.

Grading is conceptually similar to clear-cutting a forest, which results in destruction of ecological communities. Though less dramatic in appearance than a denuded mountainside, grading destroys stratified microbial communities (bacterial and fungal), as well as plants and animal habitats (Mummey *et al.*, 2006; Baldrian *et al.*, 2012). These communities cannot be restored. Planting a few trees and bushes might sometimes make a site appear similar to what existed before, but such plantings often fail because the habitat is no longer appropriate for them to thrive. From the maps presented in the DSEIR, it appears that these graded, denuded areas are then being counted as "open space."

The City of Richmond's General Plan calls for minimizing grading of hillsides. Yet the Modified Project's proposed grading of coastal terrace prairie habitat is apparently unlimited; whatever is left "shall be preserved" and monitored. Again, reports are submitted after habitat has been destroyed. Coastal terrace prairie lacks known recovery plans or mitigation guidelines, yet measures are presented! Then impacts are claimed to be reduced to less-than-significant level by application of these measures. Graded areas will be replanted after stabilization.

Monitor. Manage. Report on habitat destruction. It's a vicious and destructive cycle.

In contrast to the Modified Project, Richmond's General Plan 2030 presents Appendix L, with excellent policies on Conserved Open Space: Minimize soil erosion, retain natural vegetation and topography; minimize grading!!!

Policy ED1.3 of Richmond's General Plan provides further guidance: "Support the remediation and reuse of large, disturbed sites, such as the Winehaven complex at Point Molate and the Terminal 4 site at Point San Pablo, into mixed-use centers that provide the maximum benefit to the community without compromising the integrity of the surrounding natural areas."

CONTAMINATION

There is much work still in progress regarding contamination at Point Molate. Is Point Molate even ready for construction until all issues have been resolved and approved by the RWQCB? It is crucial to keep arsenic and other contaminants out of the Bay, and the RWQCB is monitoring carefully. According to Appendix G, post-remediation confirmation is still required for northwest Drum Lot 2, and site-specific remediation activities are ongoing for IR 3 and IR 4. Air and dust monitoring are required, and several RECs (recognized environmental conditions) exist on the site that have not yet closed by RWQCB. The RWQCB required that SGWMP be amended to include IR Site 3, but the amendments are not yet completed.

IR1 is a closed landfill in a ravine with contamination left in place; it must be monitored in perpetuity.

IR2 sandblasting, grit (cadmium, lead, nickel, zinc) exceed residential and construction worker exposure levels. 2A, 2B, no residential REC; 2C, 2D, HRECs.

IR3 Treatment ponds. Additional work required, potential risk to ecology of Bay from hydrocarbon oxidation products in groundwater. Additional evaluation required; another REC.

IR4 Drum lots 1,2, Bldg 87. Soil VOCs are present in the ground water from Drum Lot 2; an Interim Remedial Measure (IRM) was applied using an emulsion. This achieved reductions, but data gaps and approval of a work plan are still pending.

Other RECs address tanks, transformers, and lead from a firing range, as well as lead-based paint, asbestos, arsenic, and lead.

It seems entirely inappropriate to disturb soils for a residential development on the Point Molate site because of contamination issues: risk to residents, risk to the environment.

Drum Lot 2: dirt removal is discussed with regard to dust, but not the extent of contamination or movement of hydrocarbons toward the Bay

Contamination in areas of off-site construction is declared improbable; no assessment of the site is planned. This makes it hard to find contamination. Interestingly, methodology following discovery is listed, but contamination will not be assessed. Among the CEQA objectives listed for this project, one is to "provide a mix of uses sufficient to fund hazardous material remediation" What needs are anticipated? Does this mean that the escrow funds from the Navy have been spent? Another goal is to facilitate environmental cleanup. What will the site require? What kind of income stream? If funds are required for environmental cleanup to residential standards, perhaps it is wiser and more fiscally responsible to use most of the site for public recreation.

EMERGENCIES AND EVACUATION

The DSEIR presents the category of Impacts in terms of Thresholds of Significance. Impacts would be considered significant if the Modified Project would do any of the following:

6. Impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan
7. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wild lands
8. Substantially impair an adopted emergency response plan or emergency evacuation plan
9. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations for a wildfire or the uncontrolled spread of a wildfire
10. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment
11. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes

Yet all of the above factors apply to emergency evacuation of the people in the proposed residences at Point Molate. Why is this project still being put forward?

