



## San Francisco Bay Chapter

Serving Alameda, Contra Costa, Marin and San Francisco Counties

REPLY TO: 802 Balra Drive, El Cerrito, CA 94530

March 15, 2016

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PUBLIC NOTICE NUMBER: 2012-00286S

PROJECT: Veterans Administration Outpatient Clinic and Cemetery at Alameda Naval Air Station

Janelle Leeson:

The Sierra Club is opposed to the wetland mitigation alternative proposed by the Department of Veterans Affairs (VA) for its Alameda Point project, namely, purchase of credits in a wetland mitigation bank. The Sierra Club instead recommends that the permit allow for only on-site mitigation on VA undeveloped property at Alameda Point.

The VA permit states, "The VA proposes to compensate for all wetland impacts through the purchase of wetland mitigation credits at the San Francisco Wetland Mitigation Bank or another approved wetland mitigation bank with a suitable service area within five years of receiving the permit and prior to start of construction. Prior to initiating construction, the VA would purchase 11.96 acres of wetland credits to compensate for all of the impacts associated with the Project."

The Sierra Club has more than two decades of firsthand knowledge of the runway area at Alameda Point where the project is located. A bona fide, delineated wetland – the Runway Wetland – provides an opportunity for enhancement and expansion that would successfully satisfy mitigation requirements.

In addition, a wetland area that will be partially impacted by the project at the southern perimeter of the cemetery also offers an opportunity for simply expanding that wetland southward. Waterfowl such as American Avocets regularly use this wetland, located at the intersection of two runways. In 2015, American Avocets raised chicks at this wetland.

Purchasing credits in a wetland mitigation bank whose land is located in Redwood City (San Francisco Wetland Mitigation Bank) or Newark (Newark Slough Mitigation Bank, permit pending

PUBLIC NOTICE NUMBER: 2013-00374S) would forfeit a rare and possibly never-to-be-seen-again opportunity for local wetland habitat enrichment.

Furthermore, purchasing credits in an off-site mitigation bank, when a suitable on-site wetland mitigation opportunity clearly exists, does not align with goals of the San Francisco Bay Restoration Authority. The primary goal of the Authority is to create a net increase in wetland habitat in San Francisco Bay. Purchasing mitigation bank credits would satisfy only the “no net loss” rule of the Clean Water Act, but it would not satisfy regional goals of achieving a net increase in wetlands. The regional standard is a higher standard than the prevailing federal standard, and, therefore, creating a net improvement in wetland values should be the favored alternative and guide the decision on this permit.

Moreover, buying up credits in a mitigation bank, when a suitable onsite alternative exists, undermines the larger value of a mitigation bank, namely, offsetting impacts for projects that have no on-site options.

One of the primary benefits of wetland mitigation banks is that they offer opportunities for consolidation whereby the sum of the mitigated impacts at a single wetland mitigation bank location is greater than what would otherwise be achieved by disparate and smaller mitigation efforts. However, in this instance, the permittee would not be constructing new wetland from scratch, with the associated risk of failure that is often the outcome in permittee mitigation efforts. At the Runway Wetland site, enhancing the marginal ice-plant-blanketed eastern flank and re-grading the elevated areas would be a form of consolidation and thereby successfully achieve the goals of the Clean Water Act.

The final federal rule on compensatory mitigation, issued in 2008, directs the district engineer to consider a host of factors in deciding on the best mitigation alternative. Among those factors are habitat connectivity and ecological values. Upgrading the flanks of the existing delineated Runway Wetland, as well as the runway intersection wetland, will by definition improve ecological values. This will be especially so if the intertidal connection between the Runway Wetland and the Alameda Point Channel is improved. There is currently a tide gate at the south side of the Runway Wetland, but its condition is unknown. There is also the opportunity to improve tidal interchange through the shoreline riprap.

The Compensatory Mitigation for Losses of Aquatic Resources Final Rule, April 2008, issued jointly by the Department of the Army, Corps of Engineers, and the U.S. Environmental Protection Agency contains §332.3 General compensatory mitigation requirements. Subsection (b) “Type and location of compensatory mitigation” states, “(1) When considering options for successfully providing the required compensatory mitigation, the district engineer shall consider the type and location options in the order presented in paragraphs (b)(2) through (b)(6) of this section. In general, the required compensatory mitigation should be located within the same watershed as the impact site, and should be located where it is most likely to successfully replace lost functions and services, taking into account such watershed scale features as aquatic habitat diversity, **habitat connectivity**, relationships to hydrologic sources (including the availability of water rights), trends in land use, **ecological benefits**, and **compatibility with adjacent land uses.**” [Emphasis added]

The adjacent land is to remain undeveloped with limited public access. During the months of April to mid-August, the area will be closed to the public even when a proposed public trail is

completed. The VA undeveloped area is completely fenced, which provides the type of site control by the permittee that is desirable if the mitigation is to be successful.

The entire runway area of the former naval air station is a frequent roosting site for Bay Area birds, a stopover site for migrating birds along the Pacific Flyway, and the site of the most successful nesting colony of endangered California least terns in northern California. Expanded and enhanced water features will benefit numerous bird species and is exceedingly compatible with existing wildlife uses.

Moreover, a greater population of birds of all species utilizing the wetland features will divert the attention of predators that prey on the nesting least terns, thereby potentially reducing nesting pressures and increasing nesting success. The primary avian predators that target the least terns are not shoreline or wetland species – they are hawks and falcons and occasionally crows.

For all of the above reasons, the Sierra Club urges the Corps of Engineers to fashion an on-site mitigation plan for the nearly 12 acres that will be impacted by the VA project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Norman La Force".

Norman La Force,  
Chair Sierra Club East Bay Public Lands Committee