Bay Trail IS/MND determined that impacts from construction of the Bay trail ...were less than significant because (from the Bay Trail alone) there is no expected significant increase in the number of vehicles or an increase in traffic congestion that could interfere with emergency evacuation or response. Any substantial residential development of the scale presented in the Modified Project would certainly increase the number of vehicles and increase traffic congestion.

The DSEIR presents Mitigation Measure 4.7-1, which has identified protocols for land and water evacuation, shelter-in-place, seismic events, chemical release. The underlying idea is that somehow this unspecified plan would reduce traffic on Stenmark Drive during an emergency. The claim is made that somehow these measures would mitigate risk.

The City of Richmond has designated the entire Point Molate peninsula as VHFHSZ (Very High Fire Hazard Severity Zone). This is the highest fire risk category. The DSEIR does discuss Diablo winds that blow from the east about 16% of the time. Such winds can blow toxins and feed fires from the Chevron refinery onto the Point Molate area. The DSEIR mentions a WERP (wildfire emergency response plan), but does not discuss who pays for its development, nor who pays for its implementation after a fire.

WETA (the Bay Ferry system) is listed as a potential source of evacuation. There should be a letter of commitment from WETA if they are willing to serve this function. There seems to be an assumption that ferry service will be established using the pier at Point Molate, yet no ridership numbers are cited, such as the threshold for number of passengers before a scheduled ferry run can be established. For emergencies, the time from emergency notification to pickup should be given, as well as the ability to retrieve people in the designated refuge locations (none are on the pier) without damaging eelgrass. In addition, the time for arrival of Richmond fireboats should be given (noting that the fireboats can only spray water near shore, not evacuate). Is such an evacuation within the purview of the Coast Guard? When people's lives are at stake, a more concrete discussion is called for.

The claim is made that emergency vehicle access would not be reduced by the Modified Project. This is only true if an evacuation is carried out by calm and well-behaved people. Planning needs to include the disruption and panic that is unavoidable in such scenarios.

Police Services

In the original Casino plan for Point Molate, police officers were to have been financed by the Guidiville Tribe. As described in Section 3.4.5, a new substation would be established for fire protection and police protection services at Point Molate. The costs associated with constructing the substation would be financed by the Project proponent. What would be the environmental impact of such a substation? What entity is the "project proponent"? The City of Richmond? The Developer? Certainly, the City of Richmond would need to pay the salaries of the Police Department employees who would work at the Point Molate substation.

CULTURAL SITES

The DSEIR makes value judgments regarding Native American sites on Point Molate. These tribal sites have been valued on the basis of whether or not they have been disturbed. While it is true that disturbed sites might not be able to yield as much data to archeologists, they are still the burial sites of Ohlone ancestors, and as such are greatly valued by the Ohlone.

Apparently an archeologist is slated to supervise the widening of Stenmark Drive. Will they be paid by the developer? If so, they will have a structural conflict of interest not to delay construction.

A cultural awareness training program is suggested. This program and any similar program involving respect for other cultures should be initiated and conducted by the descendants of that culture. Historically, Point Molate was Ohlone land for thousands of years.

The DSEIR depends on a great deal of evaluation and decision-making by the Native American representative or Tribal Monitor. This representative should be a member of the Ohlone Tribe to ensure that their ancestral lands and burial grounds are treated with respect.

This is in contrast with the DSEIR, which seems primarily interested in removing Ohlone artifacts and gathering archeological data:

"If preservation in place (of cultural resources) is infeasible in light of project design or layout, or is unnecessary to avoid significant effects, a Cultural Resources Data Recovery Plan (CRDRP) shall be developed by the qualified archaeologist and, if the find is a tribal cultural resource, or TCR (!!who decides whether a TCR or not), the tribal monitor is to outline excavation and laboratory procedures, and if appropriate, curation at a university depository or, if a TCR, other treatment considered appropriate by the tribe." This section goes on to emphasize Scientific Data. What about value to the tribe? What about respect for other cultures?

A quantitative measure of the respect for Native American cultural values can be seen in the margin of 50 feet for archeological artifacts, but 25 feet for human remains.

As determined by the Bureau of Indian Affairs, the Guidiville Pomo have no claim to the land at Point Molate, though they may certainly have fished in the Bay. For the purpose of this proposed project, all references to "the Tribe" should be to the Ohlone. The Tribal Monitor should be Ohlone. The DSEIR admits that the land is Ohlone.

RECREATION

The DSEIR describes the type of recreation envisioned for Point Molate as "passive recreation." This term seems to be misused. Usually

passive recreation occurs in an undeveloped space or environmentally sensitive area that requires minimal development. For instance, parks departments generally establish passive recreation areas for health and wellbeing of the public and the preservation of wildlife and the environment. Therefore the quality of the environment and "naturalness" of an area are the focus of the recreational experience in a passive recreation area.

Other relevant factors can include non-motorized access; open space; minimal impact on natural, cultural, scientific, or agricultural values; requiring only minimal visitor facilities that are directly related to safety.

EPA definition:

Passive recreation refers to recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection.

EPA examples: hunting, camping, hiking, wildlife viewing, observing and photographing nature, picnicking, walking, bird watching, historical and archaeological exploration, swimming, cross-country skiing, bicycling, running/jogging, climbing, horseback riding, fishing.

In contrast, active recreation refers to a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment.

EPA examples: baseball, football, soccer, golf, hockey, tennis, skiing, skateboarding

Certainly, passive recreation is not compatible with a massive residential development. Though some developments are built around active recreation, such as golf courses or skiing, this does not seem appropriate for Point Molate.

Apparently the project involves construction of "neighborhood parks." These are apparently being calculated as part of the total open space acreage. They are described as being open to the public, but they may well be designed with residents in mind, rather than the public. If so, they will function as private yards for those living in the residential units.

Finally, the project is described as having a "less than significant cumulative impact for recreation and parklands with mitigation." This is an incredible statement for a project that is so destructive.

AESTHETICS

In considering the effects of the project on scenic vistas, the DSEIR only considers potential damage from the points of view of looking at site from bay or looking out across the bay from fully developed areas. There was no evident consideration of blocking the view from the hill with buildings, with the result that open space users might not be able to see the shoreline.

In addition, the view of the hillside and ridge crest from Point Molate Beach Park will be completely blocked by the proposed buildings on drum lot 2. The DSEIR comments that the buildings will be "screened by trees of beach park," when in fact they will loom over the landscape, especially when viewed from Stenmark Drive.

Apparently, the treatment plant will be visible from Stenmark Drive and the beach park.

Views of the completed project are impossibly optimistic. One view is created from the perspective of miles out into the Bay. The intent seems to be to make the massive development look tiny and insignificant.

IS THE DSEIR CONSISTENT WITH PLANNING POLICY DOCUMENTS?

The DSEIR will be compared and contrasted with the following documents below: The BCDC Bay Plan, the City of Richmond General Plan, and Point Molate Bay Reuse Plan. The DSEIR has hand-picked many phrases and points that would appear to support the Modified Project. In the sections below, countervailing discussions are designed to create a broader context.

BCDC Bay Plan

The DSEIR calls the Modified Project "generally consistent" with the Bay Plan, though the Bay Plan calls for use as a park and does not include any residential construction.

The Bay Plan advocates use of inclusive design principles in the evaluation of public access projects. For example, in Bay Plan Policy 7: "Develop for park use:" trail system; beach recreation; public access to historical district; pier re-used for recreation and incidental commercial recreation. This plan encourages water-oriented recreation, mooring for transient recreational boats, excursion craft, and small watercraft. And it calls for protection of the existing eelgrass beds.

In Bay Plan Policy 4: camping accessible by boat; docking and picnic facilities for boaters. Also, hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical, and cultural education and interpretation; viewpoints; beaches; fishing. Golf courses and playing fields inland. Launch sites. Limited commercial development, such as small restaurants if they do not obstruct public access to and enjoyment of Bay.

Thus diverse and accessible water-oriented recreational facilities, waterfront land, boat camping, and activities that feature Bayfront locations are put forward. In the Bay Plan, there would be limited commercial development, with an emphasis on trails and public transit. The BCDC Plan states that public utilities (sewer lines, etc) may be permitted, but they must be unobtrusive, must not disrupt recreational use, and will not detract from the visual character of the site.

General Plan of the City of Richmond

The Richmond General Plan calls for minimizing impacts on the natural environment; development of natural sanctuaries; preservation of open space; and installation of public gathering spaces. The Plan advocates for infill development opportunities and encourages construction of higher-density, mixed-use projects around existing public transit infrastructure...and other critical services.

Mixed Use and Infill Development

Conservation, Natural Resources, and Open Space Policy:

- Conservation, including restoration of urban creeks, removing culverts and hardened channels
- Avoid future culverting or channelization of creeks (includes ephemeral drainage)
- Avoid adverse effects of a proposed project on fish, other aquatic organisms, and wildlife habitat
- ... Minimize grading of hillsides

Promote a balance of uses along the shoreline... economic development, recreation, historic preservation, natural resource protection

Preserve open space areas along the shoreline, creeks, and hills to protect natural habitat and maintain integrity... Protect existing open space, agricultural lands, and parks.

Appendix L presents an excellent policy on Conserved Open Space: Minimize soil erosion, retain natural vegetation and topography; minimize grading.

The General Plan (in Policy ED1.3) supports remediation and reuse of large, disturbed sites, such as the Winehaven Complex...into mixed-use centers that provide maximum benefit to the community without compromising the integrity of the surrounding areas

In spite of these policies (and many others), the DSEIR concludes that "...the Modified Project, with mitigation..., would be consistent with

the relevant policies of the General Plan." In my opinion, the DSEIR demonstrates a strong bias that is not supported by the General Plan. Other policies include:

Policy ED7.3 Open space, natural habitat, and recreation. Work with EBRPD. Protect natural habitat

Policy ED8.4 Public Access to Shoreline. Support expansion of trails, viewpoints, infrastructure. Protect natural areas. Promote recreational activities that respect the bay and enhance the shoreline.

GOAL LU3 Expand economic opportunities in existing commercial and industrial areas; attract new businesses to Southern Shoreline

Policy LU3.3 support emerging recreation and tourism...key areas... Point Molate

Policy LU5.2 San Pablo peninsula... City will support development as regional recreation destination. Disturbed sites such as Winehaven will be remediated and redeveloped into mixed-use activity centers to serve broad range of visitors and provide long-term revenue to the city.

Goal PR4 Stewardship of the natural environment; habitat sensitivity; parks, open space preservation. natural settings or creeks

Policy PR4.1 improve access to large-scale natural areas... regional parks along shoreline and in hills.

etc., etc.

The policies cited above illustrate, in my opinion, that the City of Richmond's General Plan does not support a residential housing development outside of the Winehaven Complex.

Point Molate Base Reuse Plan

The Base Reuse Plan calls for minimizing the impacts of future development on natural environment, limiting new development to areas previously developed, and preserving hillsides from further development... Cleanup of contaminated sites and use of outdoor space for recreation are also promoted.

TRAFFIC, TRANSPORTATION

The DSEIR suggests that commercial port facilities at the Port of Richmond Terminal Number 4 will become active as a bulk shipping site. This terminal consists of 12,000 square feet of warehouse space on 37 acres north of the Point Molate site, and can only be reached via Stenmark Drive (unless Chevron grants access through the refinery). Commercial trucks would be driven through Point Molate, carrying vehicles and bulk goods. At the Design Review Board Meeting on April 22, Community Development Director Velasco assured attendees that the terminal would retain its zoning as parkland.

Construction of two southbound lanes on Stenmark is proposed, but only for 500 feet north of Dutra intersection to 580. More recent documents give different specifications. Apparently additional right of way is needed, and the land is owned by Chevron. How would it be acquired? By eminent domain? Who will pay for this, the City or the developer?

The statement is made that Stenmark Drive is safe because "Five years of CHP accident records were evaluated for Stenmark Drive to verify there were no existing safety problems." Under current usage, Stenmark Drive is virtually deserted. This safety evaluation ignores projected traffic level changes.

The DSEIR concludes very reasonably that this project will cause significant and unavoidable impacts from greenhouse gases, from energy use, and from traffic.

UTILITIES

A sewage pumping station at foot of Marine Street in Point Richmond is proposed. This would require extensive excavation through an existing residential neighborhood for the sewer line, basically through Chevron property, along Western Drive to Marine, then uphill to Tewksbury and down to Castro. Who is paying for this?

The septic tank at building 87 remains. If this will be removed, the presence of pesticides and other contaminants must be dealt with.

On the map showing the RARE Water Project, why is Point Richmond shown as a potential customer?

Under the FEIR Summary of Impacts, "The casino project would not have resulted in the need for upgrades..." but then this is described as a significant impact. Is there perhaps a typographical error?

BAY TRAIL

The Bay Trail is an excellent project, deserving of support regardless of the varied projects that are being considered for Point Molate as a whole. However, the funding for the Bay Trail is not clear. In one DSEIR location, "The City and EBRPD are currently securing the appropriate construction permits and grant funding to commence building the trail, which would proceed regardless of the Modified Project." In another location, "...expansion of the Bay Trail to and within the Project Site was approved by the City in 2018. The Modified Project would construct the portion of Bay Trail that runs through the Project Site." In yet a third location, "Because the portion of the Bay Trail within the Project Site has been approved, it could occur, but without a project on Point Molate, the City would lack a secured funding source to proceed at this time." These apparently conflicting statements make the status of the Bay Trail construction difficult to assess. To what degree is the Bay Trail related to any project or non-project at Point Molate (especially with regard to cost of construction)?

MISCELLANEOUS OPERATIONS ISSUES

Carpools, shuttles, vanpools are presented as ways to avoid traffic impacts. Who will pay for these? "The building management" is suggested. Will this be through HOA dues? Can these transportation options be changed by the HOA if ridership is non sustainable? What about other on-site amenities?

Apparently fees will be paid to compensate for the additional vehicle traffic. This will not reduce traffic. The project is also in conflict with regional plans to reduce traffic.

What is the reason for the new access road to the Point Molate Beach Park? A map may be helpful.

Why is natural gas being supplied at all?

USE OF PIER

The Bay Trail will need to be crossed to gain access to the Pier. Will this crossing be with cars or on foot? How can this intersection be made safe?

A 100-space parking area is proposed. How was the number of spaces determined? How will the disabled gain access to the pier?

A launching and landing site for non motorized craft (sailboats, kayaks, paddle boards) may be needed so that the eelgrass and the beach can be avoided. Will there be picnic tables and restrooms, as with other locations on the Water Trail?

LIGHTING

While the lighting plan for the pier is nicely done, the statement is made that lighting is needed along Stenmark Drive for safety purposes.

This goes against "dark sky" policies that are supported by the City of Richmond. The only lighting needed is motion-activated, shielded, 3000K or less, located at pedestrian crossings.

NOISE

Would it be possible to make a comparison between the noise expected to be generated by the pump station and the wastewater treatment plant?

Conflicts among land uses should be minimized to protect wetlands, marshlands, and creeks and their inhabitants.

ERRORS

"Point Richmond, located on a rolling hillside facing the Bay, is listed on the NRHP and is notable for its architecture." Only certain parts of Point Richmond are listed on the NRHP. Only part of Point Richmond faces the Bay; much of Point Richmond, including its business area, lies east of the crest of the hill. Many homes face the refinery.

"Development such as that proposed as a part of the Modified Project is consistent with planned uses for the Project Site." This is inaccurate (see discussion of consistency with planning documents above).

COMBINED EFFECTS

Damage to the eelgrass ecosystem, grading, pollution from traffic, residual contamination, habitat destruction, and silt from construction would seem to constitute combined effects, but this combination is not discussed.

CONCLUSION

ALTERNATIVES

The DSEIR finds that the Community Plan (Alternative D) is the BEST alternative for the site.

With regard to Cultural Resources and Tribal Cultural Resources: D and Modified Project are said to be similar in impact, but that alternative D would disturb less ground. This would be seen by many as a significant difference!

Alternative D (Community Plan) has the lowest level of impacts, and, as a result, would be considered the environmentally superior alternative!!!!

REFERENCES

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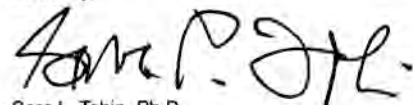
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Thank you for the opportunity to make these comments on the DSEIR.

Sincerely,



Sara L. Tobin, Ph.D.